

ORDINANCE NO. 70

AN ORDINANCE granting the Western Distributing Company, a corporation, its successors or assigns, the right to construct, maintain, repair and operate a natural gas plant in the City of Haven, Kansas, and the right to use the streets avenues and roads of said city in which to lay mains, laterals, service pipes, service boxes and connections, erect reducing stations and all necessary fixtures and appliances necessary to construct a natural gas plant for the purpose of supplying and delivering to said city and the inhabitants thereof natural gas for heating power, fuel, manufacturing, illuminating and other purposes for which natural gas may be used, and prescribing the conditions of said grant and fixing the maximum rate that may be charted for furnishing natural gas to said City of Haven and the inhabitants thereof.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF THE CITY OF HAVEN,
KANSAS:

SECTION 1. That there is hereby granted unto the Western Distributing Company, a corporation, its successors or assigns, the right to construct, maintain, repair, and operate a natural gas plant in the City of Haven, Kansas, for the purpose of supplying said city and the inhabitants thereof with natural gas for fuel, power, and other purposes for which natural gas may be used for the period of twenty (20) years from the date of the taking effect of this ordinance: Provided, that all said rights and privileges are granted to the said The Western Distributing Company, its successors and assigns, subject to the conditions herein after specified and the laws of the State of Kansas.

SECTION 2. That for the purpose of construction, repairing, maintaining, and operating said natural gas plant, the said The Western Distributing Company, its successors and assigns, is hereby authorized to put in place and maintain in any and all of the streets, alleys, avenues and roads within the corporate limits of said city, suitable gas pipes, mains, service pipes, boxes, reducing and regulating stations, laterals, connections and all other appliances necessary for the construction of said plant, and for that purpose, the said The Western Distributing Company its successors or assigns is hereby authorized to excavate in any of the streets, alleys, avenues or road within the corporate limits of said city to the extent that may be necessary to construct, enlarge, maintain, repair, and operate said plant provided that no more than one thousand (1000) lineal feet of excavation shall be opened at one time. Pressure and service lines shall be laid on the sides of the streets and alleys where practicable, and when so laid, the service pipe shall be laid on the sides of the streets and alleys where practicable, and when so laid, the service pipe shall be laid to the curb lines without expense to the consumer, and said pipe shall be maintained and kept in repair by the said The Western Distributing Company, grantee, its successors or assigns, and all of said lines and service pipes shall be laid as near as practicable with the uniform grade of the streets and at a depth of not less than eighteen (18) inches below the surface thereof, and shall be laid in such a manner as not to interfere with any public or private drains, sewer, water pipe or other public improvements.

Section 4. The said grantee, its successors or assigns, shall at all times save the city harmless from any and all damages which it may be liable to pay that may arise from the construction, repair, operation or maintenance of said plant and shall at all times, protect by proper light, signals or railing, all excavations, without expense to the city; and shall fill and protect all excavations and changes which it makes or causes to be made and leave the place upon which it enters in as good condition as before entering on same.

Section 5. That in consideration of this franchise, and the rights and privileges granted herein, the said grantee, its successors or assigns, agree to furnish natural gas to the inhabitants of said city for domestic purposes at reasonable rates and without discrimination, always to be fixed by meter measure, which rates shall not, in any event, exceed thirty (30) cents per thousand cubic feet of natural gas consumed, provided no bill shall be less than fifty (50) cents per month. A rebate of ten (10) per cent shall be allowed on all bills for gas if paid on or before the 10th day of the following month; provided, that said grantee, its successors and assigns, shall have the right and option of making a lower rate for power and manufacturing purposes different from that charged for domestic purposes and such differences or special contract shall not be deemed to be discrimination between consumers.

Section 6. Said grantee, its successors or assigns, shall furnish its patrons with reliable gas meters without cost.

Section 7. Said grantee, its successors or assigns, shall have the right and privilege to charge the said City of Haven any sum not exceeding five (\$5.00) per year, payable monthly, for any gas furnished said city for each street lamp, of mantle type said lights to burn on "all night" schedule, the city to furnish lamp posts, burners and mantles and light, extinguish, clean and maintain the same, and the city hereby reserves the right by resolution of the mayor and councilmen to order lamp posts for street lights, located at any place within the

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city on the mains of said grantee, for the purpose of lighting the streets and public grounds of said city, the same to be paid for at the prices aforesaid, and to order the same removed to some other location in the city at any time, or to remove any lamp altogether, the expense of said removal to some other location to be paid by the city. In the event the mayor and councilmen of said city shall, at any time, during the term of this franchise desire any public park or parks or any part of the same to be lighted with natural gas, the mayor and councilmen may, by resolution, order the same to be lighted at such places as they may designate at the price hereinbefore provided; however, the said city shall construct, at its expense, the extension of all gas mains necessary for lighting said park or parks, and furnish all lamps, lamp posts, burners and necessary appliances for lighting the same.

Section 8. Said grantee, its successors or assigns, shall have the right to and may require a deposit to be made with it by each applicant for the gas in the sum of five (\$5.00) dollars before placing a meter on the premises of the applicant or turning on gas for his consumption, which sum may be held for and applied to the payment of any past due bill for meter while on the premises of the consumer. Provided that said grantee, its successors or assigns, shall pay interest on each of said deposits at the rate of four (4) per cent annum, payable annually from and after the 26th day of January, 1910.

Section 9. That in case the grade of any street, alley or public ground shall be changed, the said grantee, its successors or assigns, if required by the mayor and councilmen of said city, shall raise or lower, at its expense, all gas mains or pipes and other parts of said plant in said street, alley or public ground, so that the same will be at the same distance below the surface of the street, alley or public ground after the change in said grade as before.

Section 10. Said grantee, its successors or assigns shall reduce the pressure from high pressure lines to a maximum of fifty (50) pounds to the square inch at all points within said city, and shall not maintain a higher pressure, and it shall be required to furnish gas to consumers from a low pressure line to even pressure as nearly as can be and not exceed four (4) to ten (10) ounces to the square inch; and said city shall pass suitable ordinances necessary to protect said gas plant and said grantee, its successors or assigns, against waste or unlawful use of gas; said grantee, its successors or assigns, are hereby authorized to enter the premises of its consumers at any time for the purpose of inspecting the use of gas and for the purpose of disconnecting the consumer from the gas line for the violation of any of the provisions of this franchise.

Section 11. The grantee, its successors and assigns, shall, within fifteen (15) days after the passage of this ordinance, file with the clerk of the city its written acceptance of the provisions herein, and in case of failure to file such acceptance within the time specified, then this ordinance shall ipso facto cease, and become null and void; that said grantee, its successors or assigns, shall begin active construction of said plant within thirty (30) days from date of acceptance of this ordinance, and have the same completed and fully installed and in condition in said city to deliver natural gas to said city and the inhabitants thereof on or before the first day of November 1909, and before said grantee, its successors or assigns shall begin construction in said city or do any work under the terms of this franchise, it shall file with the city engineer or clerk of said city, a plat and profile, showing the streets, alleys, avenues, roads and public grounds within the city limits of said city upon and along which it proposes to construct mains, land whether low or high pressure lines; said plat to be approved by the mayor and council of said city before any work is done.

Section 12. If the supply of natural gas shall become weak and fail in part at any time, then and in that event, the said grantee, its successors and assigns, shall have the right to give preference to domestic consumers.

Section 13. That the mayor and councilmen of said city shall have the right to declare a forfeiture of all rights and privileges granted herein and to repeal this ordinance upon failure of said grantee, its successors or assigns, to construct, complete, maintain and operate said gas plant in accordance with the terms and provisions of this franchise.

Section 14. That in the event of the failure of natural gas in sufficient quantity to supply the wants of the consumers in said city, after said plant has been in use for a period of two (2) years or longer in supplying natural gas, and if it should become unprofitable for said grantee to continue the use and supply thereof, said grantee, its successors or assigns, and may, at its option; remove said plant and everything used by it in the operation thereof, but upon such removed, it shall fill all trenches, ditches and excavation by reason thereof so as to leave the surface of the ground in the same condition practically as the same was before the construction of said plant.

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Section 15. This ordinance shall take effect and be in force from and after its publication in the official paper of the city.

Passed and approved this 20th day of Sept. 1909

H. T. Bently, Mayor

Attest:

E. R. VanBuren, Clerk

The Western Distributing Company a corporation, grantee in the above and foregoing ordinance, hereby accepts said ordinance this 23rd day of September 1909.

THE WESTERN DISTRIBUTING CO.

By Walter Loyd

Its Secretary duly authorized

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