

**ARTICLE X**  
**FRANCHISES AND PUBLIC UTILITIES**

**§ 10.01. Limits on Transfer of Use of Public Property.**

The right of control or use of city public property can be transferred only by ordinance. No act or omission by the city council or by any officer or agent of the city shall be construed to grant, renew, extend, or amend any right, franchise, or easement affecting city public property, except in accordance with this charter.

**§ 10.02. Granting Franchises.**

The city council may grant, renew, or extend franchises of public utilities operating in the city. Franchises may be amended by the council, with the agreement of the franchise holder. All franchises shall be for a definite term of not more than twenty years.

**§ 10.03. Enacting Franchise Ordinances.**

An ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three consecutive regular city council meetings. Final action shall not occur until at least twenty-eight days after first reading. Within ten days after first reading of the ordinance, the caption of the ordinance and a statement indicating where and how to obtain copies of the full ordinance shall be published on the city's official website or other electronic media that is readily accessible to the public.

**§ 10.04. Limit on Transferring Franchise.**

Any transfer or assignment of a public or private utility franchise shall not be effective until approved by ordinance of the city council.

**§ 10.05. Regulating Franchises.**

The city council has the right to regulate the grant, renewal, extension, or amendment of public utility franchises in the following manner, regardless of whether the ordinance granting the franchise provides for it:

1. Forfeiting the franchise by ordinance for failure of the franchise holder to comply with the terms of the franchise. Before exercising this right, the council shall provide written notice to the franchise holder stating how the holder has failed to comply and shall set a reasonable time for correcting the failure. Forfeiture will occur only after a hearing and expiration of a reasonable time for correction.
2. Imposing reasonable regulation to ensure safe, efficient, and continuous service to the public.
3. Requiring expansion, enlargement, and improvement of plant and facilities necessary to provide adequate service to the public.
4. Requiring franchise holders to furnish, at no cost to the city, full information regarding the location and precise description of all the holder's facilities in, over, or under the city and regulating and controlling the location, relocation, and removal of the facilities.
5. Collecting from public utilities in the city a proportionate part of increased city cost of

operations and services attributable to the utility's occupancy or use of public property and required as a result of damage to or disturbance of public property caused by the utility and compelling the utility to make and bear the cost of repairs or other operations made necessary by the utility's occupancy or use of, or damage to or disturbance of, public or private property.

6. Requiring one franchise holder to allow other holders to use its facilities, if the city council considers that joint use is in the public interest. The owner may impose reasonable terms of joint use and be paid a reasonable rental by the other holders; however, the inability of franchise holders to agree on terms and rentals shall be an excuse for failure to comply with a joint use requirement.
7. Requiring franchise holders to keep records that accurately reflect the value of their own or other property used in rendering its service to the public and that reflect the franchise holder's expenses, receipts, and profits of all kinds.
8. Examining and auditing the franchise holder's accounts and other records.
9. Requiring reports on the utility's operations, in the form and containing the information directed by the city council.

#### **§ 10.06. Nonexclusive Grants.**

No grant, renewal, or extension of a franchise to construct, maintain, or operate a public utility shall be exclusive.

#### **§ 10.07. Utility Regulation.**

The city council may regulate the operation, services, rates, charges, and fares of public utilities operating in the city by ordinance and in accordance with state and federal law. Rates may only be adopted after reasonable notice and hearing.