

TITLE VI – REGULATION OF BUSINESS AND VOCATIONS
FRANCHISES

CHAPTER 152
TELEPHONE FRANCHISE

152.01 Franchise Granted**152.02 Exercise of Rights Limited****152.03 Moving of Buildings****152.04 Indemnification****152.05 Damage to Facilities**

152.01 FRANCHISE GRANTED. General Telephone Company of the Midwest, a corporation, its successors and assigns (hereinafter referred to as “Grantee”) is hereby granted a franchise for a period of twenty-five (25) years from the effective date of the ordinance codified by this chapter to acquire, construct, reconstruct, maintain, extend and operate such telephone plant or system and such facilities thereof, including lines, poles, wires, stubs, anchors, cables, vaults, laterals, conduits and other fixtures and equipment in, upon, through, over, under, along and across the public streets, alleys, highways and other passageways or public grounds of or in the corporate limits of the City as now or hereafter established, as may be necessary and/or convenient for supplying to the citizens of the City, to adjacent rural areas and to the public at large telephone and telecommunications service, local and long distance and telecommunication by telephone or other electric signals and for the conduct of a general telephone and telecommunications business therein.

152.02 EXERCISE OF RIGHTS LIMITED. Grantee’s rights and privileges in the public ways and grounds of the City shall be exercised as follows:

1. Location of Facilities. Locations of its existing system are hereby approved; changes of location, additions or extensions thereto affecting public grounds or ways shall be under the supervision of the City’s street committee of such other officer or officers as may be designated by the Mayor and Council for that purpose.
2. Interference Minimized. The installations of Grantee shall be so placed and the servicing and operation thereof so performed as to not unreasonably interfere with ordinary travel on the public ways or with egress to or egress from public or private property.
3. Excavations. Grantee may make excavations in public grounds or ways and may take up such portions of pavement or sidewalk as it deems necessary for the installation, maintenance, replacement or removal of its facilities. Excavations so made shall be refilled and surfacing thus disturbed shall be restored to as reasonably good condition as before.
4. Use of Poles by City. Grantee shall permit the City to attach to its poles its fire and/or police wires and apparatus incident thereto – such attachments to be made under the direction and supervision of Grantee and so made and maintained as not to interfere with Grantee’s use of said poles.

152.03 MOVING OF BUILDINGS. Grantee shall accommodate public or private necessity to move along or across public ways or grounds of the City vehicles or structures, other than parade components, of such height or size as to interfere with its poles and/or wires and shall temporarily remove or adjust the same to permit such passage, provided:

1. Notice Required. Written notice thereof shall be served upon Grantee's agent or manager at Toledo, Iowa, not less than forty-eight (48) hours in advance of the time set for the proposed passage;
2. Costs. Grantee is paid in advance the actual cost of such accommodation.

152.04 INDEMNIFICATION. Grantee shall indemnify the City against loss from claims or causes of action arising out of its construction, reconstruction, maintenance or operation of the installation herein authorized.

152.05 DAMAGE TO FACILITIES. It shall be unlawful for any person to injure, destroy or deface any property or Grantee lawfully installed and maintained or to post bills or signs thereon.

EDITOR'S NOTE

Ordinance No. 102 granting a telephone franchise for the City was passed and adopted on July 13, 1981.