

TOWN OF BOX ELDER

ORDINANCE NO. 6

AN ORDINANCE GRANTING TO THE WEST RIVER ELECTRIC ASSOCIATION, INC., A FRANCHISE TO CONSTRUCT AND MAINTAIN, OWN AND OPERATE AN ELECTRIC SYSTEM TO GENERATE OR TRANSFORM, TRANSMIT AND DISTRIBUTE ELECTRIC ENERGY FOR LIGHT, HEAT AND POWER, AND OTHER USES WITHIN THE TOWN OF BOX ELDER, SOUTH DAKOTA, AND THE RIGHT TO USE THE PUBLIC STREETS, ALLEYS AND OTHER PUBLIC PLACES OF SAID TOWN IN CONNECTION THEREWITH.

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BOX ELDER, IN THE STATE OF SOUTH DAKOTA:

SECTION I That there is hereby granted to West River Electric Association, Inc., a corporation, duly organized and existing under and by virtue of the laws of the State of South Dakota, and to its successors or assigns, the franchise, right and privilege, for a period of twenty (20) years, to locate and operate in said Town of Box Elder and in all additions to said Town, now or hereafter made and platted, subject to all reasonable rules and regulations of the Town insofar as they do not conflict with the terms or the purposes of the franchise herein granted, an electric system to generate or transform, transmit and distribute electric energy for light, heat and power, and any other use to which electric energy may be applied, and to render and sell such services to the Town and the inhabitants thereof.

SECTION II The West River Electric Association, Inc., its successors or assigns, shall have a right, for the term mentioned in Section I hereof, to furnish electric light, electric heat, and electric power, or other electric facilities, or all or any thereof, for the use of said Town and its inhabitants.

SECTION III The West River Electric Association, Inc., its successors or assigns, shall have the right, for the term mentioned in Section I hereof,

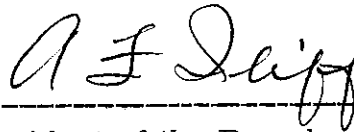
or telephone lines, to the free use of the streets, avenues, alleys and public places and grounds of said Town and its additions, for the purpose of erecting poles, towers or other structures for the purpose of supporting wires, cables and other appurtenant equipment, and for the laying of conduits or wires for the transmission and distribution of electric energy, provided that in all cases the said poles, towers or other structures be placed in alleys wherever practicable, and the West River Electric Association, Inc., after the construction and reconstruction of the electric lines will restore to their original condition, the streets, roads, alleys, public thoroughfares and grounds on which lines have been constructed insofar as this is practicable, and the West River Electric Association, Inc., shall have the right to make all necessary excavations in the public streets, roads, alleys or other public thoroughfares and to cut and trim all trees or shrubbery insofar as may be necessary to keep them clear of the poles, lines and appurtenances of the electrical system.

SECTION IV In consideration of the rights and privileges of this Franchise, the West River Electric Association, Inc., its successors or assigns, shall at all times during the term of this grant, maintain a proper and efficient electric power and light system and works for the purpose of supplying and shall supply the Town and inhabitants thereof with a good and sufficient supply of electric energy.

SECTION V The West River Electric Association, Inc., its successors or assigns, shall establish from time to time, rate schedules for the several classes of service herein mentioned which will not discriminate between consumers operating or using the service under like conditions, provided, however, that the West River Electric Association, Inc., its successors or assigns, and the Town of Box Elder through its governing body, may from time to time, execute contracts for the electric service requirements of the Town for street lighting and other purposes.

SECTION VI The West River Electric Association, Inc., its successors or assigns, shall extend its facilities for furnishing electric energy to any part of said Town or its additions on the request of the governing body thereof, when such extension is reasonably necessary and profitable.

SECTION VII The Franchise granted by this Ordinance shall become effective for a period of twenty years upon the approval thereof by the electors of the Town of Box Elder, as provided by law, at a special election to be held on December 22, 1964, and the filing of a written acceptance of same by West River Electric Association, Inc., with the Town Board of said Town within thirty (30) days after the approval of this Ordinance by the electors of said Town of Box Elder.



President of the Board

Attest:

Ruth E. Esposito
Town Clerk

1st reading -----11/10/64

2nd reading-----11/18/64

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