

## CHAPTER 4

### 40.00 FRANCHISES

40.01 **Definition.** As used in this chapter, franchise shall mean a special privilege granted to any person, association, partnership, corporation, group or entity requiring the use of any public street, alley or other public property relative to the establishment and/or operation of a public facility, utility or service, e.g. electricity, natural gas, transportation, communication, heat or water (this list is not exclusive).

40.02 **Grant and Limitation.** Only the City Council shall have the power to grant franchises for any term not to exceed 25 years. Any person, group or entity requesting a franchise shall submit its application to the City Council upon such forms and upon such conditions as may be prescribed by the Council. The Ordinance shall contain all the terms and conditions of the franchise and shall be adopted the same as any other Ordinance, except that a proposed franchise Ordinance shall be published verbatim for two successive weeks in a public newspaper of general circulation in the vicinity of the City of Kerkhoven prior to its adoption by the Council.

40.03 **Control and Fees.** The Council shall have the right and the power to regulate and control the exercise of the franchise holder of the franchise privilege at any and all times, and further, the franchise may be required to pay such fees or a gross earnings tax in addition to the costs of processing its application as the Council may prescribe.

Derivation: July 24, 1969