

CHAPTER 112

ELECTRIC FRANCHISE

112.01 Franchise Granted
112.02 Right-Of-Way Granted
112.03 Indemnity

112.04 Restoration of Property
112.05 Moving of Buildings

112.01 FRANCHISE GRANTED. There is hereby granted to Allamakee-Clayton Electric Cooperative, Inc., an incorporated cooperative association, organized under the laws of the State of Iowa, its successors and assigns, (hereinafter referred to as the "Grantee") the right, permission, privilege and franchise, for a period of twenty-five (25) years from and after the taking effect of the ordinance codified in this chapter, subject only to the laws of the State of Iowa as now in force or as may hereinafter be in force, and to the conditions and limitations hereinafter contained, to erect, install, construct, reconstruct, repair, own, operate, maintain, manage and control an electric light, heat and power plant and an electric distribution system consisting of poles, wires, conduits, pipes, conductors, anchors, guy wires, and all appurtenances thereto, with the limits of the City and within its assigned service territory, necessary, convenient or proper for the production, transmission, distribution and delivery of electricity for light, heat and power purposes to the City and its inhabitants.

112.02 RIGHT-OF-WAY GRANTED. The Grantee, its successors and assigns, is hereby granted the right-of-way in, under, over, along and across the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of the City and within its assigned service territory, for the purpose of erecting, installing, constructing, reconstructing, repairing, owning, operating and maintaining, managing and controlling said electric light, heat and power plant and said electric distribution system.

112.03 INDEMNITY. The Grantee shall hold the City free and harmless of and from any and all liability, damages, actions and causes of action, caused by or through the neglect or mismanagement of the Grantee in the erection, installation, construction, reconstruction, repair, operation, maintenance, management or control of said electric plant and distribution system.

112.04 RESTORATION OF PROPERTY. The Grantee shall not, during the erection, installation, construction, reconstruction, repairing, operation and maintenance of said plant or distribution system, unnecessarily hinder public travel on the streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of the City, and shall leave all of said streets, lanes, avenues, sidewalks, alleys, bridges and public grounds of the City, upon which it may enter for the purposes herein authorized, in as good condition as they were at the date of entry.

112.05. MOVING OF BUILDINGS. Any person desiring to move any building or other thing in, over, along or across any of the streets, lanes, avenues, sidewalks, alleys, bridges or public grounds of the City, whereby the poles, wires, conduits, or other fixtures of the Grantee, or their use, shall or may be interfered with, shall make written application therefore to the City, specifying in such application the building or thing to be moved, the proposed route to be followed and the date for such moving which shall not be less than seven (7) days from the presentation of said application. If said application shall be granted, the City shall give the Grantee notice thereof at least five (5) days prior to the date of said moving and said Grantee shall thereupon, but at the expense of said applicant, temporarily remove such poles, wires, conduits, pipes, conductors, or other fixtures as may be necessary to allow the passage of said building or other thing for a reasonable length of time not exceeding four (4) hours in any one day and between the hours of 8:00 a.m. and 3:00 p.m.; provided, however, said Grantee shall not be required to remove any such poles, wires, conduits, pipes, conductors or other fixtures until said applicant shall have given satisfactory assurance to said Grantee, covering the entire cost of the removal and replacement of such poles, wires, conduits,

pipes, conductors and other fixtures and any and all damage, liability, action or cause of action resulting therefrom.

EDITOR'S NOTE

Ordinance No. 565-01 adopting an electric franchise for the City was passed and adopted on November 12, 2001.