

ORDINANCE NO. 45-80

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Leonard Stibbs ON THE 15th DAY OF  
September, 1980.

AN ORDINANCE TO FIX THE PRICE WHICH THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, MAY CHARGE FOR ELECTRIC LIGHT FURNISHED TO THE PUBLIC GROUNDS, STREETS, LANES, ALLEYS AND AVENUES IN THE CITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, FOR A PERIOD OF TEN YEARS, AND TO DETERMINE A MANNER IN WHICH SAID LIGHTING MAY BE FURNISHED, PROVIDED AND PAID FOR.

BRUMBAUGH, CORWIN & GOULD  
WHEREAS, The Dayton Power and Light Company (Power Company) shall, after enactment of this Ordinance, prepare and file with the Clerk of the Council of the City of Centerville, a map of and plans and specifications for the lighting of certain streets and public places of the City of Centerville (the City) with electricity, which plans and specifications shall provide for different types and ratings of lights in various locations according to the local requirements, the lights being designated by lumens and classified as hereinafter set forth; and

WHEREAS, said map and plans and specifications shall be approved by the City Manager of the City or his duly authorized agent prior to being filed with the Clerk of the Council of said City; and

WHEREAS, the Power Company shall have a period of time not to exceed sixty days after enactment of this Ordinance to prepare such map, plans and specifications (hereinafter collectively referred to as "the specifications"); during such interim period of time the lighting of streets and public places of said City shall be in accordance with certain plans and specifications previously prepared by the Power Company and now on file with the Public Utilities Commission of Ohio; and those previously filed plans and specifications shall also be referred to as "the specifications" during said sixty day period or until the approved map, plans and specifications are prepared and filed by the Power Company with the Clerk of Council, whichever occurs sooner; and

WHEREAS, the City has determined that the public safety and/or welfare requires lighting of its public streets and public places with electricity;

NOW, THEREFORE, the Municipality of Centerville hereby Ordains;

Section 1.

<u>Mercury Luminaires-Wood Poles</u>	<u>Price Per Fixture Per Year</u>
7,700 Lumen	Fifty-Six Dollars \$ 56.00
11,000 Lumen	Sixty-Seven Dollars 67.00
21,000 Lumen	Ninety-Six Dollars 96.00
54,000 Lumen	One Hundred Seventy-Six Dollars 176.00

<u>Mercury Luminaires-Metal Poles</u>		<u>Price Per Fixture Per Year</u>	
7,700 Lumen		Eighty Dollars	\$ 80.00
11,000 Lumen		Ninety-One Dollars	91.00
21,000 Lumen		One Hundred Twenty Dollars	120.00
54,000 Lumen		Two Hundred One Dollars	201.00
<u>Mercury Town &amp; Country Luminaire On a Decroative Pole</u>		<u>Price Per Fixture Per Year</u>	
7,700 Lumen		Sixty-Nine Dollars	\$ 69.00
4,000 Lumen		Sixty-Two Dollars	62.00
<u>High Presure Sodium Luminaire Wood Poles</u>		<u>Price Per Fixture Per Year</u>	
9,500 Lumen		Eighty-Four Dollars	\$ 84.00
16,000 Lumen		Ninety-One Dollars	91.00
27,000 Lumen		One Hundred Nineteen Dollars	119.00
50,000 Lumen		One Hundred Seventy-Seven Dollars	177.00
<u>High Pressure Sodium Luminaires Metal Poles</u>		<u>Price Per Fixture Per Year</u>	
9,500 Lumen		One Hundred Eight Dollars	\$108.00
16,000 Lumen		One Hundred Fifteen Dollars	115.00
27,000 Lumen		One Hundred Forty-Three Dollars	143.00
50,000 Lumen		Two Hundred One Dollars	201.00
<u>Luminaires Incandescent Wood Poles</u>		<u>Price Per Fixture Per Year</u>	
2,500 Lumen		Forty-Two Dollars	\$ 42.00
4,000 Lumen		Fifty-Five Dollars	55.00
6,000 Lumen		Sixty-Three Dollars	63.00
<u>Luminaires Incandescent Metal Poles</u>		<u>Price Per Fixture Per Year</u>	
2,500 Lumen		Sixty-Six Dollars	\$ 66.00
4,000 Lumen		Seventy-Nine Dollars	79.00
6,000 Lumen		Eighty-Seven Dollars	87.00
<u>Fluorescent Luminaires Wood Poles</u>		<u>Price Per Fixture Per Year</u>	
2,800 Lumen		Fifty-Three Dollars	\$ 53.00
1,200 Lumen		Eighty-Four Dollars	84.00
<u>Fluorescent Luminaires Metal Poles</u>		<u>Price Per Fixture Per Year</u>	
2,800 Lumen		Seventy-Seven Dollars	\$77.00
12,000 Lumen		One Hundred Eight Dollars	108.00

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Section 2.

The City shall pay the Power Company for said lighting according to the rates shown in Section 1. on or before the tenth day of each month after receipt of billing for the lighting furnished during the preceding month.

Section 3.

The Company further agrees that additional streets and other public places will be lit in accordance with plans prepared by the Power Company and approved by the City Manager and in accordance with the aforementioned specifications. Said additional lighting shall be erected and operated by the Power company at the same price per luminaire as provided herein, the same to be paid by said City in the manner as provided herein on a pro rata basis. Type of poles and appurtenances shall be of the type and size designated by the City Manager or his duly authorized agent. No new installations of Incandescent or Fluorescent shall be undertaken.

Section 4.

The Power company with City approval shall be permitted to and shall install all necessary wires, poles, antennas, guys and all other equipment which it deems necessary and proper to accomplish said street lighting provided by the contract.

Section 5.

No existing light, pole, service, etc., shall be relocated or removed unless the Power Company received written permission from the City Manager or his duly authorized agent. The location of every new luminaire shall be approved by the City Manager or his duly authorized agent before the luminaire is erected. Within ten days after a luminaire has been erected in accordance with such approval, the Power company, at its expense and upon a written order from the City Manager or his duly authorized agent, will remove it to another location. The Power Company will, upon written request by the City Manager or his duly authorized agent, install a street light of higher lumen output to replace an existing street light at no cost to the City.

Section 6.

Said lighting shall be in accordance with the "ALL NIGHT AND EVERY NIGHT SCHEDULE." That is, the luminaire shall be illuminated every night from approximately one-half hour after sunset of one day to approximately one-half hour before sunrise of the next day, in accordance with which schedule each luminaire shall be illuminated for approximately 4,000 hours per year. The Power company shall use all diligence and care necessary to keep all the lamps clean and burning during the hours called for in this contract. If any lamp or lamps go out, the lamps shall be repaired the same night, if possible. In that event, no deduction for outage will be made. However, if any lamp or lamps are found to still be out the second night, the City will make a deduction equal to two nights for each lamp not turned on the second night, and a deduction for each additional night that any such lamp is not burning, and these deductions shall be at the same ratio per night as the total yearly price bears to the time the lamp or lamps have been found to be out. The City, through the City Manger or his duly authorized agent, shall report promptly to the Power Company all lamps discovered not burning. The deduction will continue until the light is again burning and the Power Company notifies the City's Agent of that fact.

The Company shall remove or turn off any and all lights when advised to do so by the City Manager and shall immediately discontinue charging for said light.

Section 7.

All of the poles, wires, fixtures, lamps and appurtenances of the street lighting system supplied by Dayton Power and Light shall be and remain the exclusive property of the Power Company. Any components of the system owned by the City or other agency shall be and remain the exclusive property of said City or agency.

Section 8.

All lighting furnished hereunder by the Power company shall be furnished under and subject to the Power Company's applicable General Service Rules and Regulations for Electric Service, on file with the Public Utilities Commission of Ohio, provided said rules and regulations are consistent with all terms of this contract, and to the extent such General Service Rules and Regulations are approved by the City Manager or his duly authorized agent after the enactment of this Ordinance.

Section 9.

When the City undertakes an improvement to its street system or utility system, which improvement requires removal or relocation of any components of the street lighting system, said removal or relocation shall be made by the Power Company at no cost to the City.

Section 10.

The Power Company further agrees that, upon written request by the City Manager or his duly authorized agent, it will install test sections involving other type and size of light sources, as well as other appurtenances, for the purpose of evaluating their suitability for use in the City. Said test sections shall be installed and left in place for a period of three months at no cost to the City.

Section 11.

Whenever poles are to be utilized, existing poles either owned by the Power Company or by the City shall be used if possible. Service shall be supplied to all lights by the Power Company by either overhead or underground wiring as required by the City. When underground wiring is designated by the City all trenching and backfilling shall be performed by the City or by the property owner and all wiring and duct, both materials and installation, shall be supplied by the Power Company.

Section 12.

Upon the Dayton Power and Light Company filing its written acceptance of this Ordinance with the Clerk of said City within thirty days from the taking effect hereof, this Ordinance shall be and constitute a contract between said City and the Dayton Power and Light Company to light the streets, lanes, alleys, avenues and public places in accordance herewith, for ten years commencing on the 1st day of January, 1980.

Section 13.

This Ordinance shall become affective from and after the earliest date allowed by law.

PASSED THIS 15th day of September, 1980.

ATTEST:

Marilyn M. Saughlin  
Clerk of Council  
City of Centerville, Ohio

[Signature]  
Mayor of the City of Centerville, Ohio  
Approved as to form, consistency,  
with existing ordinances, the  
charter & constitutional provisions,  
Department of Law  
Robert N. Farquhar  
Municipal Attorney

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 45-80, passed by the Council of the City of Centerville, Ohio, on the 15th day of September, 1980.

Marilyn M. Saughlin  
Clerk of Council