

ORDINANCE NO. 2010-022

AN ORDINANCE GRANTING TO THE DAYTON POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE IN THE VILLAGE OF WAYNESVILLE, STATE OF OHIO, FOR A PERIOD OF FIVE (5) YEARS, COMMENCING ON THE EFFECTIVE DATE OF THIS ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Waynesville, Ohio, _____ members elected thereto concurring:

Section 1: Subject to the terms and conditions hereof, the Dayton Power and Light Company (“the Company”), its successors and assigns, is granted the right and privilege for the period of five (5) years, commencing on the effective date of this ordinance, to do, carry on and transact in the Village of Waynesville (“the Village”) including any area annexed thereto, the business of supplying electricity to the Village and its inhabitants for the purpose for which electricity is now or may hereafter be used. At its option, the Village may renew this agreement for an additional period of five (5) years following the initial term.

To that end, the Company is granted the right to enter upon and in, use and occupy the streets, alleys, avenues and public ways of the Village to install, maintain and operate all necessary and proper lines, equipment and devices for carrying on its business of electricity distribution, subject to the all the laws, statutes, ordinances, codes and regulations as are now in effect and as may be amended from time to time. This grant of authority is also subject to the Village’s right-of-way ordinance which grants and regulates such use of the streets, alleys, avenues and ways of the Village.

This grant shall apply to all such lines, equipment and devices used or useful for the purpose of electricity distribution, which are now owned by the Company in said Village, and to such as hereafter may be installed, placed or erected by the Company.

Section 2: The Company’s Electric Service General Services Rules and Regulations set forth in schedules filed with and approved by the Public Utilities Commission of Ohio as the same are now in effect and as the same may be amended from time to time pursuant to the authority of the Public Utilities Commission of Ohio shall apply to, and shall control the regulatory requirements and rules governing the furnishing of electric service pursuant to this franchise.

Section 3: That before the installation, removal or relocation of any such lines, equipment, and devices, a permit shall be obtained from the Village of Waynesville by the Dayton Power and Light Company and the surface of each street or public way, which may have been disturbed or broken, shall be replaced in good and workmanlike condition by the Company. Furthermore, the Company

shall indemnify and hold the Village harmless from and against any claims, damages, costs, fines, penalties, liabilities, actions or proceedings in tort, contract or otherwise which the Village may require to pay to, or which are asserted or brought by, third persons that arise from and are solely attributable to any negligent or intentional action or omission by the Company in the course of locating its facilities in the public right-of-way pursuant to the authority granted hereunder.

Section 4: Nothing in this ordinance shall be construed as granting to the Company an exclusive right or privilege.

Section 5: This ordinance shall be accepted by the Dayton Power and Light Company in writing within sixty (60) days after the effective date hereof, and upon such acceptance being filed with the Clerk of Council. This ordinance and the written acceptance by Dayton Power and Light Company together shall be and constitute an agreement between the Village of Waynesville, Ohio and said Dayton Power and Light Company.

Section 6: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted this _____ day of _____ 2010.

Attest: _____
Staci Morris, Clerk of Council

Earl J. Isaacs, Mayor