

## **CHAPTER 22B**

### **Public Utilities**

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**Sec. 22B-1. Franchise or permit granted by ordinance.**

No franchise or permit giving or granting to any person the right or privilege:

- (1) To erect, construct, operate, maintain or use any natural gas pipeline, plant or system or gasworks, or electric light and power system or works within the City in order to sell or distribute or provide nonmunicipal natural gas or electrical power and energy to any user or consumer within the City;
- (2) To use the streets or alleys of the City for such purpose; or
- (3) To interconnect any building, structure or facility of any kind to any natural gas pipeline or system, or electrical line or system other than to the natural gas or electrical system of the City;

shall be given or granted unless such franchise or permit be given or granted by ordinance. No such ordinance shall be considered until after the question of the granting of any franchise necessary for such purpose and required by law shall be submitted to and approved by a majority of the qualified, taxpaying electors of the City at an election held for such purpose at the expense of the applicant for such franchise. (Ord. 662, §1(part))

**Sec. 22B-2. Penalties.**

(a) Unless a franchise or permit has been given or granted under the provisions of Section 22B-1 to so do, it shall be unlawful for any person:

- (1) To erect, construct, operate, maintain or use any natural gas pipeline, plant or system or gasworks, or electric light and power system or works within the City in order to sell or distribute or provide nonmunicipal natural gas or electrical power and energy to any user or consumer within the City;
- (2) To use the streets or alleys of the City for such purpose; or
- (3) To interconnect any building, structure or facility of any kind to any natural gas pipeline or system, or electrical line or system other than to the natural gas or electrical system of the City.

(b) Any person violating the provisions of this Section shall, upon conviction, be punished by a fine of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00). Each day that such violation occurs, exists or continues shall be deemed a separate offense which is separately punishable hereunder. (Ord. 662, §1(part))

**Sec. 22B-3. Legal action.**

If any person constructs, operates or maintains any natural gas pipeline, plant or system or gasworks, or electric light and power system or works or sells or distributes any natural gas or electricity within the City, or makes any connections with gas or electrical lines or systems contrary to the provisions of the foregoing Section 22B-2, then, in addition to any other remedies and measures provided by law, the City Attorney may commence an action in the name of and on behalf of the City for suitable and appropriate legal and equitable relief. (Ord. 662, §1(part))

**Sec. 22B-4. Condemnation of private property.**

In the providing of municipal utilities services to its inhabitants, the City shall have the right and authority to condemn and appropriate so much private property as is necessary for the construction and operation of water, gas, heating and cooling or electric light works in such manner as may be prescribed by law; and to condemn and appropriate any water, gas, heating and cooling, or electric light works not owned by the City, in such manner as may be prescribed by law for the condemnation of real estate. (Ord. 662, §1(part))

**Sec. 22B-5. Electric Department and System Enterprise.**

(a) Pursuant to a resolution by the City Council, the City has established the Electric Department and System Enterprise (the "Enterprise") as an enterprise of the City within the meaning of Article X, Section 20 of the State Constitution and authorized the Enterprise to issue its own revenue bonds.

(b) The City Council shall serve as the Board of the Enterprise, and the officers of the Council and of the City shall serve as officers of the Board and the Enterprise.

(c) The Enterprise shall have and may exercise the following powers: to hold meetings concurrently with regular or special meetings of the Council, to adopt ordinances in the manner in which City ordinances may be adopted, to issue revenue bonds and incur other multiple-fiscal year financial obligations in the manner in which City revenue bonds and other multiple-fiscal year financial obligations may be issued or incurred without voter approval in advance, to pledge any revenues of the Electric Department and System (the "System") to the payment of such revenue bonds and other multiple-fiscal year financial obligations and to pay such revenue bonds and other multiple-fiscal year financial obligations therefrom, to invest any revenues of the System in the manner in which the City may invest funds, to enter into contracts relating to the System in the manner in which City contracts may be entered into, to make representations, warranties and covenants on behalf of the City and to bind the City to perform any obligation relating to the System other than any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever without adequate present cash reserves pledged irrevocably and held for payments in all future years.

(d) Any inconsistency between this Section and the state statutes is intended by the City Council. This Section is enacted pursuant to Article XX, Section 6 of the State Constitution and, to the extent of any such inconsistency, this Section shall supersede such statutes. (Ord. 804, §§1--3)

**Sec. 22B-6. Natural Gas Department and System Enterprise.**

(a) Pursuant to a resolution by the City Council, the City has established the Natural Gas Department and System Enterprise (the "Enterprise") as an enterprise of the City within the meaning of Article X, Section 20 of the State Constitution and authorized the Enterprise to issue its own revenue bonds.

(b) The City Council shall serve as the Board of the Enterprise, and the officers of the Council and of the City shall serve as officers of the Board and the Enterprise.

(c) The Enterprise shall have and may exercise the following powers: to hold meetings concurrently with regular or special meetings of the Council, to adopt ordinances in the manner in

which City ordinances may be adopted, to issue revenue bonds for natural gas purposes in the manner in which City revenue bonds may be issued without voter approval in advance, to pledge any revenues of the Natural Gas Department and System (the "System") to the payment of such revenue bonds and to pay such revenue bonds therefrom, to enter into contracts relating to the System in the manner in which City contracts may be entered into, to make representations, warranties and covenants on behalf of the City and to bind the City to perform any obligation relating to the System other than any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever without adequate present cash reserves pledged irrevocably and held for payments in all future years.

(d) Any inconsistency between this Section and the state statutes is intended by the City Council. This Section is enacted pursuant to Article XX, Section 6 of the State Constitution and, to the extent of any such inconsistency, this Section shall supersede such statutes. (Ord. 851, §§1—3)

**Sec. 22B-7. Charges and fees established.**

Charges for the supply of electric and gas service shall be, from time to time, established by resolution of the City Council. (Ord. 1069)