

## ORDINANCE NO. 157

AN ORDINANCE PROVIDING FOR THE LETTING AT PUBLIC BIDDING OF THE FRANCHISE, RIGHT AND PRIVILEGE OF ENTERING IN AND UPON THE STREETS, ALLEYS, PUBLIC WAYS AND PLACES OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY, FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING, REPLACING AND REMOVING POLES, WIRES, CABLES AND OTHER APPARATUS AND APPLICANCES NECESSARY AND CONVENIENT FOR THE PURPOSE OF CONDUCTING AND TRANSMITTING ELECTRICITY INTO AND THROUGH SAID CITY AND FOR SUPPLYING ELECTRICITY, IN SAID CITY TO PUBLIC AND PRIVATE CUSTOMERS AND PROVIDING FOR THE GRANTING OF SAID FRANCHISE, RIGHT AND PRIVILEGE TO THE HIGHEST AND BEST BIDDER.

THE BOARD OF TRUSTEES OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY, DOES ORDAIN AS FOLLOWS:

SECTION I. That the Clerk of said City of Dry Ridge, Kentucky, be and he is hereby directed to advertise in one issue of the Grant County News, within five days after the passage of this ordinance, that bids will be received by the Board of Trustees of said City of Dry Ridge, at a regular meeting to be held on the 1st day of June, 1954, for the sale of the franchise, right and privilege of entering in and upon the streets, alleys, public ways and places of said City of Dry Ridge, for the purpose of constructing, operating, maintaining, replacing and removing poles, wires, cables and other apparatus and appliances necessary and convenient for the purpose of conducting and transmitting electricity into and through said city, as it now is or may hereafter be enlarged, and for supplying electricity in said city for light, heat and power purposes to public and private customers, as herein provided.

SECTION II. That the franchise, right and privilege granted hereunder shall be and continue for a period of ten (10) years from and after the acceptance of the bid or proposal of the successful bidder. All bids shall be sealed and marked on the outside with the words "Bid for Electric Franchise", and shall be opened at said meeting by the Board of Trustees in open session, said Board reserving the right to reject any and all bids.

SECTION III. Subject to the right of the Board of Trustees of said City of Dry Ridge, Kentucky, to reject any and all bids, there shall be awarded to the highest and best bidder therefor, the said franchise, contract, rights and privileges set out in this ordinance.

SECTION IV. Any franchise granted under the terms of this ordinance and the bid received hereunder upon which said franchise is awarded shall, during the full term of such franchise grant, be subject to the act of the General Assembly of the Commonwealth of Kentucky, providing for the regulation and control of utilities within the Commonwealth of Kentucky, and to the jurisdiction of the Public Service Commission of Kentucky or any legally constituted state body designated as its successor in jurisdiction.

SECTION V. The successful bidder, his or its successors or assigns, to whom the franchise may be awarded, must be in every way prepared to begin the construction of the necessary plant or system within sixty (60) days from date of acceptance of his or its bid hereunder, and shall begin serving electricity as herein provided for light, heat and/or power purposes, not later than 120 days after acceptance of bid, throughout all that part of said city where electricity is now furnished by The Union Light, Heat and Power Company, and shall furnish electricity for twenty-four hours a day to customers during the term of this grant, unless temporarily prevented by accidents or causes beyond his or its control.

If the successful bidder shall now be furnishing electricity

## ORDINANCE 157 (Continued)

to the City of Dry Ridge and its inhabitants, in that event such bidder shall commence furnishing electricity under this franchise in accordance with the terms hereof.

SECTION VI. Each bid shall be accompanied by cash or a certified check drawn on a bank of this commonwealth or a national bank, equal to five per cent of the fair estimated cost of the plant required to render the service herein referred to, payable to the order of the City of Dry Ridge, which check or cash shall be forfeited to the said city in case the bid should be accepted and the bidder shall fail, for thirty (30) days after the confirmation of the sale, to pay the price bid and to give a good and sufficient bond in the sum equal to one-fourth of the fair estimated cost of the plant to be erected. Said bond shall be so conditioned that it shall be enforceable in case the party giving it should fail, within a reasonable time, to establish a suitable plant for rendering the service and begin rendering the service in the manner set forth in said terms and conditions; but this section shall not apply to a person or corporation already owning in such municipality a plant and equipment sufficient to render the service required under such franchise. Upon execution of said bond, the check or cash of the successful bidder shall be returned to him. Checks or cash of all unsuccessful bidders shall be returned to them.

SECTION VII. All bids shall state the terms and conditions under which bidder will agree to install, maintain and operate a street lighting system and provide electricity therefor.

SECTION VIII. A reasonable deposit to secure the payment for electric service used may be required and shall be paid before any meter is set, and is to be returned to the depositor, after deducting therefrom any or all charges the successful bidder, his or its successors or assigns, may have against such depositors, whenever the customer or depositor discontinues the use of the electric service and the meter is removed from the premises by the successful bidder, his or its successors or assigns.

SECTION IX. The successful bidder, his or its successors or assigns, shall have the right to discontinue his or its service to customers and disconnect his or its service lines and remove his or its property for non-payment of bills when due, for any fraudulent representation or concealment in relation to the consumption of electricity, or for taking or using electricity contrary to the laws of the Commonwealth of Kentucky or ordinances of the City of Dry Ridge. Should said service be discontinued for violation of any of the above conditions, said successful bidder, his or its successors or assigns, may, before it restores said service, require of said customer reasonable deposit or bond to guarantee against a future recurrence of any such violations.

SECTION X. The location of all poles upon the streets of the city shall be subject to the approval of the Board of Trustees and they shall have the right to order a change in location of any pole, the expense of such change to be borne by the City of Dry Ridge; provided however, should, the city, during the term of this ordinance, widen, reconstruct or change the location of any street, alley or highway wherein poles are now located, and if such poles interfere with such street improvement, the Company, shall, at its own expense, make such changes as required to conform to the reconstruction of such street.

Whenever the poles, wire, brackets or supports of the successful bidder, his or its successors or assigns, are required by this ordinance to be placed upon the streets, alleys, highways, or places of the city which are not at present time graded to the established grade, the successful bidder, his or its successors or assigns, will, in the event of any of said streets, alleys, highways, or places are hereafter graded to the established grade, be required to change his or its poles, wires, brackets or supports to conform to such grade, but all such changes shall be made at the expense of the City of Dry Ridge.

## ORDINANCE NO. 157 (Continued)

All electrical construction work performed by the successful bidder, his or its successors or assigns, under this franchise shall conform to the approved methods for construction under the given conditions.

When the necessity shall arise, the City of Dry Ridge shall give to the successful bidder, his or its successors or assigns, permission and authority, insofar as said city can grant the same, to trim the branches of all trees which may extend over the sidewalks and streets of the city in such manner as to interfere with the safe and efficient operation of the electrical system of the successful bidder, his or its successors or assigns in said city.

SECTION XI. The successful bidder, his or its successors or assigns, shall furnish free all wire, labor and appliances to make service connections to buildings situated not farther than seventy-five (75) feet from the curb line upon all streets and highways, except such poles, wire and other material as may be used or required on customers' premises to avoid trees or other obstructions, which shall be provided at the expense of the customer.

Where the distance of the buildings exceeds seventy-five (75) feet from the curb line, the successful bidder, his or its successors or assigns, may charge the customer the actual cost of labor and material, plus fifteen per cent, for all installations in excess of the seventy-five (75) feet necessary to such connections.

All service connections, weather permitting, shall be made within a reasonable time after application, provided the premises are wired and the fixtures are installed in accordance with the service rules of the successful bidder, his or its successors or assigns.

SECTION XII. The successful bidder, his or its successors or assigns, shall furnish and maintain all necessary meters at his or its expense.

All such meters shall be of standard make, tested and sealed by said successful bidder, his or its successors or assigns, and are to remain the property of the successful bidder, his or its successors or assigns.

Said meters shall at all times be maintained in accordance with the standards of accuracy and in compliance with the rules and regulations as established by the Public Service Commission of Kentucky and currently in effect and force.

The customer shall pay to the successful bidder, his or its successors or assigns, for any damage to meters or meter connections which arise through customer's negligence.

SECTION XIII. The successful bidder, his or its successors or assigns, shall at all times protect and save harmless the City of Dry Ridge from all criminal and civil liability arising from or growing out of the negligence of the successful bidder, his or its successors or assigns, in the construction, operation, maintenance, replacement or removal of such electric light lines or their adjuncts upon the streets of the city.

SECTION XIV. The successful bidder, his or its successors or assigns, shall not unreasonably obstruct any of the streets or highways of the city in the construction, operation, maintenance, replacement or removal of his or its lines, and after doing any work upon any of the streets, alleys, public ways or places of said city, shall restore the same as near practicable to their former condition to the satisfaction and approval of the Board of Trustees.

SECTION XV. If the successful bidder, his or its successors or assigns, shall be prevented from doing anything herein required to be done by him or it within the fixed time by reason of a restraining order, injunction or other process in force, such

## ORDINANCE NO. 157 (Continued)

necessary delay shall not be counted as any part of the time limit, provided, however, such successful bidder, his or its successors, or assigns, has made a bona fide effort to have such order, injunction or other process in force dissolved at the earliest possible time.

SECTION XVI. The successful bidder, his or its successors or assigns, shall have the right to utilize and use his or its poles, wires, brackets and appliances in the City of Dry Ridge, or any extension thereof or additions thereto, for the purposes of transmitting and supplying electricity to municipalities, territory or individuals other than the City of Dry Ridge, and its inhabitants.

SECTION XVII. All poles, wires, brackets, meters, appendages and equipment embraced in this franchise, shall remain the property of the successful bidder, his or its successors or assigns.

SECTION XVIII. All bidders shall state such other terms, conditions and limitations in respect to the acceptance of the bid and for the making of a contract hereunder, as bidder deems necessary and advisable.

SECTION XIX. The Board of Trustees will enact such laws and ordinances as will reasonably protect successful bidder, his or its successors or assigns, in carrying out the terms and conditions of this franchise.

SECTION XX. The successful bidder, his or its successors or assigns, shall have power and authority to go upon such streets, alleys, public ways and places of the City of Dry Ridge, and to do all things necessary for the purpose of constructing, operating, maintaining, replacing or removing the appliances used by him or it in the proper enjoyment of the franchise herein granted.

SECTION XXI. This ordinance and the bid or proposal accepted by The Board of Trustees under the provisions hereof, together with the resolution accepting the bid or proposal, shall be and constitute a contract between the City of Dry Ridge and the person, firm, or corporation to whom the franchise, rights and privileges herein provided for are awarded, and the said contract, rights and privileges shall inure to and be binding upon the successors and assigns of the successful bidder.

SECTION XXII. This ordinance shall take effect and be in force upon and after its passage and approval and publication.

Passed and adopted May 4th, 1954.

Attest:  
H. C. Rohrs, Clerk

Approved /s/ Chester Johns, Chairman