

ORDINANCE NO. 209A

Introduced by: Henry E. Sigurdson

AN ORDINANCE granting to Pacific Power & Light Company, a corporation, and to its successors and assigns, a non-exclusive license and franchise for a period of twenty(20) years to construct, maintain and operate, in and on the present and future streets, alleys, bridges and public places of the City of Warrenton, electric light and power lines and appurtenances for the purpose of supplying electricity and electric service to the City of Warrenton, the inhabitants thereof and others, subject to the terms and conditions and to the making of the payments specified in the ordinance; and providing for the repeal of Ordinance 124 of the City of Warrenton, passed and approved September 14, 1914,

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. The City of Warrenton, hereinafter called the City, does hereby grant to Pacific Power & Light Company, a corporation, and to its successors and assigns, hereinafter called the Grantee, a license and franchise for the period of twenty (20) years from and after the effective date of this ordinance, to construct, maintain and operate in and on the present and future streets, alleys, bridges and public places of the City, electric light and power lines, with all the necessary or desirable appurtenances, for the purpose of supplying electricity and electric service to the City and the inhabitants thereof, and to persons and corporations beyond the limits of the City, subject to the conditions and restrictions provided by Chapter VII and to all other applicable provisions of the Charter of the City of Warrenton, effective January 2, 1923, as amended to date, and to the terms and conditions and to the making of the payments hereinafter specified.

Section 2. The license and franchise hereby granted shall not be exclusive; and the City expressly reserves the right, at any time during the term of the license or franchise hereby granted, to grant licenses or franchises for such purposes to other persons or corporations, as well as the right in its own name as a municipality to use said streets and public places

for such purposes, in the event that the City shall hereafter engage in the business of supplying electricity and electric service for municipal or other uses.

Section 3. The locations and methods of installation and maintenance of all poles, wires, fixtures, underground conduits, and appurtenances shall be subject at all times to reasonable regulation by the Commission of the City, or by such official of the City as may be designated by the Commission; and all such poles, wires, fixtures, underground conduits and appurtenances shall be so constructed and maintained as to interfere as little as practicable with street or other traffic. All of such poles, wires, fixtures, underground conduits, and appurtenances shall be installed and at all times maintained by the Grantee in safe order and condition and in accordance with good electrical practice.

Section 4. The service to be furnished hereunder by the Grantee shall be continuous and shall be adequate for the requirements of the City and its inhabitants, subject to accidents, interferences or interruptions beyond the reasonable control of the Grantee, and shall be furnished under such reasonable rules and regulations as the Grantee may make from time to time for the proper conduct of its business. Such service and all rates and charges therefor, and all rules and regulations pertaining thereto or to the making of necessary and proper extensions of service, shall be subject at all times to any rules, regulations and orders lawfully prescribed by the Public Utilities Commissioner of Oregon, or by any other authority having jurisdiction in the premises. Such rates and charges shall at no time exceed the rates currently prescribed by such rules, regulations and orders of such regulatory authority.

Section 5. When necessary, in order to permit any duly authorized person to move any building or other structure across or along any street, alley, bridge or public place within the City, the Grantee shall temporarily raise or remove its wires,

fixtures and appurtenances upon such streets, alleys, bridges or public places, upon reasonable notice in advance from such person, such notice to bear the signature of such official as the City Commission may designate, and at such time and in such manner as may be necessary reasonably to accomodate such moving, consistently with the maintenance of proper service to the Grantee's customers; provided, however, that the cost to the Grantee of such temporary raising or removal, and of any interruption of the Grantee's service to its customers caused thereby, shall first be paid or satisfactorily secured to the Grantee by the owner or mover of such building or other structure.

Section 6. The City shall have the right, without payment or charge therefor, to attach its fire alarm or police signal wires to the poles of the Grantee, but at its own risk and only in accordance with good electrical practice. Such fire alarm or police signal wires shall be subject to interference by the Grantee only when and to the extent necessary for the proper construction, maintenance, operation or repair of the Grantee's poles, wires, fixtures, conduits, and appurtenances.

Section 7. The Grantee shall protect and save the City, its officers, employees and agents, harmless against and from any and all damage claims, and any and all loss, liability, cost or expense, occasioned by any negligent act or omission of the Grantee in the construction, maintenance, operation or repair of the Grantee's property or any thereof; and the Grantee shall at all times comply with any lawful present or future charter provisions, ordinances, rules or regulations of the City relating to the manner of occupation or use, or to the repair or improvement, of streets, alleys, bridges and public places in the City.

Section 8. As compensation to the City for the right and franchise hereby granted, the Grantee shall pay to the

City on or before the 20th day of the month following the close of each calendar quarterly period during the term hereof, beginning with the calendar quarter ending December 31, 1941, a fee or charge equivalent to two per cent (2%) of the Grantee's gross receipts during the preceding calendar quarter from electric service furnished by the Grantee within the corporate limits of the City, other than such receipts from service to the United States of America or any agency thereof; and such compensation is hereby estimated and determined to be the fair compensation to the City for such license and franchise. The amounts so payable by the Grantee shall be in lieu of all other license, privilege, or occupation tax or charges which might otherwise be levied or collected by the City in respect of the electric business of the Grantee, or of the exercise of the license or franchise granted hereby, within the corporate limits of the City.

Section 9. The license and franchise hereby granted shall not be sublet or assigned, nor shall any of the rights or privileges hereby granted or authorized be leased, assigned, sold or transferred without the consent of the City of Warrenton, expressed by Ordinance duly passed by the Commission and approved by the Mayor of the City; but the consent of the City is hereby expressly given to the transfer by any mortgage or deed of trust of such license and franchise, along with the operating physical property and facilities of the Grantee located within the City, as security for any existing or future bona fide bond or other indebtedness of the Grantee.

Section 10. This ordinance shall be in full force and effect from and after twenty (20) days after its passage and approval, but shall become null and void unless within thirty (30) days after such passage and approval the Grantee shall file with the Auditor and Police Judge the Grantee's acceptance of the terms, conditions and obligations to be complied with or performed by it hereunder.

Section 11. This ordinance, if and when accepted as provided above, shall repeal Ordinance No. 124 of the City of Warrenton, passed by the Council of the City of Warrenton, and approved by the Mayor of said City on September 14, 1941, said Ordinance No. 124 being entitled " AN ORDINANCE granting to Pacific Power & Light Company, its successors and assigns, a franchise to construct, maintain and operate in the present and future streets, alleys and public places of the City of Warrenton and its successors, electric light and power lines and appurtenances thereto, for the purpose of supplying electricity to the City of Warrenton, the inhabitants and others."

Passed and adopted by the Commission this \_\_\_\_ day of \_\_\_\_\_, 1941.

ATTEST:

\_\_\_\_\_  
Auditor and Police Judge

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 1941.

\_\_\_\_\_  
Mayor