

CHAPTER 110

NATURAL GAS FRANCHISE

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110.01 FRANCHISE GRANTED. There is hereby granted to Iowa-Illinois Gas and Electric Company, an Illinois corporation authorized to do business in the State of Iowa, hereinafter called the “Company,” and to its successors and assigns for the period of 25 years from and after the effective date of the ordinance codified in this chapter,[†] the right and franchise to acquire, erect, maintain, and operate in the City a gas plant or plants for the storage, transmission, distribution, sale, delivery or furnishing of natural gas for public and private use in the City and elsewhere, and to use the streets, avenues, alleys, and public grounds and bridges in the City for the purpose of laying, constructing, maintaining, replacing, and substituting mains, pipes, conduits, and other facilities for the transmission, distribution, sale, delivery or furnishing of gas for public and private use in the City and elsewhere.

110.02 NONEXCLUSIVE FRANCHISE. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa, and the franchise shall not be exclusive.

110.03 EXCAVATIONS. The Company shall have the right to excavate in any public street for the purpose of laying, re-laying, repairing or extending gas pipes, mains, conduits, communication circuits and other facilities provided that the same shall be so located and maintained as to make no unnecessary obstruction of any drains or sewers or the flow of water therefrom, which have been or may hereafter be located by authority of the City. The gas pipes, mains, conduits, and other facilities shall be so located and maintained in the streets, avenues, alleys and public places in the City as to make no unnecessary obstruction therein to the use thereof by the public.

[†] **EDITOR’S NOTE:** Ordinance No. 78, adopting a natural gas franchise for the City, was passed and adopted on January 7, 1991. Voters approved the franchise at an election held on February 19, 1991. The Grantee accepted the franchise on March 6, 1991.

110.04 RESTORATION OF PROPERTY. In making excavations of any streets, avenues, alleys, and public places for the installation of gas pipes, conduits or apparatus, the company shall not unnecessarily obstruct the use of the streets, and shall promptly restore the surface to its original condition to the satisfaction of the City Street Commissioner. In laying, repairing and replacing mains and pipes, the Company shall conform to all reasonable regulations prescribed by the City to prevent injury to the pavement, streets, alleys and public places. The Company shall not unnecessarily interfere with, injure or change any pavement, water pipes, drains or sewers of the City, either public or private. The Company shall repair or replace, or reimburse the City for repairing or replacing, any water pipes, drains or sewers of the City damaged as a consequence of the Company making excavations in any street, avenue, alley or other public place, whether or not such damage is a result of negligence.

110.05 CITY HELD HARMLESS. Except to the extent of the City's negligence, the Company and its successors and assigns shall hold the City free and harmless from any and all causes of action, litigation or damages, including but not limited to costs and attorney's fees, arising through or by reason of any act, error or omission of the Company and its successors and assigns, in the construction, reconstruction, operation and maintenance of said system or in any other activity hereby authorized.

110.06 EXTENSIONS. The Company and its successors and assigns shall extend its mains and pipes and operate, maintain, construct and reconstruct the entire system in accordance with rules and regulations approved by the Iowa State Utilities Board.

110.07 STANDARD OF SERVICE. The Company and its successors and assigns, so long as they shall operate under the terms of the franchise, shall furnish, at the rates authorized by the Iowa State Utilities Board, such quantities of gas and good quality as the City and the inhabitants thereof may reasonably demand; provided however, such undertaking and agreement shall be subject to such limitations on the use of gas for commercial or industrial applications, or for space heating as may be provided by reasonable rules and regulations placed into effect by the Company during any temporary shortage in or permanent diminution of the supply of natural gas with which the Company serves the City and its inhabitants.

110.08 RULES AND REGULATIONS. The Company is authorized to impose reasonable terms and conditions upon the furnishing of gas service and reasonable rules and regulations in the operation and conducts of its business, including but not limited to the requiring of a reasonable deposit of any consumer or developer as a condition of furnishing gas.

110.09 POLICE REGULATIONS. All reasonable and proper police regulations which, in the sole judgment of the City, are necessary for the protection of the pipes, mains, conduits, meters and other apparatus of the Company and its successors and assigns shall be adopted and enforced by the City.