

ORDINANCE NUMBER 116

IOWA-ILLINOIS GAS FRANCHISE

AN ORDINANCE GRANTING IOWA-ILLINOIS GAS AND ELECTRIC COMPANY AND TO ITS SUCCESSORS AND ASSIGNS FOR A PERIOD OF TWENTY-FIVE YEARS THE RIGHT AND FRANCHISE TO ACQUIRE, ERECT, MAINTAIN, AND OPERATE IN THE TOWN OF BUFFALO, SCOTT COUNTY, IOWA, A GAS PLANT OR PLANTS FOR THE PRODUCTION, STORAGE, TRANSMISSION, DISTRIBUTION, SALE, DELIVERY, OR FURNISHING OF GAS FOR PUBLIC AND PRIVATE USE IN THE TOWN OF BUFFALO AND ELSEWHERE AND TO USE THE STREETS, AVENUES, ALLEYS, AND PUBLIC GROUNDS AND BRIDGES IN THE TOWN OF BUFFALO 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 TOWN OF BUFFALO AND ELSEWHERE.

Be it ordained by the Town Council of the Town of Buffalo, Iowa:

Section 1. 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 a period of 25 years from and after the effective date of this ordinance the right and franchise to acquire, erect, maintain, and operate in the Town of Buffalo, Scott County, Iowa, a gas plant or plants for the production, storage, transmission, distribution, sale, delivery, or furnishing of gas, either natural or manufactured, for public and private use in the Town of Buffalo and elsewhere and to use the streets, avenues, alleys, and public grounds and bridges in the Town of Buffalo 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

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for public and private use in the Town of Buffalo and elsewhere.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 397 of the Code of Iowa, 1958, and this franchise shall not be exclusive.

Section 3. The Company shall have the right to excavate in any public streets for the purpose of laying, re-laying, repairing, or extending gas pipes, mains, conduits, 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 said Town. Said gas pipes, mains, conduits, and other facilities shall be so located and maintained in the streets, avenues, alleys, and public places of said Town as to make no unnecessary obstruction therein to the use thereof by the public.

Section 4. 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, mains and pipes, the Company shall conform to all reasonable regulations prescribed by the Town 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 or said Town, either public or private.

Section 5. The Company and its successors and assigns shall hold said Town free and harmless from all damages arising on account of any negligence of said Company and its successors and assigns in the construction, operation, and maintenance of said system.

Section 6. The Company and its successors and assigns shall extend its mains and pipes to any part of said Town provided said Company shall not be required to extend said mains and pipes on any public street except there shall be upon such public street at least one consumer for each 100 lineal feet on the average of such extension who shall first agree in writing to use and pay for gas furnished by the Company upon the completion of such extension.

Section 7. The said Company and its successors and assigns so long as they shall operate under the terms of this franchise shall furnish such quantities of gas of good quality as the Town 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 Town of Buffalo and the inhabitants thereof.

Section 8. The rates charged by the Company for its service furnished hereunder shall at all times be just, fair, and reasonable and the Town Council reserves to itself the right at all times to regulate and fix rates and charges in accordance with the provisions of the statutes of the State of Iowa now in effect or as they may be hereafter amended.

Section 9. 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.

Section 10. All proper and necessary police regulations shall be adopted and enforced by the Town of Buffalo, Iowa, for the protection of the pipes, mains, conduits, meters, and other apparatus of the Company and its successors and assigns.

Section 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 12. This ordinance, and the rights and privileges herein granted, shall not become effective or binding until this ordinance shall have been submitted to and approved by a majority of the electors of the said Town of Buffalo, Iowa, voting at the general or municipal election or at a special election called for that purpose. The cost and said expense of the election relating to the franchise provided for herein shall be paid by the Company.

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Section 13. The Company and its successors and assigns, within thirty (30) days after the approval of this ordinance by a vote of the people at the next general or municipal election or at a special election called for that purpose, shall file in the office of the Clerk of the Town of Buffalo, Iowa, its acceptance in writing of all the terms and provisions of this ordinance.

Section 14. This ordinance shall become effective upon passage by the Town Council, the approval of the voters as provided in Section 12 hereof, and accepted by the Company as provided in Section 13 hereof.

Passed and approved this 6th day of April, 1959.

Lewis M. Adams, Jr., Mayor

Attest: Lelia M. Pagel, Clerk

Town of Buffalo, Iowa