

substantial, fire proof metal, brick, stone, concrete or cement ash pit, of suitable size, having a substantial, tight fitting metal top or cover which shall be kept in place at all times.

185. Section 2. All ash pits shall be under the supervision of the Fire Warden, and he shall have full right and authority to order their installation or construction in conformity with the provision of section 1 hereof, and he shall also have full power and authority to order the discontinuance of the use of any ash pit not installed or constructed in conformity with the provision thereof, or which shall, for any reason or from any cause, be, in his opinion, a fire hazard.

186. Section 3. No person shall throw, dump or deposit ashes in any street, alley or public way or place, nor upon any lot, whether vacant or occupied, but shall deposit the same in a fire proof ash pit installed and constructed in conformity with the provisions of section 1 hereof.

187. Section 4. Any person who shall violate any of the provisions of this ordinance, and any owner or other person in charge of residence or business property who shall fail, neglect or refuse to equip said property with an ash pit as required by section 1 hereof, and any person who shall violate any written order of the Fire Warden given under the provisions of section 2 hereof, or who shall violate any of the provisions of section 3 hereof shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined in a sum not less than Five Dollars nor more than Fifty Dollars.

188. Section 5. Public institutions and manufacturing concerns may, with the written consent of the Mayor, make special arrangements for the disposition of their ashes, other than as provided by the provisions of this ordinance.

189. Section 6. Ordinance No. 34, passed May 12, 1891, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

CHAPTER XII

Franchises.

ORDINANCE NO. 73

(Passed March 4, 1921)

Granting Franchise to Jefferson County Power & Light Company

ARTICLE I

The word "City," as hereinafter employed, shall designate the City of Golden, County of Jefferson, State of Colorado, the grantor, and the word "Company," shall designate The Jefferson County Power and Light Company, a corporation, its successors and assigns, the grantee.

ARTICLE II

190. Section 1. That there be and hereby is granted to the Company, the right, privilege and authority to erect, construct, maintain, extend and operate within the corporate limits of said City, and any future additions thereto, one or more Electric Substations, electric light and power plants, with the transmission and distribution system or systems appertaining thereto, of as large capacity as the Company may deem advisable or necessary, for which purpose said Company is hereby further granted the right, privilege and authority of installing, operating upon, across, along, under and over any and all streets, alleys and public grounds of the City, transmission and distribution equipment, consisting of underground conduits,

poles and cross arms, underground or over-head wires and cables, transformers and all other appliances necessary or convenient for the generation, sale, transmission, distribution and delivery of electricity, electrical energy and power, within the corporate limits of the City, or any future additions thereto, for the use of said City and the inhabitants thereof, and any person, persons or corporation in or doing business in said City, or the vicinity thereof, or in any future addition thereto, for light, heat, power or any other lawful purpose.

191. Section 2. That there be and hereby is further granted to the Company the right, rights-of-way, privilege and authority, in the erection, construction, operation and maintenance of its said electric plant or plants, to bring into the corporate limits of said City, transmission lines or wires from outside said corporation limits or any addition thereto, and to transmit and distribute the same within the corporate limits of said City, or any addition thereto, or outside thereof and to extend or transmit the same through the corporate limits of said City, or any addition thereto.

192. Section 3. The location of all such structures, apparatus, and equipment of the Company shall be such as not to interfere unnecessarily with the use of the streets and alleys for traffic, nor with the use of any gate, coal chute, manhole, door or other aperture in any fence or building, or to interfere with the rights or reasonable convenience of property owners adjoining any of the said streets or alleys; and should it become necessary to interfere with any sidewalk or pavement, or any other public or private improvement, the Company shall repair such sidewalk, pavement, or other improvement, and leave it in as good order and condition as it formerly was; and all of said structure, apparatus and equipment shall at all times be subject to such police power, reasonable dominion and regulation as the City Council may by resolution or ordinance hereafter provide.

193. Section 4. The Company shall have the right, power and authority to employ any lawful means to secure and acquire power to operate any of its structures or plants, and to generate, supply and furnish electricity, electric energy, and power to said City, and the inhabitants thereof.

194. Section 5. That the Company shall so maintain its structures, apparatus and equipment, as to afford all reasonable protection against injury or damage to persons or property therefrom; and the Company shall save the City free and harmless from all liability or damage accruing against said City, by reason of the Company's negligence in the exercise of the rights and privileges granted by this ordinance.

ARTICLE III

195. Section 1. It shall be unlawful for any person to cut or raise any wires or remove any poles, or in any other way interfere with any of the Company's structures, apparatus, equipment or lines without first giving the Company forty-eight hours' notice of such desire or intention, stating the time and place where such wires are to be cut or raised, or poles removed, or structures, apparatus or equipment interfered with in order that the Company may arrange to perform or oversee such work, and the Company may demand and receive reasonable compensation for any damages that may occur.

196. Section 2. Any person found guilty of a violation of Section 1 of Article III of this ordinance shall, upon conviction, be fined in any sum of not less than Twenty-five dollars (\$25.00), or more than one hundred (\$100.00) dollars.

ARTICLE IV

197. Section 1. That the Company shall furnish electricity and electric energy, in sufficient amount for lighting, heating, power or for any other lawful purpose, within the corporate limits of the City, or any addition thereto, to any person or persons, or corporation doing business in the City, or any addition thereto at the rates filed with and fixed by the Colorado Public Utilities Commission or its legal successors, except when prevented by strikes, unforeseen accidents, acts of God or other circumstances over which said Company has no control.

198. Section 2. The Company may promulgate such rules governing the utilization of its electricity, and the interference with, or alteration of, any of the Company's property upon the premises of its customers, as shall be necessary to insure a continuous and uninterrupted service to each and all of its customers and the proper measurement thereof.

199. Section 3. The Company or any of its agents or servants shall have the right and privilege to enter in and upon the premises of any customer at any and all reasonable times for the purpose of carrying out the provisions of this franchise.

ARTICLE V

200. Section 1. This ordinance shall be in full force and effect from and after its passage, approval and publication, as by law required, and acceptance and approval thereof in writing by the Company within thirty-five (35) days from and after said publication.

201. Section 2. This ordinance shall remain in full force and effect, and the terms, conditions and covenants hereof shall endure for a period of Twenty-five (25) years from and after its passage, approval and publication, and acceptance and approval by the Company, as aforesaid.

202. Section 3. The City reserves and shall have the right and power to purchase or condemn the plant of the Company, within the corporate limits, or any addition thereto, as provided by law.

203. Section 4. Upon expiration of this franchise if the Company shall not have acquired an extension or renewal thereof and accepted same, it may have, and it is hereby granted the right to enter upon the streets, alleys and other public places of the City, for the purpose of removing therefrom any and all of its sub-stations, structures, apparatus and equipment, transmission and distribution system and appliances, poles and wires, pertaining thereto, at any time within One (1) year after the termination of this franchise. In so removing its transmission and distribution system and appliances pertaining thereto, the Company shall, at its own expense, refill any excavations that may be made by it, and shall leave such streets, alleys and other public places in as good condition as that prevailing prior to the company's removal of its equipment and appliances.

204. Section 5. Nothing in this ordinance shall be construed to prevent the Company from assigning all of its right, title or interest, gained or authorized under or by virtue of the terms of this ordinance.

205. Section 6. That all ordinances or parts of ordinances in conflict herewith be and the same are herewith repealed.
