

ORDINANCE NO. 566

AN ORDINANCE granting a revocable permit to Pacific Northwest Bell Telephone Company to install, maintain and operate public telephone booths at various locations on city property and city streets.

THE CITY OF PRINEVILLE, OREGON DOES ORDAIN AS FOLLOWS:

Section 1. A revocable permit is hereby granted to the Pacific Northwest Bell Telephone Company, its successors and assigns to install, maintain and operate public telephone booths at various locations on city property and city streets in the City of Prineville on the following terms:

- (a) Location of Booths. Sites for the location or relocation of telephone booths shall be selected by the permittee, subject to approval of the City Council
- (b) Installation and Maintenance. The permittee shall bear the entire cost of installation, maintenance, relocation and removal of every telephone booth installed under this permit.
- (c) Commission. The permittee shall pay to the City of Prineville a commission equal to fifteen per cent (15%) of the net contents of the coin box of each public telephone installed hereunder, after deduction for applicable excise taxes. After this permit becomes effective, such commissions shall be paid to the City semiannually.
- (d) Electricity. With approval of the City Council, the permittee, where feasible, may interconnect with electric service furnished to the city.
- (e) Removal of booths. Upon 30 days notice, the city, for cause, may require the permittee to remove or relocate any telephone booth installed hereunder. The permittee on its own initiative may remove any telephone booth any time but shall restore the surface to good condition, and safe for public use, considering the nature and location of the property.
- (f) Termination of permit. This permit may be revoked by the Council, or operations hereunder may be discontinued voluntarily by the permittee, only after 30 days notice. In event of such termination, the permittee shall remove all installations hereunder within 90 days and in compliance with provisions of paragraph (e) hereof.

Section 2. The permit granted by this ordinance is subject to the condition that permittee, its successors and assigns, forever will indemnify, and save the City of Prineville, its officers, agents and employees harmless from and against any and all liability, loss, cost, damage and expense, and any and all claims for injury or death to persons and damage to property, directly or indirectly arising from the installation, maintenance, or operation of telephone booths under this permit. The city shall promptly notify the permittee upon receipt of any claim or demand against which it is, or may be, held harmless

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by the permittee under this indemnification. As evidenced by its written acceptance of the terms and conditions of this ordinance as provided in Section 3, the permittee understands and agrees that the within permit is granted only upon, and constitutes consideration for, this indemnification.

Section 3. This ordinance is not operative until permittee has filed with the City Recorder a written acceptance of all terms and conditions contained herein, signed by an authorized official of said corporation and approved as to form by the City Attorney.

Section 4. In order that there be no unnecessary delay in making available to Pacific Northwest Bell Telephone Company the permit granted under Section 1 hereof, for the advancement of public convenience and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

Adopted by the City Council this 24<sup>th</sup> day of June, 1964.

Approved by the Mayor this 24<sup>th</sup> day of June, 1964.

Frances Juris

Frances Juris, City Recorder

Wallace L. Boe  
Wallace L. Boe, Mayor