

CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted

111.02 Construction; Maintenance; Indemnification

111.03 Meters; Service Lines

111.04 Fire and Fire Alarm System

111.05 Service Standards

111.06 Nonexclusive Franchise

111.07 Term

111.01 FRANCHISE GRANTED. There is hereby granted to the IES Utilities Inc., hereinafter referred to as the “Company,” its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City, to supply individuals, corporations, communities and municipalities both inside and outside of the City with electric light, heat and power for the period of 25 years;† the franchise also includes the right of eminent domain as provided in Section 478.15 of the *Code of Iowa*.

111.02 CONSTRUCTION; MAINTENANCE; INDEMNIFICATION. The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City, and the Company and its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

111.03 METERS; SERVICE LINES. The Company, its successors and assigns shall furnish and install all meters and service wires to buildings at its own expense and the City expressly reserves the right of its Council to carry out any and all powers and duties as provided by law.

111.04 FIRE AND FIRE ALARM SYSTEM. In case of fire or other emergencies, the poles, wires, and street fixtures of the Company may be cut and moved by order of the Mayor or Fire Chief. The City shall also have the right to place on the poles of the Company, wires for fire alarm system, providing however, the placing of said wires does not interfere with the proper use and maintenance of the Company’s wires.

111.05 SERVICE STANDARDS. The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and the inhabitants thereof and shall be kept in a modern, up-to-date condition. Service to be rendered by the Company under the franchise shall be continuous 24-hour service each day of

† **EDITOR’S NOTE:** Ordinance No. 2000-08-28(B), adopting an electric franchise for the City, was passed and adopted on August 28, 2000. Voters approved the franchise at an election held on October 10, 2000.

the week unless prevented from so doing by fire, Acts of God, unavoidable accidents or casualties, and in such event service shall be resumed as quickly as is reasonably possible.

111.06 NONEXCLUSIVE FRANCHISE. The franchise granted by this chapter shall not be exclusive.

111.07 TERM. The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of 25 years from and after its acceptance by the Company as herein provided.

[The next page is 551]