

Ordinance No 18.

-Granting to the Beaver County Telephone Company its successors or assigns, the right to erect, acquire, operate and maintain, telephone or telegraph lines, and a system of telephones either aerial or underground, in the Borough of Patterson-Heights, Pennsylvania.

Be it enacted and ordained by the Burgers and Town Council of the Borough of Patterson Heights Pa, and it is hereby enacted and ordained by authority of the same.

Section One: That the privilege be and is hereby granted, to the Beaver County Telephone Company, its successors or assigns, to erect acquire, operate and maintain all necessary poles, guys, anchors, conduits, manholes and other fixtures, and to string wires or cables, therein or therein, in, upon, through or under the streets, avenues, lanes, alleys, bridges, public ways, or public grounds of said Borough, to the place of business, works, manufacturing establishments, offices and residences of any and all subscribers to the said telephone system within the limits of said Borough or adjacent thereto.

Section Two: This ordinance is granted under the following conditions: namely,
(a) That if it should be found to be advisable by the Beaver County Telephone Company, its successors or assigns, to place its cables or any portion of them in conduits underground, then and in that case it shall draw and execute a map or plot, the same to be filed in the office of the Borough Clerk, together with specifications showing the location of all proposed underground work, together with poles for distribution; and in such cases no work shall be begun upon such conduits or underground work until the aforesaid plot or map of the proposed work shall have been approved by the Borough Council or by officers or committees appointed by said Council for that purpose.

(b) That should the Beaver County Telephone Company, its successors or assigns, at any time in the future during the continuance of this ordinance, desire to put wires underground or make any extension to such work already built, before doing so they shall furnish a like map or plot of the proposed additional underground work, together with its poles for distribution, and the same shall be approved by the Council before work shall begin.

(c) The Borough Engineer shall set the proper grade for all manholes, so that the top of the castings shall always be even and on a line with the grade of the street. and the said telephone company shall bear all the expense of so placing all such manhole castings as aforesaid. In case the grade of any streets, lanes or alleys in said Borough shall be changed hereafter at any time or times after manholes have been placed by said Company then the said Telephone Company shall replace all said manhole castings on a line with the new grade of said street or streets, lane or lanes, alley or alleys at its own expense. & the said Telephone Company shall further change at its own expense, all its conduits, to conform to the new grade of any such streets, lanes or alleys as may be hereafter changed in grade.

Section Three: That the said Beaver County Telephone Company, its successor or assigns, is hereby required in all aerial construction to locate the poles, posts, anchors and other structures so as not to interfere with public travel or the flow of water or the drainage within said Borough, gas or water pipes; and are further required to replace any or all portions of the streets, avenue, lanes, alleys, bridges, public

ways or public grounds of said Borough which may be by it or them interfered with in the erection, maintenance or operation of said telephone or telegraph system, in as good condition as they were prior to such interference or use, providing, nevertheless:-

1st. That all poles, posts, and other fixtures for aerial construction, shall be located in the alleys of said Borough so far as may be practicable.

2nd. That all poles upon which wires or aerial cables are to be strung, shall not be less than thirty (30) feet in length; and the same shall be of good, sound cedar or chestnut timber, ^{and not less than six (6) inches in diameter at the top} commercially straight, and set not less than five (5) feet in the ground.

3rd. That the said Beaver County Telephone Company, its successors, or assigns, shall be governed in erecting poles, laying conduits or providing any fixtures whatsoever in building or maintaining its telephone or telegraph system by the ordinances of said Borough now in force, or the ordinances of a general nature which may hereafter be passed by the Borough Council and appertaining thereto.

4th. That all poles shall be securely planted, the wires properly and safely strung so as to interfere as little as possible with existing wires or other property rights; and said plant shall at all times thereafter be properly and efficiently operated and maintained.

5th. That the said Beaver County Telephone Company, its successors or assigns, shall save the Borough of Patterson Heights Pa. free and harmless from any and all claims for damages or otherwise, growing out of the erection, operation or maintenance of the said telephone or telegraph plant, and shall respond to said Borough in damages in any amount, that may be sustained by reason of negligence or imperfect work.

Section Four. Be it further ordained, that the said Beaver County Telephone Company, its successors or assigns, shall string wires, aerial or underground, and furnish telephone service to any person residing within the corporate limits of said Borough who shall desire to become a subscriber, thereto for a reasonable length of time, and that the said Beaver County Telephone Company, its successors or assigns, shall permit the police and fire alarm wires and boxes of the said Borough to be placed upon their poles or in conduits within the corporate limits of said Borough without charge therefor, if the Borough so elects, providing however, that all wires, boxes or other fire apparatus so strung or maintained by the said Borough shall be placed thereon or therein under the supervision of the said Beaver County Telephone Company, and shall be so placed and strung as to be of the least inconvenience or disadvantage to the said Company.

Section Five: Be it further ordained that the rights herein granted shall lapse and become void unless the said Beaver County Telephone Company, its successors or assigns, shall begin the work of erecting the said telephone plant within eighteen months from the time this ordinance takes effect, and have the same in operation within twenty-four (24) months thereafter, providing, however, that if delayed in the progress of said work by strikes, legal proceedings or other unavoidable cause or causes, without the fault of the said Beaver County Telephone Company, its successors or assigns, then the limitation as to commencement of work and operation of same is hereby extended for such period as the said Beaver County Telephone Company, its successors or assigns, may be so delayed.

Section Six: The Beaver County Telephone Company, its successors or assigns, agrees to furnish the Borough of Patterson Heights, for the period of five years from and after the passage and acceptance of this ordinance one free telephone to be located wherever the Borough Council may direct.

Section Seven: Be it further ordained that any willful failure to maintain or operate the plant, agreeable to the terms of the ordinance, or to fully comply with its provisions, shall work a forfeiture of this franchise and all rights and privileges herein granted; and the said Beaver County Telephone Company, its successors or assigns, shall pay all expenses incurred in the preparation and publication of this ordinance.

Section Eight: The said Beaver County Telephone Company shall accept or reject this franchise in writing within thirty days after its passage.

Section Nine: This ordinance shall take effect and be enforced from and after the earliest period allowed by law.

Section Ten: This ordinance shall be in force and effect for a period of fifty (50) years from and after its passage, publication and acceptance by said Company and no longer.

Section Eleven: The Beaver County Telephone Company, its successors or assigns shall pay to the Borough Treasurer for the use of the said Borough of Patterson Heights, the following sums of money at the times and in the amounts as hereinafter set forth, to-wit:-

For the first five years after the passage and acceptance of this ordinance, the said Telephone Company shall pay nothing

for the use of the Borough, for the
next five years the said Company, its successors
or assigns shall pay Fifty (\$50.00) Dollars
per year for the use of the Borough; for
the next five years the said Company, its
successors or assigns shall pay Seventy five
(\$75.00) Dollars per year for the use of the
Borough; for the next five years the
said Company, its successors or assigns
shall pay One Hundred (\$100.00) Dollars
per year for the use of the Borough; for
the next five years the said Company
its successors or assigns shall pay One
Hundred Twenty-five (\$125.00) Dollars per year
for the use of the Borough; for the next
five years the said Company, its successors
or assigns shall pay One Hundred Fifty
(\$150.00) Dollars per year for the use of the
Borough; for the next five years the
said Company, its successors or assigns
shall pay One Hundred Seventy five (\$175.00)
Dollars per year for the use of the
Borough; for the next five years the said

Company, its successors or assigns shall pay Two Hundred (\$200.00) Dollars per year for the use of the Borough; for the next five years, the said Company, its successors or assigns shall pay Two Hundred Twenty-five (\$225.00) Dollars, per year for the use of the Borough, and for the last five years the said Company, its successors or assigns shall pay Two Hundred Fifty (\$250.00) Dollars per year, for the use of the Borough. Said sums shall be paid annually on the first of each and every year.

Enacted into an ordinance of the Borough of Patterson Heights, Beaver County, Pa. this 70th day of December, 1908.

Approved this 29th day of Dec., 1908.

L. G. Townsend
President of Council.

W. G. [Signature]
Burgess

Attest:
L. G. Townsend,
Secretary of Council