

RECORD OF ORDINANCES

Ordinance No. 44-69

Passed 3rd day of November, 1969

ORDINANCE NO. 44-69

AN ORDINANCE FIXING 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, STATE OF OHIO, FOR A PERIOD OF FIVE (5) YEARS, COMMENCING ON THE 29th DAY OF DECEMBER, 1969, AND DETERMINING THE MANNER IN WHICH SAID LIGHTING MAY BE FURNISHED, PROVIDED AND PAID FOR.

WHEREAS, there is on file with the Clerk of said City complete plans and specifications for the lighting of the streets and public places of the City with electricity, which plans and specifications provide for different types and ratings of lights in different locations according to the local requirements, the lights being designated by lumens and classified as hereinafter set forth.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CENTERVILLE, STATE OF OHIO:

Section 1: That for a period of five (5) years, commencing on the 29th day of December, 1969, the price which may be charged by The Dayton Power and Light Company for electric light furnished to the City of Centerville, Ohio, to light the streets, lanes, alleys, avenues and public places thereof in the manner and by the means set forth in the plans and specifications therefor on file with the Clerk of said City, and as provided in this ordinance, shall be as follows:

A. FOR MERCURY LUMINAIRES

7700 Lumen Aerial Mercury, Open Type, Luminaires

For light supplied by means of seventy-seven hundred (7700) nominal lumen aerial mercury, open type, luminaires, the price shall be \$42.00 per luminaire, per year;

7700 Lumen Aerial Boulevard Mercury, Open Type, Luminaires

For light supplied by means of seventy-seven hundred (7700) nominal lumen aerial boulevard mercury, open type, luminaires, the price shall be \$59.00 per luminaire, per year;

7700 Lumen Aerial Mercury, Closed Type, Luminaires

For light supplied by means of seventy-seven hundred (7700) nominal lumen aerial mercury, closed type, luminaires, the price shall be \$43.00 per luminaire, per year;

7700 Lumen Aerial Boulevard Mercury, Closed Type, Luminaires

For light supplied by means of seventy-seven hundred (7700) nominal lumen aerial boulevard mercury, closed type, luminaires, the price shall be \$60.00 per luminaire, per year;

11,000 Lumen Aerial Mercury Luminaires

For light supplied by means of eleven thousand (11,000) nominal lumen aerial mercury luminaires, the price shall be \$50.00 per luminaire, per year;

11,000 Lumen Aerial Boulevard Mercury Luminaires

For light supplied by means of eleven thousand (11,000) nominal lumen aerial mercury, boulevard type, luminaires, the price shall be \$67.00 per luminaire, per year;

21,000 Lumen Aerial Mercury Luminaires

For light supplied by means of twenty-one thousand (21,000) nominal lumen aerial mercury luminaires, the price shall be \$70.00 per luminaire, per year;

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21,000 Lumen Aerial Boulevard Mercury Luminaires

For light supplied by means of twenty-one thousand (21,000) nominal lumen aerial mercury, boulevard type, luminaires, the price shall be \$90.00 per luminaire, per year;

B. FOR INCANDESCENT ELECTRIC LUMINAIRES
INSTALLED BEFORE DECEMBER 29, 1969

2500 Lumen Aerial Incandescent Luminaires

For light supplied by means of twenty-five hundred (2500) nominal lumen aerial incandescent luminaires, the price shall be \$30.00 per luminaire, per year;

4000 Lumen Aerial Incandescent Luminaires

For light supplied by means of four thousand (4000) nominal lumen aerial incandescent luminaires, the price shall be \$40.00 per luminaire, per year;

C. FOR INCANDESCENT ELECTRIC LUMINAIRES
INSTALLED ON OR AFTER DECEMBER 29, 1969

2500 Lumen Aerial Incandescent Luminaires

For light supplied by means of twenty-five hundred (2500) nominal lumen aerial incandescent luminaires, the price shall be \$36.00 per luminaire, per year;

4000 Lumen Aerial Incandescent Luminaires

For light supplied by means of four thousand (4000) nominal lumen aerial incandescent luminaires, the price shall be \$44.00 per luminaire, per year;

and said Power Company shall at its own expense furnish said luminaires and equipment and material necessary for said lighting and erect and maintain same, or where already erected, maintain same, and shall supply said luminaires with the necessary electric current and the Power Company is to be paid by said City for said lighting in twelve (12) equal monthly installments on or before the tenth day after rendition by the Power Company of a bill for the lighting furnished during the next preceding month, and the Power Company agrees that any additional luminaires of the character aforesaid for the street lighting ordered by said Council shall be erected and operated by it at the same price per luminaire as that above named, except that no additional luminaires will be installed at the price per luminaire listed under the title "FOR INCANDESCENT ELECTRIC LUMINAIRES INSTALLED BEFORE DECEMBER 29, 1969", the same to be paid by said City in the same manner and installments and at the times hereinbefore provided for said payments.

Section 2: That the minimum number of luminaires, and in the case of incandescent lights installed before December 29, 1969, the maximum number of luminaires, of the various nominal lumen intensity to be used for the lighting of said streets, lanes, alleys, avenues and public places furnished shall be as follows:

A. MERCURY LUMINAIRES

- 2 - 7700 Lumen Aerial Mercury, Open Type, Luminaires
- 7700 Lumen Aerial Boulevard Mercury, Open Type, Luminaires
- 7700 Lumen Aerial Mercury, Closed Type, Luminaires
- 7700 Lumen Aerial Boulevard Mercury, Closed Type, Luminaires
- 41 - 11,000 Lumen Aerial Mercury Luminaires
- 11,000 Lumen Aerial Boulevard Mercury Luminaires
- 9 - 21,000 Lumen Aerial Mercury Luminaires
- 21,000 Lumen Aerial Boulevard Mercury Luminaires

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B. FOR INCANDESCENT ELECTRIC LUMINAIRES
INSTALLED BEFORE DECEMBER 29, 1969

- 11 - 2500 Lumen Aerial Incandescent Luminaires
- 2 - 4000 Lumen Aerial Incandescent Luminaires

C. FOR INCANDESCENT ELECTRIC LUMINAIRES
INSTALLED ON OR AFTER DECEMBER 29, 1969

- 2500 Lumen Aerial Incandescent Luminaires
- 4000 Lumen Aerial Incandescent Luminaires

Section 3: That said lighting shall be furnished by means of aerial construction only, and the Power Company shall be privileged to and shall install all necessary wires, poles, anchors, guys and other equipment necessary and proper to accomplish such lighting by such means.

Section 4: That said lighting shall be according to what is known as the "ALL NIGHT AND EVERY NIGHT SCHEDULE", i.e., the luminaires 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.

Section 5: That the location of each luminaire shall be approved by the Lighting Committee of the Council of said City before the luminaire is erected, and after a luminaire has been erected in accordance with such approval, the Power Company, upon a written order from the Council, shall remove it to another locations, the cost of such removal and relocation to be paid by the City of Centerville, Ohio.

Section 6: That the Power Company shall use all diligence and care necessary to keep all the luminaires clean and burning during the hours called for in this ordinance, and the City through its duly authorized officers, shall promptly report to the office of the Power Company all luminaires discovered not burning.

Section 7: That whenever any tree or trees upon any sidewalk of any street, lane, alley, or avenue shall seriously interfere with the distribution of light from any luminaire, or group of luminaires, of which the Council of the City shall be the judge, the City will trim, or cause to be trimmed, any such tree or trees in such a manner that such interference with the distribution of light will be removed.

Section 8: That all lighting to be furnished hereunder shall be furnished and supplied as provided herein continuously and without interruption except for the following causes: accidents and contingencies, short circuits, line, luminaire or equipment failures, breakdowns, strikes, fires, floods, riots, cyclones, vandalism, explosions, acts of God or nature, acts or orders of The Public Utilities Commission of Ohio, acts or orders of any civil, judicial or military authorities, or any cause beyond the control of the Power Company. The Power Company does not guarantee continuous lighting and shall not be liable to the City or anyone else for any damage, loss or injury resulting from interruptions in such lighting caused or resulting from the happening of any of the foregoing causes or contingencies, or otherwise; provided, however, the Power Company will make reasonable effort to remove the cause of any suspension or interruption of and to resume the lighting agreed to be furnished hereunder.

Section 9: That 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, as now, or hereafter from time to time, on file with The Public Utilities Commission of Ohio.

Section 10: That the plans and specifications herein referred to for such street lighting, and on file with the Clerk of said City, be and the same hereby are adopted and approved.

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Section 11: That upon The Dayton Power and Light Company filing its written acceptance of this ordinance with the Clerk of said City within thirty (30) days from the taking effect hereof, this ordinance shall be and constitute a contract between said City and said Power Company to light the streets, lanes, alleys, avenues and public grounds, in accordance herewith, for five (5) years, commencing on the 29th day of December, 1969.

Section 12: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this 3rd day of November, 1969.

/S/ John A. Davis
Deputy Mayor

ATTEST:

/S/ Marilyn J. McLaughlin
Clerk

C E R T I F I C A T E

I, Marilyn J. McLaughlin, Clerk of the City of Centerville, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 44-69, passed by the Council of said City on the 3rd day of November, 1969.

WITNESS my hand at Centerville, Ohio, this 3rd day of November, 1969.

/S/ Marilyn J. McLaughlin
Clerk