

Ordinance 57-1

Bell Telephone Co

2/4/1957

ORDINANCE NO. 57-1

HOPEWELL TOWNSHIP

AN ORDINANCE, authorizing The Bell Telephone Company of Pennsylvania, its successors and assigns, to construct, maintain and operate its posts, poles, booths, telephones, conduits, ducts, pipes, mains, manholes, cables, wires, and all necessary overhead and underground apparatus and appliances, on, over, under and through the streets, alleys and highways, within the present or future limits of the Township of Hopewell, in the County of Beaver and State of Pennsylvania; prescribing the manner of placing the same, and regulating the use of the streets, alleys and highways by said Company.

THE COMMISSIONERS of the Township of Hopewell, County of Beaver, State of Pennsylvania, 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, booths, telephones, conduits, ducts, pipes, mains, manholes, cables, wires, and all necessary overhead and underground apparatus and appliances, on, over, under and through the streets, alleys and highways, within the present or future limits of the Township of Hopewell, in the County of Beaver, and State of Pennsylvania; to use the property of other companies, and to permit other companies that possess authority to operate within the said Township, 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.

SECTION 2. That whenever the said Company shall desire to erect, lay down or construct any booths, posts, poles, conduits or manholes, it shall present a plan or plans showing the location, number and size thereof to the Board of Commissioners to approve or disapprove as to location, which plan or plans, or copy thereof, with approval endorsed thereon, shall be filed with the Township Secretary before any work shown thereon is started. In case the said Board of Commissioners disapproves any plan or plans, they shall designate thereon, by the use of appropriate words or marks, or both, some other location suitable for the purposes of the said Company.

SECTION 3. That the erection of booths and 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 Highway Committee, and said Company shall replace and properly relay that portion of any sidewalk or street pavement which may have been displaced or damaged by it in the construction and maintenance of its system.

SECTION 4. That space on the poles erected and in the conduit 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 Township, 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 Township 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, booths, telephones, 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 Township 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, nor to conflict with the powers and jurisdiction now or hereafter vested by law in the Pennsylvania Department of Highways or its successors over certain highways or with any rules and regulations issued from time to time by the said Department or its successors, governing the use of such highways by public service corporations.

SECTION 7. That the said Company shall be governed by all legal ordinances of a general nature affecting its operations in the Township of Hopewell, that are now in force and enacted under and by virtue of the police powers of the said Township 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. This ordinance shall take effect at the expiration of thirty (30) days from the date when a copy thereof shall have been filed in the office of the Secretary of the Pennsylvania Public Utility Commission; provided that if the Commission shall, prior to the expiration of such period, institute a proceeding under the provisions of Section 911 of the Public Utility Law affecting its validity, this ordinance shall become effective only upon approval by said Commission.

SECTION 9. 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 10. That all legal advertising or printing fees incurred by the Township of Hopewell, County of Beaver, 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 *4th* day of *February*, 1957.

ATTEST:

THE COMMISSIONERS OF THE
TOWNSHIP OF HOPEWELL

Charlotte M. Buffington
Secretary

By *Paul Doughty*
President

