

ORDINANCE NO. 47.

A Bill for an Ordinance granting to the Pacific States Telephone & Telegraph Company, its successors and assigns the right to place, erect and maintain poles, wires and other appliances and conductors and to lay under ground wire for the transmission of electricity for telephone and telegraph purposes, in and upon and under the streets, alleys, avenues and thoroughfares and public highways, in the Town of Stayton, Marion County, Oregon, and to exercise the privilege of operating telephone and telegraph instruments within the said Town of Stayton.

THE COUNCIL OF THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. The Town of Stayton hereby grants to the Pacific States Telephone & Telegraph Company, its successors and assigns the right and privilege to place, erect, lay and maintain and operate in the streets, alleys, avenues and thoroughfares and public highways within said Town, poles, wires and other appliances and conductors for the transmission of electricity for telephone and telegraph purposes. Such wires or conductors may be strung upon poles or other fixtures above ground or at the option of the grantee, its successors and assigns, may be laid underground in pipes or conduits or otherwise protected and such other apparatus may be used as may be necessary or proper to operate and maintain the same.

Section 2. It shall be lawful for the Pacific States Telephone & Telegraph Company, its successors, and assigns to make all needful excavations in any of said streets, alleys, avenues, thoroughfares and public highways in said Town, for the purpose of erecting and maintaining poles or other supports for said wires or other conductors under ground or for repairing the same; said work shall be done in compliance with the necessary rules, regulations, ordinances or orders which may be, during the continuance of this franchise, adopted from time to time, by the Town of Stayton.

Section 3. Nothing in this Ordinance shall be construed in any way to prevent the proper authorities of the Town of Stayton from sewerage, grading, planking, repairing or altering any of the streets herein mentioned, but all such work shall be done, if possible, so as not to obstruct or prevent the free use of said poles, wires, conductors, pipes or other apparatus.

Section 4. This Franchise and the rights and privileges therein contained are granted to the Pacific States Telephone & Telegraph Company, its successors and assigns, upon the consideration that the said town of Stayton shall have the right to suspend and maintain upon the poles placed by said Grantee, its successors and assigns in the streets and thoroughfares aforesaid, or if said wires are placed under ground to use any and all wires which said Town may require for fire alarm and police telegraph service, free of charge to the said town of Stayton.

Provided that nothing in this Ordinance shall prohibit the Town of Stayton from licensing, taxing and regulating the use of Telephone & Telegraph wires, telephone and telegraph instruments within said Town of Stayton, and the said Pacific States Telephone and Telegraph Company shall be liable for any damage to any person or property by reason of the erection or maintenance of any poles in said Town granted by this Ordinance.

Section 5. The rights, privileges and franchise herein granted shall continue to be in force for a period of twenty-five years from the date of the passage of this Ordinance.

Section 6. This Ordinance shall take effect from and after its passage and publication.

Passed the Council May the 6th, 1901,

Approved May 8th, 1901,

J. P. Davie,

Mayor.

Attest-

W. H. Queener,

Recorder.