

ORDINANCE NO. 24

AN ORDINANCE GRANTING TO STEVEN PARR, HIS SUCCESSORS AND ASSIGNS, THE RIGHT TO ERECT POLES AND STRETCH WIRES THEREON FOR ELECTRICAL PURPOSES AND TO CARRY ON BUSINESS OF FURNISHING AND SELLING ELECTRIC LIGHT, HEAT AND POWER WITHIN THE TOWN OF GRANITE FALLS.

BE IT ORDAINED by the Council of the town of Granite Falls.

Section 1: That there be and hereby is granted to Steven Parr, his successors and assigns, for the period of Twenty-five (25) years, from the date of the passage of this ordinance the right, privilege, authority and franchise, subject to all the conditions, limitations, restrictions and provisions herein contained to erect, place, construct, maintain and use underground conduits with all the appliances necessary to operate the same through which to stretch electric wires for the transmission and distribution of electricity, through, under along and across all the streets, alleys, avenues, parks and public grounds of the town of Granite Falls as they now are or may hereafter exist, also to set, erect, construct, maintain in and use poles with or without cross-arms, for the support of wires in, over and along the streets, avenues, alleys, parks and public places and grounds of the town of Granite Falls, and to attach wires to such poles and cross arms and stretch such wires from pole to pole over, upon or along such streets, avenues, alleys, parks and public grounds, and maintain and use such conduits, poles and wires for the transmission and distribution of electric current for electric power, heat and light, and for any other purpose for which electricity may be used, and to furnish electric power, heat and light within the town of Granite Falls for municipal, commercial, domestic and manufacturing uses, and for any other use or uses to which electricity may be put, and to fix, charge and collect reasonable tolls, rates and compensation for such power, heat, light and use: Provided that the said grantee shall furnish for the City Hall such lights as the council may require free of cost.

Section 2: That wherever it shall be necessary in the construction of such conduits, manholes, or the

erection of such poles, to take up any portion of the sidewalk, street planking or pavement, or to dig up the ground at or near the sides, corners or street crossings of such streets, avenues, alleys, parks or public grounds the said grantee, his successors and assigns shall after such conduit, manholes, or poles are constructed and erected, replace without delay such sidewalks, street planking or pavement, and properly refit the stringers, planking or pavement thereon, in a careful and workmanlike manner, and remove from such streets, alleys, sidewalks, parks and public grounds, all rubbish, dirt and other material that may have been placed there, taken up or dug up in the placing or construction of such conduits and manholes or in the erection of such poles, and shall restore the sidewalks, street, alley, park or public ground to as good condition as it was before it was taken up, dug up or disturbed. Failing to do, the Town Council shall have the right to fix by resolution a reasonable time within which such repairs and restoration of said highway shall be completed, and if not so completed within the time so designated, the said repairs shall be made by and under the direction of the town council and charged to and collected of the said grantee, his successors and assigns. Further any and all damage or injury that may be occasioned to the property abutting on any street, avenue, alley or other public ground in said town, by the construction, laying or erection of such conduits and manholes and poles, shall be compensated for to the said abutting owner by the said grantee, his successors or assigns.

Section 3: That the grantee, his successors and assigns, shall have the privilege at his or their option, at any time during the life of this franchise to change the system of distribution of electric current on any of the streets, avenues, parks or other public places of the said town from an overhead or pole system to that of a partial or all underground or conduit system subject to the conditions and restrictions herein specified.

Section 4: That whenever any person or persons shall have obtained permission from the public authorities of said town to use any of the streets, avenues, alleys or other public places of the town for the purpose of removing any building or other structure, said grantee, herein, his successors and assigns, upon twenty-four hours written notice from such person or persons shall raise or remove any such overhead wires which may obstruct the free passage of such building or other structure in its removal, so as to allow the free passage thereof; such notice shall be in writing and shall be served in

the same manner as provided by law for the service of a summons in a civil action in the Superior Courts of this state and shall specify the route of said proposed removal, and in case said grantee, his successors or assigns shall refuse or neglect to remove said wires or raise the same, within forty-eight hours after such notice is served as aforesaid, the Town Council shall have such wires so raised or removed at the expense of the said grantee, his successors or assigns.

Section 5: That by accepting the rights, privileges and franchises herein granted, the grantee his successors and assigns, for himself, and them, covenants with the town of Granite Falls, to indemnify the said town against all and any damage or injury arising from any casualty or accident to persons or property caused by negligence or omission to keep such conduits, man-holes, poles and wires in a reasonable safe condition, and further covenants to pay all legal and valid claims against the town of Granite Falls for damage caused by any omission or negligence to keep such conduits, man-holes, poles and wires in a reasonably safe condition.

Section 6: That the town of Granite Falls shall at all times have the right to make use of any and all poles of said grantee, his successors and assigns, for the stretching of wires owned or controlled by the said town of Granite Falls for fire alarm, telegraph or police signal call service or other municipal service or purpose and of attaching its fire alarm and police signal call boxes to said poles, without making any compensation for such use, but such use shall be in such manner as not to interfere with the full and free use of said grantee, his successors and assigns, of said poles.

Section 7: That unless the said grantee, his successors and assigns shall within 30 days after the passage and approval of this ordinance file with the town clerk of the town of Granite Falls, his or their acceptance of the franchise herein and hereby granted, this ordinance shall become void. That unless work on said electric light plant shall be begun by August 1, 1905, and be in successful operation by January 1, 1906, then this ordinance shall become void.

Section 8: This ordinance shall take effect and be in force on and after its approval and publication.

Passed and approved this 27th day of December, 1904.

ATTEST:
CHAS. T. SMITH
Town Clerk

B. E. CHAPPELL, Mayor