

ORDINANCE No. 42

AN ORDINANCE of the Town of Coupeville, Granting to Puget Sound Power and Light Company its successors, grantees and assigns, the right, privilege, authority and franchise to lay down conduits, erect poles, string wires, constarct, operate and maintain an Electric Plant for the Generation, transmission, distribution, sale and furnishing of electricity for light, heat and power and other purposes in , over, upon, along and under existing and future street, boulevards, avenues, alleys and other public places within the present and future limits of the Town of Coupeville

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF COUPEVILLE:

Section 1. The Town of Coupeville does hereby grant unto Puget Sound Power & Light Company its successors, grantees and assigns for a period of fifty (50) years from the taking effect of this Ordinance, the right, privilege, authority and franchise to erect poles, string wires, lay down conduits and all necessary equipment of every sort in over, upon, along and across all streets, boulevards, avenues alleys and other public places now existing and hereafter established, within the present and future limits of said town and to maintain and use the same for and in connection with or to facilitate the generation, transmission, distrigution, sale, or furnishing of electricity for light, heat and power and for any other purpose for which electricity may now or hereafter be used, and to charge and collect just, fair, reasonably and sufficient tolls, rates and compensation therefor. All poles or posts for the suspension of the wires or cables hereunder shall be placed inside of and adjacent to the curb of the sidewalk on improved streets and shall be of a height sufficient to carry the wire or wires not less than (15) feet from the surface of the ground or sidewalk. Poles to be metal or wood at the election of the grantee; wood poles to be peeled and all poles painted when required by the town council. Where practical, poles shall be placed in the alleys. The excavation of poles to be approved by the Town Council or other public body or officer. All of which rights, privileges, franchises,

and authorities are hereby granted, subject to all the conditions, restrictions, specifications, and requirements in this Ordinance expressed.

Section 2. The Town of Coupeville shall retain the same control which it now possesses of the streets, avenues, boulevards, alleys, and public places in along, over and across which said wires and cables shall be laid or strung as over the streets, avenues, boulevards, alleys and public places, and shall have such further control and police powers over all rights-of-way herein granted as the law may now or hereafter permit.

Section 3. The grantee, by the acceptance of this grant, does agree to protect and save harmless, the Town of Coupeville from all claims, actions, or damages of every kind and description which may occur to or be suffered by any person or persons by reason of the construction, maintenance, or occupation of any rights-of-way, or by reason of the operation by the grantee of its electric plant. and in case any action or suit shall be begun against said Town for damages arising out of or by reason of such construction, maintenance, occupation or operation such grantee may and shall upon timely notice to it of the commencement of such action or suit defend the same at its sole cost and expense, and in case judgment shall be entered against said Town in such action or suit shall fully satisfy such judgment within ninety (90) days after such action or suit shall have been finally determined if determined adversely to said Town.

Section 4. The grade of the streets, avenues, boulevards, alleys, and public places covered by this franchise may be altered or changed by ordinance of the Town Council or other proper authority having jurisdiction of the same in such way or manner as

the town council or other proper authority may provide therein and the grantee shall alter, construct, improve, repair and maintain in good condition its electric plant at its own proper cost and expense so as to conform to the grade of such street, avenue, boulevard, alley, or other public place when so altered or changed.

Section 5. That whenever it shall be necessary in the erection of poles hereunder to take up any portion of the boulevards or streets, alleys or other public place, the grantee shall after such poles are erected, without delay, replace such property, refitting the material thereof in a neat and workmanlike manner, and remove from such street, avenue boulevard, alley or other public place all rubbish, dirt, or other material that may have been placed therein the erection of such poles, returning the sidewalk and ground to as good condition as they were before being taken up.

Section 6. The grantee shall use reasonable care and diligence to control and contain the currents of electricity, used under this franchise in their proper channels so as to prevent injuring any person or the property of the Town of Coupeville or the property of any person, association or corporation within such town.

Section 7. The grantee agrees that for the purpose hereof it is an "electrical company", conducting an "electric plant", within the meaning of such terms as defined by Chapter 117 of the Session Laws of the State of Washington for the year 1911, and acts supplemental thereto and amendatory thereof, and as such subject to all the valid provisions of such laws applicable to electrical companies conducting electric plants, and to the lawful orders and directions of the Department of Public Works

of the State of Washington.

Section 8. For the purpose of compelling compliance by the grantee with the terms of this franchise and to secure efficiency of public service herein provided for, and maintenance of the property in good condition, a failure to comply with any of the provisions or conditions herein within sixty (60) days after notice to do so served by order of the town council upon the president, vice-president, general manager or superintendent of the grantee, shall authorize the town council to declare by ordinance an immediate forfeiture of the franchise and the town council may in such case declare and enforce such forfeiture in the manner provided by law.

Section 9. This ordinance shall be void if the grantee shall not within 60 days from the taking effect of this ordinance, file its acceptance of the same with the Clerk of such town, provided that if at the end of such 60 day period grantee shall not have secured from Island County a franchise satisfactory to grantee for a connecting transmission line between the existing transmission lines of grantee in other counties, such acceptance may be filed within 30 days subsequent to obtaining such franchise from Island County.

Section 10. It is understood that all electricity to be supplied hereunder is generated and transmitted from points without the corporate limits of the town of Coupeville for the right to transmit which grantee is dependent upon franchise from Island County or other lawful authority and should it at any time within the term of life of this franchise from the Town of Coupeville indicate that the grantee no longer possesses from Island County or other proper authority a franchise for transmitting electricity to be used hereunder, the grantee may abandon this franchise

and remove all property then in use hereunder and shall not unless it therefore or then elects to do so, be required to generate within the corporate limits of the town of Coupeville electricity to be used hereunder.

Section 11. Whenever the word "grantee" is used herein it shall be construed to mean Puget Sound Power and Light Company its successors, grantees or assigns and all the privileges herein imposed upon the grantee shall be construed to extend to its successors, grantees, and assigns, as fully and to the same effect as though the words, "successors, grantees and assigns", were used each time herein repeated in full after the word "grantee".

Introduced the 14th day of June 1927

Passed by the Town Council and approved by its Mayor

on this 27th day of June 1927.

JAMES ZYLSTRA, Mayor

Attest;

Julia A Troff, Town Clerk