

ORDINANCE No. 43

AN ORDINANCE of the Town of Coupeville, Washington, granting to the "Island Telephone Company", its successors, grantees and assigns, the right, privilege, authority and franchise to lay down conduits and place, set, erect, construct, equip, maintain and operate telegraph, district telegraph and telephone lines and systems, together with the poles, pole lines, wires, cables, and other appurtenances, in, upon, over, under, through and across existing and future streets, boulevards, avenues, alleys and other public places within the present and future limits of the Town of Coupeville, Washington

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

Section 1. The Town of Coupeville, Washington, does hereby grant unto the "Island Telephone Company", a Corporation, its successors, grantees and assigns, for a period of fifty years from the taking effect of this Ordinance, the right, privilege, authority and franchise, for said Island Telephone Company, its successors and assigns to place, lay down, set, erect, construct, equip, maintain and operate telegraph, district telegraph and telephone lines and systems, together with the poles, pole lines, wires, conduits, cables, and other appurtenances, in, upon, over, under, through and across existing and future streets, boulevards, avenues, alleys and other public places within the present and future limits of the Town of Coupeville, Washington and to maintain and use the same for and in connection with its telegraph and/or telephone system or systems; and to charge and to collect just, fair, and reasonable and sufficient tolls, rates and compensation therefor. All poles or posts for suspension of the wires or cables hereunder shall be placed in such locations as may be approved by the town council or other public body or officer. All of which rights, privileges, authority, and franchises are hereby granted subject to all the condition, restrictions, specifications, and requirements in this Ordinance expressed.

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

Section 3. The grantee, by the accepting 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 or be suffered by any person or persons by reason of the placing, maintaining, or removal of any part of the aforesaid poles, wires, lines, conduits, cables, or other equipment of said Island Telephone company in, upon, over, under, through or across any street, boulevard, alley or public place, and in case any action or suit shall be begun against said Town for damages arising out of or by reason of such construction, placing, maintaining or removal by said Island Telephone company, its successors or assigns, the said Company, its successors or assigns may and shall upon timely notice to it of the commencement of such suit or action, defend the same at its sole cost and expense; and in case judgment shall be entered against said town in such suit or action, shall fully satisfy such judgment within ninety days after such suit or action 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 its telegraph and telephone systems and equipment, at its own proper costs and expense, so as to conform to the grade of such street, avenue, boulevard, alley or public place when so altered or changed.

Section 5. That the demansions of and the placing of the poles shall be subject to the reasonable control of the Town Council or other proper authority of the Town of Coupeville, and the work of erecting poles and stringing wires thereon, or laying or pipes or conduits, repairing and maintaining the same shall be conducted and performed so as to cause the least possible delay and inconvenience to the use by the public of the said streets, alleys, avenues, thoroughfares and public highways and public places in, on, over, under, through or across which said work is being performed, and all excavations in any of said streets, alleys, avenues, thoroughfares, public highways and public places, made by the said Island Telephone company, its successors or assigns, shall be by it 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 and debris of any kind shall be promptly removed therefrom by the said Island Telephone Company, its successors or assigns, and such street, alleys, avenues, thoroughfares, public highways and public places restored to as good condition as the same was before said work was done, and if the said Island Telephone Company 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 the said grantee, and if it 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.

Section 6. The Town council reserves the right to cancel and terminate this franchise at any time, if the said Island Telephone Company, its successors or assigns, shall fail to perform any of the conditions of this ordinance, or refuse to construct, operate or maintain its system of telephone and/or telegraph lines in accordance with the laws, rules and regulations of the State of Washington and such reasonable rules and regulations as said Council may adopt.

Section 7. This Ordinance shall take effect and be in force from and after its passage, approval and publication according to law.

Passed and approved February 14th, 1928.

S.M. PARKER, Mayor

ATTEST:

Julia A Trott, Town Clerk