

TOWN OF DAUPHIN ISLAND, ALABAMA

ORDINANCE NO. 6

AN ORDINANCE GRANTING AN ELECTRIC
FRANCHISE TO ALABAMA POWER COMPANY,
ITS SUCCESSORS AND ASSIGNS IN THE
TOWN OF DAUPHIN ISLAND, ALABAMA.

BE IT ORDAINED by the Town Council of Dauphin Island,
Alabama as follows:

Section 1. In consideration of the benefits that will accrue to the Town of Dauphin Island, Alabama, and the inhabitants thereof, Alabama Power Company, its successors and assigns, hereinafter referred to as the Grantee, is hereby given and vested with the right, authority, easement, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain, operate and conduct in said Town a system of poles, towers, conduits, cables, conductors, transforming stations, fittings and all appliances or appurtenances necessary or desirable to the transmission, distribution or sale of electric current for all purposes whatsoever in, over, under, along, upon and across all streets, avenues, alleys, ways, bridges, and public places in said Town as they now exist or may hereafter be laid out or extended, together with the further right, privilege, and franchise to construct, erect, suspend, install, renew, repair, maintain and operate such poles, towers, conduits, cables, wires, conductors, transforming stations, fittings and all appliances and appurtenances necessary or desirable to the transmission within, unto, through, over and beyond said Town and furnishing, supplying and distributing to said Town and to the inhabitants and corporations, both within and beyond the limits thereof, electric energy for lighting, heating, power and all other purposes for which electric energy may be used now or hereafter, and for the purpose of extending its lines and furnishing electric current beyond the limits of said Town.

Section 2. The poles, towers, conduits, cables, conductors, transforming stations, fittings, appliances and appurtenances composing said lines shall be so constructed as not to unreasonably interfere with the proper use of the streets, avenues, alleys, ways, bridges and public places in said Town and shall be maintained in a reasonably good condition and repair.

Section 3. Whenever the Grantee shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges or public places of said Town for the purpose of installing, maintaining, operating, or repairing any poles, towers, conduits, cables and other appliances, the work shall be completed within a reasonable time and the Grantee shall upon the completion of such work restore such portion of the streets, avenues, alleys, ways, bridges or other public places to as good condition as it was before the opening or alteration was so made.

Section 4. The Grantee shall hold said Town harmless from any and all liability or damages resulting from the negligence of the Grantee in the construction, maintenance or operation of said poles, towers, conduits, wires, cables and other appliances.

Section 5. The Grantee may, from time to time, declare, make and enforce reasonable rules and regulations as a condition for the sale or distribution by it of electric current to any person, firm or corporation.

Section 6. In the event the supply of electric energy should be interrupted or fail by reason of accident or otherwise beyond the control of the Grantee, the Grantee shall restore the service within a reasonable time, and such interruption shall not constitute a breach of this franchise, nor shall the Grantee be liable for damages by reason of such interruption or failure.

Section 7. The Grantee shall install and maintain, free of charge, meters for measuring current, and shall have free access to the premises of the consumer, from time to time, for the purpose of reading, repairing, testing and maintaining the meters and appurtenances and shall have the right to make the minimum charges prescribed or approved by Alabama Public Service Commission for the electric service furnished hereunder, whether electric current of that value is used or not. Such meters shall remain the property of the Grantee.

Section 8. The Grantee shall not have the right to make charges for electricity furnished under this franchise in excess of the rates and charges prescribed or approved by Alabama Public Service Commission and set forth in the Grantee's respective Service Classifications and rates applicable to the service so furnished by it.

The Grantee shall not be required to furnish electricity

to any person, firm or corporation until satisfied of their financial responsibility and may require reasonable security to insure payment for electric energy to be furnished hereunder.

Section 9. The rates and charges for electric energy furnished hereunder shall at all times be subject to alteration, regulation and revision by the Alabama Public Service Commission, or other State Commission vested with such power.

Section 10. Wherever in this ordinance either the Town or the Grantee is named or referred to, it shall be deemed to include the respective successor, successors or assigns of either, and all rights, privileges and obligations herein conferred shall bind and inure to the benefit of such successor, successors, or assigns of said Town or of the Grantee.

Section 11. The Grantee, its successors or assigns, shall, within ninety (90) days after the approval of this ordinance by the Mayor, file a written acceptance of the franchise herein granted with the Town Clerk.

Section 12. Any previous franchise granted to the Grantee by the Town are void upon the adoption of the Town of this franchise and upon acceptance by the Grantee of this franchise.

ADOPTED AND APPROVED this 19th day of JULY, 1988.



MAYOR

ATTEST;



TOWN CLERK

STATE OF ALABAMA }
JEFFERSON COUNTY }

Comes the Alabama Power Company and files with the Town Council of Dauphin Island this its written acceptance of that certain ordinance passed and adopted by the said Town Council on July 19, 1988, and approved by the Mayor of said Town on the same day, entitled, an ordinance granting an electric franchise to Alabama Power Company, its successors and assigns in the Town of Dauphin Island, Alabama

and said Alabama Power Company does hereby agree to comply with the terms and conditions of said ordinance.

This acceptance of said ordinance is made and filed with the said Town Council in compliance with said ordinance.

IN WITNESS WHEREOF, the said Alabama Power Company has caused this instrument to be executed in its name by Joseph M. Farley as its President, and its corporate seal to be hereunto affixed by Richard A. Bowron as its Secretary, on this the 10th day of October, 1988.

ALABAMA POWER COMPANY

By Joseph M. Farley
President.

Attest:

Richard A. Bowron
Secretary.

Filed in office, this the 18th day of
OCTOBER, 1988.

Richard A. Bowron
Clerk.

TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance Number 6, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from 20 July 88 to 26 July 88.


W. E. Yerkes
Town Clerk