May 31, 1963

A special meeting of the Elkton Town Council was held May 31, 1963, at 8:00 p.m. with the Mayor R. J. Lough presiding and the following council members present: J. C. Black, R. H. Painter, R. B. Hutton, M. W. Lough, E. F. Garber and H. A. Workman.

The meeting was called to discuss an ordinance for a franchise for telephone service in town.

J. C. Black moved, seconded by E. F. Garber and passed the following ordinance:

BE IT ORDAINED by the common council of the Town of Elkton:

First - That bids be invited by the town, and the same are hereby invited, for the franchise of placing, maintaining and operating telephone lines on or under the highways, streets and allwys of the town of Elkton, Rockingham County of Virginia, such francise to be granted by an ordinance in words and figures as follows:

ORDINANCE FRANTING TELEPHONE FRANCHISE.

BE IT ORDAINED by the Common Council of the Town of Elkton as follows:

1 - Subject to conditions, restrictions and reservations hereinafter expressed, and to the provisions of the general law of the State of Virginia, a franchise is hereby granted to the.....a corporation created under the laws of the State of Virginia, its successors and assigns, to erect, maintain and operate for the period of thrity (30) years from the passage of this ordinance, telephone lines upon, along, over and under the public highways, streets and alleys of the Town of Elkton, including the needful poles, wires, cable, conduits, fixtures and appliances as the business of said Company, its assigns and successors may from time to time require, and to use the property of other companies and permit other companies to use its property upon such terms as the two companies may agree.

2 - The location of the poles and conduits authorized by this ordinance shall be subject to the supervision, control and direction of the Council of the Town of Elkton or of such pe rson or municipal agency as may have authority in such matters, or as may be especially designated by the Council, and all damage done to any street, sidewalk or other public property, right or easement, in the construction, maintenance, operation or repair of the lines of the said company, shall be promptly and efficienty corrected and repaired by the said Company, its successors or assigns; and upon failure to make such repairs without delay, the Council, its proper committee, or any other proper muncipal agency, may make the same, and the cost thereof shall be immediately paid by said Company, its successors or assigns, upon presentation of a statement of such costs, in which shall be included a proper allowance for the time of any salaried officer or agent of the town employed on the work or in the direction of supervision of such repairs. The grantee shall have the right to cut in a reasonable and careful manner from any tree or trees on the streets of the said Town, such limbs or branches as may be necessary to keep its wires and other fixtures and appliances free from interference therefrom and in a safe and efficient operating condition.

3.- The Town of Elkton assumes and will be subject to no responsibility or liability whatever for any private damage that may arise out of the exercise by said Company, its successors or assigns, of the privileges granted by this ordinance, but said Company, its successors or assigns shall pay all such damages as may legally be demandable.

4 - The said Company shall furnish signal circuits without cost where needed for municipal police and fire department signal and alarm services, whenever such services or systems may be desired, and shall maintain eight main business telephones for the use of the town officials in transacting the said Town's business affairs, such telephones to be installed in such places as the Council may designate.

5 - The said Company shall be subject at all times to the ordinances and resolutions of the Council now in existence or which may be hereafter enacted relative to the use by telephone companies of the public highways within the town limits, but no electric or other wires shall be placed upon the poles of the said Company without the consent of the grantee herein, or its successors or assigns.

6 - The said Company shall at all times indemnify and fully compensate the town for all damages to its streets, sewers, water pipes, electric lines or other properties, caused by said Company or arising in any way out of its acts or omissions or the acts or omissions of its officers, agents or employees, when acting within the scope of their employment.

7 - The right of the municipality to impose any lawful license or property tax upon the said Company is reserved, and is not to be deemed as in any manner waived or abridged by this ordinance.

8 - This ordinance is not intended and nothing herein contained shall be construed to grant an exclusive privilege, franchise or right to said Company but the Council reserves full right and power to grant the same or similar rights and privileges to other persons or corporations.

9 - The said Company shall maintain in good order an efficient telephone system and provide efficient public service at reasonable rates for the inhabitants of the Town of Elkton.

10 - If the said Company, its successors or assigns, fails to provide an efficient telephone service at reasonable rates for the inhabitants of the Town of Elkton or if it violates the provisions or makes default in the performance of the requirements of this ordinance in any other material respect or particular, then either event written notice of such violation of default may be given by said Town to said Company or its successors or assigns, and unless said Company shall, within thirty days from receipt of such notice, cease such violation and comply with the terms of this franchise, then this franchise shall, at the option of the Council of the Town of Elkton, become null and void, and be forfeited, and said Council may so declare it, and thereupon all rights, privileges, and franchises hereby granted shall cease.

11 - This ordinance shall take effect from its passage.

Second - That this ordinance embodying the ordinance by which said franchise is to be granted, together with the invitations for bids aforesaid, be advertised once a week for four successive weeks in the Daily News-Record, a newspaper published in Rockingham County.

Third - That bids for said franchise shall be in writing and shall be delivered to the Honorable May or Elkton at the Council Chamber of the Town of Elkton, on Friday, July 5, 1963, at 8:00 p.m., E.D.T.

Fourth - In said advertisement the right shall be reserved and it is hereby reserved, to reject any or all bids received for said franchise.

Fifth - The person or corporations to whom the franchise is awarded shall first execute a bond with good and sufficient security in the favor of the Town of Elkton in the sum of One Thousand Dollars ($1,000.00) conditioned upon the construction and putting into operation and maintaining the plant provided for in said franchise.

The Harrisonburg Telephone Company had representatives present and agreed to pay $50.00 per year for corporation license and to give the town eight free telephones if a franchise were granted to their company.

Approved: C. F. Hopkins Mayor pro tem
Mayor

Recorder: L. D. Lawson