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ORDINANCE NO. 113

An ordinance granting to W. F. Turner, his heirs, associates, successors, and assigns the exclusive right to erect, maintain, extend and operate an Electric Light Plant and system in the town of Atkins, Arkansas, for the purpose of furnishing light, heat and power to said town and its inhabitants; and contracting with W. F. Turner, his heirs, associates, successors and assigns for the furnishing of light to said town of Atkins, Arkansas.

Be it ordained by the Mayor and Council of the Incorporated Town of Atkins, Arkansas:

SECTION 1. The word grantee, when used in this ordinance shall denote and be construed to mean W. F. Turner, his heirs, associates, successors and assigns.

SECTION 2. The grantee is hereby granted a franchise for a period of thirty years from and after the passage and approval of this ordinance, with absolute and exclusive right, power and authority to erect, maintain, extend and operate an Electric Light Plant, with its machinery, poles, wires and other applicances, within the present and future corporate limits of the town of Atkins, for the purpose of generating and furnishing to said town and its inhabitants, light, heat and power, and for said purpose to enter upon and use the streets, alleys, and public grounds of said town, and place therein and thereon such poles, wires, apparatus and appliances as may be necessary, proper and desirable. This franchise is exclusive, it being understood and agreed that no other franchise will be granted by said incorporated town to any person, corporation or partnership to maintain a lighting plant in said town or to furnish light to said town or its inhabitants, during the life of this franchise.

SEC. 3. The grantee shall so place said poles and wires as to not interfere with the ordinary use of said streets and alleys and public grounds by the general public.

SEC. 4. The grantee shall install and equip an Electric Lighting Plant in said town of sufficient size, capacity and character to provide first-class service and furnish on reasonable notice all necessary light, heat and power for said town and its inhabitants during the life of this franchise.

SEC. 5. As a consideration or inducement for the grantee to build and operate said Light Plant, the said town of Atkins hereby covenants and agrees to rent from said grantee, beginning when said plant is first put into operation, and con-

tinuing through the life of this franchise, street lights amounting to not less than Twenty-Five ($25.00) Dollars a month, at the rate per light as may hereafter be agreed upon, but said rate per light shall be no higher than charges for similar lights in other towns similar situated. The town council of the incorporated town of Atkins, Arkansas, shall designate at what particular points on said streets and alleys said lights shall be placed and maintained.

SEC. 6. Permission and authority is hereby given the grantee to furnish, during the term of this franchise, light, heat and power to the inhabitants of said town, or to any partnership or corporation, and to charge for furnishing such light, heat and power any reasonable price which shall not be greater than the average price charged by lighting plants in similar towns in the State of Arkansas. Grantee may require any or all consumers to pay for service on the basis of meter rates, the meters to be of standard and reliable make; and the charge to be not greater than the average charge made by lighting plants in similar towns of this state for the same service.

SEC. 7. Service shall be furnished the inhabitants of said town without discrimination, but the grantee may make special rates to large consumers or for power work; and the grantee shall not be required to supply consumers who are in arrears for light or power, until arrears shall have been paid.

SEC. 8. When it shall be necessary to remove any building or structure, the same shall be done by the grantee, the cost to be borne by the person causing or requesting the same to be done, and the grantee may demand a deposit of the estimated cost of the work before removing such poles or wires.

SEC. 9. Grantee shall charge the consumers the cost of the materials and the price of labor for al wiring and fixtures done in residences, stores, offices and other places and may require payment for the same before turning on the current.

SEC. 10. Said town shall be appropriate ordinances, protect the grantee in the enjoyments of his rights and privileges under this franchise and contract, and shall prescribe proper and lawful penalties for interference with grantee in the operation and maintenance of said lighting plant and for damages that may be done to his property.

SEC. 11. Grantee shall install a plant as above provided for and have the same in operation within one year after the approval of this ordinance. In the event the grantee shall fail to furnish good service, as herein provided for, this franchise shall become null and void; but no forfeiture shall be declared of grantee's rights herein because of unavoidable accidents or such as can not be controlled by human agency.

SEC. 12. This ordinance shall take effect and be in force from and after its passage and publication.

Passed and approved July 7th, 1908

A. J. MCCOLLUM, Mayor

Attest:

L. D. FORD, Jr., Recorder