

## CHAPTER 32: CITY POLICIES

### Section

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### **GENERAL PROVISIONS**

#### **§ 32.01 FACSIMILE SIGNATURES.**

The signers are hereby authorized to request a depository of City funds to honor an order for payment when the instrument bears a facsimile of his or her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his or her manually written signature. The authority is granted only for the purpose of permitting the officers an economy of time and effort. (Prior Code, § 2.60)

#### **§ 32.02 DISBURSEMENT OF FUNDS AND ALLOWANCE OF ACCOUNTS.**

(A) All disbursements shall be made by either; a check signed by the Mayor, or in the Mayor's absence the Acting Mayor, and the City Administrator or City Clerk duly authorized by the Council; or by an electronic funds transfer authorized by the officials listed above, provided that all electronic transfers are made using special codes (changed periodically to provide maximum security). Every such order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund, and specifically contain the following language "for deposit to the City of Hastings only." A written confirmation of every electronic funds transfer shall be made no later than 1 business day after the transaction. No check shall be issued or electronic funds transfer made until

there is money to the credit of the fund out of which it is to be paid sufficient to pay the same together with all then outstanding encumbrances upon the fund.

(B) No claim against the City shall be allowed, except as otherwise provided in this chapter unless accompanied by an itemized account and voucher, payroll or time sheet signed by a responsible officer who has personal knowledge of the facts in the case and certified to the correctness and reasonableness of the claim and that it is a proper claim against the City; provided, however, that the Council may provide for a regular payment without specific individual authorization or filing of an itemized account and voucher, payroll or time sheet of the salaries and wages of regular employees or laborers and any other fixed charges which have been previously duly and regularly authorized. Filing of separate account verification may be dispensed with by the Council if appropriately similar wording is printed near the endorsement space on the order for payment form. (Prior Code, § 2.61)

### **§ 32.03 UNIFORM PURCHASING PROCEDURES.**

It is unlawful for any agent or employee of the City to order the purchase of any supplies or materials or contract for any services except in accordance with forms and procedures duly adopted therefore and all purchase orders shall be approved by the department for which the purchase is being made.

(Prior Code, § 2.62)

### **§ 32.04 DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED PROPERTY, AND EXCESS PROPERTY.**

(A) *Disposal of abandoned motor vehicles.*

(1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED MOTOR VEHICLE.** A motor vehicle as defined in M.S. Chapter 169, as it may be amended from time to time, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of the property, or in an inoperable condition such that it has no substantial possible further use consistent with its function, unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City. A classic car or pioneer car, shall not be considered an abandoned motor vehicle. Vehicles on the premises of junkyards or automobile graveyards, which are licensed and maintained in accordance with the City code, shall not be considered abandoned motor vehicles within the meaning of this section.

**VITAL COMPONENT PARTS.** Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

(2) *Custody.* The City may take into custody and impound any abandoned motor vehicle.

(3) *Immediate sale.* When an abandoned motor vehicle is more than 7 model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provision of this division (A).

(4) *Notice.*

(a) When an abandoned motor vehicle does not fall within the provisions of division (A)(3) above, the City shall give notice of the taking within 10 days. The notice shall set forth the date and place of the taking, the year, make, model, and serial number of the abandoned motor vehicle, if the information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under division (A)(5) below, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents be deemed a waiver by them of all rights, title, and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to division (A)(6) below.

(b) The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders or record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

(5) *Right to reclaim.*

(a) The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim the vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by this division (A)(4).

(b) Nothing in this division (A) shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of the lien holder to foreclose. For the purposes of this division (A)(5), **GARAGE KEEPER** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

(6) *Public sale.*

(a) An abandoned motor vehicle and contents taken into custody and not reclaimed under division (A)(5) above shall be sold to the highest bidder at public auction or sale, following 1 published notice published at least 7 days prior to the auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

(b) From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this division (A). Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the 0General Fund of the City.

(7) *Disposal of vehicles not sold.* Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this division (A).

(8) *Contracts and disposal.*

(a) The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation, or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

(b) When the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where the City enters into a contract with a person duly authorized by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal for the purpose of obtaining reimbursement.

(c) If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

(B) *Disposal of unclaimed property.*

(1) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED PROPERTY.** Tangible or intangible property that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the City for at least 60 days and has been declared such by a resolution of the Council.

(2) *Preliminary notice.* If the City Administrator knows the identity and whereabouts of the owner, he or she shall serve written notice upon him or her at least 30 days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Administrator notice shall also be served upon him or her. The notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of 30 days from the date of the notice.

(3) *Notice and sale.* Upon adoption of a resolution declaring certain property to be abandoned property, the City Administrator shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of the property. The text of the notice shall also state the time, place, and manner of sale of all the property, except cash and negotiables. The notice shall be published once at least 3 weeks prior to sale. Sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned and stated in the notice.

(4) *Fund and claims thereon.* All proceeds from the sale shall be paid into the General Fund of the City and expenses thereof paid therefrom. The former owner, if he or she makes claim within 8 months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash and negotiables or, in the case of property sold, the amount received therefore, less a pro rata share of the expenses of storage, publication of notice, and sale expense, but without interest. The payment shall also be made from the General Fund.

(C) *Disposal of excess property.*

(1) *Declaration of surplus and authorizing sale of property.* The City Administrator may, from time to time, recommend to the Council that certain personal property (chattels) owned by the City is no longer needed for a municipal purpose and should be sold. By action of the Council, the property shall be declared surplus, the value estimated and the City Administrator authorized to dispose of the property in the manner stated herein.

(2) *Surplus property worth a total estimated value of less than \$100.* The City Administrator may sell surplus property with a total value of less than \$100 through negotiated sale.

(3) *Surplus property with a total estimated value between \$100 and \$500.* The City Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$100 to \$500. Notice of the public sale shall be given stating time and place of sale and generally describing the property to be sold at least 10 days prior to the date of sale either by publication once in the official newspaper, or by posting in a conspicuous place in the City Hall at the City Administrator's option. The sale shall be by auction.

(4) *Surplus property with a total estimated value over \$500.* The City Administrator shall offer for public sale, to the highest bidder, surplus property worth a total estimated value over \$500. Notice of the public sale shall be given stating time and place of sale and generally describing property to be sold at least 10 days prior to the date of sale by publication once in the official newspaper. The sale shall be to publication once in the official newspaper. The sale shall be to the person submitting the highest sealed bid.

(5) *Receipts from sales of surplus property.* All receipts from sales of surplus property under this section shall be placed in the General Fund, unless the property sold is dedicated park property, in which event the funds received shall be placed in the Park Fund.

D) *Persons who may not purchase.*

(1) No full time, part time, paid on-call firefighter or seasonal employee of the city, including any person who is a member of the administrative staff, department head, a member of the Council, or an adviser serving the city in a professional capacity, may be a purchaser of property under this section. (Ord. 2012-02, 3<sup>rd</sup> Series, passed 2-21-12)

(2) It is unlawful for any person to be a purchaser of property under this section if the purchase is prohibited by the terms of this section. (Prior Code, § 2.63)

**§ 32.05 COMMERCIAL BUILDING REHABILITATION PROGRAM.**

(A) *General provisions.*

(1) *Authority.* Pursuant to M.S. § 469.184 (1995), the City has been authorized to establish a program to provide rehabilitation loans to owners of small and medium sized commercial buildings. In establishing a commercial building rehabilitation program, the City Council is acting in all respects for the benefit of the citizens of the City to serve a public purpose in improving and otherwise promoting their health, welfare and prosperity.

(2) *Findings.* The City Council finds that many commercial buildings in the City are physically deteriorating, underused, economically inefficient, or functionally obsolete and in need of rehabilitation to meet applicable building codes; that there is a need for a comprehensive program for the rehabilitation of the commercial buildings to prevent economic and physical blight and deterioration, to increase the tax base of the City, and to assist in the implementation of the comprehensive plan for the City; that some owners of small- and medium-sized commercial buildings are unable to afford rehabilitation loans on terms available in the private mortgage market or to obtain rehabilitation loans on any terms because the private mortgage market is severely restricted; and that the health, safety and general welfare and the preservation of the quality of life of the residents of the City is dependent upon the preservation and rehabilitation of the commercial buildings.

(3) *Definitions.* The following terms when used in this subchapter shall have the following respective meanings:

**ACT.** M.S. § 469.184 (1995), as now in effect and as from time to time amended.

**AGENCY.** The Housing and Redevelopment Authority in and for the City.

**PROGRAM.** The commercial rehabilitation loan program authorized by the act and set forth in division (A)(2).

**REGULATIONS.** Regulations drafted or approved by the agency for the program.

**SMALL- OR MEDIUM-SIZED COMMERCIAL BUILDING.** A structure having a total floor area not exceeding 40,000 square feet, the primary ground floor function of which is

commercial in nature, such as retail, service, or office. Noncommercial usage on other floors of such a structure shall not affect the structure qualifying as a small- or medium-sized commercial building.

(4) *Administration.* The agency is hereby authorized to administer the program in accordance with the act and the regulations and resolutions adopted by the City for the issuance of bonds, loans, or other obligations for the program.

(B) *Program requirements.*

(1) *Regulations and forms.* The agency shall adopt regulations setting forth uniform procedures by which applications for loans shall be submitted and processed, and for determining eligibility of borrowers, and other procedures necessary or desirable in carrying out the program. The agency may, in the agency's discretion and from time to time, prescribe and amend forms to be used by an applicant in applying for financing under the program.

(2) *Authorization of loans.* Under the program, no loan shall be made or purchased until the agency or its designee has reviewed the application relating to the loan and has approved such loan. In approving applications for loans under the program, the agency or its designee, in addition to other requirements and regulations, shall consider the following factors:

- (a) The availability and affordability of private mortgage credit;
- (b) The availability and affordability of other government programs;
- (c) Whether the building is required, pursuant to any court order, statute or ordinance, to be repaired, improved or rehabilitated;
- (d) Whether the proposed improvements will result in conformance with the building and zoning codes and any design guidelines approved by the agency for commercial areas.

(3) *General limitations.* The following limitations shall apply to all loans under the program:

- (a) No loan shall be made for a period exceeding 20 years.
- (b) No loan shall exceed 80% of the estimated market value of the property to be rehabilitated upon completion of the rehabilitation, less the principal balance of any prior mortgage or contract for deed existing on the property at the time the loan is made, or \$200,000, whichever is less.
- (c) All monies loaned under this program shall be used only on property located within a redevelopment area designated by the City Council.

(4) *Interest reduction program.* The agency may develop and administer an interest reduction

program, pursuant to M.S. § 469.012, Subdivision 7-9, as now in effect and from time to time amended, to assist in the rehabilitation or preservation of small-or medium-sized commercial buildings.

(5) *Expiration date.* The agency's ability to authorize payment of interest reduction assistance pursuant to this subchapter shall expire on December 31, 2011. Interest reduction assistance payments authorized prior to December 31, 2011 may be paid after December 31, 2011. (Ord. 560, passed 12-4-2006)

## **§ 32.06 EMERGENCY MANAGEMENT ORDINANCE.**

### *(A) Policy and purpose.*

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action or from hazardous material mishaps of catastrophic measure; and in order to ensure that preparations of the City of Hastings will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the City of Hastings, it is hereby found and declared to be necessary:

(1) To establish a City of Hastings emergency management organization responsible for the City of Hastings planning and preparation for emergency government operations in time of disasters;

(2) To provide for the exercise of necessary powers during emergencies and disasters;

(3) To provide for the rendering of mutual aid between the City of Hastings and other political subdivisions of this state and of other states with respect to the carrying out of emergency preparedness functions; and

(4) To comply with provisions of M.S. Ch. 12, § 12.25, which requires that each political subdivision of Minnesota shall establish a local organization for emergency management.

### *(B) Definitions*

**"EMERGENCY MANAGEMENT"** means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action or from industrial hazardous material mishaps. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together

with all other activities necessary or incidental for carrying out of the foregoing functions. Emergency Management includes those activities sometimes referred to as "Civil Defense" functions.

**“DISASTER”** means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

**“EMERGENCY”** means an unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

**“EMERGENCY MANAGEMENT FORCES”** means the total personnel resources engaged in county-level/City-level emergency management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from the City departments, authorized volunteers and private organizations and agencies.

**“EMERGENCY MANAGEMENT ORGANIZATION”** means the staff element responsible for coordinating county-level/City-level planning and preparation for disaster response. This organization provides City of Hastings liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

(C) *Establishment of an emergency management organization.*

(1) There is hereby created, within the City government, an emergency management organization that shall be under the supervision and control of the City emergency management team, hereinafter called the Emergency Management Team. The Emergency Management Team shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the City Council.

(2) The Emergency Management Team shall prepare a comprehensive emergency plan for the emergency preparedness of the City of Hastings including municipal and unincorporated areas and shall present such plan to the Council and Mayor for its approval. When the Council and Mayor have approved the plan by ordinance, it shall be the duty of all City agencies and all emergency preparedness forces of the City of Hastings to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Emergency Management Team shall coordinate the emergency management activities of the City of Hastings to the end that they shall be consistent and fully integrated with the emergency plan of the State/Federal Government and the State and correlated with emergency plans of other political subdivisions within the State.

(3) The Emergency Management Team shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperate with and extend such services and facilities to the City Emergency Management Team and to the Governor upon request. The head of each department or agency in cooperation with the Emergency Management Team shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

(4) The Emergency Management Team shall, in cooperation with existing City of Hastings departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel that may be required on a volunteer basis to carry out the emergency plans of the City of Hastings and state. To the extent that such emergency personnel are recruited to augment a regular City of Hastings department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of the department or agency.

(5) Consistent with the state emergency services law, the Emergency Management Team shall coordinate the activity of municipal emergency management organizations within the county and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services (M.S. Ch. 12, § 12.25, as it may be amended from time to time).

(6) The Emergency Management Team shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

(7) The Emergency Management Team shall act as principal aide and advisor to the City official responsible for direction and control of all City of Hastings emergency operations during an emergency. The coordinator's main responsibility is to assure coordination among the operating departments, non-governmental groups and with higher and adjacent governments.

(D) *Local emergencies.*

(1) A local emergency may be declared only by the Mayor or his or her legal successors. It shall not be continued for a period in excess of 3 days except by or with the consent of the City Council. Any order, or proclamation declaring, continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the City Clerk.

(2) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(3) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

(E) *Emergency Management a Governmental Function.*

All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he/she would otherwise be entitled under this resolution, or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress. (Ord. 2009-1, 3rd Series, passed 1-20-2009)

## ***FRANCHISES***

### **§ 32.20 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***FRANCHISE.*** Any special privileges granted to any person in, over, upon, or under any of the streets or public places of the City, whether the privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota. (Prior Code, § 2.65)

### **32.21 FRANCHISE ORDINANCES.**

The Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons desiring to make any burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating railways, telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas, or any other such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make the use of the streets or public places or before proceeding to place the fixtures in the places. (Prior Code, § 2.65)

### **§ 32.22 POWER OF REGULATION RESERVED.**

The City shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether the franchise has been heretofore granted by it or by the State of Minnesota. (Prior Code, § 2.65)

### **§ 32.23 CONDITIONS IN EVERY FRANCHISE.**

All conditions specified in this section shall be a part of every franchise even though they may not be expressly contained in the franchise:

(A) That the grantee shall be subject to and will perform on its part all the terms of this section and will comply with all pertinent provisions of any City charter and City code, as the same may from time to time be amended;

(B) That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that the fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the State of Minnesota, in the manner following:

(1) A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, a fair return upon all money invested;

(2) If possible maximum rates and charges shall be arrived at by direct negotiation with the Council; and

(3) If direct negotiations fail to produce agreement, the Council shall, not less than 30 days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the 2 of them shall appoint a third person, preferably an expert, and the 3 of them shall constitute a board of arbitration. The board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of 1 of the parties.

(C) That the Council shall have the right to require reasonable extensions of any public service system from time to time and to make the rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public;

(D) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive upon condemnation proceedings brought by the City to acquire the public utility exercising the franchise, any return on account of the franchise or its value;

(E) That no sale or lease of the franchise shall be effective until the assignee or lessee shall have filed with the City an instrument, duly executed, reciting the facts of the sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder;

(F) That every grant in the franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require the alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all facilities for whatsoever purpose used;

(G) Every franchise shall contain a provision granting the City the right to acquire the same in accordance with statute; and

(H) That the franchisee may be obligated by the City to pay the City fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the City. (Prior Code, § 2.65)

**§ 32.24 FURTHER PROVISIONS OF FRANCHISES.**

The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this subchapter limit any right or power possessed by the City over existing franchises. (Prior Code, § 2.65)