

**CITY OF DYERSVILLE, IOWA
ORDINANCE NUMBER 859**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DYERSVILLE, IOWA,
BY MODIFYING PROVISIONS OF ORDINANCE 745, THE CITY OF DYERSVILLE ELECTRIC
FRANCHISE, RELATING TO FRANCHISE FEES**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IA:

SECTION 1. PURPOSE. The City Council has determined that it is appropriate now to amend a provision of the DYERSVILLE electric franchise, Ordinance 745, relating to franchise fees. The franchisee, Interstate Power and Light Company, has indicated its consent to the change in the ordinance as set forth herein. It is the intent of the City Council that all provisions set forth in the DYERSVILLE electric franchise, Ordinance 745, shall remain in full force and effect except as modified specifically herein relating to franchise fees.

SECTION 2. REPEAL AND MODIFICATION. Sections 11, 12, 13, 14, 16 and 17 of the DYERSVILLE electric franchise, Ordinance 745 are repealed, and the following adopted in lieu thereof:

Section 11. There is hereby imposed a franchise fee of three percent (3%) upon the gross revenue generated from sales of electricity by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter.

The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

SECTION 3. CONFLICT AND REPEAL. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage and approval, written acceptance by the Company, and publication as required by law. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

Passed, approved and adopted by the St. Lucas City Council this _____ day of _____, 2023.

Jeff Jacque, Mayor

Attest:

Tricia Maiers, City Clerk

(CITY SEAL)