

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 limits of the Borough of Southmont, County of Cambria, 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 Borough and Town Council of the Borough of Southmont, County of Cambria, 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 Southmont, County of Cambria, 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 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.

Section 2. That before any poles are erected or conduits or manholes are constructed in, upon or along any street, alleys 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 sidewalks or street pavement which may have been displaced or damaged by it 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 charge 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

ORDINANCE NO. 101 CONTINUED

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 unto 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 local ordinances of a general nature affecting its operations in the Borough of Southmont, 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 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. Any ordinance or part of ordinance conflicting with the provisions of this ordinance be and the same are hereby repealed in so far as they affect the said Company.

Section 10. That all local advertising or printing fees incurred by the Borough in connection with the passage of this ordinance, shall be paid by the said Company.

Ordained and enacted into an Ordinance this 13th day of July 1931.

John G. Cosgrove

President Pro Tempore of Council

Approved this 13th day of July 1931.

Lymen B. Angus
Burgess

Attest:

Hughert Munzer
Secretary

Above ordinance was published in the Johnstown Democrat July 1st and 17th, 1931 and was posted in 12 public places in the Borough July 2nd and July 18th, 1931. H. Munzer, Sec.
The Bell Telephone Co. of Pa., hereby accepts and agrees to comply with all the terms, conditions, regulations and restrictions contained in an ordinance enacted by Council of the Borough of Southmont, and approved by the Burgess on the thirteenth day of July, 1931, entitled:

"An ordinance, authorizing The Bell Telephone Company of Pa., 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; prescribing the manner of placing the same and regulating the use of the streets, alleys and highways by the said Company. Attest: J.H. Grosman, Jr., Secretary