

## CHAPTER 111

# TELEPHONE FRANCHISE

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**111.01 FRANCHISE GRANTED.** There is hereby granted to Contel of Iowa, Inc., an Iowa corporation having its principal place of business in the City of Newton, Iowa, its successors and assigns (herein referred to as "Grantee") the right, privilege and franchise to locate, erect, construct, relocate, replace, extend, enlarge, repair, operate and maintain a general telephone system and exchange in the City and to enter upon, use and occupy the streets, roads, avenues, highways, alleys, boulevards, public grounds and other public places in the City in the supplying and furnishing to persons in the City and beyond and outside of the City communication by telephone, with the right, privilege and franchise to locate, erect, construct, relocate, replace, extend, enlarge, repair, operate and maintain all necessary and convenient poles, conduits, manholes, apparatus, service pipes, fixtures, wires, cables, cross-arms, appliances, connections and appurtenances, and to make house and building connections upon, on, along, in, under, across, through and over said streets, roads, avenues, highways, alleys, boulevards, public grounds and other public places in the City, as are requisite for the complete equipment and furnishing and supplying of communication by telephone and in receiving and transmitting intelligence by electricity for all purposes, in any manner and by any method or device.

**111.02 TERM OF FRANCHISE.** The right, privilege and franchise herein granted shall extend for a period of fifteen (15) years from and after the date the ordinance codified herein became effective.

**111.03 POLICE POWER.** The rights, privileges and franchise herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon the City.

**111.04 INDEMNIFICATION.** The Grantee shall at all times protect and save harmless the City from all damages or loss from or arising out of or by reason of the construction and maintenance or operation of said telephone system and exchange, except as may be the result of negligence on the part of the employees of the City.

**111.05 USE OF PUBLIC STREETS.** The Grantee, in constructing, maintaining and operating its telephone system and exchange, and in its use of the streets, roads, avenues, highways, alleys, boulevards and other public places in the City, shall perform its necessary and convenient work with due care and with reasonable dispatch; and shall not unnecessarily obstruct travel; and shall protect the place while its work is in progress by guards, barriers or signals; and shall backfill all openings made by it in such a manner as to prevent settling or depressions in the surface; and shall replace the surface, pavement and sidewalk of any excavations made by it with the same or like material, so as to restore the same, as nearly as is practical, to its condition prior to such excavation; and shall not unnecessarily interfere with any water mains, gas mains, sewers or drains which are now or may hereafter be laid, except as the prior consent of the Council is first obtained; and shall repair any defects caused by it.

**EDITOR'S NOTE**

Ordinance No. 275 adopting a telephone franchise for the City was passed and adopted on February 4, 1991. Voters approved the franchise at an election held on April 9, 1991.