

CHAPTER 113

TELEPHONE FRANCHISE

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113.01 FRANCHISE GRANTED. Northwestern Bell Telephone Company, a corporation, its successors and assigns are hereby granted and vested with the nonexclusive right, franchise and privilege, for a period of twenty-five (25) years[†] from the effective date of the ordinance codified in this chapter, to acquire, construct, operate and maintain in the City the necessary facilities for the production, and sale of telephone services for public and private use and to construct and maintain along, upon, across and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes. The Northwestern Bell Telephone Company, hereinafter referred to as "Grantee," shall be subject to the terms and conditions contained in this chapter during the term of the franchise granted hereunder.

113.02 SERVICE REQUIREMENTS. The Grantee shall furnish reasonable, adequate and efficient telephone service to the residents of the City and shall maintain its system in reasonable repair and working order and provide equal facilities to the public and all connecting lines for the transmission of communications in accordance with the laws of the State of Iowa and the Rules and Regulation of the Commerce Commission.

113.03 INSTALLATION AND MAINTENANCE OF SERVICE FACILITIES. The Grantee's plant and equipment, including all transmission lines, whether overhead or underground, and other distribution facilities shall be installed in accordance with good engineering practices and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places and structures. The erection, installation, construction, replacement, removal, repair, maintenance and operation of the transmission system shall be in accordance with all applicable laws, regulations and codes of the State and applicable ordinances, regulations and codes of the City. The Grantee shall restore all property of the City and of the inhabitants thereof to its original condition after the installation of either overhead or underground transmission lines.

113.04 TRANSMISSION AND DISTRIBUTION FACILITIES. All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. Grantee shall, upon ninety (90) days' written notice, remove or relocate said lines

[†] **EDITOR'S NOTE:** Ordinance No. 83-100, adopting a telephone franchise for the City, was passed and adopted on March 14, 1983.

if the right-of-way upon which said lines are located is altered or changed for any reason. Such removal or relocation shall be undertaken at the sole expense of Grantee.

113.05 GRANTEE'S DUTY TO RESTORE GROUND SURFACE. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall at its own cost and expense and in a manner approved by the City Engineer, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed in as good a condition as before said work was commenced.

113.06 TREE TRIMMING. The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent branches of such trees from coming in contact with the transmission of distribution lines of the Grantee, all trimming to be done at the expense of the Grantee.

113.07 STREET OBSTRUCTIONS. Any opening or obstruction in the streets or other public ways made by the Grantee in the course of its operations, pursuant to the authority granted hereunder, shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the grounds of which during periods of dusk and darkness shall be clearly designated by warning lights.

113.08 INDEMNIFICATION. In the conduct of its operation pursuant to this chapter, the Grantee shall at all times use care and diligence. The Grantee shall further defend, indemnify, protect and save harmless the City and its political subdivisions from and against any and all liability, losses and physical damage to property and bodily injury or death to any persons from any cause of action which any person may have or claim to have by reason of any act, conduct, negligence, fault or misconduct on the part of the Grantee, its agents, officers, servants or employees.