

Ordinance Number 34

An ordinance granting to Chas. G. Arvig, his heirs, successors and assigns, a franchise and the right to ~~construct~~ erect in the City of Washburn, Mc Lean County, North Dakota, and Electric light and power plant, and to lay and place pipes, conduits, conductors, poles and all necessary apparatus thereto, in the streets, alleys, public places and grounds of said City for the purpose of supplying electric lights, heat and power to said City and its inhabitants.

Be It Ordained by the City Council of the incorporated City of Washburn, in Mc Lean County, North Dakota.

Sec. 1- There is hereby granted to Charles Arvig his successors and assigns, the privilege for twenty five years, from and after the passage, approval and acceptance of this ordinance, to use the streets, alleys, public places and grounds of the City of Washburn for the purpose of laying and placing in said streets, alleys, public places and grounds of said City, pipes, conduits, wires, poles and all necessary apparatus thereto for the manufacture, supply, furnishing, generating, distributing and selling electric light and power within the corporate limits of said City

Sec. 2- That the said Charles G. Arvig his successors and assigns hereby obligate themselves to furnish all the electric light required to supply the citizens, residents, commercial and public lamps of said City and to supply such lights as may be contracted for by the said Charles G. Arvig his successors and assigns, and to commence the erection and placing of machinery, poles, wires, and apparatus necessary thereto on or before June 1st 1916, and shall prior to November 1st 1916, have the electric light plant in operation; and if the said Charles G. Arvig his successors and assigns, shall fail to have said electric plant in operation within the time aforesaid, this ordinance may be repealed.

Sec. 3- Said Charles G. Arvig his successors and assigns shall place and locate necessary poles and apparatus for the operation of said plant under the directions of the City Council of said City, and shall so place the same in the streets and alleys adjacent to or within the sidewalk line or curb so as to not impede travel or unnecessarily obstruct the streets and alleys of said City, and shall be so placed as not to interfere with the construction or placing of any water pipes, sewers or drains or the flow of water therefrom, which has been or may be placed by the authority of said City, and shall in no case place poles in the streets when alleys may be used therefor. And in the event that said Charles G. Arvig his successors and assigns shall make any unnecessary obstructions of said streets and alleys, the said City may remove the same and charge the cost thereof to the said Charles G. Arvig his successors and assigns.

Sec. 4- The said Charles G. Arvig his successors and assigns shall as far as possible, use straight, symmetrical poles of sufficient height to carry all wires not less than twenty (20) feet above the street level. The said Charles G. Arvig his successors and assigns shall equip the plant with up-to-date machinery and apparatus and shall maintain said plant at all times so as to supply all current demanded by citizens of Washburn or said City for use in lighting the streets and residences and furnishing all lights that may be contracted for by said Charles G. Arvig his successors and assigns, and the City of Washburn or any individual resident thereof, and in case of failure to do so, on reasonable notice, the City Council shall have the right to repeal this ordinance.

Sec. 5- That poles, wires and other apparatus aforesaid and all apparatus connected therewith shall be located, arranged, adjusted and changed by the authority of and under permission granted by said City Council, and shall at all times be subject to regulation or change as directed by resolution or ordinance and shall be placed so as not to obstruct the avenues, streets and alleys of said City, or to endanger persons or property, or injure or destroy shade or ornamental trees along the line of said avenues streets or alleys, and said lines shall be so constructed as not to interfere electrically or otherwise with other properly constructed, protected and equipped electrical appliance now or hereafter to be erected or installed along said avenues, streets and alleys or to hinder or obstruct the free use of said avenues, streets and alleys or other public places by the inhabitants of said

City or the public generally, or so ~~placed~~ as to interfere with any improvements the City may deem proper to make along said avenues streets, alleys and public places.

Sec. 6- The hours of service shall be from dusk in the afternoon until 12 o'clock at midnight and from 5:30 o'clock in the morning until daylight; however the said Charles G. Arvig his successors and assigns, may operate the said plant and distribute electricity ~~dur~~ during the hours of daylight at their option.

Sec. 7- That the said Charles G. Arvig his successors and assigns, in the construction of said plant, in connecting the lines thereof with the residences and places of business of its customers shall use standard safety devices for the purpose of protecting the property of its patrons from electric currents.

Sec. 8- That whenever the said Charles G. Arvig his successors and assigns, in the erecting, constructing and maintaining said lines of poles shall find it necessary to take up any of the pavements, sidewalks, crossings or curbs on any of the avenues, streets and alleys of the said City, or shall make any excavations therein they shall first obtain written permit signed by the mayor of said City and such excavations shall at once be refilled and pavements sidewalks, crossings or curbs, replaced under the direction of the city council, and all surfaces be made as good as before any excavations had been made.

Sec. 9- Whenever it shall be necessary for any purpose, temporarily to remove any portion of the wiring or poles of said plant to permit the removal of buildings, or for any other lawful purpose, the said Charles G. Arvig his successors and assigns, shall upon receiving twenty four (24) hours notice, remove temporarily and such poles, wires or other apparatus and replace the same as soon as possible, but shall be reimbursed for the reasonable value and labor by the person requesting the removal.

Sec. 10- That the said Charles G. Arvig, his successors and assigns, shall install for each customer, a watt meter for the purpose of measuring the amount of current used, and for the meter the customer shall deposit an amount equal to not over the wholesale price of such watt meter, this money to be returned to the customer when service is discontinued, and the meters returned in good condition; said Charles G. Arvig to keep meters in repair as to natural wear and tear.

Sec. 11- The City of Washburn shall at any time have the option to purchase the plant or plants of the said Charles G. Arvig his successors and assigns, which shall have been installed under the provisions of this ordinance for the actual value thereof; the valuation to be arrived at in the following manner; the said Charles G. Arvig his successors and assigns, shall keep a set of books and complete record of all invoices connected with the cost of said plant, which invoices and accounts are to be taken as the actual value of the plant less the natural depreciation, this feature to be decided by a committee of three men, the City selecting one man, the owners selecting one man, and the two men so selected to select a third disinterested man. The terms of sale shall be for cash, and in the event of the forfeiture of this franchise by the said Charles G. Arvig his successors and assigns, the said City reserves the prior right of purchase at the valuation to be established by the three appraisers appointed as hereinbefore specified.

Sec. 12- The said Charles G. Arvig his successors and assigns shall furnish light to the City of Washburn and its inhabitants at the rates not to exceed those hereinafter mentioned, being as follows: The maximum charge under this ordinance shall be not to exceed eighteen cents per kilowatt hour, as measured by cyclometer watt meters, but a minimum charge of One Dollar per month for lighting service where the consumption of electric current at the rate above does not equal or exceed the specified amount in any one month of service. All bills for electric service to become due from all customers on the 10th of each and every month, for service rendered in the month previous.

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Sec. 13-That the said Charles G. Arvig, his successors and assigns, shall when requested by the City, permit poles forming lines of the system to be used by the City for police and fire alarm purposes without cose, provided that the City shall place the wire on the poles at its own expense, and provided further that said alarm system shall not in any way interfere with the e electric light and power system.

Sec. 14-All house wiring shall be done in first class workman- ship like manner and stand inspection by the holder of this franchise or by the fire marshall of the State of North Dakota, or both

Sec.15- The said Charles G. Arvig, his successors and assigns shall at all times protect, defend, indemnify and save harmless the said City, from all liability for any and all damages which may accrue against the said City by reason of any injury to any person or persons, firm or corporation in person or property, caused in whole or in part by the construction, maintenance or operation of said plant, its buildings, machinery, poles wites appratus and appurtenances, or from the negligence of the said Charles G. Arvig his successors and assigns or their agents, servants or employees in and about the construction or operation of said plant.

Sec. 16- Provided further that the said Charles G. Arvig, his successors and assigns, shall in no case be required to supply or furnish electric light or power to a residence or point at a distance of over 200 feet from existing electric light or power lines. Provided however, that the said Charles G. Arvig, his successors and assigns, shall upon demand furnish electric light and power to residences or points at distances aggregating not over 400 feet for each two residences desiring electric light or power ~~of~~ and an additional 200 feet for each additional residence or point of any group of residences or points desiring electric light or power.

Sec. 17-All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Read first time November 1-1915  
Read second time November 8-1915  
Passed November 8 1915  
Approved November 9-1915

C. G. Forbes,  
Mayor

Attest: Adolph Wacker  
City Auditor

Published-November 19-1915

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Acceptance of Franchise

I, Charles G. Arvig, do hereby accept that certain franchise granting to me the right to erect in the City of Washburn, McLean County, North Dakota, an electric light and power plant, and to lay and place pipes, conduits, conductors, poles and all necessary appratus thereto, in the streets, alleys, public places and grounds of said City for the purpose of supplying electric lights, heat and power to said City and its inhabitants, which said ordinance was passed and approved by the City Council and Mayor of the said City of Washburn, on Nov.8th 1915.

Dated Nov. 9, 1915  
signed in presence of

Charles G. Arvig

Adolph Wacker

I, R. W. Brownson, City Auditor within and for the City of Washburn North Dakota, do hereby certify that the above ordinance numbered 34 and the acceptance of said ordinance or franchise are true and correct copies of said ordinance number 34 and the acceptance of said franchise originals of which are on file in the office of the City Auditor of the City of Washburn.  
In Witness whereof I have hereunto set my hand and the seal of the City of Washburn this 24th day of April A. D. 1917

R. W. Brownson  
City Auditor,