

CHAPTER 14-9 ELECTRICITY FRANCHISE

14-9-1

ORDINANCE

An Ordinance granting a franchise to Sioux Valley Empire Electric Association, Inc., its successors and assigns, to construct, acquire, operate and maintain an electric system in the City of Brandon, South Dakota. To furnish electricity to the City and the inhabitants thereof, and to use the streets, roads, alleys and public right-of-ways and places within said City for the purposes thereof; and providing for an election thereon.

Legislative History:
Ordinance #19, 0/22/74

Authority:
SDCL §9-35 & 40

14-9-2

ORDINANCE TITLE

This Ordinance shall be known and may be cited as the SVEEA ELECTRIC CITY FRANCHISE ORDINANCE.

Legislative History:
Ordinance #19, 0/22/74

Authority:
SDCL §9-35 & 40

14-9-3

GRANT OF NONEXCLUSIVE FRANCHISE

- A. Sioux Valley Empire Electric Association, Inc. (hereinafter referred to as the "Grantee"), a South Dakota Corporation, its successors and assigns, is hereby granted a franchise within the City of Brandon, South Dakota (hereinafter referred to as the "City"), for the following described purposes, to-wit;
1. To construct, acquire, operate and maintain within the corporate limits of the City, electric facilities, including, but not limited to, poles, wires, generating plants, substations, transformers, switches and appurtenances for the purpose of generating, distributing and supplying electrical energy for light, heat and power.
 2. To furnish, distribute and supply electrical energy for public and private use within the City and to transmit electricity through and beyond said City.
 3. To construct, reconstruct, maintain and operate electric transmission and distribution lines, with all necessary appurtenances, including, but not limited to poles, wires, anchors, anchor rods, switches and transformers, on, over, along, upon, under or across the public streets, roads, alleys or other public thoroughfares of the City.
 4. To make all necessary excavations in the public streets, roads, alleys or other public places or thoroughfares of the City in furtherance of the rights, and privileges herein granted and to cut, trim and remove all trees, shrubbery, branches and obstructions as may be necessary to maintain adequate and safe clearance of the transmission or

distribution lines and appurtenances.

- B. This franchise and the rights granted for the purposes set forth herein shall not be exclusive.

Legislative History:
Ordinance #19, 0/22/74

Authority:
SDCL §9-35 & 40

14-9-4

COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

The Grantee will comply with all reasonable rules and regulations of the City and with all ordinances thereof insofar as same do not conflict with the terms or purposes of this franchise.

Legislative History:
Ordinance #19, 0/22/74

Authority:
SDCL §9-35 & 40

14-9-5

LOCATION OF FACILITIES

All poles, wires, anchors, anchor rods, switches, transformers and other appurtenances which are located on, over, along, under or across the public streets, roads, alleys or other public thoroughfares of the City shall be so placed as not to interfere with traffic on the traveled portions of such thoroughfares; and Grantee shall, after the construction or reconstruction of the electric transmission or distribution lines, restore to their original condition, the streets, roads, alleys or other public thoroughfares on which such lines have been constructed insofar as same is practicable.

Legislative History:
Ordinance #19, 0/22/74

Authority:
SDCL §9-35 & 40

14-9-6

CONTINUITY OF SERVICE

The service rendered by the Grantee shall be continuous except that Grantee shall not be held accountable for failure of service caused by floods, acts of God, strikes or other causes beyond the control of Grantee.

Legislative History:
Ordinance #19, 0/22/74

Authority:
SDCL §9-35 & 40

14-9-7

SUBMISSION TO ELECTORS - DURATION AND ACCEPTANCE OF FRANCHISE

- A. The proposition of granting the franchise provided for in this Ordinance shall be submitted to a vote of the electors of the City at a general or special election to be held not sooner than thirty (30) days after the publication hereof, in accordance with the provisions of Chapter 9-35, SDCL.
- B. This franchise ordinance and the rights, privileges and authority granted thereby shall not be effective unless and until same has been approved at said election by a majority vote of the electors of the City voting thereon.

- C. Upon approval of this franchise, as hereinbefore provided, the Grantee shall indicate its acceptance thereof in writing to be filed with the City Auditor and in no event shall this ordinance be binding on said Grantee until said written acceptance has been filed as hereinbefore provided.
- D. Upon approval by the electors and acceptance as hereinbefore provided, this franchise and the rights, privileges and authority granted thereby shall be in full force and effective for a period of twenty (20) years from and after the date of such election.

Legislative History:
Ordinance #19, 0/22/74

Authority:
SDCL §9-35 & 40

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SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Legislative History:
Ordinance #19, 0/22/74

Authority:
SDCL §9-35 & 40