

ORDINANCE NO. 63

An ordinance granting and giving Otto Tonn, his successors, and assigns, right, and authority, subject to certain restrictions to furnish Electric light, power and heat to the city of Haven, and inhabitants thereof for a term of twenty years.

Be it ordained by the mayor and councilmen of the city of Haven, Kansas.

Section 1. That it is hereby given and granted, subject to certain restrictions hereinafter set out, to Otto Tonn his successors, and assigns, the right, permission and authority for a term of twenty years from and after the date of publication of this ordinance to furnish the city of Haven and the inhabitants thereof with Electric Current for light, power and heat and for all purposes for which electric current is used. For the purpose of carrying into effect the powers herein granted, the said Otto Tonn his successors, and assigns, is hereby authorized to erect poles and wires in the streets, Avenues, Alleys, and Public Grounds of the said city of Haven, and to erect and maintain all engines, machinery and other appliances necessary to carry into effect the powers herein granted. Provided however that the placing of poles, wires and other appliances in the streets, Avenues, Alleys, and Public Grounds shall be subject to the control and direction of the council of said city; it being the intention hereof to enable the council to designate whether at certain places which the council may select the poles, wires and other appliances of said company shall be placed in the street or alley and at what point in said streets and alleys.

Section 2. The said Otto Tonn, his successors, and assigns, shall not at any time so construct any of their poles, wires, or other appliances in such a manner as to hinder or obstruct the trade or commerce of said city, nor to obstruct the proper use of the streets, avenues, alleys, or public grounds of said city except as may be necessary temporarily to make repairs, extensions or improvements to its work.

Section 3. It is stipulated and agreed as a condition precedent to the vesting of the rights and privileges conferred by this ordinance and franchise the said Otto Tonn, his successors and assigns, shall file with the clerk of the city of Haven, his written acceptance of this franchise and all its terms and conditions within thirty days from the date of passage thereof. And it is further stipulated and agreed that the grantee herein, its successors and assigns, shall be bound by the maximum rate as hereinafter set forth, the charge for electric current furnished by the grantee herein, its successors and assigns, shall not exceed fifteen (15) cents per thousand watts for carbon lights and shall not exceed eighteen (\$.18) cents per thousand watts tantalum and tungsten lights, and above price shall include the cost of all lamps and fixtures, when and wherever furnished for Street lights for the city of Haven.

But this ordinance shall not be constructed to prevent a minimum of one (\$1.) dollar per month for current.

The said Otto Tonn, his successors and assigns, shall, in the conduct of his business, if meters are used, to use standard and accurate meters and keep the same in good condition so they will accurately record the amount of electric current used by consumer; and the city of Haven hereby reserves the right to control the use of all meters, to inspect the same or cause the same to be inspected by a competent person and case the meters be found to be incorrect, it shall be immediately remedied and made correct by said company and the expense of said correction shall be borne by the owners thereof.

Section 4. Said grantee, its successors and assigns, shall hold the said city of Haven harmless from all claims, damages, liens arising from the negligence of the grantee, his successors or assigns or his servants agents or employs in the construction or operation or repair of its poles, wires, and other appliance or in its business generally.

Section 5. The said grantee, his successors and assigns, shall commence the construction of an electric plant to carry out the powers herein granted, within sixty days from the publication of this ordinance and shall have the same completed and in operation within four months from said date. And if said construction be not commenced within said time, and be not so completed and in operation within four months (unless this time be extended by the city), then this franchise and all rights and privileges thereunder shall revert to the said city of Haven without further act or notice and this ordinance shall become inoperative and void.

Section 6. The city of Haven hereby agrees to pass necessary ordinances for the protection of the property of the said grantee herein, his successors and assigns.

Section 7. The grantee his successors and assigns, is required to construct and furnish a good and substantial plant and one that will give satisfactory service to the city of Haven and the inhabitants thereof, and the mayor and council reserve the right if said grantee, his successors and assigns shall fail at any time during the life of this franchise to comply with the terms and provisions hereof, after due notice and a

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reasonable time being given for the compliance with the terms hereof by the grantee, to declare said franchise forfeited.

Section 8. This ordinance shall take effect and be in force from and after its publication in the Haven Journal.

Approved this 20th day of February, 1908.

Attest:

E. R. VanBuren
City Clerk

F. W. Ash
Mayor