

Ordinance 148

Entitled an ordinance granting Electric Lighting and Power Franchise to Tom J. Gardner, of Las Animas, Colorado

Be it ordained by the Board of Trustees of the Incorporated Town of Las Animas, Colorado.

Section 1

That subject to the conditions and stipulations herein after contained, there is hereby granted to Tom J. Gardner his heirs successors and assigns, the right franchise and privilege to construct, erect, equipt, maintain and use electric stations and plants with their necessary appartenances, equipments and Machinery within the limits of the said incorporated Town of Las Animas, Colorado and also poles and wires upon and over the streets, avenues, alleys and public places where necessary for the Transmission, and distribution of electricy for lighting and power purposes.

Section 2

The, said Tom J. Gardner shall, where necessary, erect and set poles for wires at the outer sidewalk line of all streets and avenues, and at or near the side line of all alleys and place such poles so that neither the or wires to be strung thereon will interfere with the use of any Water Hydrant, fire alarm post, telephone or telegraph pole or wires now erected; said wires shall be covered with good insulating material and shall be strung and maintained at a distance of not less then 20 feet from the surface of the ground, but in no event shall such wires be strung or laid within 2 feet of any telephone, fire alarm or telegraph wire now in use in said Town of Las Animas.

Section 3

The said Tom J. Gardner shall construct a new and modern electric light plant within said town, of suffieient capacity to furnish not less than Twenty Five (25) arc lighter of Two Thousand (2000) candle power each, of the latest type, and not less then one Thousand (1000) incandescent lights, of sixteen (16) candle power each, and be prepared to furnish electric lights and power as herein provided to said Town and its inhabitanta on or before the 15th day of September, 1902. provided, however, that any portion of the time above mentioned during which said Tom J. Gardner shall be enjoined or prevented by legal proceedings from erecting or constructing said plant, shall not be counted in the time so much extended.

Section 4

From the time of so commencing to furnish electric light as aforesaid and agreed, and the continuance of said franchise the said Tom J. Gardner shall, whenever requested directed so to do by vote of the Board of Trustees of said Town provide, and place and maintain in proposition at all such places as shall be designated by the said Board of Trustees on or in any and all streets, avenues, alleys and public places in said town, arc light of first class quality and of two thousand (2000) candle power, each measured according to the rule of the National Electric light Association that a 2000 candle power arc light is one that requires 450 watts across its terminals and cause the same to be

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properly maintained, trimmed, lighted and kept burning at 2000 candle power during the hours required by the ordinary acceptance of the term "all night service" for the service the said Tom J. Gardner shall charge to and receive from the said Town payment or hereinafter provided, to-wit: For any number of arc lights as described above, from one to six inclusive, the sum of seventeen and fifty cents (17.50) each, per light per month. For any number exceeding light, of arc lights as described above, the sum of Fifteen (\$15.00) dollars each, per light per month. The said Tom J. Gardner shall, whenever requested or directed so to do by vote of said Board of Trustees provided and place and maintain in proper position at all such places as designated by said Board of Trustees, or in all streets, avenues, alleys and public places in said Town incandescent lights of Thirty Two (32) candle power, of modern manufacture and first class quality, and cause the same to be maintained, kept in good repair and lighted during the hours as stipulated above, for this service the said Tom J. Gardner shall charge to and receive from the said Town the sum of Four and 50/100 (\$4.50) dollars per light per month, for any number of lights required not to exceeding six (6), or the sum of four (\$4.00) dollars per month for any number of lights exceeding six (6). It is understood and agreed payment for all services rendered by the said Tom J. Gardner under this Section 4, shall be payable on or before the tenth of the month following the rendition of such service.

Section 5

From the time of so commencing to furnish electric light, as aforesaid and agreed, and during the continuance of said Franchise, the said Tom J. Gardner, shall whenever requested or directed so to do by any person or persons located within the incorporate limits of said town, furnish to said person or persons incandiscent light of 16 or 32 candle power each, or arc lights as per specifiactions in section 43 and cause said lights to be properly maintained and kept burning during the hours required by the common acceptance of the term "all night service." For this service the said Tom J. Gardner shall charge to and receive from consumer payment as hereinafter provided toWit: for any number to arc lights as described in Sec. 4, from one to ten inclusive, the sum of eighteen (\$18.00) dollars each, per light, per month, For incandescent lights of thirty-two candle power, as described in sec, 4. the sum of six and 50/100 (\$6.50) dollars per light per month. For incandescent lights of sixteen candle power, the sum of one (\$1.00) per light, per month, it is expressly understood and agreed that all expense of wiring buildings and prepairing same for connection of wiring buildings and prepairing same for connection with said plant shall be paid by the said consumer. The said Tom J. Gardner shall whenever requested or directed so to do by any consumer of light, as above provided, place and maintain a meter of approved design for the measuring of the volume of light furnished said consumer, provided, however, that said consumer shall agree to install not less then five (5) incandescent lights of 16 candle power, and agree, with said Tom J. Gardner to retaine use of said lights for a term of not less then one year. It is expressly understood and agrred that the said consumer shall pay to said Tom J. Gardner the sum of Fifteen (\$15.00) dollars as payment for said meter, and in event of said consumer electing to discontinue the use of said meter after one year, said meter shall be returned to said Tom J. Gardner and original purchase price of Fifteen (\$15.00) dollars be refunded to said Consumer. For this meter service, the said Tom J. Gardner shall charge to and receive from said consumer payment at the rate of sixteen (16¢) cents per kilo-watt, per hour, as measured by said meter. It is understood and agreed that payment for all service rendered by the said Tom J. Gardner under this section, shall be payable on or before the 10th of thmonth following the rendition of such service, and that failure of any consumer of light to make such payment within thirty (30) days from any monthly current pay day, shall release said Tom J. Gardner from any and all obligations to furnish light to said consumer as per condition of this ordinance.

It is also understood and agreed that above mentioned scale of prices and terms is to be regarded as maximum charge for such services, and that a

uniform system of discounts may be adopted from these scheduled rates and made applicable to users of electricity at any time during life of this franchise according to the terms of any contract made by and between said Tom J. Gardner and said consumer.

Section 6

The said town of Las Animas at the time said Tom J. Gardner is prepared to furnish electric light as aforesaid, agrees to designate by vote of the Board of Trustees the places where, for the convenience of the public, six (6) arc lights as described in section 4 for street lighting are to be maintained and agrees to pay for same a total amount of not less than twelve hundred and sixty (\$1260.00) dollars per year for a period of ten years from the time when the use of the first lamp so taken was commenced, and at the expiration of said period of ten years, all obligation on the part of said town to take or pay for such or any lights as herein provided shall cease and terminate. It is understood and agreed that payment for this service shall be made by said town to said Tom J. Gardner in monthly installments of one hundred and five (\$105.00) dollars each payable on or before the 10th day of each and every month, and that this payment may be reduced or a discount from same may be made by said Tom J. Gardner at any time.

Section 7

The erection, operation and management of the works, plants and lines of the said Tom J. Gardner shall be subject to the provisions of all Ordinances of the town of Las Animas now in force. It is expressly understood that the rights and privileges herein granted are subject to the stipulations and restrictions imposed by the Laws of the State of Colorado, particular reference being hereby made to section number one (1) in chapter number one hundred and fifty three (153) of the 1899 session Laws of Colorado, pages 419 - 420, entitled senate, Bill NO, 355 Bucklin, and reading as follows, to wit: Chapter 153, Senate Bill No, 355 - Bucklin

Section 1

The City Council of Cities and Board of Trustees of Towns shall have power to purchase or erect Water Works, Gas Works or Electric lights works; or to authorize the erection of the same by others; but no such works shall be erected or authorized until a majority of the voters of the city or Town who are tax payer under the Law voting on the question at a general or special election, by vote approve the same, all of such works hereafter so authorized by any city or Town to be erected by others or the franchise of which shall be extended or renewed, shall be authorized extended or renewed upon the express condition that such municipality shall at any time have the right and power to purchase or condemn any such works at its actual cash value, and condemn any such works at its actual cash value, and at a price excluding all value of the franchise or right of way through the streets, and also excluding any value by virtue of any contract, for hydrant or private rental or otherwise entered in to with the municipality in excess of the actual value of the works. Provided, that nothing herein shall authorize the condemnation of any such works within twenty years after their original erection or construction, except at periods of Ten and Fifteen years after granting the franchise therefore.

Section 2

Said Cities or Towns are hereby authorized to condemn and appropriate so much private property as shall be necessary for the construction and operation of Water, Gas or Electric Light Works in such manner as may be prescribed by law. Said Cities or Towns are hereby authorized to condemn and appropriate any Water, Gas or Electric light works not owned by such City or Town, in such manner as is or may be prescribed by law for the condemnation of real estate. An

Section 3

Any person or persons who shall maliciously interfere with engine, molest or disturb any of the wires, poles, lamps or other fixtures of said grantee, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay into said Town of Las Animas a fine of not less than Five (\$5.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

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Section 4

In case of the failure of the said Tom J. Gardner to construct and place in operation an electric lighting plant, as provided above, by September 15, 1902, than this Ordinance shall cease and terminate.

Section 5

Whenever in this Ordinance the grantee, Tom J. Gardner, is named or understood, the same shall be taken to be the said Tom J. Gardner, his heirs successors and assigns.

Section 6

Whenever the said Tom J. Gardner shall neglect or refuse to furnish Electric light to the Town of Las Animas, or its inhabitants in the manner and upon the terms and condition in this ordinance provided, or shall neglect or refuse to do any other act by this ordinance provided to be done, and upon reasonable demands shall continue such refusal or neglect, then and in that event, the Town of Las Animas reserves the right to repeal this Ordinance and revoke the franchise hereby granted.

Section 7

This ordinance and the rights, privileges and franchise herein granted shall be submitted to vote of the lawful votes of said Town of Las Animas at its regular annual election to be held in said town on Tuesday the First day of April A.D. 1902, due notice of which shall be given by proper and Lawful Publication.

Section 8

This Ordinance and the franchise herein granted shall be in force and effect from and after its passage by the said board of trustees of said town of Las Animas, and from within five days after lawful publication thereof, and shall continue and endure for the term of Twenty-five (25) years from said passage and publication aforesaid.

Section 9

The said Tom J. Gardner shall, within 30 days after the adoption of this Ordinance, file with the Town Clerk of the Town of Las Animas, his acceptance in writing of all the terms, condition and provisions of this Ordinance, with acceptance shall be recorded by said Town Clerk in the Book of Ordinance of said Town, and from and after filing of such acceptance this Ordinance shall have all the force and effect of a contract between the Town of Las Animas and the said Tom J. Gardner. This Ordinance #148 was submitted to the Board of Trustees the 3rd. day of March 1902, and passed 1st. reading, and passed 2nd and 3rd. and final reading March 10th. 1902. Vote as follows: Ayes: Foote, North; Gardner; Bressler. Nays None: Thompson and Rhoads absent. Voted at regular election April 1st. 1902.

Attest: Votes fore 126

A. W. North
Recorder

W. H. Stone
Mayor

QUILL
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