

CHAPTER FOURTEEN

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FRANCHISE

ARTICLE 1 - Grant of Franchises

14.0101 Power to Grant

The governing body may grant to any person, firm, partnership, association, corporation, company or organization of any kind a franchise or special right or privilege to operate or do business in the City, but such franchise shall be subject to the provisions of this article. (Source: North Dakota Century Code Section 40-05-01- (57))

14.0102 Compliance with Applicable Laws and Ordinances

The grantee of any franchise during the life of the franchise shall be subject to all lawful exercise of the police power of the City, and to such reasonable regulation, as the City shall by resolution or ordinance provide.

14.0103 Indemnification

The grantee of any franchise shall indemnify and save the City and its agents and employees harmless from all and any claims for personal injury or property damages and any other claims, costs, including attorney's fees, expenses of investigation and litigation of claims and suits thereon which may result from the activities of the grantee of the franchise in the City.

14.0104 Insurance

Any grantee of a franchise by the City shall carry and keep in force a public liability policy of insurance, insuring the grantee of the franchise and the City against any and all liability, of not less than two hundred fifty thousand dollars (\$250,000.00) for any one person, property damage, personal injury, or death, and five hundred thousand dollars (\$500,000.00) for any one accident resulting in property damage, personal injury, or death. The City may demand proof of such insurance coverage in an insurance company licensed to do business in the State of North Dakota. (Source: North Dakota Century Code Section 32-12.1-03)

14.0105 Adoption of Franchise Agreement

The City hereby adopts all duly enacted Franchise Agreements enacted as prior ordinances. The City also hereby adopts and future Franchise Agreements enacted by resolutions of the City of Harvey.

ARTICLE 2 Franchise Procedure

14.0201 Franchise by Resolution

Any party wishing to be granted a Franchise Agreement shall Petition the City with a proposed resolution to be adopted by the City. This ordinance specifically provides that Franchise Agreements may be enacted by Resolution. Before adopting the resolution, the City will

notify the requesting Party of any proposed changes to the resolution. The resolution shall be published as required of other resolutions.

14.0202 City Auditor to Keep Franchise Resolutions on File

The original Resolution of Franchise Agreements shall be kept with other original Resolutions. However, the City Auditor shall also keep a separate book of copies of all current Franchise Agreements until said Franchise Agreements have expired. Once the Franchise Agreement has expired, the copy may be disposed of and only the original resolution retained.

14.0203 Copy of Resolution Sent to Requesting Party

The City of Harvey will provide a copy of the duly enacted Resolution, granting the Franchise Agreement, to the part requesting the Franchise Agreement.