

ORDINANCE NO. 74

An Ordinance authorizing the Bell Telephone Company of Pennsylvania, its successors and assigns, to construct, maintain, and operate its posts, poles, cables, wires, and all other necessary overhead apparatus on, over, and along its conduits, ducts, mains, pipes, cables, wires, manholes, terminal and distributing poles, and all other necessary underground appliances on, in, under and through the streets, alleys and highways within the limits of the Borough of Clymer, County of Indiana, State of Pennsylvania; prescribing the manner of placing the same and regulating the use of the streets, alleys and highways by the said Company.

The Burgess and Town Council of the Borough of Clymer, County of Indiana, State of Pennsylvania, do ordain and enact as follows:

That permission be and is hereby granted to the Bell Telephone Company of Pennsylvania, its successors and assigns, to construct, maintain and operate its posts, poles, cables, wires, and all other necessary overhead apparatus on, over and along, and its conduits, ducts, mains, pipes, cables, wires, manholes, terminal and distributing poles, and all other necessary underground appliances on, in, under and through the streets, alleys and highways within the limits of the Borough of Clymer, County of Indiana, State of Pennsylvania; to use the property of other companies and to permit other companies that possess authority to operate within the limits of the said Borough to use its property, upon such arrangements as the two companies may agree to;

Provided:

Section 1. That all poles erected by said company shall extend not less than twenty (20) feet above the surface of the ground, and shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said streets, alleys and highways and in the installation and maintenance of its underground system, said Company

shall not open or encumber more of any street, alley or highway than will be necessary to enable it to perform the work with proper economy and efficiency. 120

Section 2. That before any poles are erected or conduits or manholes are constructed in, upon or along any street, alley or highway, said Company shall present a plan or plans, showing the approximate locations thereon, to the Chairman of the Street Committee for approval. Should the Chairman of the Street Committee disapprove any plan or plans, as to the location of any poles, conduits or manholes, he shall cause to be designated thereon by the use of appropriate words or marks or both, some other location suitable for the purpose of said Company, but nothing in this Section contained shall be construed to require the submission or approval of plans when the said Company finds it necessary to renew existing poles.

Section 3. That the said Company shall replace and properly relay that portion of any sidewalk or street pavement which may have been displaced or damaged by in the construction and maintenance of its system. Should the Company fail to make such replacement and repairs within a reasonable time after receipt of written notice from Council so to do, then and in such an event the Borough may cause the work to be done and charges the Company for the actual cost thereof.

Section 4. That space on the poles erected and in the conduits constructed under the provisions of this ordinance may be used, free of charge, for the purpose of carrying wires of any fire-alarm or Police Telegraph System owned and maintained by the said Borough provided the said wires are placed and maintained in such a manner as may be prescribed by the said Company, and that no use shall be made of such space by the said Borough which will result in interfering with or impairing the operation or use of the said Company's property or service, or will endanger its property or employees.

Section 5. That the said Company shall maintain all posts, poles, cables, wires, conduits, ducts, mains, pipes, manholes, and all other apparatus erected or constructed under the provisions of this ordinance, in good and safe order and condition, and shall at all times fully indemnify, protect and save harmless, the said Borough from and against all actions, claims, suits, damages and charges, and against all loss, and necessary expenditures arising from the erection, construction and maintenance of its system, or from its neglect or failure to maintain the said apparatus in good and safe order and condition.

Section 6. That nothing in this ordinance contained shall be construed to grant into the said Company any exclusive right, or to prevent a grant of similar privileges to other companies.

Section 7. That the said Company shall be governed by all legal ordinances of a general nature affecting its operations in the Borough of Clymer, that are now in force and enacted under and by virtue of the police powers of the said Borough or the laws of the State, as well as all such ordinances hereafter so enacted, provided the terms, conditions, and regulations prescribed therein do not impair or abridge the permission contained in this ordinance.

Section 8. That the said Company shall, under its seal and by its proper officers, within sixty (60) days from the date of the final enactment of

this ordinance, signify in writing, its acceptance of all the terms, conditions, regulations and restrictions herein contained, in default of which this ordinance shall become null and void and of no effect.

Section 9. That upon the acceptance of this ordinance, as provided for in the preceding section, and the approval of the same by the Public Service Commission of the Commonwealth of Pennsylvania, an ordinance enacted in favor of the Central District and Printing Telegraph Company (predecessor of the Bell Telephone Company of Pennsylvania) the Council of the Borough of Clymer, and approved by the Burgess on the 6th day of July, A.D., 1908, shall become null and void.

Section 10. That all legal advertising or printing fees incurred by the Borough of Clymer, County of Indiana, State of Pennsylvania, in connection with the passage of this ordinance, shall be paid by the said Company.

Ordained and enacted into an ordinance this 7th day of December, 1931.

H.H. Hetrick,
President of Council

Attest:- C.L. Longwill,
Secretary of Council
Approved this 7th day of December, 1931.

O.V. Householder
Chief Burgess

December 10, 1931.

I hereby certify that the foregoing is a true and correct copy of an ordinance enacted by the Council of the Borough of Clymer, Indiana County, Pa., on the seventh day of December, 1931, and approved by the Burgess on the seventh day of December, 1931.

C.L. Longwill,
Secretary of Council