

CHAPTER EIGHT

FRANCHISES

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## CHAPTER EIGHT

### FRANCHISES

#### **ARTICLE 1 - Grant of Franchises**

##### **8.0101 Power to Grant**

The City 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: Section 40-05-01 of the North Dakota Century Code)

##### **8.0102 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 law enforcement power of the City, and to such reasonable regulation as the city shall by resolution or ordinance provide.

##### **8.0103 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.

##### **8.0104 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 fifty thousand dollars (\$50,000) property damage, one hundred thousand dollars (\$100,000) for any one person, personal injury or death, and two hundred thousand dollars (\$200,000) for any one accident resulting in 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: Section 32-12.1-03 of the North Dakota Century Code)

##### **8.0105 Transfer - Approval Required**

A franchisee shall not sell or transfer its franchise to another without having first obtained the approval of the City. No purported sale or transfer shall be effective until the vendee, assignee, or lessee has filed in the office of the City Auditor an instrument, duly executed, reciting the fact of such sale, assignment, or lease accepting the terms of the franchise and agreeing to comply with all of the provisions of this Article.

### **8.0106 Franchise Not Exclusive**

Any franchise granted by the City shall not be exclusive and the City shall reserve the right to grant a similar franchise at any time during the franchise to any person, firm, partnership, corporation, or organization.

### **8.0107 Acceptance Required**

Any grantee of a franchise shall file a written acceptance with the City Auditor, which acceptance shall continue for the term of the franchise granted.

### **8.0108 Franchises Set Forth**

Existing franchises granted by the City:

1. Montana-Dakota Utilities Co.
2. CTC Communications, Inc.
3. Slope Electric Cooperative, Inc

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