

## TITLE 19

### ELECTRICITY AND GAS

#### CHAPTER

#### 1. NATURAL GAS FRANCHISE.

#### CHAPTER 1

#### NATURAL GAS FRANCHISE<sup>1</sup>

#### SECTION

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**19-101. Franchise granted.** The Town of Jacksboro, Tennessee (hereinafter referred to as the "municipality"), hereby grants to the Powell Clinch Utility District of Anderson and Campbell Counties, Tennessee (hereinafter referred to as the "district"), the right, privilege, authority and franchise for the purpose of supplying gas to the inhabitants of the municipality, to use the streets, avenues, alleys, public ways, rights-of-way, easements, or other similar property rights of the municipality necessary or convenient for such purposes, subject, however, to all of the provisions, conditions, limitations, restrictions, etc., set forth in this chapter. (1995 Code, § 19-101)

**19-102. Obligations of district with respect to excavations.** The district shall, by accepting this authority and franchise, agree that it will, upon making any excavations in the streets, avenues, alleys, public ways and places of the municipality in the exercise of this franchise, pay for and restore the surface and paving at the locations of such excavations in substantially the same condition as before the work was done and will immediately compact the dirt in the fill and then fill with black top, concrete, or whatever the cut is built of; that it will for the period of one (1) year after such excavations have been made, at its sole expense, keep and maintain same in substantially the same condition as before said work was done, all such work to be performed immediately after

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<sup>1</sup>Municipal code reference  
Gas code: title 12.

the need for same shall appear; and that it will at all times save the municipality harmless from any and all liability arising out of any change in the condition of the street, avenue, etc., by the district and from any other liability whatsoever arising out of the district supplying gas to the inhabitants of the municipality. (1995 Code, § 19-102)

**19-103. Miscellaneous obligations of district.** The district shall, by accepting this authority and franchise, be firmly bound as follows:

(1) It shall maintain and install its gas system within the municipality in such a manner as to cause the least damage to the utility installations, streets, alleys, public ways, and other property rights of the municipality; and the district shall give the municipality sufficient advance notice of all of its current, planned, and proposed work, and cooperate with the municipality in every practicable way in protecting the municipality in the premises.

(2) The gas and service rates charged by the district to its customers within the municipality shall be the same as the rates charged consumers of the same class in the other service jurisdictions of the district.

(3) The municipality shall not, either directly or indirectly, at any time pay or be responsible for any cost or expense whatsoever in connection with the installation, operation, expansion, change, repair, etc., of said gas distribution system in the municipality, and any and all cost and expense relative thereto shall be paid solely by the district. The district shall, at its own expense, upon reasonable notice from the municipality, move, relocate and/or change any gas pipes, distribution lines and other facilities which may be subsequently required by the municipality in connection with the creation, expansion, change, widening, extension, etc., of any streets, public thoroughfares and/or other areas within the municipality. (1995 Code, § 19-103)

**19-104. Franchise not transferable and is subject to laws, rules, etc.** The rights, privileges, authorities and franchise herein granted to the district, for supplying gas to the inhabitants of the municipality, shall not be sold, transferred or assigned by the district to any third party or parties; and same shall be subject to all laws, rules, regulations, etc., of the State of Tennessee and the United States of America, including all state and federal laws, rules, regulations, etc., applicable to the state and federal highways, roads, streets, etc., within the municipality. (1995 Code, § 19-104)

**19-105. Franchise is for thirty (30) years.** The rights, privileges, authorities and franchise hereby granted shall continue in force and effect for a period of thirty (30) years from the date this chapter becomes effective, subject however, to all of the provisions, conditions, limitations, restrictions, etc., contained herein. (1995 Code, § 19-105)

**19-106. No other franchise to be granted.** The municipality hereby covenants and agrees not to grant any other authority or franchise for a gas plant or system while the franchise herein granted remains in full force and effect, insofar as an exclusive franchise now is or may hereafter be authorized or permitted by law to a public corporation such as the district. (1995 Code, § 19-106)

**19-107. District must accept within specified period.** Anything else in this chapter to the contrary notwithstanding, this chapter shall not become effective and binding upon the parties unless and until same has been legally accepted by a proper and binding resolution of the district accepting same in its entirety, which resolution of acceptance shall be delivered by the district to the municipality, in duly certified form, within sixty (60) days after the final passage of this chapter.<sup>1</sup> (1995 Code, § 19-107)

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<sup>1</sup>This resolution dated July 7, 1971, is of record in the recorder's office.