

## **ARTICLE XV. FRANCHISES**

### **Section 1. Franchises; granting.**

The Council shall have authority and right to grant, by ordinance, franchises subject to such conditions as the City deems advisable, and may provide the maximum extent of such franchise subject to such limitations as may be imposed by statute, and further may provide by ordinance for the submission of such proposed franchise to the City electorate prior to the granting thereof.

### **Section 2. Franchises; period of grant.**

No such grant of franchise shall be exclusive, nor shall it be made for a longer period than thirty (30) years.

### **Section 3. Franchises; conditions.**

The Council, in the ordinance granting or renewing any franchise to construct and operate a public utility, may prescribe the manner in which the streets and public grounds shall be used and occupied.

### **Section 4. Franchises; assignment of grants.**

No such grant of franchise shall be leased, assigned or otherwise aliened, except by operation of law or with the express consent of the Council. Such consent shall be evidenced by formal resolution of the Council adopted at a regular meeting.

### **Section 5. Franchises; extension by annexation.**

It shall be provided in every grant that, upon the annexation of any territory to the city, the portion of any utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof shall thereafter be subject to all terms of the grant as though it were an extension made thereunder.

### **Section 6. Franchises; control of facilities.**

All grants shall be subject to the right of the City, whether in the terms reserved or not, to control at all times the distribution of space in, over, under or across all streets, alleys or public grounds occupied by public utility fixtures. When in the opinion of the Council the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued, and said City shall at all times have the power to pass all regulatory ordinances affecting such utility which in the opinion of the Council are required in the interests of the public health, safety or accommodation.

(Ord. No. 1169-96 <sec> 1, 11-20-96)

## **Section 7. Franchises; accounts and reports.**

Every person or corporation operating a public utility or holding an authorized franchise within the City limits, whether obligated under a grant heretofore or hereafter obtained, shall keep and maintain suitable and complete books of accounts, showing in detail the assets, financial obligations, gross revenues, net profits and all the operations of such utility which are usually shown by a complete system of bookkeeping as it relates to that portion of the franchise exercised within the City proper. Each such person or corporation, within ninety (90) days after the end of each of its fiscal years, unless the Council shall extend the time, shall file with the Council a report for the preceding fiscal year showing the gross revenue, the net profits, expenses of repairs, improvements and additions, amount paid for salaries, amount paid for interest and discount, other expenses of operation, and such other information, if any, as the Council shall from time to time prescribe. The Council may prescribe the form for such reports. It shall be the duty of each such person or corporation to furnish the Council such supplementary or special information about its affairs as the Council may demand, and the Council or its authorized representative shall at any and all reasonable times have access to all the books, records and papers of each and every such person or corporation, with the privilege of taking copies of the same or any part thereof, and may require production, within the City, of such books, records and papers.

The duties herein prescribed may be specifically enforced by appropriate legal proceedings. Each such person or corporation failing to comply with the provisions of this section shall be liable to the City of Punta Gorda, Florida, in the amount of One Hundred Dollars (\$100.00) for each day of such failure, to be recovered in a civil action in the name of the City.

(Ord. No. 1169-96 <sec> 1, 11-20-96; Ord. No. 1399-04 <sec> 2, 12-15-04)