

Ordinance #4

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, 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 present or future limits of the Borough of Deer Lake, County of Schuylkill, State of Pennsylvania; prescribing the manner of placing the same and regulating the use of the streets, alleys, and highways by said Company.

The Burgess and Town Council of the Borough of Deer Lake, County of Schuylkill, 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 present or future limits of the Borough of Deer Lake, County of Schuylkill, 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 whenever the said Company shall desire to, erect, lay down, or construct any poles, conduits, or manholes it shall present a plan or plans showing the location, number and size thereof to the Chairman of the Street Committee, who is thereby authorized and empowered for and on behalf of Council, to approve or disapprove as to location, which plan or plans, or copy thereof, with approval endorsed thereon, shall be filed with the Secretary of Council before any work shown thereon is started. In case the said Chairman disapproves any plan or plans he shall designate thereon, by the use of appropriate words or marks, or both, some other location suitable for the purposes of the said Company; but nothing in this ordinance contained shall be construed to require the submission or approval of plans when the said Company finds it necessary to renew or re-space existing poles.

Section 2.

That the erection of poles and the construction of conduits and manholes under the provisions of this ordinance, shall be subject to the supervision of the Chairman of the Street committee, and said company shall replace and properly relay that portion of any sidewalk or street pavement which may have been displaced by it in the construction an maintenance of its system.

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Section 3.

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 they 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 4.

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 safe harmless the said Borough from and against all actions, and 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 5.

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

Section 6.

That the said Company shall be governed by all legal ordinances of a general nature affecting its operations in the Borough of Deer Lake, 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 herein do not impair or abridge the permission contained in this ordinance.

Section 7.

That this ordinance shall continue in force for a period of fifty (50) years from the date of its approval by the Pennsylvania Public Utility Commission.

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.

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That all legal advertising or printing fees incurred by the Borough of Deer Lake, County of Schuylkill, State of Pennsylvania, in conjunction with the passage of this ordinance, shall be paid by the said Company.

Ordained and enacted into an ordinance this 10th day of June, 1937.

Approved: June 23rd, 1937