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CHAPTER 13

FRANCHISES

Section 1300 - Franchises

1300.01. Franchise Required. Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street, right-of-way or public place for the purpose of operating a public utility or for any purposes, without a franchise granted by the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise.

1300.02. Grant of Franchise. The City Council is granted, the power to grant, regulate and control the exercise by any person, company, corporation, or entity of any public franchise, or privilege in, upon, or under the streets, rights-of-way or public places in the City, but no perpetual or exclusive franchise shall be granted. Every franchise shall, where no term is expressed, expire within fifteen (15) years. No franchise shall be granted for a longer term than twenty-five (25) years.

1300.03. Franchise Fee. With respect to franchises for the furnishing of natural gas, the transmitting and furnishing of electric energy for light, heat and power, and the furnishing of telephone, internet or cable television service, the franchise agreement shall be established in a franchise ordinance with the individual, company, corporation or entity providing the utility. All franchises shall be subject to and conditioned upon the payment of a franchise fee to the City as consideration for the granting of the franchise. The annual franchise fees shall be set by City ordinance.

1300.04. Public Hearing. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the Council, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published at least twice in the official paper and posted in three public places within the City not less than 10 days prior to the date of the hearing.

1300.05. How Paid. The franchise fee shall be paid to the City in a timely manner in accordance with the terms of the franchise agreement. A franchisee shall, with each payment, file with the City an accurate and sworn statement and report showing calculation of the franchise fee for the

payment period. The franchisee shall provide all documentation requested by the City to verify its franchise fee calculations.

1300.06. Chapter To Be Part of Franchise. The acceptance of a franchise from the City by any person, company, corporation, or entity shall be an acceptance of all of the provisions of this chapter, whether or not referred to in the franchise agreement, and all of the provisions of this chapter shall be a part of the franchise agreement without any express reference being made hereto.

1300.07. Limitations and Restrictions. In granting any franchise, the city council shall impose such limitations and restrictions not herein specifically mentioned as the nature of the business and best interests of the public may require.

1300.08. Renewals or Extensions. Every extension, renewal, or modification of any existing franchise or of any franchise granted herein shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

1300.09. Existing Franchise Agreements. The provisions of Sections 1310 (gas) 1320A (cable tv) and 1321A (internet) eliminated from Chapter 13 of the City Code shall remain in effect as duly adopted Ordinances of the City until expiring by their own terms.

(REVISED BY RESOLUTION NO. 2025 - #21 adopted February 18, 2025.)