

ORDINANCE NO...65.-

*Cover Jan 1916*

An ordinance granting to The Sugar City Electric Light & Power Co., its legal representatives, successors and assigns, for the period of twenty years, the exclusive right to own, lease, build, construct, put up, maintain and operate a plant or plants for production and generation of dynamic electricity, or to lease the same from elsewhere, and of distributing the same by currents conducted by cables, mains, conduits and wires strung on poles along, under, over and upon the streets, alleys, bridges, public parks and other public places and grounds within the corporate limits of the Town of Sugar City., as now laid out or as they may hereafter be established or extended; to sell and deliver to and collect therefor from the said Town and its inhabitants said dynamic electricity, to be used for light, heat, motive power and other legitimate purposes; limiting and controlling said use; fixing a maximum rate of charges for electricity; regulating the construction and maintenance of all lines; providing for the use of the poles and other supports of said company by said Town in connection with its fire alarm and police systems; construing and defining certain words and terms used in said ordinance; calling a special election for the ratification or rejection of this ordinance by vote of the taxpaying citizens of said Town; prescribing the form of the ballots to be used, and fixing the time, place and manner of holding said election and recording the results thereof, and providing the time of taking effect of said ordinance and limiting the time in which construction work shall be begun and within which the supplying of electricity shall be commenced.

Be it ordained by the board of Trustees of the Incorporated Town of Sugar City:

Sec 1 - The Sugar City Electric Light & Power Co., a corporation under the laws of the State of Colorado, its legal representatives, successors and assigns is hereby given and granted within the corporate limits of the said Town of Sugar City as now laid out or as they may hereafter be changed or extended the exclusive Franchise, right and privilege to own, lease, construct, put up, maintain and operate a plant or plants for the purposes of producing and generating dynamic electricity, or to lease, hire or rent the same from elsewhere, and of distributing the same by currents



Sec 2.- All poles put up and excavations made on or in the streets, alleys or other public places or grounds shall be put up and made under the supervision and control of the street and alley committee of said Town; who may require that all poles and braces or other supports of wires, cables and other conductors above ground shall be kept painted and maintained in good repair. All wires stretched over streets, alleys or other public high-ways shall be at least twenty one feet above the surface level thereof .

Sec 3.- The Town of Sugar City shall have the right free of charge, to use all poles or other supports of wires and other conductors for the purpose of supporting the alarm and signal boxes, wires and other conductors of the Town in connection with its fire and police systems-- Provided that the said The Sugar City Electric Light & Power Co., shall be put to no expense in connection with such use, except maintenance; that such use shall be exercised in such manner as to not interfere with the use by said company, and that in case of any accident occasioned by such use by said Town the said company shall be held blameless.

Sec 4.- In consideration of the granting of the Franchise named in Sec 1 of this ordinance it is hereby ordered that the following shall be the maximum rates to be charged for electricity by said company, to the users and consumers thereof, under and by virtue of said Franchise, Viz:

For electric current for private use;

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For incandescent lighting on meter basis, not to exceed ----cents per Kilowatt hour until it shall officially appear that said Town has a population exceeding  
14  
three thousand when the rate shall be reduced to ----cents , and when the population  
12 1/2  
exceeds five thousand to ---- cents . The same rates of reduction shall apply to currents for motive power.- Provided that said company shall not be required to accept less than ~~5~~ <sup>per month</sup> cents for each incandescent lamp installed and in no case less than \$1.50 per month on each consumers contract.

For electric current for Arc lights the rate shall correspond with that for incandescent lights , taking in to consideration the relative candlepower .

For electric current furnished for motive power, or other uses not named, on



lamp, during the first five years of the term of the Franchise granted by Sec.1 of this ordinance; <sup>\$9.00</sup> -----per month, per lamp, for the next following seven years, and <sup>\$8.00</sup> -----per month, per lamp during the last eight years of the term of said franchise.

For electric current for use in public buildings, the same rate charged private consumers for current furnished for motive power.

Sec.5.- The prices to be charged for all lamps installed and for the installation thereof shall not exceed the usual and customary prices paid for the same quality of lamps and service by other towns of the same average consuming capacity, All lamps supplied by said company shall be kept up to the standard in general use from time to time during the term of this Franchise granted by this ordinance; shall be of the consumer's selection and choice as to style, candle power, and voltage; and said company shall supply and transmit a sufficient voltage to all lamps installed to maintain and keep the light thereof up to the standard in general use ~~in towns of similar consuming capacity~~, and in case of failure to do so the said granted Franchise shall be forfeited - Provided, however, that before a forfeiture shall be declared by the constituted authorities of said Town, the said company shall be notified in writing, of any alleged failure as above set forth and allowed ten days in which to discover the cause and remedy the deficiency if any there be found, and if the ~~same~~ <sup>cause</sup> is still complained of, the authorities of said Town may provide for a testing of any light or lights by one or more expert and responsible electricians and in case any <sup>short</sup> material defect in lamps or ~~voltage~~ of voltage may be thus discovered and shall not be remedied and the expenses of such testing paid by said company within ninety days from date of written notice of such finding, or in case no such defect or shortage be found said Town shall pay all expenses occasioned by such testing;.

Sec.6.- The Franchise and privilege granted by Sec 1 of this ordinance shall take effect and be in force from and after the ratification thereof by vote of the taxpaying citizens of said Town at the election called and provided for in sections ~~8 to 12~~ <sup>8 to 12</sup> inclusive, of this ordinance, and shall extend over and until the ~~lapse~~ <sup>term</sup> of the full period of twenty calendar years next following such ratification - Provided that if the granting of said Franchise be not ratified, but rejected at said election, all



product, within 42 days from said ratification, and in case of a failure to do so, in the time above specified, all the rights of the said The Sugar City Electric Light & Power Co., under and by virtue of this ordinance shall be forfeited - Provided that in case of a forfeiture all materials, tools, or machinery which may have been brought into use under the terms of this ordinance shall be and remain the property of said company and may be removed by it from the corporate limits of said Town within a reasonable time.

Sec 8.- Wherever the name or designation, "The Sugar City Electric Light & Power Company" occurs in this ordinance, such shall be deemed and held to mean and apply equally to the legal representatives, successors and assigns of the said The Sugar City Electric Light & Power Company and wherever the words "The Town" "Said Town of Sugar City" or "Said Town" are used they or any of said terms shall be deemed and held to equally apply to the incorporated Town of Sugar City., in the County of Otero, State of Colorado,.

Sec 9.- A special election is hereby called to be held at the Town Hall, in the Town of Sugar City, on the day of April ~~September~~ D. 1909 the polls of which election shall be opened at Nine ~~One~~ O, Clock A.M. and be kept open until and closed at Seven ~~One~~ O, Clock P.M.

Sec 10 The qualifications <sup>of voters</sup> at such election shall be that they shall be twenty one years of age, citizens of the United States, or shall have declared their intention to become such; shall have resided in the State of Colorado one year, in Otero County ninety days and in the Town of Sugar City thirty days next preceeding this election, and that in the year preceeding said election shall have been assessed and have paid a tax on either real or personal property for Town purposes.

Sec 11.- At said election there shall be submitted to a vote the question of ratification or rejection of the Franchise, right and privilege granted and given by ~~Sec 1. of~~ this ordinance said vote shall be given on a Ballot prepared and caused to be printed, numbered and supplied by the Town Clerk of said Town in the same manner and quantity as is required by the Australian ballot law of this State for annual municipal elections; which said ballot shall be substantially in the following form:

(BALLOT) -- ~~Cast~~ at a special election, held at the Town Hall in the Town of Schumacher



alleys, bridges, public parks and all other public places and grounds of said Town as now laid out or as they may hereafter be established and extended; to sell, deliver to and collect therefor from the said Town and the inhabitants thereof, for the purpose of light, heat, motive power and other legitimate uses of said dynamo Electricity.

For ratification of ~~Sec. 1.~~  
of Ordinance No. 63-

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Against ratification of ~~Sec. 1.~~  
of Ordinance No. 63-

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Upon said ballot each voter shall indicate his or her choice by making a X in the blank space opposite to the expression of his or her desire, for ratification or against ratification.

Sec 12 - The manner of the appointment of Judges and Clerks, the giving notice of and of holding and conducting the election called by Sec. 7 of this Ordinance, challenging and passing upon the qualifications of voters, and counting, certifying and recording the results thereof shall conform as nearly to the general laws governing annual Municipal elections as may be found applicable and pertinent thereunto; and the <sup>more</sup> ~~compt~~ practices act of this state and all the prohibitions and penalties therein provided for violations of the election laws of the state shall be applicable to this Election.

Sec 12 - That said Town shall have the right at the expiration of five years after the taking effect of this ordinance, <sup>or at any time thereafter</sup> to give written notice of its intention to within one year from the giving of such notice proceed to purchase all the plants property, and rights of the said company used in supplying electricity to said Town, in the same manner as is now provided by law for the purchase of such plants, property and rights at periods of Ten and Fifteen years - Provided in so doing said Town shall not be required to take over more than one half of the Transmission line or lines between itself and any other Town.



Attest

J. M. Ballou  
Town Recorder and Clerk,

W. L. Williams  
Mayor,

State of Colorado,  
County of Otero,  
Incorporated town of Sugar City, )  
( s s:-

I, J. M. Ballou, Town Recorder of the Incorporated Town of  
of Sugar City, Colorado, do hereby certify that the foregoing, Ordinance, Franchise, and call  
for special election was duly and regularly passed by the Board of Trustees of said  
Town at a regular meeting of the said Board, held on the 8th, day of September, A.D. Nine  
teen and nine, (1909.) A majority of the whole of said board concurring, by the following  
vote the yeas and Nays being called and recorded,

Yeas, Trustees, Berger, Fluke Hedges, Sanger, and Terry,

Nays Trustee Philips,

Absent Trustees , None,

J. M. Ballou  
Town Recorder,