

CHAPTER 12

MUNICIPAL RATES AND FEES

ARTICLE 2. FRANCHISES, ELECTRICITY

12-301 FRANCHISES; RIGHT, POWER, AUTHORITY. That Nebraska Public Power District, its successors and assigns is hereby granted the right, power and authority to continue the operation, maintenance and extension of the municipal electric system now presently operated by it and existing upon the streets, alleys and public grounds of the Village of Brady, Nebraska Public Power District, is further granted the right, power, authority and privilege to maintain, rebuild, extend, and relocate said municipal electric system and to use all streets, alleys and public grounds now owned or hereafter acquired by said Village from and after January 1, 1998; provided, however, that said Nebraska Public Power District, shall be subject to such provisions, requirements or restrictions as may now or hereafter be imposed by law or the Village Board of said Village of Brady that said company may place under ground cables under the streets, alleys and public grounds of said Village, erect, construct, build maintain and repair all poles, wires, lines, arms and other equipment above the ground on said streets and alleys and public grounds which are necessary to maintain and operate said municipal electric system; provided, that where ever new extensions or relocations of said system or a part hereof are deemed necessary consent of the Utilities Superintendent or Board of Trustees of The Village of Brady shall first be obtained for said new extensions or relocations. That said company may continue its present operation of a municipal electric system and may purchase, lease, erect, equip, maintain, own or operate all such plants, machinery, equipment or buildings within the corporate limits of said Village as are necessary to maintain said municipal electric system and hold, own or lease any and all real estate necessary to conduct said business. That said company, its successors and assigns shall have the right to own and conduct a municipal electric system and the right to provide municipal electric service to any person, firm or corporation beyond the corporate limits of said Village and to have and enjoy such other and further rights as are usually granted and enjoyed by other municipal electric companies.

12-302 FRANCHISES; NOTICE OF INTENTION TO OTHERS. Whenever it shall become necessary for any person, firm or corporation to move along, across or over any of the streets, alleys or public grounds of said Village, any vehicles or structures of such height or size as may tend to interfere with any of the poles, wires or other structures of said company system, or, in the event excavating is to be done in, upon or across said streets, alleys and public grounds of said Village that might interfere or damage any underground cable of said company, such person, firm or corporation before commencement of any of the acts above set forth shall at least forty-eight (48) hours before commencement give written notice of said intention and shall make a deposit of at least twenty-five (\$25.00) with said company shall, within twenty-four (24) hours after said forty-eight (48) hours notice has elapsed, temporarily remove such poles, wire, underground cables or other structures as many intend to interfere with the movement or operations herein before indicated. Said company shall make no charge in excess of the cost of the labor and materials involved for its services and shall refund any amount deposited in excess of said costs; provided, however, that the Village of Brady, by its agents and servants but not its contractors, shall not be required to make said deposit and company shall file its claim for the cost of labor and materials as a result of the operations of the Village with the Municipal Clerk/Treasurer.

12-303 FRANCHISES; PENAL PROVISIONS. Any person, firm or corporation who shall willfully interfere with, cut, injure, remove, break or destroy any part or portion of the equipment of said system owned and operated by said company, its successors or assigns shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and any person who shall paste, tack or fasten in any manner on the poles or other equipment of said company any signs, posters, advertisements, notice or banner shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in the sum of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).