

ORDINANCE NO. 97.

Introduced by H. W. Douglas.

AN ORDINANCE providing for the holding of a special election for the purpose of submitting to the qualified resident freeholders of the City of Polson, Montana, the Application of Joseph H. Cline for a franchise, for and during the period of twenty-five years next succeeding the day on which it shall be granted, permitting him, his heirs, personal representatives and assigns, to erect and maintain poles and conduits in all the streets, avenues, alleys, highways, parks, and other public places of said city (and of each and every addition or extension of said city, which may be made hereafter) and string wires thereon and therein; also to lay underground wires and conduits for electrical purposes for supplying said city, and its inhabitants, and others, with electrical power, light and heat and for such other uses to which electricity may be put; together with the right, during said period to operate, replace, maintain, repair, extend the same as an electric lighting, heating and power plant and system, and permitting him operation of an electric light and power plant and the use of all the streets, avenues, alleys, bridges, parks, and other public places, of said City, for constructing, thereon, therein, thereover and thereunder, a system of electric current distribution including all poles, wires, conduits, transformers, apparatus and other appurtenances incident to or necessary for transmitting, transforming, distributing, selling or leasing electricity and electric power to said city, its inhabitants, and others; and granting also the right and privilege to purchase, acquire, build, construct, erect, operate, replace and maintain an electric light plant or plants, stations, substations, buildings, machinery, and all appliances in connection with said system.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON:

Section 1. That it is deemed to be for the best interest of the City of Polson, and is desirable and necessary, that a franchise be granted to Joseph H. Cline, his heirs, representatives, and assigns, for the purpose of operating an electric light and power plant, and using the streets, avenues, alleys, highways, bridges, parks, and other public places of said city, for constructing and maintaining therein, thereover, and thereunder, a system of electric current distribution, including all poles, wires, conduits, transformers, apparatus and other appliances, and appurtenances incident to and necessary or proper for transforming, transmitting, distributing, and selling or leasing electricity, and electric power to the inhabitants thereof, and to said city, and to others

Section 2. That a special election is hereby called and ordered to be held in said city for the purpose of submitting to the qualified resident freeholders of said city the application of said Joseph H. Cline for a franchise as hereinafter set forth, so that their will may be ascertained in that behalf.

Section 3. That the time of holding such election is hereby ordered and fixed for Tuesday, July 20th, 1915, and that the places of holding said election shall be as follows:

First Ward, at Old Dewey Lbr. Co. office 4th st.
 Second Ward, at City Building, 4th st.
 Third Ward, at Cook Lbr. Co. office, 3rd st.

Section 4. That the ballots used at such election shall be in conformity with the requirements of law, and in substantially the following form:

"The question of whether, or not the City of Polson, Montana, shall grant the application of Joseph H. Cline for a franchise giving to him, his heirs, personal representatives, assigns, and successors, the right and privilege of operating, and maintaining an electric light, heating and power plant or plants, and system and using the streets, avenues, alleys, highways, bridges and other public places of said city for the purposes of constructing, operating, and maintaining therein, thereover, and thereunder, a system and plant for transmitting electricity and selling such electricity and power to the inhabitants of said city and vicinity, to said city, and to others; the proposed franchise being for the term of 25 years, and as provided for by Ordinance No. 97, passed by the City Council of said City and approved by its Mayor, which ordinance has been published and posted in the notice calling this election."

1	1
1	1

FOR GRANTING FRANCHISE

1	1
1	1

1	1
1	1

AGAINST GRANTING FRANCHISE

1	1
1	1

The elector must make a cross thus " X " opposite the answer he intends to vote for."

Section 5. That the application of said Joseph H. Cline for such franchise which application shall be submitted at such special election, is as follows:

APPLICATION OF JOSEPH H. CLINE FOR A FRANCHISE.

Polson, Montana, June 14, 1915.

To the Honorable The Mayor and Council of the City of Polson:
Montana:

I, Joseph H. Cline, of Polson, Montana, do hereby make application to you and to the City of Polson, Montana, for a franchise, for and during the period of twenty-five years next succeeding the day on which it shall be granted, permitting me, my heirs, personal representatives and assigns, to erect and maintain poles, and conduits in all the streets, alleys, avenues, highways, parks and other public places of said City of Polson, (and of each and every addition or extension of said City which may be made hereafter) and string wires thereon, also to lay underground wires and conduits for electrical purposes for supplying said City and the inhabitants of said City and vicinity with electrical power, light and heat, and for such other uses to which electricity may be put, together with the right during said period to operate, replace, maintain, repair, and extend the same as an electric lighting, heating and power plant and system; and permitting the operation of an electric light and power plant and the use of all streets, alleys, avenues, bridges, parks, and other public places of said City for constructing thereon, therein, thereover, and thereunder a system of electric current distribution, including all poles, wires, conduits, transformers, apparatus and other appurtenances incident to or necessary for transmitting, transforming, distributing and selling or leasing electricity and electric power to said City, its inhabitants, and others; and granting also the right and privilege to purchase, acquire build, construct, erect, operate, replace, and maintain an electric light plant or electric light plants, stations, substations, buildings, machinery, and all appliances necessary or proper to be used in connection said system. I propose and offer to furnish light, heat, and power at reasonable rates, to be controlled and regulated by the Public Service Commission of the State of Montana. The lighting rate will not exceed 12 cents per kilowatt hour, and all other rates will be proportionally reduced below the present rates. In consideration of the granting of such franchise I agree to furnish to said city electricity for street lighting purposes at a rate not exceeding eight cents per kilowatt hour, and should the City maintain and operate its own water system, I agree to furnish the city with power for pumping at the rate of one cent per kilowatt hour. It is my intention to maintain a twenty-four hour service. I further agree to save the city free and harmless at all times from every and all damage that may be caused by excavations and the falling of poles of such plant, and I will place all poles, wires, and other appliances so as to interfere as little as may be with public travel. Such franchise, if this application therefore be approved by the qualified resident freeholders as required by law, to be granted by an ordinance hereafter to be passed in the following form:-

"ORDINANCE NO. _____

Introduced by _____

An ordinance granting to Joseph H. Cline a franchise for and during a period of twenty-five years next succeeding the day on which it shall be passed and approved, permitting him, his heirs, personal representatives and assigns, to erect and maintain poles and conduits in all the streets, avenues, alleys, highways, parks and other public

places of said city (and of each and every addition or extension of said city which may be made hereafter) and string wires thereon and therein; also to lay underground wires and conduits for electrical purposes for supplying said city, and its inhabitants, and others with electrical power light, and heat, and for such other uses to which electricity may be put, together with the right, during said period, to operate, replace, maintain repair and extend the same as an electric lighting, heating and power plant and system, and permitting the operating of an electric light and power plant and the use of all the streets, avenues, alleys, bridges, parks, and other public places, of said city, for constructing thereon, therein, thereover and thereunder, a system of electric current distribution, including all poles, wires, conduits, transformers, apparatus, and other appurtenances, incident to or necessary for transmitting, transforming, distributing, selling, or leasing electricity and electric power to said city, its inhabitants and others, and granting also the right and privilege to purchase, acquire, build, construct, erect, operate, replace, and maintain an electric light plant or plants, stations, substations, buildings, machinery, and all appliances in connection with said system.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON:

Section 1.

Whereas, at a special election holden in the City of Polson, State of Montana, on the 20th day of July, 1915, wherein was submitted to the resident freeholders of said City of Polson, whose names appeared on the County tax roll next preceding such election, the application, including this Ordinance, for a franchise to Joseph H. Cline, his heirs, personal representatives and assigns, for the purpose of operating an electric light and power plant and using the streets, avenues, alleys, highways, bridges, parks and other public places of said city for constructing and maintaining therein, thereover and thereunder, a system of electric current distribution, including all poles, wires, conduits, transformers, apparatus and other appliances, and appurtenances incident to or necessary or proper for transforming, transmitting, distributing, and selling or leasing electricity and electric power to the inhabitants thereof, and to the said City and others, and

Whereas, the applicant was regular in form and the said election was regularly called, notices, published, held, canvassed and returned in the manner as provided by law, and

Whereas, a majority of the resident freeholders of the City of Polson, whose names appeared on the County tax roll next preceding election for the voting of said franchise, voted for, and the majority of votes at said election was for granting said franchise, which thereby authorized the City Council of the City of Polson, to grant the said franchise to Joseph H. Cline.

Section 2.

A franchise for and during the period of twenty-five years (25) next succeeding the day on which it shall be granted, is hereby granted to Joseph H. Cline, of the City of Polson, Montana, his heirs, personal representatives, and assigns, permitting him, and them, to erect and maintain poles and conduits in all the streets, avenues, alleys, highways, and other public places of said city (and of each and every addition or extension of said City which may be made hereafter) and string wires thereon and therein, also to lay underground wires and conduits for electrical purposes for supplying said city, and its inhabitants, and others, with electrical power light and heat, and for such other uses to which electricity may be put, together with the right, during said period to operate, replace, maintain, repair, and extend the same as an electric lighting, heating, and power plant and system, and permitting the operating of an electric light and power plant and the use of all the streets, avenues, alleys, bridges, parks and other public places, of said City, for constructing thereon, therein, thereover and thereunder, a system of electric current distribution including all poles, wires, conduits, transformers, apparatus and other appurtenances incident to or necessary for transmitting, transforming, distributing, selling or leasing electricity and electric power to said city, its inhabitants, and others; and granting also the right and privilege to purchase, acquire, build, construct, erect, replace and maintain an electric light plant, or plants, stations, substations, buildings, machinery, and all appliances in connection with said system.

Section 3.

For and in consideration of the construction of an electric system for the City of Polson, Montana, for furnishing electricity to the said City and inhabitants thereof, for lighting and other purposes, and for maintaining and operating said electric system in said City of Polson,

Flathead County, Montana, and the granting of a franchise for a period of twenty-five years therein, said grantees shall during the life of the franchise, furnish and supply electric light, heat and power to the City and the inhabitants thereof, at the following maximum rates:

The electric lighting rate shall not exceed 12 cents per kilowatt hour; and when the annual lighting consumption of the said City reaches 200,000 kilowatt hour, the said rate is to be reduced to 10 cents per kilowatt hour, said rates to be subject to five per cent discount, minimum charge of \$1.10 net per month.

The electricity for street lighting purposes at the rate of not to exceed 8 cents per kilowatt hour, and should the City maintain and operate its own water system, grantess are to furnish the City with power for pumping at the rate of 1 cent per kilowatt hour.

All rates to be subject to regulation by the Public Service Commission of the State of Montana. Said grantees agree to furnish a twenty-four hour service.

Section 4.

The said City of Polson shall not be held liable for damages due to accident to persons or property resulting from negligence or carelessness on the part of the grantees, or because of any breaks, faults or defects in said electric system while repairing or maintaining the same.

Section 5.

The grantess are to save the City of Polson free and harmless at all times from every and all damage that may be caused by excavation and the falling of poles of such plant.

Section 6.

The poles which shall be erected for electrical purposes shall not be less than 25 feet in length, shall, if of wood, be shaved, and shall be carefully located, and all poles, wires and other appliances, shall be placed so as to interfere as little as may be with public travel; and all excavations shall be made with care, shall be allowed to remain open only the shortest necessary time, shall be guarded to prevent accident, and the surface shall be restored as nearly as possible to its former condition.

Section 7.

The grantees shall have the right to make and enforce such reasonable rules and regulations as may be necessary in dealing with their customers and shall at all reasonable times have access to all public and private places to make examinations of the meters, fixtures and wires connected with such electric system.

Section 8.

The said City of Polson shall at all times protect the property of said grantees by passing proper ordinances with suitable penalties for violation of them and enforcing the same.

Section 9.

This ordinance shall take effect and be in full force and binding on both parties herein, from and after its passage and approval according to law; and all existing ordinances in conflict with or limiting this Ordinance are hereby revoked and repealed.

Section 10.

The franchise hereby granted shall become null and void if the said Joseph H. Cline, does not within ten days after the approval of this Ordinance, file with the Clerk of the City of Polson, for himself and his heirs, personal representatives and assigns, an acceptance in writing of the terms and conditions of this ordinance, or if he or they fail to begin work under said franchise within four months next succeeding the day of the approval of this ordinance.

Passed by the Council of the City of Polson, this _____ day of _____, 1915.

Approved by the Mayor, this _____ day of _____ 1915.

Attest:

City Clerk".

Mayor

I therefore request that you call an election at which this application

