

**TITLE 13**

**UTILITIES**

**Chapters:**

13.01 Franchise to Central Illinois Light Company

## Chapter 13.01

### Franchise to Central Illinois Light Company

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**§13.01.01 Grant of Authority.** The right, privilege, and authority be and the same is hereby granted to Central Illinois Light Company, a corporation organized and existing under the laws of the State of Illinois (hereinafter the "Grantee"), its successors and assigns for the term hereinafter specified to construct, maintain, and operate within the Village of Dunlap an electric generating, transmitting, and distributing system for the production, transmission, sale, delivery, or supply of electrical energy for public and private use in said Village and elsewhere and to use the streets, avenues, alleys, sidewalks, public grounds, and bridges of and in said Village for the purpose of erecting, constructing, maintaining, replacing, and substituting poles, wires, cables, conduits, and other facilities, either above or below the surface thereof for the generation, transmission, distribution, sale, delivery, or supply of electrical energy for public and private use in said Village or elsewhere; and to that end there is hereby granted to the Grantee, its successors and assigns, the right to enter into and upon and to use the streets, avenues, alleys, sidewalks, public grounds, and bridges to construct, lay, establish, erect, maintain, and operate aerial poles and other supports, cables, wires, and underground conduits and cable with all necessary braces, guys, crossarms, anchors, transformers, and other appliances that may prove adaptable for the carrying, transforming, distributing, or operation of electricity through present, as well as the future, corporate limits of the Village for the purpose of furnishing light, heat and power to the said Village and to the residents and others in said Village and to the surrounding territory and to the public generally with the right and privilege to re-enter, from time to time, for the purpose of making such additions, extensions, connections, repairs, installations, renewals, substitutions, and alterations as may be necessary for the proper maintenance and operation of said systems and connections or any portion thereof and provided always that such powers are to be exercised subject to all restrictions in this ordinance contained. (Ord. No. 82-1, 02-09-82)

**§13.01.02 Rates.** The rates to be charged for the supplying of electrical current for light, heat and power or other purposes as herein contemplated shall be those as may be established from time to time by the Illinois Commerce Commission. In the event that the Illinois Commerce Commission is abolished, the rates shall be such as the law may thereupon or thereafter provide. (Ord. No. 82-1, 02-09-82)

**§13.01.03 Obstruction of Streets; Indemnification of Village.** Said Grantee, in constructing, extending, or operating said system or systems shall not, at any time, unreasonably obstruct any street, alley, or public place in said Village of Dunlap, and whenever in constructing, extending, maintaining, or operating said system or systems it shall, as soon as practicable, restore the same to its first and former condition, and shall at all times save, hold and keep the Village of Dunlap harmless from and indemnify it against any and all damages which may accrue, or be recovered against said Village of Dunlap through negligence or other wrongful conduct of the Grantee herein or any of its employees in the construction, operation, extension, or maintenance of said system or systems. (Ord. No. 82-1, 02-09-82)

**§13.01.04 Rules and Regulations.** The Grantee may at any time make and enforce as part of the conditions upon which it will furnish electricity for light, heat and power or for any other purposes for which said service may prove to be adapted in said Village of Dunlap, such lawful rules and regulations as are not inconsistent with the terms and provisions of this ordinance. (Ord. No. 82-1, 02-09-82)

**§13.01.05 Overhead Facilities.** All overhead wires and electrical conductors of the Grantee, its successors and assigns, shall be constructed, operated and maintained in accordance with applicable rules of the Illinois Commerce Commission and under the supervision of the Village Board of the Village of Dunlap or such person as they may designate from time to time. Ord. No. 82-1, 02-09-82)

**§13.01.06 Trimming and Removal of Trees.** The Grantee is hereby granted the right and privilege to trim and remove trees at all times as may be wholly or in part on any Village of Dunlap property and which may interfere with the construction, operation, or maintenance of Grantee's system or systems, under the supervision of the Village Board of the Village of Dunlap or such person as they may designate, from time to time, provided, however, that nothing in this section contained shall authorize said Grantee to enter upon any property privately owned in the Village of Dunlap for the purpose aforesaid without express authority from the owner thereof. Ord. No. 82-1, 02-09-82)

**§13.01.07 Temporary Removal or Raising of Wires.** Whenever any person or persons shall desire to move any building or other structure across, along or upon any of the streets, alleys, or public highways situated within the Village of Dunlap after having obtained proper authority for such purpose from the Village of Dunlap, which operation will be interfered with by any of the wires or other electrical conductors of the Grantee, the Village Clerk of the Village of Dunlap shall give to the Grantee twenty-four (24) hours written notice, specifying the alley or alleys, street or streets, public highway or highways

along, upon, or across which said building or other structure will be moved, and thereupon the Grantee herein shall temporarily remove or raise its said wires and electrical conductors along the route designated, when, and as required, to permit the unobstructed moving of the building or structure aforesaid, provided, however, the person or persons desiring to move any building or structure in accordance with the provisions hereof shall first deposit with the Village Clerk of the Village of Dunlap an amount sufficient to indemnify the said Grantee against loss of all labor employed and material used or destroyed in complying with provisions thereof, said amount to be determined by the Village Clerk from an estimate furnished by Grantee, and the Village Clerk shall reimburse the Grantee for all labor employed and materials used or destroyed in complying with the provisions hereof not to exceed the amount of said deposit. Where the wires of Grantee interfere with the movement of buildings or other structures owned by the Village of Dunlap across, along, or upon any of the streets, alleys or public highways situated within the corporate limits, the Grantee shall, on receiving twenty-four (24) hours written notice from the Village Clerk, temporarily remove said wires. Where the wires of the Grantee interfere with the trimming or removal of trees by the Village of Dunlap or any resident thereof, the Grantee shall, on receiving twenty-four (24) hours written notice from the Village Clerk, temporarily remove said wires or assist in the trimming or removal of said trees. Ord. No. 82-1, 02-09-82)

**§13.01.08 Street Lighting Charges.** The Grantee, its successors and assigns, will pay to the Village of Dunlap a sum equal to fifty percent (50%) of the Grantee's monthly charge to said Village of Dunlap for street lighting purposes. Such monthly charges shall be those provided for in the current street lighting tariff under which service is rendered to said Village of Dunlap and shall exclude any additional facilities charges as outlined in the street lighting tariff. The first payment shall be made applicable within fifteen (15) days after the rendering, by the Grantee, of the first street lighting bill. Such payments shall be made by delivery of check monthly to Village of Dunlap with reasonable promptness following each monthly billing period. The Village of Dunlap may at their option, request Grantee to apply said franchise payment to Grantee's monthly street lighting charge. Should the Grantee be delinquent on monthly payments provided for herein, the Village of Dunlap may deduct the arrears from payment to be made to Grantee for street lighting services. Should Village of Dunlap be delinquent to Grantee for services rendered, Grantee may credit account with payments provided for herein. Ord. No. 82-1, 02-09-82)

**§13.01.09 Taxes and Other Charges.** If, at any time, the Village shall by ordinance or otherwise impose any tax, license, inspection fee, rental or occupation charge or any other charge as against the said Grantee on account of the use by it or any space in any streets, alleys, avenues, sidewalks, public grounds, or bridges for its poles, wires, cables, conduits, or other facilities in connection with the electrical distribution system, then and in such event the rates for electric service to the Village of Dunlap and individual customers shall be proportionately increased by an amount equal to the sum total of any such tax, license, inspection fee, rental or occupation charge or any other charge or imposition made against said Grantee and by it paid in any year; the sum total of such tax, license, inspection fee, rental or occupation charge or any other charge decided by the total sales of electricity hereunder in any year in determining such increase in rate. If and when such tax, license, inspection fee, rental or occupation charge, or any other charge or

imposition is levied, Grantee shall file with the Illinois Commerce Commission its proposed increase in rate or rates. Ord. No. 82-1, 02-09-82)

**§13.01.10 Vacation of Streets and Alleys.** As long as the Grantee exercises the rights granted to it hereunder and as long as the Village of Dunlap shall receive the considerations therefore as recited herein, the Village of Dunlap will not, by ordinance or otherwise, vacate any street, alley, or public way in which the Grantee has its structures installed without reserving the easement rights of the Grantee in and to the street, alley or public way to be vacated. Ord. No. 82-1, 02-09-82)

**§13.01.11 Successors Bound.** This ordinance is hereby granted and the terms and provisions thereof shall extend to and be binding upon the Grantee, Central Illinois Light Company, its successors and assigns. Ord. No. 82-1, 02-09-82)

**§13.01.12 Term.** This ordinance shall be and remain in full force and effect from and after its passage for a period of fifty (50) years thereafter, provided said Grantee, Central Illinois Light Company, files with the Clerk of the Village Board, its acceptance in writing of said Ordinance within thirty (30) days after its passage by the Village Board. Ord. No. 82-1, 02-09-82)