

ORDINANCE NO. 124

GRANTING A FRANCHISE FOR THE INSTALLATION OF A NATURAL GAS SYSTEM
IN CLYMER BOROUGH.

WHEREAS, Joseph W. Thomas of Glenn Campbell, Pennsylvania, has requested the Borough Council to grant him a franchise to install a natural gas system in the Borough of Clymer; and

WHEREAS, the Borough Council, after due deliberation, has decided that the granting of such a franchise is in the best interests of the Borough.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF CLYMER AND IT IS ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. That the Borough of Clymer hereby grants unto Joseph W. Thomas of Glen Campbell, Pennsylvania, hereinafter designated as grantee, a franchise with full right, power and authority to establish, construct, maintain, extend and operate a natural gas system within the corporate limits of Clymer, Pennsylvania, for the purpose of furnishing to the Borough of Clymer, and its inhabitants, natural gas for domestic, industrial and other purposes.

SECTION 2. For the purpose of carrying into effect the privileges granted by Section 1 of this ordinance, said grantee, his heirs, successors and assigns, are hereby authorized to use the streets, alleys, sidewalks, bridges and public grounds of the Borough of Clymer, and to make all necessary excavations therein, but the same shall be done with due and reasonable dispatch and with the least practicable interference to the rights and convenience of the public and individuals; and the said grantee, his heirs, successors and assigns, shall restore all streets, alleys, sidewalks, bridges and public grounds when excavated by them to their original condition. Provided, however, that before the construction of a natural gas system within the corporate limits of the Borough of Clymer is commenced, the grantee, his heirs, successors and assigns, shall first obtain a permit for excavation of the streets, alleys, sidewalks, bridges and public grounds from the proper authorities of the Borough of Clymer, and file with the Secretary of said Borough an indemnity bond in the amount of Five Thousand (\$5,000.00) Dollars conditioned upon the satisfactory restoration of all streets, alleys, sidewalks, bridges and public grounds excavated by them during the construction of said natural gas system to their original condition.

SECTION 3. In laying down pipes and mains, said grantee, his heirs, successors and assigns, shall conform to all reasonable regulations which are or may be prescribed by the Borough of Clymer and shall not interfere with, or injure any water pipes, drains or sewers of said Borough of Clymer or any water company grantee of said Borough.

SECTION 4. The privileges herein granted are upon the express condition that said grantee, his heirs, successors and assigns, shall indemnify and save harmless the Borough of Clymer from all damages which may be awarded against the said Borough in favor of any person or persons, corporation or corporations, resulting from any act or thing done by said grantee, or his heirs, successors and assigns, by virtue of the authority and consent herein granted.

SECTION 5. That the grantee herein shall have the right to assign the franchise herein granted to any corporation he so desires, provided said corporation meets the requirements of all Pennsylvania laws relating to the regulation of public utilities, public corporations and all other applicable Pennsylvania laws.

SECTION 6. That within six months from the date of this Ordinance and quarter-annually thereafter until the natural gas system contemplated hereunder is completed, the grantee, his heirs, successors and assigns, shall file progress reports with Borough Council.

ADAG07

SECTION 7. That in case the grantee or the corporation to which he assigns the franchise herein granted fails to commence construction of a natural gas system in the Borough of Clymer within thirty (30) months from the effective date of this Ordinance, then the rights and privileges herein granted shall cease and determine and no notice shall be necessary on the part of the Borough of Clymer.

SECTION 8. That said Joseph W. Thomas shall file his written acceptance of the provisions of this Ordinance with the Secretary of the Borough Council on or before the expiration of thirty (30) days from passage of this Ordinance. Failure on the part of Joseph W. Thomas to file his acceptance hereof with the Borough Secretary, as herein provided, shall render this Ordinance null and void.

SECTION 9. This Ordinance shall take effect and in force from and after its passage, publication and acceptance.

SECTION 10. All Ordinances or parts of Ordinances heretofore passed and inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED this 7 day of April, 1959.

BOROUGH OF CLYMER

By P. P. Pekala,
President.

ATTEST:

C. L. Longwill,
Secretary.

Approved this 7 day of April, 1959

Andrew M. Balitski,
Burgess.