

ORDINANCE NO. 141 BY W. H. PLATT.

AN ORDINANCE GRANTING TO THE IDAHO-OREGON LIGHT AND POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE AUTHORITY, RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, LOCATE, ERECT, OPERATE AND MAINTAIN WORKS, POLES, WIRES, SUBWAYS, CONDUITS, UNDERGROUND CONDUITS AND ELECTRICAL CONDUCTORS, WITH THE NECESSARY GUARDS, SUPPORTS, CROSS ARMS, FEEDERS AND OTHER NECESSARY APPURTENANCES AND APPLIANCES FOR THE RECEPTION INTO THE CITY OF PAYETTE AND TRANSMISSION IN AND THROUGH THE SAME AND DISTRIBUTION OF ELECTRICITY AND ELECTRICAL CURRENTS, FOR THE PURPOSES OF FURNISHING ELECTRICITY FOR LIGHT, HEAT AND POWER, OR OTHER PURPOSES, TO THE CITY OF PAYETTE, AND THE INHABITANTS THEREOF, AND ANY OTHER PERSONS OR CORPORATIONS DESIROUS OF USING THE SAME, ALONG, IN, ACROSS, OVER, UPON AND UNDER THE STREETS, ALLEYS, AVENUES, LANES, BRIDGES AND PUBLIC PLACES IN THE CITY OF PAYETTE, COUNTY OF CANYON, STATE OF IDAHO, AND PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH THE SAID AUTHORITY IS GRANTED.

Be it ordained by the Mayor and Council of the City of Payette, Idaho:

Section 1. There is hereby granted to the Idaho-Oregon Light and Power Company, its successors and assigns, under the terms and conditions hereinafter provided, the authority, right, privilege and franchise to construct, locate, erect, operate and maintain works, poles, wires, subways, conduits, underground conduits and electrical conductors, with necessary guards, supports, cross arms, feeders and other necessary appurtenances and appliances, for the reception into the City of Payette, Idaho, and transmission in and through the same, and distribution of electricity and electrical currents, for the purposes of furnishing electricity for light, heat and power or other purposes, to the city of Payette, and the inhabitants thereof, and any other persons or corporations desirous of using the same, along, in, across, over, upon and under the streets, alleys, avenues, lanes, bridges and public places of the city of Payette, as the same now exists or may hereafter acquired, laid out or extended. For brevity the Idaho-Oregon Light and Power Company will be referred to as the "the Company".

Section 2. All poles that shall hereafter be erected or placed under the authority of this ordinance and franchise shall be symmetrical

in size and shape, of good sound material, of sufficient size, and shall be placed in the ground a sufficient depth to support all wires, the use of guy ropes or braces to be eliminated when and as far as practicable; the said poles shall be placed near the curb line of streets and along the outer edge of alleys, under the direction of the Street and Alley Committee, or some other person appointed by the Mayor and Council. All wires shall be placed at least twenty five (25) feet from the ground, so that the same will be safe, and not interfere with the use of the streets, alleys and public places by the public, and so that the said wires will not interfere with the other wires lawfully entitled to be in any street, alley or public place.

Section 3. When the Company shall make any excavation, dig any trench, hole or ditch, or in any manner interfere with any street, alley, public place, sidewalk, cross walk or pavement, the same shall be immediately put in 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 in 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.

Section 4. All poles, conduits and underground conduits shall be placed in such position that they will not interfere with any water pipe, sewer pipe and other pipes belonging to the city of Payette, or other pipes lawfully entitled to be in any street, alley or public place.

Section 5. The location of all poles, conduits and underground conduits shall be under the supervision and direction of the Street and Alley Committee, or some other person appointed by the Mayor and Council for such purpose.

Section 6. The Company shall be liable for all damages and injury to both persons and property, that may be sustained by the exercise of the authority herein granted, and shall save the city harmless from any liability or damages that it may sustain by reason of having

granted the said franchise; the acceptance of this franchise shall be an agreement to pay damages or liability suffered on the part of the said city.

Section 7. In consideration of the franchise herein granted, the said Company shall furnish light, heat and power to the said city of Payette, and the inhabitants thereof, at not to exceed the following rates, to wit:

LIGHTING RATES.

A minimum rate, not to exceed, one dollar per month to usual consumers, may be made on account of maintenance of apparatus in readiness for service, but, ~~not~~ otherwise, meters shall be furnished all resident and commercial consumers free of any rental charge. The maximum rate schedule shall be as follows:

RESIDENCE:

For the first 20,000	watthours	consumed	in	one	month,	15¢	per	1000	watthours.
For the next 20,000	"	"	"	"	"	10¢	"	"	"
"	"	"	20,000	"	"	9¢	"	"	"
"	"	"	40,000	"	"	8¢	"	"	"
"	"	"	100,000	"	"	6¢	"	"	"

COMMERCIAL:

For the first 50,000	watthours	consumed	in	one	month	10¢	per	1000	watthours.
For the next 50,000	"	"	"	"	"	8¢	"	"	"
"	"	"	100,000	"	"	6¢	"	"	"
"	"	"	300,000	"	"	5¢	"	"	"
"	"	"	500,000	"	"	4¢	"	"	"
"	"	"	1000,000	"	"	3½¢	"	"	"
"	"	"	1000,000	"	"	3¢	"	"	"
"	"	"	2000,000	"	"	2¾¢	"	"	"

POWER RATES:

The minimum charge for maintenance of apparatus in readiness for service shall not exceed one dollar per month per horse power of connected lode, and meters shall, otherwise, be furnished customers free of charge.

The maximum rate schedule shall be as follows:

For the first 50,000	watthours	consumed	in	one	month,	10¢	per	1000	watthours.
For the next 50,000	"	"	"	"	"	6¢	"	"	"
" " " 200,000	"	"	"	"	"	5¢	"	"	"
" " " 200,000	"	"	"	"	"	4¢	"	"	"
" " " 500,000	"	"	"	"	"	3½¢	"	"	"
" " " 1000,000	"	"	"	"	"	3¢	"	"	"
" " " 1000,000	"	"	"	"	"	2½¢	"	"	"
" " " 2000,000	"	"	"	"	"	2¢	"	"	"
" " " 2000,000	"	"	"	"	"	1-3/4¢	"	"	"
" " " 3000,000	"	"	"	"	"	1½¢	"	"	"

All resident rates subject to a discount of ten per cent. for the payment by any customer at the Company's office during the first ten days of the month succeeding the one in which the current was used.

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 lamps, not to exceed \$60.00 per year; 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 of not to exceed 4¢ per 1000 watthours: Provided the extensions ~~for~~ to the street lighting system shall be limited to twelve hundred feet for each additional lamp.

The above rates shall be throughout the same as those maintained in other ^{cities} on the line of the Company, similarly situated as to population and business, some of ^{which are} Weiser, Ontario and Emmett. The above rates shall in no case prevent the Company from making lower rates than herein specified.

Section 8. The 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; Seventy five kilowatt hours per month until the population of the city increases to five thousand; then the said city shall be entitled to the use of one hundred and fifty

kilowatt hours per month until the population of the said city increases to seven thousand five hundred, then the said city shall be entitled two hundred and fifty kilowatt hours per month until the population increases to ten thousand, at which time the city shall be entitled to five hundred kilowatt hours per month. In addition to the above free service, the said Company shall furnish one sixteen candle power incandescent light for the pumping station, and shall furnish current for seventeen sixteen candle power lamps for lighting the Elk statue at the water fountain at the intersection of Broad and Commercial from dusk until dawn, free of charge, the lights to be turned on and off by the city, and in no case shall the said Company be entitled to any compensation for the said service herein named as free service, and which free service shall be deemed the license tax paid by the said Company for this franchise.

Section 9. The rights and franchises granted under this ordinance shall run for the term of twenty five (25) years, unless the said grantee, its successors ~~and~~ or assigns, shall forfeit the same sooner by failing to comply with the terms and conditions thereof.

Section 10. The rights, privileges and franchises hereby granted are transferable, and the city of Payette consents that said grantee its successors or assigns, may at any time during the life of this franchise transfer the same to any person or corporation, the transferee however, to be, by the acceptance of said transfer, obligated to carry put, and bound by, all the conditions and agreements herein contained on the part of the said grantee, its successors or assigns, to be done and performed.

Section 11. Upon the failure of the said Company, its successors and assigns, to begin work within fifteen days after the passage, approval and publication of this ordinance, for the installation of its light, heat and power system, and to furnish current within ninety days thereafter; then this franchise shall be null and void and of no effect.

Section 12. Within fifteen days after the passage, approval and publication of this ordinance and franchise, the said Company shall

file an unconditional written acceptance with the said Clerk of the City of Payette, and shall file a five thousand dollar forfeiture bond, providing for beginning work within fifteen days and furnishing current within ninety days as provided in this section; and until said acceptance and bond are filed, the said Company shall not be entitled to any of the rights and privileges herein granted.

Passed the Council this 7th day of January, 1909.

M A Y O R.

ATTESTED.

Geo. W. Baker

C L E R K.

State of Idaho,
County of Canyon-ss.

I, Geo. W. Baker, Clerk of the City of Payette, Idaho, do hereby certify, that the foregoing ordinance was duly passed by the Council of the said City at a meeting held on the 7th day of January, 1909, and within three days thereafter the said ordinance was duly attested by the Clerk of the said City under the seal of the said City and presented to the Mayor for his approval; that prior to the next regular meeting, after said date, the Mayor returned the said ordinance to the Clerk with his ~~objections~~ veto and objections in writing; that, at the next regular meeting after the passage thereof and after the return by the Mayor with his objections in writing, the said ordinance was taken up for consideration, and upon a motion for the passage thereof over the Mayor's veto, having received a two thirds vote of all the members of the Council elected thereto, the said ordinance was declared ~~xxx~~ passed over the Mayor's veto.

Geo. W. Baker

Clerk of the said City.