

CHAPTER 111

ELECTRIC FRANCHISE

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111.01 FRANCHISE GRANTED. There is hereby granted to the Interstate Power & 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 of West Burlington, Des Moines County, Iowa works and plants for the manufacture and generation of electricity and distribution system for the 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 said City of West Burlington, Des Moines County, Iowa; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the said City of West Burlington, Des Moines County, Iowa, to supply individuals, corporations, communities and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years; also the right to eminent domain as provided in Section 364.2 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 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 any 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 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.

111.04 SYSTEM REQUIREMENTS. The system authorized by this Ordinance 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 up-to-date condition.

111.05 NONEXCLUSIVE. The franchise granted by this Ordinance shall not be exclusive.

111.06 SERVICE PROVIDED. Service to be rendered by the Company under this 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.

111.07 TERM OF FRANCHISE. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

111.08 PUBLICATION EXPENSE. The expense of the publication of this Ordinance shall be paid by the Company.

111.09 FRANCHISE ACCEPTANCE. The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

111.10 FRANCHISE AGREEMENT. This Ordinance sets forth and constitutes the entire agreement between the Company and the City of West Burlington with respect to the rights contained herein, and may not be superceded, modified or otherwise amended without the approval and acceptance of the Company. Norwithstanding the foregoing, in no event shall the City of West Burlington enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

EDITOR'S NOTE

Ordinance No. 306 adopting an electric franchise for the City was adopted by the City in 1978.