

**TOWN OF SIOUX CREEK
BARRON COUNTY, WISCONSIN
ORDINANCE 2016-1**

AN ORDINANCE TO AUTHORIZE WISCONSIN GAS LLC, DOING BUSINESS AS WE ENERGIES, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE A GAS DISTRIBUTION SYSTEM AND TO LAY PIPES IN THE STREETS, ALLEYS, LANES, ROADS, HIGHWAYS, BRIDGES, PARKS AND PUBLIC PLACES IN THE TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN, FOR SUCH PURPOSE, SUBJECT TO REASONABLE RULES AND REGULATIONS.

The Town Board of Sioux Creek, Barron County, Wisconsin, does hereby ordain as follows:

SECTION 1 – TITLE AND PURPOSE

The title of this ordinance is the Town of Sioux Creek Gas Service Ordinance. The purpose of this ordinance is for the Town of Sioux Creek, Barron County, Wisconsin, to lawfully grant this public utility franchise, subject to reasonable rules and regulations prescribed by ordinance, pursuant to Wis. Stat. § 66.0815.

SECTION 2 – AUTHORITY

The Town Board of the Town of Sioux Creek, Barron County, Wisconsin, has authority to regulate utilities under Wis. Stat. §§ 66.0815 and 196.58.

SECTION 3 – GRANT OF FRANCHISE

There is granted to Wisconsin Gas LLC, (herein called “the Company”), a limited liability company organized and existing under the laws of the State of Wisconsin, its successors and assigns, upon the conditions hereinafter set forth, the exclusive right, authority and permission to construct, maintain, operate, enlarge and repair in the Town of Sioux Creek a system for the furnishing and distribution of natural gas and natural gaseous fuels, and to use the highways, roads, streets, alleys, lanes, boulevards, parks, public ways, public grounds and bridges in said Town for constructing, maintaining, operating, enlarging and repairing its transmission and distribution pipe lines with all the necessary, usual or convenient manholes, valves, passage ways and appurtenances for the purpose of supplying and selling natural gases and natural gaseous fuels to said Town and its residents and to any building, structure, factory, processing plant, industry or public or private house or any gas user therein.

SECTION 4 – RESTRICTIONS AND CONDITIONS

This franchise is granted subject to the restrictions and conditions contained in applicable Sections of the Wisconsin Statutes, and further subject to such rules and regulations set forth below, and as the Town Board of said Town of Sioux Creek may from time to time prescribe.

SECTION 5 – CERTIFICATE REQUIRED

This franchise shall be void and shall expire if the Company shall not have obtained from the Public Service Commission of Wisconsin within three years from the date of publication of this Ordinance a certificate authorizing it to transact such public utility business and to construct and operate the above described gas distribution system in said Town of Sioux Creek.

SECTION 6 – CONDITIONS OF STREET OCCUPANCY

- A. Use. All pipes, mains and other natural, artificial or mixed gas equipment and apparatus laid or placed by the Company shall be located in the streets, alleys, lanes, roads, highways, bridges, parks and public places in the Town of Sioux Creek, so as not to obstruct or interfere with any water pipes, sewers, drains or other structures. The Company shall, when practicable, avoid interfering with the use of any street, alley or other highway where the paving or surface of such street, alley or other highway would be disturbed.
- B. Restoration. If the Company shall disturb any pavement, sidewalk, street, alley, driveway or other surfacing, the Company shall, at its sole cost and expense, and in a manner approved by the Town of Sioux Creek, replace and restore to a condition as good as that before such disturbance, any such disturbed pavement, sidewalk, street, alley, driveway or other surfacing.
- C. Relocation. In the event that at any time during the period of this franchise the Town shall lawfully elect to alter or change the grade of any street, alley or other public place or way, the Company, upon reasonable notice by the Town, shall remove, relay and relocate, the Company's pipes, mains and other gas fixtures. If such alteration or change is based on an adequate health, safety or public welfare justification, the cost to remove, relay or relocate the Company's pipes, mains or other gas fixtures shall be borne by the Company. If there is no adequate health, safety or public welfare justification for such alteration or change, the entity requiring such alteration or change shall be responsible for the Company's costs to remove, relay or relocate its natural gas facilities.

SECTION 7 – SERVICE AND RATES

The Company shall render efficient service and charge fair and reasonable rates in accordance with the rules and regulations of the Public Service Commission of Wisconsin.

SECTION 8 – COMPANY RULES

The Company shall have the power and authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and to perform its obligations under this franchise in accordance with the rules and regulations of the Public Service Commission of Wisconsin.

SECTION 9 – COMPANY LIABILITY; INDEMNIFICATION

It is expressly understood and agreed by and between the Company and the Town of Sioux Creek that the Company shall hold the Town of Sioux Creek harmless from any suit, judgment, claim, execution or demand whatsoever resulting from negligence on the part of the Company in the construction, operation or maintenance of its gas system in the Town of Sioux Creek. The Town of Sioux Creek shall notify the Company's representative within ten (10) days after the presentation of any claim or demand, either by suit or otherwise, made against the Town of Sioux Creek due to any negligence on the part of the Company.

SECTION 10 – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

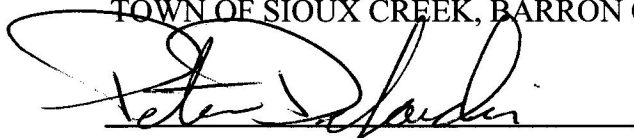
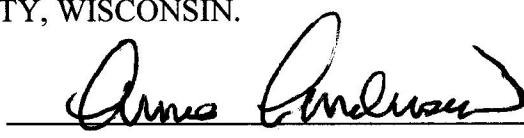
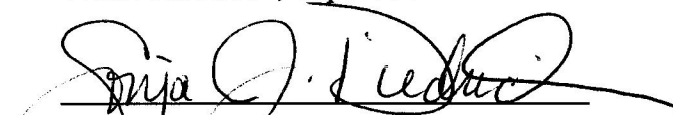
SECTION 11 – EFFECTIVE DATE

This ordinance shall be effective sixty (60) days after passage and publication, or upon approval by referendum pursuant to Wis. Stat. § 66.0815(1)(c).

The Town Clerk shall properly publish this ordinance as required under Wis. Stat. § 60.80.

Adopted this 11th day of January, 2016.

TOWN OF SIOUX CREEK, BARRON COUNTY, WISCONSIN.


Peter DeJardin, Chairman
Arnie Anderson, Supervisor
Jerry Massie, Supervisor
Sonja Diedrich, Supervisor
Jim Johnson, Supervisor

ATTEST:


Liza Schroeder, Clerk-Treasurer