

ORDINANCE NO. 3064

AN ORDINANCE GRANTING A REVOCABLE PERMIT TO THE PACIFIC NORTHWEST BELL TELEPHONE COMPANY TO INSTALL, MAINTAIN AND OPERATE TELEPHONE BOOTHS AT VARIOUS LOCATIONS ON CITY PROPERTY AND CITY STREETS, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

The City Council, after due consideration and study, finds that a permit to install telephone booths on city property and city streets should be granted and that the location of telephone booths would be a public convenience and a substantial benefit to the public safety of the people of the City of Albany, now, therefore, a revocable permit is hereby granted to Pacific Northwest Bell Telephone Company, its successors and assigns, to install, maintain and operate public telephone booths at various locations on city property and on city streets in the City of Albany on the following terms:

- a) Termination of permit: This permit may be revoked by the Council, or operations thereunder may be discontinued voluntarily by the permittee only after twenty (20) days notice. In the event of such termination, the permittee shall remove all installations hereunder within ninety (90) days.
- b) Booths: Detailed plans for the type or types of telephone booths to be installed shall be approved by the city engineer and all installations thereof under this permit shall be subject to supervision. Each telephone booth shall be equipped to provide lighting during hours of darkness.
- c) Location of booths: Sites for location or relocation of telephone booths shall be subject to the approval of the city council. In approving sites, the following factors shall be taken into account:
 - (1) The public need for an convenience of a telephone at a particular site.
 - (2) Interference which a telephone booth may cause other uses of the site by the public or adjacent property owners.
 - (3) Detriment which a telephone booth may cause to aesthetic values in a residential neighborhood.
 - (4) Hazards which a telephone booth may cause at a particular site, such as obstructing the field of vision of motorists at intersections and crosswalks, and its close proximity to a fire hydrant and light.
 - (5) Availability of a suitable site on private property reasonably near the site selected by the permittee.
- d) Installation and Maintenance: The permittee shall bear the entire cost of installation, maintenance, relocation or removal of every telephone booth installed under this permit. All telephone booths shall be kept by the permittee in repair, clean and safe for public use. Each telephone booth shall have an identification sign. In installing and removing the telephone booths, the permittee shall obtain any permit or permits required under other ordinances of this city.
- e) Commissions: The permittee shall file with the City Recorder quarterly on or before the 20th day of January, April, July and October of each year an accounting of the net cash contents of the coin box at each public telephone installed hereunder and shall concurrently therewith pay to the City of Albany a commission equal to 15% of the net cash contents of the coin box of each public telephone installed hereunder, after deduction of excise taxes. In the event that collections are made more often than quarterly from coin boxes, then, upon request so to do, the permittee shall file accountings and pay commissions on a monthly basis, if requested so to do by the city council. The commissions to be paid are in addition to all other fees and assessments which are or may be charged or levied by the city against the permittee by statue, charter or ordinance.

Section 2: LIABILITY

The permit granted by this ordinance is subject to the condition that the permittee, its successors and assigns, forever will idemnify and save the City of Albany, 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 the 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 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 the consideration for, this indemnification.

Section 3: ACCEPTANCE

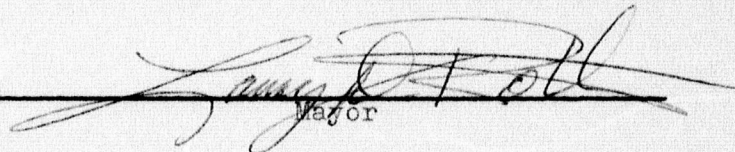
This ordinance is not operative until the permittee has filed with the City Recorder a written acceptance of all terms and conditions contained herein, signed by an authorized official of the said corporation and approved as to form by the City Attorney.

Section 4: EMERGENCY CLAUSE

In order that no unnecessary delay in making available to the Pacific Northwest Bell Telephone Company the permit granted under Section 1 hereof, for advancement of public convenience and safety, this ordinance shall be in full force and effect upon its passage by the council and approval by the mayor.

Passed by the Council: June 26, 1963

Approved by the Mayor: June 26, 1963



Mayor

Effective Date: June 26, 1963

ATTEST:



City Recorder