

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 twenty-five (25) years from and after the effective date of the ordinance codified by this chapter,[†] the right and franchise to acquire, erect, maintain and operate in the City a gas plant or plants for the production, storage, transmission, distribution, sale, delivery or furnishing of gas, either natural or manufactured or mixed natural and manufactured, 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 STATE CODE RESTRICTIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa and this 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, relaying, 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 obstructions of any drains or sewers or the flow of water therefrom, which have been or may hereafter be located by authority of the City. Said gas pipes, mains, conduits and other facilities shall be so located and maintained in the streets, avenues, alleys and public places of the City as to make no unnecessary obstruction therein to the use thereof by the public.

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 replace the surface, restoring the original condition as nearly as practicable; and 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 and the Company shall not unnecessarily interfere with, injure or change any pavement, water pipes, drains or sewers of the City, either public or private.

110.05 INDEMNITY. The Company and its successors and assigns shall hold the City free and harmless from all damages arising on account of any negligence of the Company, its successors and assigns, in the construction, operation and maintenance of said system.

[†] **EDITOR’S NOTE:** Ordinance No. 514 adopting a natural gas franchise for the City was passed and adopted by the Council on April 6, 1987.

110.06 EXTENSION OF MAINS AND PIPES. The Company, its successors and assigns, shall extend its mains and pipes in accordance with rules and regulations approved by the 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 this chapter, shall furnish such quantities of gas of good quality as the City and the inhabitants thereof may reasonably demand; provided, however, that such undertaking and agreement shall be subject to such limitations on the use of gas for large-volume 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 the inhabitants thereof.

110.08 COMPANY 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 conduct of its business, including, but not limited to, the requiring of a reasonable deposit of any consumer as a condition of furnishing gas to such consumer.

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