

CHAPTER 2

GAS

SECTION

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13-201. To be furnished under franchise. Gas service shall be furnished for the city and its inhabitants under such franchise as the Board of Commissioners shall grant. For further gas franchise information, see the Appendix.

13-202. Franchise procedures. The exclusive right and franchise is hereby granted to the Grantee, its successors and assigns, to lay, construct, extend, maintain, renew, replace and/or repair, gas pipes and gas mains, under along and/or across any streets, avenues, roads, alleys, lanes, parks, and other public places and ways within the existing territorial limits of the City of Paris, Tennessee, (hereinafter called "City"), and within such additional areas to which such territorial limits may be extended and to use and occupy the said streets, avenues, roads, alleys, lanes, parks, and other public places and ways for the purpose of therein laying or constructing, extending, maintaining, renewing, replacing, and/or repairing mains and pipes and all appurtenances and appendages thereto used and/or useful, for the manufacture, transmission, distribution, and/or sale of gas within and/or through the present or future territorial limits of the City, such right to continue to until June 1, 1985.

13-203. General powers. All rights herein granted and/or authorized shall be subject to and governed only by this Ordinance; provided, however, the Board of Commissioners of the City expressly reserves unto themselves all of their police powers to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights herein granted not inconsistent with the provisions of this Ordinance.

13-204. Conduct required. The Grantee, upon making an opening upon any of the streets, alleys, or public ways of the City, for the purpose of laying pipes, and/or maintaining gas mains, shall use due care and caution to prevent injury to persons and shall replace and restore all public ways to their former conditions as nearly as practicable and within reasonable time, and shall not unnecessarily obstruct or impede traffic on streets, alleys and public ways of said City.

13-205. Liability. Said Grantee shall save and keep harmless the said City from an and all liability by reason of damage or injury to any person or persons whatsoever on account of negligence of the Grantee in the installation and maintenance of its mains and pipe lines along said streets, alleys and public ways, provided, the Grantee shall have been notified in writing of any claim against the City on account thereof, and shall have been given ample opportunity to defend the same.

13-206. Assignment prohibited; reversion to City. None of the rights and privileges herein granted and conveyed shall pass to the said Grantee unless the Grantee shall file with the recorder of the City with its acceptance of the franchise, and agreement by the Grantee to convey and assign all its properties and assets to the City of Paris upon the City making full payment and satisfaction of all indebtedness of the Grantee. The full payment and satisfaction of all indebtedness above referred to shall not be deemed to have occurred until after the Grantee shall have initially issued indebtedness secured by a lien upon all or substantially all of its properties and assets, or by pledge of said lien upon the revenues to or derived therefrom, and it does not mean such a full payment as may temporarily occur merely in connection with the refunding or refinancing program of the Grantee. This agreement shall be the consideration for all the rights and privileges granted and provided by this ordinance and shall be lieu

of any and all other fees, charges and licenses which the City might impose for the rights and privileges herein granted.

13-207. Construction requirements. None of the rights and privileges herein granted and conveyed shall pas to the said Grantee unless said Grantee, within two years after the date when the Federal Power Commission shall authorize an allocation of natural gas to Grantee sufficient to serve the presently contemplated needs of the City, shall begin work laying its pipes to convey gas to the residents of the City and begins construction of its distribution systems within said City, and exercises due diligence in the completion thereof.

13-208. Execution of agreement. This Ordinance shall be in full force and effect, from and after its passage according to law, and upon receipt by the City of a general release from the Paris Cooperative Gas Association, Incorporated to which corporation the City heretofore granted a franchise to operate a gas system in said City; and the acceptance of the franchise herein granted by the Grantee, such acceptance to be in writing and filed with the Recorder of the City, and the execution of the agreement required by Section V of this Ordinance.

13-209. Reserved. (Ord. #842, 11/04/93).