

attached 26

ORDINANCE NO. ~~26~~ 26

AN ORDINANCE, granting a franchise to William C. Sterne, his successors and assigns, to own, erect, construct, operate and maintain a plant or system for the supply, distribution and sale of electricity for light, heat, power and all other lawful purposes to the Town of Hudson and the inhabitants thereof and any and all additions hereafter made to said Town, by means of poles, wires, conduits and other necessary or convenient methods, over, upon, through and across all streets, avenues, alleys, bridges and other public places in said Town, and any and all additions hereafter made thereto, and fixing the terms and conditions of such grant; entering into a contract for the lighting of the streets, avenues, alleys, bridges and other public places in said Town of Hudson; entering into a contract for the furnishing of electrical energy for the purpose of pumping water for the Town of Hudson and the inhabitants thereof; and providing for the purchase by ^{the} said William C. Sterne, and sale and conveyance by the Town of Hudson, of the electrical transmission line owned by the Town of Hudson;

BE IT ORDAINED, by the Board of Trustees of the Town of Hudson, Colorado:

SECTION I: That the right and privilege be, and it is hereby, granted to William C. Sterne, his successors and assigns (hereinafter called "Grantee"), to install, extend, maintain and operate an electric plant or system in the Town of Hudson, Colorado (hereinafter called "Town"), for the supply, distribution and sale of electricity for light, heat, power and all other lawful purposes for which electricity may now or hereafter be used; to erect all necessary buildings and machinery; to set and maintain, exempt from levy of special pole tax, poles in the streets, avenues, alleys and

public places in the Town of Hudson and its additions as they now exist or may hereafter be laid out, and to put thereon all necessary cross-arms, pins, insulators, wires and all other appurtenances, required to distribute electricity to all parts of said Town and its public and private buildings and places and to persons and consumers within and outside of said Town; to excavate the streets, avenues, alleys and public places of said Town for the purpose of laying conduit and wires therein; to manufacture or purchase and to sell supplies; and to do all lawful acts that may be necessary or desirable to carry on its business as above set forth.

SECTION II: The poles to be erected by said Grantee shall nowhere be less than twenty (20) feet in height above the ground, and where wires cross streets, shall be of such height that no wire shall be less than twenty (20) feet above the surface of the street, and shall be placed close to the curbstones between sidewalk and street.

SECTION III: The Grantee, or his or their representatives, shall have the right, at reasonable hours, to enter the premises of consumers for the purpose of inspecting, testing and repairing electric wiring, lights, meters and appliances and to read meters; and in case of a consumer's refusal or failure to pay for proper charges for electric service or to abide by the reasonable rules and regulations of the Grantee, to disconnect wires from such building and to remove all meters and other material furnished and owned by said Grantee and to discontinue service to such building.

SECTION IV: The Grantee agrees to extend his pole lines or wires to provide street, commercial and domestic lighting within the Town limits of the Town of Hudson when so instructed by the Mayor and Board of Trustees of said Town; provided that Grantee shall not be required to make any such extension unless at least one street light of a minimum rating of one hundred (100) candlepower or three (3) private consumers shall be secured for each town block length of said extension of pole lines or wires.

SECTION V: The Grantee is authorized to charge for electric service upon not to exceed the following rates:

Commercial Lighting Rate:

Applicable to stores, shops, hotels, rooming houses, restaurants, garages, offices, lodges, clubs and other commercial or business organizations.

A fixed charge of Fifty Cents (50¢) per month per one hundred (100) watts, or fraction thereof, of lamps installed for the first one thousand (1,000) watts of lamps installed;

A fixed charge of Thirty Cents (30¢) per month per one hundred (100) watts, or fraction thereof, of lamps installed for the next one thousand (1,000) watts of lamps installed;

A fixed charge of Twenty Cents (20¢) per month per one hundred (100) watts, or fraction thereof, of lamps installed for all wattage of lamps installed in excess of two thousand (2,000) watts;

Plus - Ten Cents (10¢) per kilowatt hour for the first eighty (80) hours use per month of installed wattage; Eight Cents (8¢) per kilowatt hour for the next eighty (80) hours use per month of installed wattage; Six Cents (6¢) per kilowatt hour for all excess used in the same month.

Minimum installation two hundred (200) watts.

Minimum monthly payment to be the fixed charge, but not less than One Dollar Sixty-five Cents (\$1.65) per month.

Above rates and minimum payment subject to a discount of Ten Percent (10%) if paid on or before the tenth (10th) day of the month for service rendered the month next preceding.

This rate shall apply to premises used for combination commercial and residence purposes.

Residence Lighting Rate:

Applicable to residences, apartments, hospitals and the like.

A fixed charge of Twenty-five Cents (25¢) per month per active room;

Plus - Ten Cents (10¢) per kilowatt hour for the first four (4) kilowatt hours use per active room per month; Eight Cents (8¢) per kilowatt hour for the next four (4) kilowatt hours use per active room per month; Six Cents (6¢) per kilowatt hour for all excess used in the same month.

In computing service charges under the above rates a minimum of four (4) active rooms for any one consumer shall be taken.

Minimum monthly payment to be the fixed charge, but not less than One Dollar Sixty-five Cents (\$1.65) per month.

Rates and minimum subject to a discount of Ten Percent (10%) if paid on or before the tenth (10th) day of the month for service rendered the month next preceding.

Small Power Rate:

Applicable to meters up to and including five (5) horsepower.

Seventy-five Cents (75¢) per month per horsepower connected; Plus - Ten Cents (10¢) per kilowatt hour for the first ten (10) kilowatt hours use per month per connected horsepower; Seven Cents (7¢) per kilowatt hour for the next twenty (20) kilowatt hours use per month per connected horsepower; Five Cents (5¢) per kilowatt hour for all excess kilowatt hours used in the same month.

Monthly minimum: Three (3) horsepower or less, Three Dollars Fifty Cents (\$3.50); Five (5) horsepower, Five Dollars Seventy-five Cents (\$5.75).

The above rates and minima are subject to a discount of Ten Percent (10%) if paid on or before the tenth (10th) day of the month for service rendered the month next preceding.

Large Power Rate:

Applicable to meters of seven and one-half ($7\frac{1}{2}$) horsepower or more.

Grantee may extend to this class of service such rates as he may deem commensurate with the requirements of the service demanded. Any rate so established must be applied to all consumers in the same class without discrimination.

Grantee may decline to serve meters of this class when such meters operate during any portion of the hours between dusk and eleven (11:00) P. M. of any day.

SECTION VI: Grantee and Town hereby enter into a contract for street lighting under the following terms and conditions:

Grantee shall furnish, and Town shall take and pay for, all street, park, avenue and alley lighting that may be required by Town during the period of this Franchise at the following rates and under the following terms and conditions, to-wit:

For each incandescent lamp of approximately two hundred (200) spherical candlepower, burning from dusk of one day to dawn of the next day, Seventy-five Dollars (\$75.00) per year.

For each incandescent lamp of approximately one hundred (100) spherical candlepower, burning from dusk of one day to dawn of the next day, Forty Dollars (\$40.00) per year.

For each incandescent lamp of approximately forty-five (45) spherical candlepower, burning from dusk of one day to dawn of the next day, Twenty-five Dollars (\$25.00) per year.

For each incandescent lamp of approximately thirty (30) spherical candlepower, burning from dusk of one day

to dawn of the next day, Twenty Dollars (\$20.00) per year.

For each incandescent lamp of approximately two hundred (200) spherical candlepower, burning from dusk to midnight of each day, Forty Dollars (\$40.00) per year.

For each incandescent lamp of approximately one hundred (100) spherical candlepower, burning from dusk to midnight of each day, Twenty-five Dollars (\$25.00) per year.

For each incandescent lamp of approximately forty-five

(45) spherical candlepower, burning from dusk to midnight of each day, Seventeen Dollars (\$17.00) per year.

For each incandescent lamp of approximately thirty (30) spherical candlepower, burning from dusk to midnight of each day, Twelve Dollars Fifty Cents (\$12.50) per year.

Under the above schedule of rates Grantee shall furnish and maintain all street lighting units and lamps.

Under the above schedule of rates Grantee shall install as soon as practicable after the passage and approval of this Ordinance, and Town shall take and pay for, street lighting units aggregating a total minimum cost to Town of Four Hundred Dollars (\$400.00) per year, and such street lighting units so installed shall remain in service throughout the period of this Franchise.

Additional street lighting units may be ordered installed by Town from time to time and, when installed, shall remain in service continuously throughout the then unexpired term of this Franchise.

After lamps are once installed, should the Town thereafter desire to change the location of any of said lamps the Town shall pay the expense of making such change.

Lamps shall burn during hours specified each and every night in-so-far as may be possible for lamps burning under similar conditions of operation.

Payment for the above specified service shall be made by Town to Grantee in twelve (12) equal, monthly payments on or before the tenth (10th) day of each month for service rendered the month next preceding.

SECTION VII: Town and Grantee hereby enter into a contract for electrical energy for the operation of Town's pumping plant under the following terms and conditions:

Hudson, Colorado. The terms of said purchase and sale to be as follows:

Beginning with the date of first service of electrical energy by Grantee hereunder, Grantee shall pay to Town thirty-three and one-third percent (33-1/3%) of the gross revenue received by Grantee for electrical energy furnished to the Town and Grantee's other consumers within the Town of Hudson during each twelve-months period. Such payment shall continue throughout ten (10) consecutive twelve-months periods, aggregating a total of one hundred twenty (120) consecutive months from the date of first service by Grantee hereunder; provided, however, that if during any such twelve-months period the gross revenue so received by Grantee shall not equal or exceed the total sum of Three Thousand Dollars (\$3,000.00), then and in that event no payment by Grantee to Town for such period shall be made. The total aggregate sum so to be paid to Town by Grantee shall be Ten Thousand Five Hundred Dollars (\$10,500.00); Provided, however, that all payments to be made by Grantee to Town shall cease and terminate at the expiration of the ten (10) successive twelve-months periods above set forth, whether or not the said total sum of Ten Thousand Five Hundred Dollars (\$10,500.00) shall have been so paid.

It is further understood and agreed that no interest on deferred payments shall be paid by Grantee and that title to said transmission line above described shall vest in Grantee, his successors and assigns, in fee simple by virtue hereof and such conveyance thereof, shall be immediately confirmed by suitable conveyance from the Town, by its proper officers and under its corporate seal, immediately upon passage and approval of this Ordinance and acceptance of same by Grantee.

Payments as above set forth shall be made by Grantee on or before forty-five (45) days after the expiration of each twelve-months period above set forth, and such payments shall be made at the official depository of the Town in the Town of Hudson, Colorado.