

First reading June 20th 1909
65

ORDINANCE NO. 142 *By Thayer*

---oOo---

AN ORDINANCE, granting a franchise to the PAYETTE ELECTRIC COMPANY, LIMITED, a domestic corporation of the State of Idaho, its successors and assigns, the authority, right, privilege and franchise, to locate, construct, erect, operate and maintain poles, wires, subways, conduits, under-ground conduits and electrical conductors, with necessary cross-braces, supports, cross-arms, feeders, and other necessary appurtenances and appliances for the reception into the City of Payette and for the transmission in and through the same, and the distribution of electricity and electrical currents, for the purpose of furnishing electricity for light, heat, power and other purposes to the City of Payette and the inhabitants thereof, and any other business or corporations desirous of using the same, under, in or across, over, between and under the streets, alley-ways, avenues, lanes, bridges and public places in the City of Payette, Canyon County, and State of Idaho, and providing for the terms and conditions under which said authority and franchise is given and granted.

BE IT ORDAINED, By the Mayor and Council of the City of Payette, *Idaho*,

Section 1. There is hereby ^{granted} to the PAYETTE ELECTRIC COMPANY, LIMITED, its successors and assigns, under the terms and conditions hereinafter contained the full and complete authority, right, privilege, permission and franchise, to locate, construct, operate and maintain works,

poles, wires, subways, conduits, under-ground conduits, with the necessary cross-braces, cross-arms, feeders, and other necessary appurtenances and appliances for the reception into the City of Payette, Canyon County, Idaho, and the transmission in and through the same, and the distribution of electricity and electrical currents for the purpose of furnishing electricity for light, heat, power and other purposes to the City of Payette and to the inhabitants thereof, and to any other business or corporation desirous of using the same in, under, over, across, ~~between~~ and under the streets, alley-ways, avenues, lanes, bridges and public places, in the City of Payette, Idaho, as the same now exists or may hereafter be further laid out or extended.

Section 2. Any and all poles that shall hereafter be located, or erected or placed under the authority of this Ordinance and franchise, shall be ~~system~~ symmetrical in size, and shall be at least thirty (30) feet above the ground, of good sound material, and of sufficient size, and placed in the ground at such depth as will properly support all wires, eliminating so far as possible, the use of guy ropes and braces; the poles and lines shall be placed at the outer edge or side wherein same may be located in such place or places, as will not interfere with the ordinary use of the same, and shall be erected and located in the alleys near the side lines thereof, under the direction of the Street and Alley Committee, or such person as may be appointed by the Mayor and Council; all wires placed and stretched by virtue of this franchise, shall be safely placed at least twenty five (25) feet from the ground in such a way that they shall not interfere with the reasonable use of the streets,

alleys and public places by the public, and at least four (4) feet from any wires now lawfully entitled to be in any of the said alleys or public places.

Section 3. The said corporation shall do no permanent injury to any streets, side walks, lanes, avenues or public places, or in any manner unnecessarily disturb or interfere with any water, sewer or gas pipe, conduit or any underground work now or hereafter made by said City, ^{or lawfully entitled to in many public places} and when said corporation shall open ground in any street, it shall forth-with restore the said pavement, side-walk, ground, or water, sewer or gas pipe, conduit or other underground work to a condition equally as good as before, and at the expense of said corporation, and if said corporation shall fail or refuse to repair the same, such repairs may be made by the City of Payette, and the said corporation shall be liable for the necessary expense thereby incurred.

See 6 Ordinance No. 11

Section 4. The said corporation shall be held liable for any and all damages that ^{both property and} ~~the business and part-~~ ^{ies} may sustain by the exercise in an unreasonable, care-
^{manner} less or negligent/ of any authority in this franchise, and shall save the said City of Payette from any liability or damages thereunder.

Section 5. In consideration of the franchise herein mentioned, the said corporation shall furnish electricity and electric current to the said City of Payette, the inhabitants and corporations thereof, at not to exceed the following rates, to-wit:

LIGHT RATES.

For lighting purposes, 12½ cents per kilowatt hour, for the first 20 kilowatt hours consumed in any one

month; on the next following amounts used from 20 to 50 kilowatt hours, the rate shall be 9 cents per kilowatt hour; on amounts consumed from 50 to 100 kilowatt hours, 8 cents per kilowatt hour; on amounts consumed from 100 to 200 kilowatt hours, 5½ cents per kilowatt hour; on amounts consumed from 200 to 500 kilowatt hours, 5 cents per kilowatt hour; a minimum charge ^{of 1.00} may be made by the corporation of ~~not less than One (\$1.00) Dollar~~ per month to regular ^{consumers} ~~customers~~. It is further provided that the said corporation shall permit a reduction or discount of ten per cent for the payment by any customer at its office during the first ten (10) days of the succeeding month in which any power or light is used.

COMMERCIAL and POWER RATES.

The maximum rate shall be ten (10) cents per kilowatt hour for the first 50 kilowatt hours consumed in any one month; on amounts consumed from 50 to 100 kilowatt hours, 7 cents per kilowatt hour; on amounts consumed from 100 to 200 kilowatt hours, 5 cents per kilowatt hour; on amounts consumed from 200 to 500 kilowatt hours, 4½ cents per kilowatt hour; on amounts consumed from 500 to a 1,000 kilowatt hours, 3½ cents per kilowatt hour; from 1,000 to 2,000 kilowatt hours, 3 cents per kilowatt hour; from 2,000 to 5,000 kilowatt hours, 2½ cents per kilowatt hour. The maximum charge for the maintaining of appliances in service shall not exceed One (\$1.00) Dollar per month per horse power for connected load.

Meters shall be furnished free of charge to ^{regular} ~~all~~ ^{consumers} ~~customers~~, both for power and light service.

CITY OF PAYETTE RATES.

The light rates to the City of Payette shall not exceed the following for arc lights and incandescent lights, to-wit:

For 450 kilowatt arc lamps, Sixty (\$60.00) Dollars per year, for all night service; for 50 candle power incandescent lamps, Eighteen (\$18.00) Dollars per year, for all night service; ^{or at a meter rate of not to exceed 3 1/2 Per Kilowatt Hour} Electricity for power purposes for pumping water for the use of said City of Payette, shall be furnished on the following terms and conditions:

At the rate of 2 1/2 cents per kilowatt hour for current, or at a rate not to exceed 4 cents per thousand gallons of water pumped, with a total lift of 130 feet, and a pump efficiency of 75 per cent.

Section 6. In further consideration of the franchise herein granted, the said corporation agrees to furnish the said City of Payette the following amount of electric current free of any charge whatsoever, to-wit:

500 kilowatt hours per month for the purpose of lighting the City Hall and pumping station; 17 sixteen candle power lights for the lighting and illumination of the Elk's statute, situate near the Oregon Short Line Depot, in the said City of Payette; in no event shall any charge or claim be made against the said City for said electric current just hereinbefore mentioned; and the said free service granted by this corporation to the said City of Payette, shall be conclusively deemed and held to be the license tax paid by this corporation for this franchise.

Section 7. All rights and privileges granted under this franchise to said corporation and its assigns, shall be in force and effect for the term of twenty five (25) years

from and after the date of the passage of this Ordinance, and its signature by the Mayor. *Unless the said grantee or assignee shall forfeit the same power by failing to*
Section 8. The rights and privileges granted under this order ^{in full} and franchise ^{are} transferable, and the said City consents that any grantee or assignee or successor, may at any time during the life of this franchise, transfer the same to any person or corporation, it being understood however, that by the transfer the transferee is obligated by and bound by all the provisions and conditions contained in this Ordinance, to be done and performed by the said corporation.

Section 9. Upon the failure of the said corporation or its assigns, ^{or successors} to commence the erection of poles under this franchise with ^{in thirty 30} ~~sixty (60)~~ days from and after the passage and approval of this Ordinance and its acceptance, ^{and to furnish current within 120 days} then this said franchise shall become null and void.

Section 10. The said corporation shall within thirty (30) days after the passage and publication of this Ordinance and franchise, file an unconditional acceptance thereof in writing with the City Clerk of the City of Payette, ^{and also file a \$5000 forfeiture bond providing for the} and any rights and privileges herein ^{and bond} granted shall be null and void unless such acceptance is so filed.

Passed this _____ day of _____, A. D. 1909.

Approved this _____ day of _____, A. D. 1909.

M A Y O R.

Attest:

CITY CLERK of the City of
P A Y E T T E.

Complied with the terms and conditions thereof

provision of same within 30 days and furnishing current within 120 days or forfeit in full

Successors