

ORDINANCE NO. 6

AN Ordinance granting to Pacific Northwest Bell Telephone Company, hereinafter sometimes referred to as "grantee", its successors and assigns, the right and privilege to do a general telephone and telegraph business and to place, erect, lay, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, places and grounds within Dunes City, poles, wires and other appliances and conductors for all telephone, telegraph and other communication purposes.

THE PEOPLE OF DUNES CITY DO ORDAIN AS FOLLOWS:

Section 1. There is hereby granted by Dunes City to Pacific Northwest Bell Telephone, its successors and assigns, the right and privilege to do a general telephone and telegraph business within said City and to place, erect, lay, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, places and grounds within said City, poles, wires and other appliances and conductors for all telephone, telegraph and other communication purposes. Such wires and other appliances and conductors may be strung upon poles or other fixtures above ground, or at the option of the grantee, its successors and assigns, may be laid underground in pipes or conduits or otherwise protected, and such other apparatus may be used as may be necessary or proper to operate and maintain the same.

Section 2. It shall be lawful for said Pacific Northwest Bell Telephone Company, its successors and assigns, to make all needful excavations in any of such streets, alleys, avenues, thoroughfares and public highways, places and grounds in said City for the purpose of placing, erecting, laying and maintaining poles, or their supports or conduits for said wires and appliances and auxiliary apparatus or repairing, renewing or replacing the same. Said work shall be done in compliance with the necessary rules, regulations, ordinances or orders, which may during the continuance of this franchise be adopted from time to time by Dunes City.

Section 3. Whenever Pacific Northwest Bell Telephone Company, its successors and assigns, shall disturb any of the streets for the purpose aforesaid, it or they shall restore the same to good order and condition as soon as practicable without unnecessary delay, and failing to do so Dunes City shall have the right to fix a reasonable time within which such repairs and restoration of streets shall be completed, and upon failure of such repairs being made by said Company, its successors and assigns, said City shall cause such repairs to be made at the expense of said Pacific Northwest Bell Telephone Company, its successors and assigns.

Section 4. Nothing in this Ordinance shall be construed in any way to prevent the proper authorities of Dunes City from sewerage, grading, planking, rocking, paving, repairing, altering, or improving any of the streets, alleys, avenues, thoroughfares and public highways, places and grounds within Dunes City in or upon which the poles, wires or other conductors of said Company shall be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires, conductors, conduits, pipes, or other apparatus.

Section 5. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the aerial cables or wires or other apparatus of the grantee to permit the passage of any building, machinery or other object, the said grantee will perform such rearrangement within a reasonable period after written notice from the person or persons desiring to move said building, machinery

or other objects. Said notice shall bear the approval of such official as the council may designate, shall detail the route of movement of the building, machinery or other objects, shall provide that the costs incurred by the grantee in making such rearrangement of its aerial plant will be Borne by the person or persons giving said notice and shall further provide that the person or persons giving said notice will indemnify and save said grantee harmless of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of the aerial plant of the grantee, and, if required by grantee, shall be accompanied by a cash deposit or a good and sufficient bond to pay any and all such costs as estimated by grantee.


Section 6. In consideration of the rights, privileges, and franchise hereby granted, said grantee, Pacific Northwest Bell Telephone Company, its successors and assigns, shall pay to Dunes City, from and after the date of the acceptance of this franchise, and until its expiration, annually, two per cent (2%) per annum of its gross local service receipts derived from the operation of telephones located within the corporate limits of Dunes City. Payment of said two per cent (2%) shall be made on or before the fifteenth day of March of each and every year for the calendar year preceding, with the exception that in the year 1965, payment shall be made only for the period commencing on the date this franchise becomes effective and ending December 31, 1964, and such 2% payment made by the grantee will be accepted by Dunes City from the grantee, also in payment of any license, privilege or occupation tax or fee for revenue or regulation, or for any other purpose now or hereafter to be imposed by Dunes City upon the grantee during the term of this franchise.

Section 7. The rights, privileges and franchise herein granted shall continue and be in force for the period of twenty (20) years from and after the date this Ordinance becomes effective.


Section 8. This Ordinance shall take effect and be in force from and after its passage and approval, and the said grantee shall, within thirty (30) days of the passage and approval of this Ordinance, file with the Recorder of Dunes City, its written acceptance of all the terms and conditions of this Ordinance.

Passed and adopted by the council the 6 day of April 1964.

Approved by the Mayor the 6 day of April, 1964.



Mayor



City Recorder