



ORDINANCE NO. 51

AN ORDINANCE GRANTING A FRANCHISE TO JAMES H. BRADY, HIS HEIRS, ADMINISTRATORS OR ASSIGNS, THE RIGHT AND FRANCHISE TO ERECT POLES AND WIRES IN THE STREETS AND ALLEYS OF THE VILLAGE OF REXBURG AND TO MAINTAIN AN ELECTRIC LIGHT, POWER AND TELEPHONE SYSTEM WITHIN THE LIMITS OF SAID VILLAGE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF REXBURG, IDAHO;

SECTION I – That there is hereby granted to James H. Brady, his heirs, administrators or assigns the right and authority through, in and upon the streets and alleys of the village of Rexburg to erect and maintain poles and wires with the arms and braces necessary there unto over and upon the said streets and alleys for the purpose of conducting a general electric and power system and service and telephone system and service in said village, both systems and services to be maintained upon the same poles.

SECTION II – The poles hereby authorized to be erected shall be placed on the outside of the curb or sidewalk of the street 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 in said village and the points of location of said poles shall be determined by the board of trustees of said village and all wires placed thereon shall be maintained at a height of at least twenty feet above any sidewalk, crossing or street surface of said village, provided that nothing in this ordinance contained shall be construed as conferring upon the said James H. Brady, his heirs, administrators or assigns the right to erect any or separate poles upon the streets or alleys of the village of Rexburg other than those that may be hereafter allowed to be erected or placed thereon under the provisions of the ordinances of the village to be hereafter passed.

SECTION III – The Village 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 shall become necessary or proper and when any change is made by removal of any poles the board of trustees shall designate the point to which the pole shall be moved and such point 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 said James H. Brady, his heirs, administrators or assigns.

SECTION IV – The Village of Rexburg further expressly reserves the right to cut away and remove any poles or wires erected by virtue of the provisions of this ordinance whenever in case of conflagration such cutting away or removal shall become necessary, and the village shall not be liable or answerable to the said James H. Brady, his heirs, administrator or assigns for any damage occasioned by the cutting away or removal of any poles or wires so cut away or removed.

SECTION V – The right and privileges herein granted are in consideration that the said James H. Brady, his heirs, administrator or assigns shall at all times when so requested by the authorities of said village permit his poles and fixtures erected under the terms of this ordinance to be used by said village for the purpose of placing and maintaining thereon any wires and appliances that may be necessary for the police and fire department of said village, provided the same shall be placed and maintained so as to not interfere with the use and under the direction of the manager in said village of James H. Brady, his heirs, administrators or assigns.

SECTION VI – Any person who shall interfere with, cut, remove, break, deface or destroy any of the poles, wires, fixtures, instruments or other property of the said James H. Brady, his heirs,

administrators or assigns within the corporate limits of said village, except as hereinbefore or hereinafter described; any persons who shall use said poles for the purpose of posting bills or advertisements of any kind whatever shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding fifty (\$50.00) dollars.

SECTION VII – That said James H. Brady, his heirs, administrators or assigns shall protect and save harmless the said village from all accidents that may occur from the use of his electrical apparatus, currents, and appliances, or the operation of any plant of the said James H. Brady, his heirs, administrators or assigns in said village and all wires placed upon his 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 VIII – A failure to comply with the provisions of this ordinance shall work a forfeiture of the privileges and right hereby granted.

SECTION IX – That the said James H. Brady, his heirs, administrators or assigns, shall begin the construction of his said electric light and power plant within a period of thirty days from the date of the passage and approval of this ordinance and shall be prepared to furnish electric, lights and power to the said village and its inhabitants within four months from the passage and approval of this ordinance.

SECTION X – All ordinances and parts of ordinances in conflict herewith are hereby repealed and this grant and the right and privileges hereby conferred shall expire at the end of forty (40) years from and after its passage and the board of trustees hereby reserves the right to pass all ordinances and resolutions necessary or proper for the protection of the interests of the said village and to carry out the spirit and provisions of the foregoing ordinance and franchise.

SECTION XI – This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED AND APPROVED THIS 6TH DAY OF MARCH, 1903.

W. N. STEPHENS

Chairman

ATTEST: A. M. CARBINE
Clerk