

CHAPTER 110

ELECTRIC FRANCHISE

110.01 Franchise Granted
110.02 Construction
110.03 Meters
110.04 Standard of Service

110.05 Exclusive
110.06 Acts of God
110.07 Term

110.01 FRANCHISE GRANTED. There is hereby granted to Interstate Power and Light Company, 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, transmission lines through the City to supply individuals, corporations, communities, and the municipalities both inside and outside of the City with electric lights, heat and power for the period of 25 years[†] subject to a limited right of cancellation at the end of the fifth, tenth, fifteenth, and twentieth anniversaries of the Anniversary Date as defined herein; also included is the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*.

110.02 CONSTRUCTION. The construction of said transmission and distribution systems shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said 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 said Company, 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.

110.03 METERS. The Company, its successors and assigns, shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company's tariff filed with the Iowa Utilities Board.

110.04 STANDARD OF SERVICE. 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 said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

110.05 EXCLUSIVE. The franchise shall not be exclusive.

110.06 ACTS OF GOD. Service to be rendered by the Company under the franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

[†]**EDITOR'S NOTE:** Ordinance No. 2004-02 granting an electric franchise for the City was passed and adopted on May 10, 2004. Voters approved the franchise at the election held on June 29, 1974. The Grantee accepted the franchise on July 29, 1974.

110.07 TERM. The term of the franchise and the rights granted thereunder shall continue for the period of 25 years from and after its acceptance by the said Company, as herein provided. The City may cancel this franchise on the fifth, tenth, fifteenth, and twentieth anniversaries of the Anniversary Date of the franchise by notifying Company in writing of its desire to do so, said notification to be given within 30 days of the fifth, tenth, fifteenth, or twentieth anniversary of the franchise. If Company is not notified of the cancellation by the fifth, tenth, fifteenth, or twentieth anniversary, then the franchise shall continue without cancellation until the twenty-fifth year. The Anniversary Date shall be the date the franchise is filed with the Clerk or otherwise effective by operation of law.

[The next page is 551]