

CHAPTER 111A

ELECTRIC FRANCHISE - PLYMOUTH ELECTRIC COOPERATIVE ASSOCIATION

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111A.01 GRANT OF FRANCHISE. A nonexclusive franchise is hereby granted unto Plymouth electric Cooperative Association, its successors and assigns, (herein “Grantee”), for a term of twenty-five (25) years, commencing with the date the ordinance codified by this chapter[†] became effective, to acquire, erect, maintain and operate plants and systems for electric light, heat and power, electric distribution systems and electric transmission systems (herein “Electric Utilities”), within Grantee’s service territory located within the present and future corporate limits of the City, and the Grantee is granted the right, franchise and authority to construct, install and maintain such Electric Utilities over, across and under the streets, alleys and public grounds of the City, and private lands therein, and to furnish, supply, transmit and distribute electricity to the City and its inhabitants and others within and without the corporate limits for all lawful purposes, including public and private use, and upon such terms, conditions, restrictions and regulations as are adopted in this chapter.

111A.02 CONSTRUCTION — TREES. All construction, exclusive of distance from buildings, shall be in accordance with the applicable provisions of the Iowa Electrical Safety Code as adopted by the Iowa State Commerce Commission, the Rural Electrification Act, and other applicable Federal law or regulations. Grantee shall have the right to trim or remove trees when reasonably necessary to efficiently operate its plant and render service.

111A.03 MOVING STRUCTURES OR EQUIPMENT. If any party, acting alone or through an agent, company or employee, shall desire to operate, erect, maintain, move or transport any tools, machinery, equipment, supplies, materials, apparatus, house or other building, or any part thereof, within the corporate limits of the City which will encroach or could reasonably be expected to encroach within ten (10) feet of any above-ground transmission or distribution line that is energized in excess of seven hundred fifty volts between conductors or between any single conductor and a ground, such party shall give a reasonable notice of such proposed work to Grantee and shall refrain from any encroachment until the same may be done in accordance with standards established to prevent electrical contact with conductors and the party shall protect electric utilities from damage during such encroachment. If good practice requires relocation or de-energizing conductors, the work shall be at a time that will not cause unreasonable inconvenience to the Grantee or its customers and shall be at the expense of such party. Grantee may require payment in

[†] **EDITOR’S NOTE:** Ordinance No. 694, adopting an electric franchise for the City, was passed and adopted on September 19, 1989.

advance. Grantee will not be required to relocate above-ground high voltage electric transmission lines if any alternate route exists for the performance of such work.

111A.04 PUBLIC IMPROVEMENTS. If the City shall propose to improve or make a public improvement in any street, alley or public way (herein "Public Improvement") in a manner that may conflict with the existing electric utilities, the contractor awarded the public improvement contract shall ascertain the exact number, location, depth or elevation of electric utilities and at all times protect electric utilities from damage during the performance of the contract. The Grantee shall, upon resolution of the Council, temporarily remove, relocate or guard with insulating barriers electric utilities that are deemed in conflict with the public improvement, at its own expense, at a time that will not cause unreasonable inconvenience to the Grantee or its customers.

111A.05 DAMAGE TO SYSTEM. If any party shall damage any part of the electric utilities or cause any weakening or loss of the structural, mechanical or vertical support thereof, or cause an interruption to the electric service provided by any transmission or distribution line, such party shall give warnings and use safeguards as may be necessary, including the erection of insulating barriers to prevent electrical contact by any person and shall immediately notify Grantee of the location, time of the occurrence and nature of the damage and shall maintain reasonable warnings and safeguards until all damage has been repaired. The Grantee shall also notify the City of such damage immediately when it becomes aware of same.

111A.06 SUCCESSORS AND ASSIGNS. This chapter shall apply to Grantee and its successors and assigns. Grantee shall be subject to all legal right, power and authority now or hereafter possessed by the City to control and direct by ordinance or resolution the franchise herein granted and the manner in which the Grantee shall use and enjoy it.

111A.07 EMINENT DOMAIN. Grantee shall have the power to appropriate and condemn private property for the purpose of providing electrical service to the extent necessary to serve a public use and in a reasonable relationship to an overall plan of transmitting electricity in the public interest. The necessity for the taking of any private property by the Grantee by condemnation shall be determined by the Council by resolution.

111A.08 INDEMNIFICATION. Grantee shall fully protect the City from any and all claims of any nature whatsoever which may be made against the City by reason of the construction, maintenance or operation of the distribution system and transmission line.

111A.09 REMEDIES. The City shall have the power and authority to seek and obtain appropriate relief through the judicial system, including but not limited to injunctive relief, to enforce and facilitate the provisions of this chapter.

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