

Ordinance No. 33

Brookings, Oregon,
ORDINANCE No. 33

AN ORDINANCE GRANTING TO THE WEST COAST TELEPHONE COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PLACE, ERECT AND MAINTAIN POLES, WIRES AND OTHER APPLIANCES AND CONDUCTORS, AND TO LAY UNDERGROUND CONDUCTORS FOR THE TRANSMISSION OF ELECTRICITY FOR TELEPHONE AND TELEGRAPH PURPOSES, IN, UPON AND UNDER THE STREETS, ALLEYS, AVENUES, THOROUGHFARES AND PUBLIC HIGHWAYS IN THE CITY OF BROOKINGS, STATE OF OREGON, AND TO EXERCISE THE PRIVILEGE OF OPERATING TELEPHONE AND TELEGRAPH INSTRUMENTS, AND OF DOING A TELEPHONE AND TELEGRAPH BUSINESS WITHIN SAID CITY:

The City of Brookings does ordain as follows:

SECTION 1. There is hereby granted by the City of Brookings to the West Coast Telephone Company, a corporation, its successors and assigns, the right and privilege to do a telephone and telegraph business within said City of Brookings, and to place, erect, lay, maintain and operate in and under the streets, alleys, Avenues, thoroughfares and public highways within the said City, poles, wires and other appliances and conductors for the transmission of electricity for telephone and telegraph purposes; such wires and other appliances and conductors may be strung on poles and other fixtures above ground and at such heights as to be designated by the street committee, or the Council, or, at the option of said grantee, its successors and assigns, may be laid underground in pipes or conduits or otherwise protected, and such other apparatus may be used as may be necessary or proper to operate and

maintain the same.
SECTION 2. It shall be lawful for the West Coast Telephone Company, a corporation, its successors and assigns, to make all needful excavations in any of such streets, alleys, avenues, thoroughfares and public highways in said City for the purpose of placing, erecting, laying and maintaining poles or other supports or conductors for said wires, or repairing, renewing or replacing the same. Said work shall be done in compliance with the rules, regulations, ordinances or orders which may, during the continuance of this franchise, be adopted from time to time by the City of Brookings.

SECTION 3. Whenever the West Coast Telephone Company, a corporation, its successors, assigns or agents shall disturb any of the streets, alleys or public highway for the purpose aforesaid, it or they shall without delay put the same in as good condition as it was before it was so broken up, dug or disturbed, and shall remove from the street all surplus earth, rubbish or material caused thereby.

SECTION 4. Nothing in this Ordinance shall be construed in any way to prevent the proper authorities of said City from sewer, grading, planking, paving, repairing, altering or improving any of the streets, alleys, avenues, thoroughfares, public highways or places within said City, in or upon which the poles, wires or other conductors of said Company are or shall be placed, and said Company shall upon receiving one (1) week's notice, in writing, from the City Mayor or other official of the Municipality having charge of said grading or improvement, remove such pole or poles or other obstruction, and if said Company, its successors and assigns, upon such notice shall refuse or neglect to remove such pole or poles or other obstruction, then the same shall be removed by the City at the expense of said Company.

SECTION 5. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the wires, cables or other plant of the West Coast Telephone Company, a corporation, its successors and assigns, for the passage of buildings, machinery or other objects, the said Company, its successors and assigns, shall temporarily rearrange, remove, lower or raise its wires, cables or other plant so as to permit such passage, and shall deposit in advance with said Company, its successors and assigns, a sum equal to such cost as estimated by said Company, its successors and assigns, and shall pay all damages and claims of every kind whatsoever direct or consequential, caused directly or indirectly by the changing, altering, moving, removing, or replacing of said wires, cables or other plant, except as may be occasioned through the negligence of said Company, its successors and assigns, so as to permit such passage. Said Company, its successors and

assigns, shall be given not less than one (1) week's written notice by the party desiring to move such building or other objects. Said notice shall detail the route of movement of such building or other objects over and along the streets and shall bear the approval of said City by the City Mayor or other authorized City Official. Such moving shall be with as much haste as possible and shall not be unnecessarily delayed or cause the said Company, its successors and assigns, unnecessary expense or waste of time. The provisions of this Section shall be carried out in accordance with the Ordinances of the said City regulating such matters. This section shall not apply to the performance of any public work as in this franchise provided.

SECTION 6. That said Company, its successors and assigns, hereby agree and covenant to indemnify the City of Brookings from any injury existing from, or any casualty or accident to person or property by reason of any neglect or failure to keep said poles, wires, and other appliances and conductors in a safe condition, and for all valid claims against said City for damages, caused by said poles, wires and other appliances and conductors.

SECTION 7. In consideration of the rights, privileges, and franchise hereby granted said grantee shall pay to the City of Brook-

ings from and after the date this Ordinance becomes in force and effect and until its expiration, annually two per cent (2%) of the gross local exchange service receipts of the grantee from the operation of telephones located within the corporate limits of the City of Brookings. A sworn statement of such gross local service receipts of the grantee shall be filed with the Recorder of the City of Brookings by the grantee after the end of each calendar year, and such sworn statements shall be so filed and such payment of two per cent shall be made on or before the 15th day of March of each and every year for the calendar year preceding, and such 2% payment made by the grantee will be accepted by the City of Brookings from the grantee, also in payment of any license, privilege, or occupation tax or fee for revenue or regulation, or for any other purpose now or hereafter to be imposed by the City of Brookings upon the grantee during the term of this franchise. And provided the grantee accepts this franchise and makes said 2% payment, then the City of Brookings will not, during the term of this franchise, require the grantee to make any further payment to the City of Brookings for any license, privilege, or occupation tax or fee.

SECTION 8. The rights, privileges, and franchise hereby granted shall continue and be in force

for a period of Twenty (20) years from and after the date of the passage of this Ordinance.

SECTION 9. That said Company shall file its acceptance of the conditions hereof within Sixty (60) days from date of approval thereof, otherwise this Ordinance shall be null and void.

SECTION 10. This Ordinance shall take effect January 1, 1953, and be in force thereafter upon the filing of said acceptance and after the publication thereof, which shall be at the expense of the West Coast Telephone Company.

Read by title and in full this 5th day of November, 1952.

Read a second time by title this 18th day of November, 1952.

Read a third time by title and passed by the Council this 9th day of December, 1952.

Authenticated this 9th day of December, 1952.

RUBERT O. DIMMICK,
Mayor.

Passed by the Council December 9th, 1952.

GLADYS KANICK,
Recorder.

NOTICE!

The All Year Events association will hold a meeting in conjunction with the Chamber of Commerce Thursday evening, Jan. 29, at the Grange hall. This information was made known by Ed Dempsey, vice president of the association, who is in charge during the absence of Joe Taylor.

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