

Ordinance # 27

An ordinance authorizing and empowering W.C. Cheney, his successors and assigns, to construct, maintain and operate a system of works in the town of Coupeville, Washington, for the manufacture, distribution and sale of electricity for lights and power, and granting the right to erect poles and string wires thereon, and to lay pipes and conduits in, over and under and through the streets, alleys, avenues, thoroughfares and Public Highways, and Public grounds of said town of Coupeville, for supplying said town and its inhabitants, and any and all persons, companies or corporations within said town or without ~~said town~~ the same, with electricity for lights or power, or both.

Be it Ordained by the Council of The Town of Coupeville, Washington:

Sec. I. That W.C. Cheney, his successors and assigns, be and they hereby are granted the right, authority and franchise, on the conditions and for the considerations in this ordinance expressed, to construct, maintain and operate equipment and apparatus for an electrical system, for lighting and power purposes, and to erect and maintain poles, wires appurtenances, and to lay pipes and conduits in, on, over and under the streets, alleys, avenues, thoroughfares, public highways and public grounds in said town of Coupeville, Washington, for the manufacture and distribution of electricity for lights and power for supplying said town, its inhabitants and any and all persons, companies or corporations within or without said town.

Sec. II. That the dimensions of the poles shall be subject to reasonable control of the town Council of said town, and the work of erecting poles and

strengthening wires thereon, or laying out  
pipes or conduits, repairing and main-  
taining the same shall be con-  
ducted and performed so as to cause  
the least possible delay and in-  
convenience to the use by the public  
of the said streets, alleys, avenues,  
thoroughfares and public highways,  
in, on, over, under or through  
which said work is being performed,  
and all excavations in any of said  
street, alley, avenue, thoroughfare  
and public highway made by W. C.  
Cheney, his successors or assigns,  
shall be by him or them immediately  
refilled upon the completion of such  
work, which shall be done in a  
reasonable time, so as to permit  
the use thereof by the public, and  
all surplus earth, rubbish, material  
or debris of any kind shall be promptly  
removed therefrom by the said W. C.  
Cheney his successors or assigns,  
and such streets, alleys, avenues,  
thoroughfares or public highways  
restored to as good condition as  
the same were before such work  
was done, and if the said W. C.  
Cheney his successors or assigns  
shall fail, or refuse to perform such  
work within a reasonable time,  
the town council may, after due  
written notice to the grantee herein,

cause the same to be done at the  
expense of said grantee, and if he  
or they refuse to pay the same  
within thirty days after receiving  
written notice of the amount of such  
expense, the town council may at  
its option forfeit and declare at an  
end the franchise herein granted.

Sec. III. In case the said town  
council shall at any time change  
the grade of any street, alley, avenue,  
thoroughfare or public highway,  
in, on, over, under or through

W. C. Cheney, his successors or assigns, shall have constructed any portion of the works authorized by this ordinance, it shall be the duty of the grantee, upon three days notice in writing from said town of Couperville, by its duly authorized officer to remove or place on proper grade, at his own expense and without cost or damage from said town, that portion of his plant so affected by such change of grade, and the said grantee is hereby required to string his wires not less than twenty feet above ground if string on poles or other appliances above ground.

Sec. 4. The said grantee shall begin the construction of his plant at once upon the taking effect of this ordinance, and shall have the same in operation on or before the first day of February, 1915, on which date he shall be required to supply lights and power according to the terms of this ordinance.

Sec. 5. In case of any unavoidable delay in the construction of said electric light plant by the said W. C. Cheney, his successors or assigns, the town council may, at its option, grant an extension of the time for the completion of said work, which in no event shall be extended beyond an amount of time equal to the time of unavoidable delay from whatever cause.

Sec. 6. That so soon as the plant aforesaid is sufficiently constructed which shall not be later than February first, 1915, so that the grantee herein is able to manufacture and sell electric current therefrom, and thereafter during the life of the franchise herein granted, the said W. C. Cheney, his successors or assigns shall furnish the same to the town of

its request, and to the inhabitants thereof upon their request, lights and power at prices herein specified, and where no price is specified, at prices that are reasonable, to be based upon rates charged for similar service plants in other towns in Western Washington, of ~~the~~ about the same size as Coupeville Washington.

For one 20 watt light in residence the charge shall be \$ .50 per month; for one 20 watt light in residence the charge shall be \$ 1.50 per month; In no event shall charges exceed the above, but they may be less, and other charges not specifically fixed herein shall be regulated as herein regulated.

Sec. 7. The town of Coupeville shall not be liable for any damages that may, from any cause, result from the erecting of poles or from stringing of wires thereon or from excavating and laying pipes or conduits by the grantee herein, his successors or assigns, but the said grantee, his successors or assigns shall save the city harmless and free from any and all damages, and should any final judgement be recovered against said town on account of such damages, such grantee shall pay the same within sixty days after being notified in writing so to do by the town clerk of said town, and the failure of said grantee, his successors or assigns to make such payment within sixty days shall be ground for forfeiting all the rights and privileges granted hereby; provided, however, that in case suit is brought against said town on account of such damages, and before the trial of such suit the said town shall give notice in writing ~~in~~ to said

grantee, his successors or assigns of  
the pendency of the same.

Sec. 8. The rights, privilege and  
franchise herein granted shall not  
be exclusive, but the said town  
reserves the right to grant similar  
franchises to any persons, or persons,  
companies or corporations.

Sec. 9. The rights, privileges, and  
franchise herein granted shall be  
and remain in force and effect  
for a period of twenty-five years from and  
after the taking effect of this ordinance  
and no longer and shall absolutely  
cease and terminate at the end  
of ~~two~~ said term of twenty-five years.

Sec. 10. The town council reserves  
the right to cancel and terminate  
this franchise at any time if the  
said W. C. Cheney, his successors or  
assigns shall fail to perform any  
of the conditions of this ordinance  
and franchise herein granted, or  
fail to cause at any time to operate  
said plant in an efficient manner  
and supply light and power as  
herein provided.

Sec. 11. This ordinance shall take  
effect and be in force from and  
after its passage, approval and pub-  
lication according to law.

Passed October 27 1914

Approved October 27 1914

Attested by,  
W. J. Hrubid  
Clerk.

James Gylstra  
Mayor.