

ORDINANCE NO. 749

AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO IDAHO POWER COMPANY, A CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN AND UPON THE PRESENT AND FUTURE STREETS, HIGHWAYS AND OTHER PUBLIC PLACES WITHIN THE CORPORATE LIMITS OF THE CITY OF PAYETTE, IDAHO, ELECTRIC UTILITY PROPERTY AND FACILITIES FOR SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE CITY, THE INHABITANTS THEREOF, AND OTHERS FOR A TERM OF FIFTY YEARS: SUBJECTING SUCH ELECTRIC SERVICE TO REGULATION BY PUBLIC AUTHORITY; REVOKING PRIOR FRANCHISE ORDINANCE; AND SPECIFYING OTHER LIMITATIONS, TERMS AND CONDITIONS GOVERNING THE EXERCISE OF SAID FRANCHISE.

Be It Ordained By the Mayor and Council of the City of Payette, Payette County, Idaho, that:

Section 1. There is hereby granted to Idaho Power Company, its successors and assigns (herein called the Grantee) a non-exclusive right, privilege or franchise until August 5, 2020, to construct, maintain and operate in the present and future streets, alleys and public places in the City of Payette, Payette County, Idaho, and its successors, electric light and power lines, together with all the necessary or desirable appurtenances (including underground conduits, poles, towers, wires, transmission lines and telegraph and telephone lines for its own use), for the purpose of supplying electricity to said City, the inhabitants thereof and persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

Section 2. Poles and towers shall be constructed in a good and substantial manner, and will be so erected as not to interfere with travel or ordinary use of streets and alleys nor be in violation with the general ordinances of the City of Payette, Idaho. The location of poles, towers and conduits shall be fixed under the supervision of the City Council of the City, but not so as to interfere unreasonably with the proper operation of the Grantee's lines.

Section 3. The Grantee shall indemnify and save the City harmless from any and all expense or liability which may accrue to it by reason of the negligence or misconduct of the Grantee in the construction, operation or maintenance of its system hereunder.

Section 4. The City shall have the free right and privilege to string and maintain wires for its municipal police and fire alarm systems upon the poles and other facilities erected and maintained by the Grantee herein.

Section 5. The City of Payette may at any future date impose a franchise tax, fee or charge for the license privilege and franchise granted herein.

Section 6. That this franchise may be revoked and terminated by the City of Payette, Idaho in the event that the Grantee herein fails to use diligence to supply the City and its inhabitants with ~~continuous~~ electrical service.

Section 7. This right, privilege and franchise granted herein shall be subject to change and modification by Rules and Regulations of the Idaho State Public Utilities Commission and by Idaho State Statutes.

Section 8. The Grantee shall file with the City Clerk an acceptance in writing of this franchise, on or before thirty days after the final passage hereof.

Section 9. This ordinance shall take effect upon its passage, approval by the Mayor, acceptance by the Grantee herein, and publication within one month after its passage.

Section 10. The Grantee has constructed and now is maintaining operating electric utility property and facilities in and upon the streets, alleys, avenues, highways, boulevards, thoroughfares and public places in the City under a franchise Ordinance No. 384, which will expire on July 7, 1980, and both the Grantee and the City desire to revoke Ordinance No. 384 effective as of the end of the day on August 5, 1970, and to have the new franchise be in force and effect on August 6, 1970. It is hereby adjudged and declared that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and franchise Ordinance No. 384 is revoked as of 12:00 P.M., August 5, 1970, and this ordinance shall take effect and be in full force and effect upon August 6, 1970.

Passed by the City Council of the City of Payette, Payette County, Idaho, on the 3rd day of August, 1970.

Wesley O. Boehr  
Mayor of the City of Payette, Idaho

WITNESS:

Barbara A. Medford  
Clerk of the City of Payette, Idaho