



**ORDINANCE NO. 125**

**AN ORDINANCE GRANTING A FRANCHISE FOR THE USE OF THE STREETS AND THE ALLEYS OF THE CITY OF REXBURG, FREMONT COUNTY, STATE OF IDAHO, FOR THE ELECTRIC TRANSMISSION LINES AND FOR THE DISTRIBUTION OF ELECTRIC CURRENT FOR THE POWER PURPOSES AND FOR ELECTRIC TRANSMISSION LINES AND FOR THE DISTRIBUTION OF ELECTRIC CURRENT FOR POWER PURPOSES AND FOR ELECTRIC LIGHTS IN THE CITY OF REXBURG, IDAHO, TO THE IDAHO POWER AND TRANSPORTATION COMPANY LIMITED.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, COUNTY OF MADISON, STATE OF IDAHO:

**SECTION I:** There is hereby granted to the Idaho Power and Transportation Company, Limited, a corporation with its principal place of business at Idaho Falls, Bingham County, Idaho, its successors and assigns, the right to place and maintain poles and transmission wires, with cross arms, braces, and other necessary fixtures, over and upon the streets and alleys of the said City of Rexburg, for the purpose of transmitting electric current for commercial power and for electric lights and the distribution thereof. Provided that the said Idaho Power and Transportation Company, Limited, its successors and assigns, shall, in the construction and maintenance of its electric transmission line over and upon the streets and alleys of the said City of Rexburg, be governed and controlled by such (reasonable) ordinances regulating the setting and maintaining, of said poles and transmission lines as may now be in force or that may hereafter be enacted for the good and safety of the public.

**SECTION II:** The City of Rexburg, expressly reserves the right to order and enforce the removal or change of location of any and all poles erected by virtue of the provisions of this ordinance, whenever the same may become necessary or proper; and when any change is made by removal of any poles, the Mayor and City Council shall designate the point to where said poles shall be removed, and such points designated shall not be of distance or position as to materially interfere with the proper conveyance of the electric current, and such removal or change shall be made at the expense of the Idaho Power and Transportation Company, Limited.

**SECTION III:** The City of Rexburg further expressly reserves the right to cut away and remove any poles or wires erected by virtue of this ordinance, whenever in case of a conflagration such cutting away or removal becomes necessary and the City shall not be liable or answerable to the Idaho Power and Transportation Company, Limited, its successors or assigns, for any change by the cutting away or removed of any poles or wires so cut away or removal.

**SECTION IV:** The right and privilege herein granted are in consideration that the said Idaho Power and Transportation Company, Limited, its successors and assigns, shall at all times when so requested by the Mayor and City Council, permit its poles and fixtures erected under the terms of this ordinance to be used by said City for the purpose of placing and maintaining thereon any wires and appliances that may be necessary for the Police and Fire Department of the said City, provided that the same shall be placed and maintained so as not to interfere with their use and under the directions of the management of the said Idaho Power and Transportation Company, Limited, its successors and assigned.

**SECTION V:** The said Idaho Power and Transportation Company, Limited, its successor and assigns, shall protect and save harmless the City of Rexburg from all accidents that may occur from the use of its electrical apparatus, currents and appliances, or the operation of any plant of the said Idaho Power and Transportation Company Limited, and all wires placed upon its poles shall be properly insulated and all proper devices shall be used to protect human life and prevent injury to public or private property.

**SECTION VI:** That the said Idaho Power and Transportation Company Limited, its successors and assigns shall file an unconditional acceptance of this franchise with the City Clerk within ten (10) days from the passage and approval of this Ordinance and be prepared to furnish electric lights and power to the inhabitants of said City on or before September 1<sup>st</sup>, 1908 otherwise this franchise in all its parts shall be null and void.

**SECTION VII:** This grant and the right and privileges hereby conferred shall expire at the end of 25 years from and after the passage and approval of this Ordinance, and the City of Rexburg hereby reserves the right to pass all ordinances and resolutions necessary or proper for the protections of the interest of the City and to carry out the spirit and provisions of the foregoing Ordinance and franchise.

**SECTION VIII:** The poles hereby authorized to be erected shall be of cedar and shall be placed on the outside of the curb or sidewalks of the streets, whereon the same may be erected, and the said poles shall be set so as not to interfere with the flow of water in any gutter or drain within the said City, and the points or locations of said poles shall be determined by the Mayor and City Council of said City and all wires placed thereon shall be maintained a height of at least twenty (20) feet above any side-walk, crossing or street surface of said City, provided that nothing in this chapter contained shall be construed as conferring upon the said Idaho Power and Transportation Company, Limited, its successors and assigns the right to erect any or separate poles upon the streets or alleys of the City of Rexburg, Idaho, other than those that may hereafter be allowed to be erected or placed thereon under the provisions of the Ordinances of the City of Rexburg to be hereafter passed. Provided that no wires erected under the provisions of this ordinance shall be erected below any wires now existing and owned by any corporation within the City of Rexburg.

**SECTION IX:** Any person not having the right or authority to do so, who shall interfere with, cut, remove, break, deface or destroy any poles, wires, cross-arms, insulators or insulator pins or other equipment within the corporate limits of the said City of Rexburg and any person without authority so to do who shall use said poles for the purpose of posting bills or advertisements of any kind whatsoever or who shall violate any of the privileges of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding fifty (\$50) dollars.

**SECTION X:** That upon installation of the service herein provided for, the said Idaho Power and Transportation Company, their successors and assigns shall supply are lights to the City of Rexburg or the inhabitants thereof, at the rate not to exceed seven (\$7) dollars per month; a maximum rate of ten cents for each kilowatt hour; and flat rate for 16 candle power incandescent lamps as follows: 75 cents for the first lamp; 50 cents for the second lamp; and 40 cents for each additional lamp. All services to be 24 hours duration.

**SECTION XI:** That the maximum charge to be made for power for operating the City pumping plant shall not exceed three (3) cents per kilowatt hour said pumping to be done whenever deemed necessary by the City.

**SECTION XII:** That in further consideration of the granting of the grants, rights and privileges contained in this Ordinance the said Idaho Power and Transportation Company, shall inspect the wiring of all buildings which said wiring shall be done under Underwriters rules, before connecting same for the purpose of supplying any said building with light or power and such inspection shall be done without any expense to the owner or lessee of any such building; that upon said company certifying to the City Clerk said building to be properly wired, that thereupon it shall be responsible for any damage or loss resulting from connecting any said building with their wires. That should any owner or lessee of such property disagree with said company in any of its decisions as to unsafe wiring, then such person shall state his grievance to the City Council, which body shall thereupon appoint someone competent to decide the matter, the services of such referee to be paid by said owner or lessee. Provided however, that no claim for damages under this section shall be made wherein the cause of damage is from carelessness or accident on the part of any one other than said company, nor from changing or tampering with the wires or insulation of said wiring without the knowledge or consent of said company; nor from invasion, insurrection, civil war, military or usurped power, or any cause over which the company would have no control.

**SECTION XIII:** The right hereby granted shall not be exclusive but the Mayor and City Council reserves the right to grant to any other person, company or corporation a similar franchise.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this the 15<sup>th</sup> day of June, 1908.

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J.W. Webster, Mayor

(SEAL)

ATTEST:

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A.L. Blackburn, City Clerk

STATE OF IDAHO)  
  )ss.  
County of Madison )

I, A.L. BLACKBURN, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

**AN ORDINANCE GRANTING A FRANCHISE FOR THE USE OF THE STREETS AND THE ALLEYS OF THE CITY OF REXBURG, FREMONT COUNTY, STATE OF IDAHO, FOR THE ELECTRIC TRANSMISSION LINES AND FOR THE DISTRIBUTION OF ELECTRIC CURRENT FOR THE POWER PURPOSES AND FOR ELECTRIC TRANSMISSION LINES AND FOR THE DISTRIBUTION OF ELECTRIC CURRENT FOR POWER PURPOSES AND FOR ELECTRIC LIGHTS IN THE CITY OF REXBURG, IDAHO, TO THE IDAHO POWER AND TRANSPORTATION COMPANY LIMITED.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this the 15<sup>th</sup> day of June, 1908.

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A.L. Blackburn, City Clerk

(SEAL)