

ORDINANCE NO. 379

AN ORDINANCE RENEWING A FRANCHISE TO MIDSTATE COMMUNICATIONS, ITS SUCCESSORS AND ASSIGNS, ARE HEREBY GRANTED THE RIGHT TO USE AND OCCUPY THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY OF BEACH, FOR A TERM OF TEN (10) YEARS FROM THE EFFECTIVE DATE HERETO, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING A GENERAL TELECOMMUNICATION SYSTEM WITHIN SAID CITY.

Be it ordained by City Council of the city of Beach, North Dakota.

Section 1. Rights Granted

That Midstate Communications, its successors and assigns, are hereby granted the right to use and occupy the streets, alleys and other public places of the city of Beach, North Dakota, for a term of ten (10) years from the effective date hereof, for the purpose of constructing, maintaining and operating a general telecommunication system within said city.

Section 2. Rights Subject to Law Enforcement Power

That the rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon said city.

Section 3. Effective Date

That this ordinance shall be in full force and effect, and shall constitute a binding contract between the city of Beach and Midstate Communications when it shall have been enacted according to law, and when the provisions hereof shall have been accepted in writing by said Midstate Communications and such acceptance filed with the City Auditor.

Section 4. Unnecessary Impediments or Conditions

During the construction, maintenance or enlargement of any part of said telecommunications system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon the completion of said work.

The City reserves the right to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to such reasonable regulations of the police nature as it may deem necessary for the best interests of the City, but the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the carrying of its business in accordance with the franchise hereby granted.

Section 5. Disturbance at Own Cost

In case of disturbance of any street, sidewalk, alleys public way, or paved area, the Grantee shall, at its own cost and expense and in manner approved by the City Public Works Superintendent or Engineer, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done. Grantee shall not be required to pay a fee for street openings.

Section 6. Severability

In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

APPROVED: CITY OF BEACH

(Seal)

Mayor, City of Beach, North Dakota

ATTEST:

Kimberly Nunberg, City Auditor

First Reading: March 3, 2014

Second Reading: March 17, 2014

Final Reading: March 17, 2014