

ORDINANCE NUMBER 71

AN ORDINANCE REQUIRING A FRANCHISE
FOR THE TRANSMITTING, FURNISHING, DELIVERING,
OR RECEIVING OF ELECTRIC ENERGY

The City of Brownton does ordain:

Section 1. Franchise Required. Except as otherwise provided by law, no person, firm, or corporation shall transmit, furnish, deliver, or receive or cause to be transmitted, furnished, delivered, or received electric energy for light, power, heat, and other purposes for public and/or private use within and through the limits of the City, or place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or transmitting, furnishing, delivering, or receiving, or causing to be transmitted, furnished, delivered, or received electric energy or for any other purpose, except pursuant to a franchise from the city. A franchise shall be granted only by ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Clerk to guarantee publication before the ordinance is passed.

Section 2. Term. No perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted for a period of more than twenty-five (25) years.

Section 3. Franchise Fee. As part of any franchise ordinance adopted, the City may impose upon the grantee a franchise fee. The franchise fee shall be expressed as a specified charge per kilowatt hour of electric energy transmitted, furnished, delivered, or received, which fee shall be calculated by the City Council and imposed upon each kilowatt hour of electric energy transmitted, furnished, delivered, or received within the City. The franchise fee may be changed by ordinance from time to time; however, no change shall be adopted until at least 30 days after written notice enclosing such proposed ordinance has been served upon the grantee by certified mail. The franchise fee may not be changed more often than once in each calendar year.

Section 4. Severability. If any portion of this ordinance is found to be invalid for any reason, the validity of the remainder shall not be affected.

Passed and approved February 7, 1995.

Charles A. Warner
Mayor of the City of Brownton, Minnesota

Attest: Cynthia Lindeman
Clerk of the City of
Brownton, Minnesota