

TEMPORARY ORDINANCE NO. 69-25

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO GRANT TO SOUTH CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF LANCASTER, OHIO, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER AND ENERGY TO THE CITY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES, AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH, OR ACROSS SAID CITY AND TO DECLARE AN EMERGENCY

WHEREAS, pursuant to Permanent Ordinance No. 45-74 (Exhibit A) which was passed and approved by Lancaster City Council on September 10, 1974, the City of Lancaster granted a fifty (50) year franchise to South Central Power Company to provide and maintain electric energy for the City and its residents by use of the City right-of-way; and

WHEREAS, that Permanent Ordinance expired on October 10, 2024, and South Central Power Company and the City would like to see a new franchise ordinance adopted; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That South Central Power Company, its successors, and assigns (hereinafter "Grantee") are hereby granted the right, privilege, franchise, and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist or may hereafter be laid out) of the City of Lancaster, State of Ohio (hereinafter "City"), lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, together with all necessary or desirable appurtenances to render public utility service in the City and to the inhabitants thereof by supplying electric power and energy to the City and the inhabitants thereof, and persons or entities beyond the limits thereof for light, heat, power, or any other purposes or purpose for which electric power and energy is now or may hereafter be used, and the transmission and distribution of the same within, though or across the City.

SECTION 2. That said lines and appurtenances shall be constructed so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridge, and public places of the City. The location of all poles and conduits shall be made under such reasonable supervision of the proper board, committee, or official of the City as governed by law.

SECTION 3. That the rights, privileges, and franchise hereby granted shall be in force and effect for a term of twenty-five (25) years from the date of the passage of this Ordinance, which shall be reviewed by Council every five (5) years.

SECTION 4. That the rights, privileges, and franchise hereby granted shall not be construed to be exclusive and City Council hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations. That in establishing and administering this franchise with respect to any electric load center, as that term is defined in Section 4933.81(E) of the Ohio Revised Code, with an annual average non-coincident monthly peak demand of 5 MW or less that locates within the City during the term of this franchise ordinance the City shall respect the exclusive certified territories established by the Public Utilities Commission of Ohio (PUCO). Grantee is only being granted a franchise in its certified territory and nowhere else for loads below the 5 MW threshold.

SECTION 5. That said Grantee shall indemnify, defend, and save the City harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance, or operation of said lines for the distribution and transmission of electric power and energy.

SECTION 6. That whenever said Grantee shall begin the erection or installation of any lines or equipment, it will obtain all the necessary and applicable federal, state, and local permits required. Grantee shall promptly and diligently perform all work to completion and leave the streets, thoroughfares, alleys, bridges, sewers, utility lines, and public places where such work is done in as good or better condition of repair as before such work was commenced. Repairs to any and all City infrastructure (streets, thoroughfares, alleys, bridges, sewer, utility lines, public places, etc.) shall be made according to the most current City standards and/or any statutes, rules, or regulations that govern the quality of the repair being made.

SECTION 7. That wherever in this Ordinance, reference is made to the City or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, franchises, and obligations herein contained by or on behalf of said City, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said City, or of said Grantee, whether so expressed or not.

SECTION 8. That the City and the inhabitants thereof served by Grantee under this ordinance shall become members of the Grantee and shall be served at the rates and pursuant to the other terms and conditions of service of general applicability to the members of the Grantee as such rates and other terms and conditions of service are established by the members and the Board of Trustees of the Grantee from time to time.

SECTION 9. That this Ordinance shall be accepted by the Grantee within sixty (60) days from the date of the passage of same.

SECTION 10. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City's residents as it is necessary to ensure continued electric utility services by South Central Power Company; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee