

CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted
110.02 State Code Restrictions
110.03 Excavations

110.04 Restoration of Property
110.05 Indemnity
110.06 Police Regulations

110.01 FRANCHISE GRANTED. There is hereby granted to MidAmerican Energy Company, 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 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 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 harmless from all claims and damages arising from the Company’s negligent placement or negligent maintenance of its utility facilities in the public ways or on public property, pursuant to this chapter.

110.06 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.

[†] **EDITOR’S NOTE:** Ordinance No. 1993-177 adopting a natural gas franchise for the City, was passed and adopted on March 10, 1993. Voters approved the franchise at an election held on May 18, 1993, and the franchise was accepted by Iowa-Illinois Gas and Electric Company on May 28, 1993. The franchise was subsequently assigned to MidAmerican Energy Company.

