

CHAPTER 110

NATURAL GAS FRANCHISE

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110.01 FRANCHISE GRANTED. The IES Utilities Inc., its successors and assigns, hereinafter called the "Company," are hereby granted and vested with the right, franchise and privilege for the term of 25 years from and after the passage, adoption, approval and acceptance of the franchise ordinance codified in this chapter,[†] to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City, as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to the City and the residents thereof and to persons and corporations beyond the limits thereof. The term "gas" as used in this chapter shall be construed to mean natural gas only.

110.02 PLACEMENT OF MAINS AND PIPES. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers, and fire plugs which have been or may hereafter be placed in any street, alley, avenue, or boulevard.

110.03 EXCAVATIONS. In making excavations in any street, alley, avenue or boulevard, the Company, its successors and assigns shall protect the place while work is in progress by guards, barriers or signals, and shall not unnecessarily obstruct the use of the streets and shall backfill all openings in such manner as to prevent settling or depressions in surface and shall replace the surface, pavement, or sidewalk of such excavations with the same material, restoring the condition as nearly as practical and if defects are caused shall repair the same.

110.04 LIABILITY. The Company, its successors and assigns shall hold the City free and harmless from any and all damage arising on account of any negligence of the Company, its successors and assigns, in the erection, operation, and maintenance of said system.

110.05 SERVICE PROVIDED. The Company, its successors and assigns shall, throughout the life of operations under the franchise, distribute to all consumers gas of good quality and shall furnish uninterrupted service 24 hours each day of each year while the franchise is in effect, except as interruptible service may be specifically contracted for with consumers; provided, however, any prevention of service caused by fire, act of God, or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably possible after the happening of the act causing the interruption.

110.06 POWERS OF CITY. Nothing herein contained shall in any manner be construed as depriving or limiting the City or the Council from exercising and carrying out any and all other powers and duties thereof as provided by law.

[†] **EDITOR'S NOTE:** Ordinance No. 2000-08-28(A), adopting a natural gas franchise for the City, was passed and adopted on August 28, 2000. Voters approved the franchise at an election held on October 10, 2000.

110.07 TERM. The term of the franchise granted by this ordinance codified in this chapter and the rights granted thereunder shall continue for the period of 25 years from and after its acceptance by the Company.

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