

CHAPTER 4

Natural Gas

9-4-1 Natural Gas Franchise

SEC. 9-4-1 NATURAL GAS FRANCHISE.

- (a) **Grant of Authority.** There is hereby granted to Midwest Natural Gas, Inc., a Wisconsin Corporation, its successors and assigns, hereinafter referred to as “Company”, the right and privilege to acquire, erect, construct, operate and maintain a gas plant, gas system, or both, and to import, transport, sell and distribute gas, whether natural, manufactured or mixed, within the City of Galesville and for these purposes to establish the necessary facilities and equipment and to lay and maintain gas mains, service pipes and any other appurtenances necessary to the sale and distribution of gas in and along the street, alleys and other public ways and places of the City of Galesville, provided, however, that nothing herein shall prevent or limit any person from importing, transporting, selling or distributing liquid petroleum or liquid propane gas within said City. This franchise shall be void and shall expire if the Company shall not have obtained from the Public Service Commission of Wisconsin within three (3) years from the date of publication of this Section a certificate authorizing it to transact such public utility business and to construct and operate the above-described gas distribution system in said City of Galesville.
- (b) **Conditions of Street Occupancy.**
- (1) **Use.** All pipes, mains and other natural, artificial or mixed gas equipment and apparatus laid or placed by the Company shall be located in the streets, alleys, public ways and places in the City of Galesville, so as not to obstruct or interfere with any water pipes, sewers, drains or other structures. The Company shall, when practicable, avoid interfering with the use of any street, alley or other highway where the paving or surface of such street, alley or other highway would be disturbed.
 - (2) **Restoration.** If the Company shall disturb any pavement, sidewalk, street, alley, driveway or other surfacing, then in such event the Company shall, at its own cost and expense and in a manner approved by the City of Galesville, replace and restore to a condition as good as that before such disturbance, any such disturbed pavement, sidewalk, street, alley, driveway or other surfacing.
 - (3) **Relocation.** In the event that at any time during the period of this franchise the City shall lawfully elect to alter or change the grade of any street, alley or other public place or way, the Company, upon reasonable notice by the City, shall remove, relay and relocate, at its own expense, the Company’s pipes, mains and other gas fixtures.
- (c) **Service and Rates.** The Company shall render efficient service and charge fair and reasonable rates in accordance with the rules and regulations of the Public Service Commission of Wisconsin.
- (d) **Company Rules.** The Company shall have the power and authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and to perform its obligations under this franchise in accordance with the rules and regulations of the Public Service Commission of Wisconsin.

- (e) **Company Liability – Indemnification.** It is expressly understood and agreed by and between the Company and the City that the Company shall save the City of Galesville harmless from any suit, judgment, execution, claim or demand whatsoever resulting from negligence on the part of the Company in the construction, operation or maintenance of its gas system in the City of Galesville. The City of Galesville shall notify the Company’s representatives within five (5) days after presentation of any claim or demand, either by suit or otherwise, made against the City of Galesville on account of any negligence as aforesaid on the part of the Company.
- (f) **Acceptance.** The Company, its successors and assigns, shall, if it accepts this Section and the rights hereby granted, file a written acceptance of this Ordinance with the City of Galesville within sixty (60) days from the date of posting of this Section.