

Ordinance Bill no 30.

ORDINANCE NO. 30

AN ORDINANCE GRANTING UNTO THE MOUNTAIN STATES POWER COMPANY, ITS SUCCESSORS OR ASSIGNS, FOR THE PERIOD OF FIFTY YEARS, THE FRANCHISE AND RIGHT TO ERECT AND MAINTAIN A SYSTEM FOR THE TRANSMISSION OF ELECTRICITY THROUGH AND THE DISTRIBUTION AND SALE OF ELECTRICITY IN THE CITY OF SWEET HOME, OREGON, AND TO ERECT AND MAINTAIN IN THE STREETS AND ALLEYS OF THE CITY OF SWEET HOME, OREGON, ALL SUCH ELECTRIC POLES, LINES OF WIRES AND OTHER FIXTURES AND EQUIPMENT AS MAY BE NECESSARY OR CONVENIENT FOR THE PURPOSE OF MAINTAINING AND OPERATING SAID SYSTEM, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF SWEET HOME DO ORDAIN AS FOLLOWS:

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. The franchise and right to erect and maintain a system for the transmission of electricity through and the distribution of electricity in the City of Sweet Home and for the sale of electricity in said City to the inhabitants thereof and to erect and maintain all such poles, wires, lines of wires, and other fixtures and equipment in and upon the streets and alleys of the City of Sweet Home as may be found necessary or convenient for the purpose of maintaining said system for the transmission, distribution and sale of electricity and for carrying on and operating a system for the transmission, distribution and sale of electricity in said city and to construct, erect, build and maintain in said City all such buildings, plants and machinery as may be necessary or convenient for the purposes aforesaid, is hereby granted to Mountain States Power Company, a corporation, duly incorporated and existing under the Laws of the State of Delaware, and to its successors and assigns.

Section 2. The said Mountain States Power Company and its successors and assigns, shall erect and maintain all

such poles, wires, equipment and structures in such manner as not to interfere with the use of the streets and alleys for travel, and whenever it shall be necessary in the erection of any poles, towers or other fixtures or equipment to dig or in any manner to interfere with any of said public streets or alleys said company and its successors and assigns shall within a reasonable time thereafter put such street or alley in as good condition as it was before it was broken, dug or disturbed and shall remove all surplus rubbish or other material from such streets or alleys.

Section 3. The said Mountain States Power Company shall have the right and privilege of trimming all trees which overhang the streets in such a manner and to such an extent as will prevent the branches or limbs or other parts of such trees from touching or interfering with its wires, poles and other fixtures and equipment; providing no such trees are trimmed or cut back farther than may be necessary to prevent said interference and to allow the proper operation and maintenance of said lines, poles and fixtures.

Section 4. All the rights herein granted shall continue and be in full force and effect for fifty (50) years from and after the date this ordinance becomes effective.

Section 5. Within 20 days from and after the date this ordinance becomes effective and an ordinance of the City of Sweet Home the said Mountain States Power Company, or its authorized officer or agent shall file with the City Recorder its unqualified written acceptance of the terms, conditions and provisions of this ordinance, and the failure on the part of said company, its successors and assigns, to file said written acceptance within the time herein limited, shall be deemed an

abandonment of the rights and privileges herein conferred and of this franchise.

Section 6. Said Mountain States Power Company, its successors and assigns, shall maintain and operate its system for the distribution of electricity in the City of Sweet Home so as to furnish what is known as a twenty-four hour service, unless prevented by strikes, litigation, accidents, breakdowns, storms, washouts, shutdowns for necessary repairs, or for any cause not within the control of said company.

Section 7. The said Mountain States Power Company, its successors and assigns, shall within thirty days after the filing of its written acceptance of this franchise, as provided in paragraph 5, commence the actual construction work upon a line for the transmission of electric energy from Lebanon, Oregon, to Sweet Home and shall continue with the construction of the same along the Santiam Highway as diligently as the construction work of said highway will allow and will prosecute such work and the work constructing its distribution system in Sweet Home with due diligence, unless said Mountain States Power Company, its successors and assigns, shall be delayed or prevented on account of delay in securing necessary franchises and permits from the Highway Commission of Oregon or unless prevented by strikes, litigation, storms, washouts, weather conditions, accidents, breakdowns or other causes not within the control of said company, and if said Mountain States Power Company, its successors and assigns, shall fail to commence the work of constructing said transmission line and prosecute the building of the same to Sweet Home and the work of constructing the distribution system therein, then the council of Sweet Home may, by ordinance, declare this franchise forfeited; pro-

vided, however, nothing herein contained shall prevent the council from extending the time within which the company is required to commence or prosecute any of the construction work aforesaid; and providing further, nothing herein contained shall prevent said Mountain States Power Company or its successors and assigns, from transmitting said electricity from a different point than Lebanon or from constructing its transmission line on and along a different route than said Santiam Highway if it finds it necessary or more practical or feasible to do so.

Section 8. WHEREAS, the inhabitants of the City of Sweet Home are without electric energy for lighting and industrial purposes and the streets of said City are unlighted; and,

WHEREAS, it is necessary that the City of Sweet Home and its inhabitants may use its streets with safety and may adequately light their homes and may provide electric energy for industrial enterprises; and,

WHEREAS, it is the judgment of the council of the City of Sweet Home that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety and good of the people and property of the City of Sweet Home.

THEREFORE, for the reasons stated in this section of this ordinance, an emergency is declared to exist and this ordinance declared necessary for the immediate preservation of the public health, safety and good of the City of Sweet Home, and for the reasons stated in this section of this ordinance it is necessary that this ordinance become immediately operative and in effect and for said reasons an emergency is hereby declared to exist and this ordinance shall take effect

and be in full force immediately after its passage by the Council and approval by the Mayor.

Approved this 4th day of Sept., 1928.

Ernst Schall
Mayor.

Passed by the Council August 28, 1928.

Approved by the Mayor Sept 4, 1928.

Carl Markin
Recorder of the City
of Sweet Home.