

Ordinance

An ordinance granting to the H. B. Hanson Electric Light Company a franchise to erect poles and string wires in the Village of Binford for furnishing light and power, for the term of twenty years, on terms and conditions herein stated.

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF BINFORD, NORTH DAKOTA:

Sec. 1. That the right is hereby granted to the H. B. Hanson Electric Light Company, its successors and assigns, to erect and maintain on the streets, avenues, alleys and public ways in said city, poles, wires and fixtures necessary and convenient for the purpose of supplying to the people of said village a complete electric lighting and power plant, such rights and privileges to be and continue for a term of twenty years from the time of publication of this ordinance, on conditions herein stated.

Sec. 2. That the location of the necessary poles and wires shall be designated by said council, and any change therein or extension shall be done only after the approval of said council, and no poles shall be erected on Main street of said city without the permission of said council, nor so as to necessitate the removal or cutting of trees upon the property of the city or private individuals.

Sec. 3. The poles used and erected aforesaid shall not be less than twenty-five feet high and the wires strung on said poles shall not be less than twenty feet above the ground, the poles to be set not less than five feet below the ground. Said poles must be reasonably straight and measure not less than 5 inches at top.

Sec. 4. The said poles shall be so placed and maintained as not to interfere with the travel on the public highways, or the flow of water in any sewer or drain, and in case of bringing to grade of any street or alley poles shall be set in conformity with said change at company's expense.

Sec. 5. Said company, its successors and assigns, shall keep and maintain its poles and wires in repair and should any part thereof be deemed unsafe upon reasonable notice same shall be placed in a safe and secure condition. The chief of the fire department or person acting in his place, may during a fire cut or break any wire or pole which he shall deem necessary, for which the village shall not be liable, and in case of the removal of any building in the village which might come in contact with any wire or wires so strung, the person owning such building or his agent shall give notice to said company at least three days in advance, when said company shall cut wires and replace same at its own expense.

Sec. 6. For all injuries that may occur during the construction and maintainance of said plant the said company shall hold the city free from all damages.

Sec. 7. The Village of Binford shall at all times thru its council have the right to exercise reasonable control over the operation of said plant, and the lighting of the said village and may pass from time to time ordinances and resolutions as it may deem proper, it being expressly agreed that the term of years and rate chargeable for electricity shall not be raised during the satisfactory performance by the company of the obligations assumed hereunder.

Sec. 8. The rate charged for electric light or power in said village

shall not exceed 25c per kilowatt for the first 15 kilowatts and 20c for any more, subject to 10 per cent discount if paid when due, providing 24 hour service is furnished.

Sec. 9. The village of Binford shall have the right at its option to purchase said light plant and all its systems at the expiration of five years from the date of this franchise or at the end of any succeeding calendar year thereafter. By paying actual cash value of the same, which value shall be determined as follows: Said village shall appoint one appraiser and the grantee or assignee shall appoint one appraiser and the two so chosen shall choose a third and the value of said plant as determined by any two of said appraisers shall be the price said village shall pay therefor. In case of the failure of the first two chosen to agree upon the third, he shall be named by the Judge of the District Court, of the district wherein Binford is situated. The value of this Franchise is not to be considered as to purchase price of light plant by the Village.

Sec. 10. All matter of every kind and character and description to be used in the construction of said plant, wiring, fixtures and supplies, shall be of substantial quality and such, together with the construction as will be approved by the National Board of Underwriters, and to be so built and constructed so as not to hazard or increase fire risk in said Village.

Sec. 11. The rate to be charged by said Grantee, his heirs, successor or assignees to be in accordance with a contract which the Grantee is to attach to this ordinance and to be readjusted from time to time as determined by the Grantee and the village board or by arbitration as hereinafter provided or until some other contract is made with the said Village of Binford.

Sec. 12. The acceptance of this franchise shall be manifested by the completion and operation of a plant for the satisfactory lighting of the village within a reasonable time.

Sec. 13. The failure of the company to fulfill its engagements hereunder in a manner satisfactory, by way of operation of a lighting and power plant, shall after notice work a forfeiture of the rights hereunder.

Sec. 14. Any violation of the ordinance shall be punishable by a fine of not less than five (5) dollars and not more than fifty (50) dollars for each and every offense, to be enforced and collected according to the state laws.

Sec. 15. This ordinance shall take effect and be in force from and after its passage, approval, and publication.

Otto Pritz,
C. F. Ringlee,
August Evers,
Board of Trustees.

Attest, Stephen Rovvig,
Clerk.

Accepted by the H. B. Hanson Electric Light Co.—By H. B. Hanson.

Bids Wanted.

Proposal for the construction of the following cement work, etc., will be received by the county commissioners of Griggs County, North Dakota, at the court house at Coopers-town, North Dakota, until 2 o'clock p. m., July 6, 1916:

For one concrete culvert to be constructed on the line between Secs. 19 and 30 of Washburn township.

For one concrete culvert to be constructed on the line between Coopers-town and Washburn townships at the southeast corner of the northeast quarter of Sec. 24 of Coopers-town township.