

ORDINANCE NO. 214

PROVIDING FOR THE NUMBERING, INSPECTION, NOTICE TO OWNERS OF PUBLIC SERVICE FACILITIES, SUCH AS POLES, CABLES, WIRES AND CONDUITS LOCATED UPON THE STREETS, ALLEYS AND HIGHWAYS OR OTHER LAND WITHIN THE BOROUGH, AND PROVIDING FOR MAINTNENACE OF RECORDS RELATING TO THE SAME, FOR THE REPAIR OF DEFECTS THEREON, AND FOR AN INSPECTION FEE PAYABLE BY THE OWNERS OF SAID FACILITIES AND PROVIDING PENALTIES FOR VIOLATIONS.

Be it enacted and ordained by the Mayor and Council of the Borough of Southmont, Cambria County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

Section 1. Definitions: "Facilities" when used in this ordinance shall mean poles, wires, guy wires, conduits, cables, anchors and other equipment of public service or utility companies and all other person, companies or corporations permanently occupying or using the streets, alleys, and highways or other land within the Borough of Southmont.

Section 2. The facilities of all public service or utility companies and all other companies, persons and corporations having the right to erect, maintain or use such fiacilites upon or in the street, alleys and highways or other land within the Borough of Southmont shall bw subject to inspection by the Borough Engineer, the Street Commissioner, or some other person qualified to do so, and appointed by the Borough Council, at such

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time or times during the year which Council shall direct, and if Council does not specifically direct some specific time, such inspections shall be made during the first week of April and the first week of October of each year.

Section 3. The inspector appointed by the Council shall compile a report setting forth, all defects or dangerous conditions found by him on such facilities and submit the report to the Borough Secretary who shall give prompt notice of such defects or dangerous conditions to the party responsible for such facilities. Any defect reported by the inspector and designated by him to be such as to constitute an immediate and present danger to the citizens of the Borough or to persons using the streets, alleys or highways of the Borough shall be repaired or eliminated by the party responsible for the defect facility forthwith upon receipt of notice of the same. Other defects of which the inspector gives notice shall be repaired or eliminated within 30 days from the said notice.

Section 4. If the party responsible for such defective facility shall be negligent or fail to repair or eliminate the defect of which it has received notice within the specified time it shall be subject to a fine not in excess of \$10.00 for each day beyond the specified time said defect or dangerous condition remains, said fine to be recoverable in the manner prescribed by law.

Section 5. The policemen of the Borough shall observe during their regular duties the public service facilities on the streets, alleys and highways or other land within the Borough and if any policeman finds any defective facility he shall take necessary precautions to protect the public, and give prompt notice to the party responsible for the same, to repair or eliminate the same.

Section 6. All parties owning, erecting, maintaining using or permitting to stand upon the streets, alleys and highways or other land within the Borough, any poles used for said facilities shall number the said poles in accordance with a proper numbering system. All owners of such poles who fail to number such poles shall pay to the Borough a fine of fifty cents per day for each day any such pole stands within the Borough without a number, said fines to be recoverable in the manner prescribed by law.

Section 7. The Mayor shall each year on or before September first count and make a return to the Council of all poles used for public service facilities or permitted to stand upon the streets, alleys or highways or other land within the Borough.

Section 8. An annual inspection fee of twenty five cents (25¢) is hereby assessed upon the owner of each pole erected, maintained used or permitted to stand for such facilities upon the streets, alleys and highways or other land within the Borough

Section 9. The Borough Secretary is hereby authorized and directed to send a statement for the annual inspection fee to each party responsible for the public service facility pole or poles subject to the fee on or before September first of each year, said fee shall be payable on or before November first of each year after which date five per cent (5%) thereof shall be added as penalty. Any fee unpaid after December 31st of each year shall be certified by the Borough Secretary to the Borough Solicitor who shall proceed to collect the same by action of Assumpsit or otherwise in a manner prescribed by law.

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Section 10. For the year 1962, the inspections, report and statement for the fee of twenty-five cents per pole shall be made on convenient dates subsequent to the effective date of this ordinance and prior to December 31, 1962.

Section 11. All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same hereby are repealed.

Passed finally in Council this 10th day of September, 1962.

G. Martin Fox
President of Council

Attest:
Betty M. Sabo
Secretary

Approved:
Robert Moors
Mayor