

ORDINANCE BILL NO. 3

ORDINANCE NO. 440

AN ORDINANCE granting unto P. A. Mitchell, his successors and assigns, the right to erect, place and maintain poles, wires, cables and other appliances and conductors and to lay underground wires for the transmission of electricity for telephone and telegraph purposes, in, upon, above and under the streets, avenues, alleys and thoroughfares in the City of Lebanon, Oregon, and to exercise the privilege of operating telephone and telegraph instruments in and doing a telephone and telegraph business within the City of Lebanon, Oregon.

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

SECTION 1. There is hereby granted by the City of Lebanon, Oregon, unto P. A. Mitchell, his successors and assigns, the right and privilege to do a general telephone and telegraph business in the City of Lebanon, Oregon, and to place, erect, lay, maintain and operate over and under the streets, alleys, avenues and thoroughfares within the said City, poles, wires, cables and other apparatus and appliances and conductors for the transmission of electricity for telephone and telegraph purposes. Such wires, cables and other appliances may be strung upon poles or other fixtures above the ground, or, at the option of the grantee, its successors or assigns, may be laid or placed underground in pipes or conduits or otherwise protected, as the said grantee may deem advisable.

SECTION 2. It shall be lawful for the said P. A. Mitchell, his successors or assigns, to make all needful excavations in any streets, alleys, avenues and thoroughfares in the said City of Lebanon, except as herein otherwise provided, for the purpose of placing, erecting, laying and maintaining poles, cables, wires or other supports or conductors for the said wires, or repairing, renewing or replacing the same and the said work shall be done in compliance with the rules, regulations, ordinances or orders which may, during the continuance of this franchise, be adopted, from time to time, by the Council of the City of Lebanon, Oregon, and all such poles to be of lawful size and height and erected in a substantial, safe and workmanlike manner and to be so placed as not to interfere with travel on or use of said streets, alleys, avenues or thoroughfares, or with any object lawfully existing in said streets, alleys, avenues and thoroughfares of said City, subject, however, to the supervision and control of the Council of said City.

SECTION 3. Whenever the said P. A. Mitchell, his successors or assigns, shall disturb or tear up any of the said streets, alleys, avenues or thoroughfares of the said City, for the purpose of aforesaid, he or they shall restore the same within ten (10) days to as good condition and repair as the same was before being disturbed or torn up. And whenever it shall be necessary, in the laying of underground wires, cables or conduits, to take up any sidewalk or pavement, or to dig up the ground at the corner of any street, alley, avenue or thoroughfare of the said City of Lebanon, the said P. A. Mitchell, his successors and assigns shall thereafter and without delay remove any and all debris and materials caused or created thereby, and shall put such sidewalk or pavement, street, alley, avenue and thoroughfare in as good condition as the same was before it was taken up or disturbed.

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The Committee on Streets and Public Property of the Council of the City of Lebanon, or such other committee or official as the Council of the said City of Lebanon, may designate, shall have the right to cause the said grantee, his successors or assigns, to change the location of any of its poles, wires, conduits, cables or other conductors, whenever public convenience shall require the location of the same elsewhere, and the expense of such change or removal shall be borne by the said P. A. Mitchell, or his successors or assigns.

SECTION 4. Nothing in this franchise shall be construed in any way to prevent the proper authorities of the City of Lebanon from sewerage, grading, planking, rocking, paving, repairing and altering or improving any of the streets, alleys, avenues and thoroughfares within said City in or upon which the poles, cables, wires or other conductors of the said Company shall be placed, but all such work or improvement shall be done, if possible, so as not to obstruct, disturb or prevent the free use of said poles, cables, wires, conductors, pipes or other apparatus.

SECTION 5. IN CONSIDERATION of the rights and privileges herein granted, the said City, by its authorized officers, shall have, and the said P. A. Mitchell, his successors and assigns, hereby grants to it, the right and privilege to suspend and maintain on poles placed by said grantee, his successors and assigns, in the streets, alleys, avenues, and thoroughfares, any and all wires which said City may require, exclusively for its own use, for fire alarm and police telegraph or telephone purposes, or if said wires are placed underground, the use of one duct in each conduit of the underground system of the grantee, free of charge to the said City, and all such wires shall be placed upon the poles or in the conduit or cables so as not to interfere with the telephone service, and shall not carry current or voltage dangerous to the telephone plant or telephone users. And the said grantee, his successors and assigns, agree to furnish, free of charge, one telephone in the City Hall and one at the Fire Station, and to keep the same in good order.

SECTION 6. IN FURTHER CONSIDERATION of the rights, privileges and franchises hereby granted the said P. A. Mitchell, his successors and assigns, shall pay to the City of Lebanon, the sum of One Hundred Twenty Dollars (\$120.00) a year to be paid each and every year during the term of this franchise and grant, the same to be paid quarterly in advance at the rate of Thirty Dollars (\$30.00) per quarter, beginning January first, 1933; which payment shall be in lieu of all licenses or other charges which might be imposed or required by the said City from the said P. A. Mitchell, his successors or assigns, for the privilege of conducting a telephone and telegraph business in the said City.

SECTION 7. Whenever any person has obtained permission of the proper City officials to use any of the streets of said City for the purpose of moving any building, the said P. A. Mitchell, his successors or assigns, upon reasonable notice from such person and his paying the actual costs thereof, shall raise or remove any and all of the said wires or cables which may obstruct the moving of such building, so as to allow the unobstructed passage of the same; and in case of the failure of said grantee, his successors or assigns, to comply with the terms of this section, the Superintendent of Streets, or other proper officer of the said City, shall be and is hereby authorized to remove said wires at the expense of said grantee, his successors or assigns.

SECTION 8. In case it shall be necessary to cut or remove any of the said wires, cables or other conductors of electricity or equipment of the said grantee, in order to get fire ladders or other apparatus to a building during a city conflagration, the said City of Lebanon shall not be liable for any damages done to such wires, cables or conductors or equipment.

SECTION 9. ^{jurisdiction} IN CONSIDERATION of the granting of this franchise the said grantee agrees to paint all its ~~poled~~ poles that are in the streets, upon the order of the Council to do so, and to keep the same neatly painted as often as the Council may order, but not oftener than once in three years.

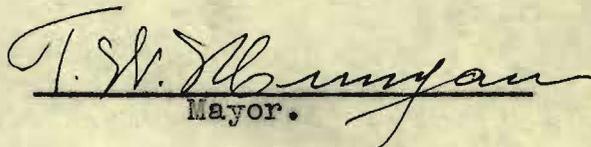
SECTION 10. In the event of placing of any additional poles within the fire limits of the said City, a permit must be obtained from the Committee on Streets and Public Property of the Common Council of the City of Lebanon, with the approval of the Chief of the Lebanon Fire Department, endorsed thereon.

SECTION 11. If the said P. A. Mitchell, his successors or assigns, shall fail, neglect or refuse to comply with all the terms of this franchise and to do and perform all the things to be done or performed by him as herein provided, then the rights, privileges and franchise hereby granted shall be forfeited to the City of Lebanon, and the said P. A. Mitchell, his successors or assigns, shall at once remove all its poles, wires and equipment out of the streets of said City, or failing to do so shall be subject to the penalties of doing business without a franchise.

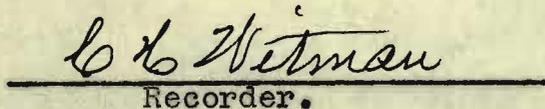
SECTION 12. The rights, privileges and franchises hereby granted shall continue in force for a period of Ten (10) years from and after the first day of January, 1933.

SECTION 13. This Ordinance shall be in full force and effect from and after January first, 1933, and within thirty days of the passage of this Ordinance the said P. A. Mitchell shall file with the Recorder of the City of Lebanon his written acceptance of all the terms and conditions of this Ordinance and Franchise.

SECTION 14. This Ordinance passed by the unanimous vote of all members elected to the Council taken by roll-call and by aye and nay vote and entered in the minutes of the Council proceedings this
this 2nd day of May, 1933. Approved by the Mayor
2nd day of May, 1933.


Mayor.

Attest:


Recorder.

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Ordinance No 440

Telephone Franchise

dated May 2 1933

Also No 445 Contract

Signed
J. Lewis

Telephone Agreement

J. S. Mayer

422 - location of 2540

by C. M. Allen

City of Lebanon

ORDINANCE BILL NO. 3 for 1933

ORDINANCE NO. 440

RESOLUTION NO. _____

Title: Telephone Franchise
P. A. Mitchell

Read first time Mar 21st, 1933

Read second time March 24, 1933⁹

Read third time May 2, 1933

Passed by Council May 2, 1933

Approved by Mayor May 2, 1933

Filed May 6th, 1933

W. H. Vitman

City Recorder

F. D. MAYER
City Attorney