

By  
W.A. Hutchinson

AN ORDINANCE CRANTING TO THE BEAVER RIVER POWER COMPANY ITS SUCCESSORS AND ASSIGNS, THE AUTHORITY, RIGHT, PRIVILEGE AND FRANCHISE TO DISTRIBUTE ELECTRICITY AND ELECTRICAL CURRENTS FOR THE PURPOSE OF FURNISHING THE SAME FOR LIGHT, HEAT, POWER AND ALL OTHER PURPOSES TO THE CITY OF PAYETTE, CANYON COUNTY, STATE OF IDAHO, AND TO THE INHABITANTS THEREOF, AND ALL OTHER PERSONS AND CORPORATIONS DESIROUS OF USING THE SAME, ALONG, IN, ACROSS, OVER, UPON AND UNDER THE STREETS, ALLEY-WAYS, AVENUES, LANES, BRIDGES AND PUBLIC PLACES IN SAID CITY OF PAYETTE AS THE SAME NOW EXIST OR MAY HEREAFTER BE ACQUIRED, LAID-OUT OR EXTENDED, AND IN ADDITION THERETO THE AUTHORITY, RIGHT, PRIVILEGE AND FRANCHISE TO LOCATE, CONSTRUCT, OPERATE AND MAINTAIN WORKS, POLES, WIRES, SUBWAYS, CONDUITS, UNDERGROUND CONDUITS, ELECTRICAL CONDUCTORS, CROSS-BRACES, CROSS-ARMS, FEEDERS AND ALL OTHER NECESSARY OR PROPER APPURTENANCES AND APPLIANCES FOR THE RECEPTION INTO SAID CITY OF PAYETTE AND THE TRANSMISSION AND DISTRIBUTION IN AND THROUGH THE SAME OF SAID ELECTRICITY AND ELECTRICAL CURRENTS FOR THE PURPOSES AFORESAID, ALONG, IN, ACROSS, OVER, UPON, AND UNDER THE SAID STREETS, ALLEY-WAYS, AVENUES, LANES, BRIDGES, AND PUBLIC PLACES OF SAID CITY OF PAYETTE, AS THE SAME NOW EXIST OR MAY HEREAFTER BE ACQUIRED, LAID-OUT, OR EXTENDED: AND PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH SAID AUTHORITY AND FRANCHISE IS GIVEN AND GRANTED.

BE IT ORDAINED By the Mayor and City Council of the City of Payette, Canyon county, state of Idaho.

Sec. 1. There is hereby granted to The Beaver River Power Company, a corporation, its successors and assigns a full and complete right, authority, privilege and franchise to distribute electricity and electrical currents for the purpose of furnishing the same for light, heat, power and all other purposes to the City of Payette, Canyon county, state of Idaho, and to the inhabitants thereof and all other persons and corporations desirous of using the same, along, in, across, over, upon and under the streets, alley-ways, avenues, lanes, bridges and public places in said City of Payette, as the same now exist or may hereafter be acquired, laidout or extended, and in addition thereto the authority, right, franchise, and privilege to locate, construct, operate and maintain works, poles, wires, subways, conduits and underground conduits, electrical conductors, cross-braces, cross-arms, feeders, and all other necessary or proper appurtenances

and appliances for the reception into the said City of Payette and the transmission and distribution in and through the same of said electricity and electrical currents for the purposes aforesaid, along, in, across, over, upon, and under the said streets, alley-ways, avenues, lanes, bridges and public places in said city of Payette, as the same now exist or may hereafter be acquired, laid-out or extended.

Sec. 2. Any and all poles that shall hereafter be located, or erected, or placed under the authority of this franchise and ordinance, shall be symmetrical in shape and shall be at least twenty-five feet above the ground, of good sound material and of sufficient size and placed in the ground at such depth<sup>as</sup> to properly support all wires, eliminating as far as practical, the use of guy-ropes and braces. All poles and lines shall be placed at the outer edge or side of streets or alleys wherein the same may be located, in such place or places as will not interfere with the ordinary and customary use of the same, and so as to do no unnecessary injury to shade trees along the line of location; but before any poles are set or conduits are laid or any other appurtenances connected therewith are laid underground a general plat or plan thereof shall be presented to the City Council for its approval, and when the same is approved, filed with the City Engineer of said City.

All wires placed and stretched by virtue of this franchise shall be safely placed at least twenty-five feet from the ground in such a way that they shall not interfere with the reasonable use, <sup>of the streets</sup> alley-ways, and public places by the public, and at least four feet from any wires lawfully entitled to be in any of the said streets, alleys or public places, at the time of the acceptance of this franchise.

Sec. 3. When the Company shall make any excavation, dig

any trench, hole or ditch, or in any manner interfere with any street, side-walk, cross-walk, or pavement, the same shall immediately be put into as good condition as it was in before such interference by the company; and in case the same shall not be put in as good condition as it was before such interference, the City of Payette may do the necessary work in putting the said street, alley or other ground or property in such condition, and the said Company, by the acceptance of this franchise, agrees to pay the expenses of the same.

Sec. 4. In consideration of the franchise herein granted the said The Beaver River Power Company, <sup>its successors or assigns</sup> shall furnish electricity and electrical currents to the said inhabitants of the city of Payette and corporations therein at not to exceed the following <sup>ing</sup> rates, to-wit:

Residence Lighting

For current consumed in one month as follows:

The first	20 kilowatt hours	12 cents per kilowatt hour,
" next	20 " "	10 " " " "
" "	20 " "	8 " " " "
" "	40 " "	6 " " " "
" "	100 " "	6 " " " "

Minimum bill, \$1.00 per month.

Commercial Lighting

For current consumed in one month, as follows:

The first	50 kilowatt hours,	10 cents per kilowatt hour,
" next	50 " "	8 " " " "
" "	100 " "	6 " " " "
" "	300 " "	5 " " " "
" "	500 " "	4 " " " "
" "	1000 " "	3 1/2 " " " "
" "	1000 " "	3 " " " "
" "	2000 " "	2-3/4 " " " "

Minimum bill, \$1.00 per month.

Power Rate

For current consumed in one month as follows:

The first	50 kilowatt Hours	10 cents per kilowatt hour,
" next	50 " "	6 " " " "
" "	200 " "	5 " " " "
" "	200 " "	4 " " " "
" "	500 " "	3 1/2 " " " "
" "	1000 " "	3 " " " "

The next 1000 kilowatt hours, 2½ cents per kilowatt hour,  
 " " 2000 " " 2 " " " "  
 " " 2000 " " 1-3/4 " " " "  
 " " 3000 " " 1½ " " " "  
 Minimum bill, \$1.00 per horse power per month  
 for connected load.

The said Company shall charge the City of Payette for lights not to exceed the following rates, to-wit:

Moonlight Schedule and Dark Nights

450 watt arc lights not to exceed \$60.00 <sup>per year</sup>; 50 candle power incandescent lamps not to exceed \$18.00 per year.

All Night and Every Night Schedule

450 watt arc lamps, not to exceed \$72.00 per year; 50 candle power incandescent lamps not to exceed \$21.00 per year, or, at a meter rate not to exceed four (4) cents per kilowatt hour, provided, the extensions of the street lighting system be limited to 1200 feet for each additional lamp.

The above rates shall be throughout the same as those maintained by The Beaver River Power Company in the City of Boise, ~~or any other city in the state~~ for similar service.

total energy under

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 And the recovery of any judgment therefor shall be final as between the City and said grantee, and its successors and assigns, and conclusive as to the liability of the latter to the former, Provided, that the grantee, its successors <sup>or</sup> ~~and~~ assigns, shall have had notice of the suit and opportunity to defend.

all damages or liability suffered on the part of  
 Sec. 6. Said company, and its successors and assigns, in consideration of the granting of this franchise, agrees to furnish the said City of Payette the following service free of charge for use only in lighting the City Hall building:  
~~75 kilowatt hours per month until the population of the City increases to 5,000; then the said City shall be entitled to the use of~~ 150 kilowatt hours per month until the population <sup>of the City</sup> increases to 7,500, then the said City shall be entitled

to 250 kilowatt hours per month until the population increases to 10,000, at which time the City shall be entitled to 500 kilowatt hours per month.

In addition to the above free service, said Company shall furnish one 16 candle power incandescent light for the City Pumping Station, and two 16 candle power incandescent lights for each of the City Fire Stations, and shall furnish power for seventeen 16 candle power lamps for lighting the Elk's Statute at the water fountain at the intersection of ~~Second and Commercial streets~~ *Second Street & First Ave North*; and the necessary current for the lighting of the 'Payette, Idaho', sign situated immediately <sup>East of</sup> ~~the~~ the Elk's statute above mentioned, from dusk until dawn, free of charge, the lights to be turned on and off by the City.

In no case shall the Company be entitled to any compensation for the said service herein named as free service, and such free service shall be deemed to be the license tax paid by the said Company for this franchise.

Provided, that said The Beaver River Power Company, its successors and assigns, shall only be required to furnish the free service hereinabove mentioned at such times as it shall be furnishing said City of Payette, for such compensation as may be agreed upon, all electric current used by said city for street lighting ~~and other municipal purposes.~~

Sec. 7. All rights and privileges granted under this franchise, to the said The Beaver River Power Company, its successors, grantees and assigns, shall be in full force and effect for the term of *2.5* years from and after the date of the passage <sup>approval and publication</sup> of this ordinance, ~~and its signature by the~~ *in the official newspaper of said City* ~~Mayor of the City of Payette.~~

Sec. 8. The rights and privileges granted under this franchise are and shall be transferable, and the said City consents that any grantee, assignee or successor may at any time during the life of this franchise freely and completely transfer the same to any person or corporation.

It being understood, however, ~~that~~ <sup>under</sup> by the franchise and transferee is obligated and bound by all the provisions and conditions contained in this Ordinance to be done and performed by the said The Beaver River Power Company.

Sec. 9. Unless electrical current shall be delivered for use in the City of Payette on or before January 1, 1914, by the said, The Beaver River Power Company, or its successors or assigns, then this franchise shall be voidable at the option of the City Council. Provided, however, that if, on or before said January 1, 1914, the said The Beaver River Power Company shall have built <sup>at least</sup> five miles of line, in addition to its existing line, intended for use in delivering said current to the City of Payette, then this franchise shall not become voidable, unless said Company fails to deliver current for use <sup>in</sup> ~~at~~ said City on or before one year from the date that this ordinance becomes effective.

Sec. 10. Said The Beaver River Power Company shall within ninety days after the passage of this ordinance and franchise file an unconditional acceptance thereof in writing with the City Clerk of the City of Payette, and any rights or privileges herein granted shall be null and void unless such acceptance is so filed.

Passed this <sup>28<sup>th</sup></sup> day of <sup>April</sup>..... A. D. 1913.  
Approved this <sup>28<sup>th</sup></sup> day of <sup>April</sup>..... A. D. 1913.

*H. J. Brammoch*  
.....  
MAYOR

Attest:  
*Martin Luther*  
.....  
CITY CLERK.