

Ordinance No. 83-O-370 replaced by Ordinance No. 02-O-555

ORDINANCE NO. 83-O-370

AN ORDINANCE AMENDING ORDINANCE NO. 82-O-368 RELATING TO A 20-YEAR FRANCHISE TO COOS-CURRY ELECTRIC COOPERATIVE, INC.; AND DECLARING AN EMERGENCY. [Effective January 12, 1983]

[See Ordinance No. 83-O-370 in its entirety in original ordinance books.]

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Sections:

- Section 1. Franchise rights and privileges.**
- Section 2. Repeal and replacement of Section 8 of Ordinance No. 82-O-368.**
- Section 3. Deletion and replacement of first sentence of Section 9 of Ordinance No. 82-O-368.**
- Section 4. Amendment to Section 11 of Ordinance No. 82-O-368.**
- Section 5. Emergency clause.**

The City of Brookings ordains as follows:

Section 1. Franchise rights and privileges. The franchise and rights and privileges appurtenant thereto contained within Section 2 of Ordinance No. 82-O-368 shall run to and inure to the benefit of the successors and assigns, if any, of the Cooperative.

Section 2. Repeal and replacement of Section 8 of Ordinance No. 82-O-368. Section 8 of Ordinance No. 82-O-368 is hereby repealed; further, said repealed section shall be replaced with the following provisions, to-wit:

"The Cooperative, its employees or agents shall abide by the Ordinances of the City herewith now in existence or hereinafter enacted as equally and to the same extent as any private citizen or public concern, excepting only for the rights and privileges granted said Cooperative hereunder; and further, the Cooperative shall not violate any applicable provisions of the Oregon Antitrust Law codified in ORS 646.705 to 646.836 nor shall the granting of this franchise be in any way construed as in violation thereof; and further, the Cooperative shall not infringe, violate or engage in any activity prohibited by the Oregon Unlawful Trade-Practices Act as defined in ORS 646.605 to 646.652, this franchise being subject to the sanctions contained within such statutory provisions including, but not limited to ORS 646.646."

"This franchise is subject to said above-stated terms and statutory provisions; and further, should any part hereof contravene such tenses or provisions, then any provisions herein contained contrary thereto shall be deemed null and void."

Section 3. Deletion and replacement of first sentence of Section 9 of Ordinance No. 82-O-368. The first sentence of Section 9 of Ordinance No. 82-O-368 shall be deleted in its entirety; and further, said deleted sentence shall be replaced with the following provision, to-wit:

"Except for the franchise rights granted herein, the City shall retain all of its rights and remedies under ORS 221.420 to 221.470."

Section 4. Amendment to Section 11 of Ordinance No. 82-O-368. The 30-day time limit contained within Section 11 of Ordinance NO. 82-O-368 shall be amended and restated as 45 days.

Section 5. Emergency clause. It is hereby determined that it is in the interests of the public welfare, peace and safety of the City of Brookings that this Ordinance be immediately adopted because the continued service of electrical supply to the City is of paramount importance to the citizens of the City and, therefore, an emergency is declared to exist, and that this Ordinance shall be in full force and effect from and after the date of its passage.

Effective January 12, 1983