

ORDINANCE NO. 42

GRANTING THE JOHNSTOWN TELEPHONE COMPANY OF THE CITY OF JOHNSTOWN, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA, THE RIGHT TO ERECT AND MAINTAIN POLES, WIRES, CABLES AND FIXTURES TOGETHER WITH THE NECESSARY SUPPORTS UPON, OVER, ALONG AND UNDER THE STREETS, HIGHWAYS, FOOTWALKS, LANES AND ALLEYS OF THE BOROUGH OF SOUTHMONT, CAMBRIA COUNTY, PENNSYLVANIA, ON CONDITIONS HEREINAFTER PROVIDED.

Be it ordained and enacted by the Council of the Borough of Southmont, County of Cambria and State of Pennsylvania, and it is hereby ordained and enacted by the authority of the same.

Section 1. That the privilege be and is hereby granted to the Johnstown Telephone Company, its successors and assigns, to construct, operate and maintain the necessary poles, wires, conduits, cables and fixtures together with the necessary supports upon, over, along and under the streets, highways, footwalks, lanes and alleys of the said Borough as may be necessary for the purpose of construction, operating and maintaining lines of telephone through the said Borough to places of business, works, manufacturing establishments, offices and houses of subscribers within the Borough limits or adjacent thereto; subject to the conditions and regulations hereinafter contained.

Section 2. All poles erected under the provisions of this ordinance on streets, shall be placed immediately inside and adjoining the curb line and where erected on alleys or alley-ways, the same shall be placed as close to the property line as practicable. All surplus dirt caused by the erection of said poles shall be removed and the said Johnstown Telephone Company shall replace the streets, highways, footwalks, lanes and alleys of the said Borough upon which it shall erect any of its poles or fixtures as aforesaid in as good condition as they were before said poles and fixtures were erected thereon, and further that the location of said poles shall be made under the direction and supervision of the Street Commissioner or the Street Committee of the Borough aforesaid.

Section 3. That all poles erected under the provisions of this ordinance shall be reasonably straight, planted not less than five (5) feet in the ground, and there shall be no cross arms for the suspension of wires and cables placed at a less distance than eighteen (18) feet from the grade of the street, unless by permission of the said Council.

Section 4. In the event of any public improvements being made on any street or streets, and the lines of the said Company interfere therewith, the Johnstown Telephone Company shall, upon being notified by said Council make such practical change in its lines as to avoid interference.

Section 5. The said company shall at all times save and keep safe and harmless the said Borough from all costs, expenses and damages resulting to life, limb or property by reason of the construction, maintenance and operations of said telephone system.

Section 6. The privileges conveyed by this ordinance are granted by the Borough of Southmont with the express understanding that they give to the said Johnstown Telephone Company no exclusive right-of-way but reserve the right to grant other and similar franchises to other person, firms or corporations and nothing herein contained shall be construed as granting the said Company any rights and privileges on private property not under the control of the Borough.

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Section 7. That whenever the said Borough shall adopt a fire alarm or police telegraph system, the said company shall permit the fire alarm and police telegraph wires to be run upon all the poles of the said Company, without charge, within the limits of said Borough. All such stringing or attaching of wires shall be done under the supervision of and to the satisfaction of the said Company. The said privilege shall not be transferred nor sub-let except with the permission of said Company.

Section 8. The said Johnstown Telephone Company shall be governed by all legal ordinances of a general nature now in force or that may hereafter be enacted; and nothing herein contained shall be considered as a waiver of any reasonable police regulations.

Section 9. The said Company shall, within thirty (30) days after the passage and approval of this ordinance, file with the secretary of Council the certificate of acceptance of all the terms, conditions and provisions of this ordinance. The said company shall pay the expenses incident to the passage and publication of this ordinance.

Section 10. That any ordinancy or part of ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed so far as the same affects this ordinance.

Ordained and enacted into law this 8th day of December, 1924.

Norman Lewis
President of Council

Attest
Roy G. Wertz
Secretary of Council

Approved this 8th day of Dec. 1924
C.A. Matthews
Burgess

This ordinance was published in the Johnstown Democrat Dec. 12, 1924 and posted in twelve public places in the Borough Dec. 1924.

Roy G. Wertz
Sec.