

No. 10.

An Ordinance

Granting Alburtis Electric Company the right and privilege to erect poles and stretch wires and cables in, upon and along the streets, lanes and alleys of the Borough of Alburtis, to occupy said highways with such apparatus as may be necessary for conducting their business and prescribing the conditions and penalties under which the said right and privilege is granted and may be exercised.

Whereas, Alburtis Electric Company is a corporation incorporated for the purpose of supplying light, heat and power, or any of them, by electricity to the public in the Borough of Alburtis and vicinity, and to that end has applied for the right to enter upon the streets, lanes, alleys and highways of the Borough of Alburtis, Lehigh County, Pennsylvania, therefore

Section I. Be it ordained and enacted by the Town Council of the Borough of Alburtis aforesaid, and it is hereby ordained and enacted by the authority of the same, that the said Alburtis Electric Company, its successors and assigns, be and is hereby granted the right, privilege and franchise to erect poles and stretch wires and cables in, upon and along the streets, lanes and alleys of said Borough and to occupy said highways with such apparatus as may be necessary for the purpose of supplying light, heat and power by means of electricity to the public and to such persons, partnerships and associations as may desire the same.

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Section II. Said poles shall be of such reasonable length and thickness as Council may direct and located under the supervision and direction of the Borough of Alburtis, and shall be painted and repainted as may from time to time be needed. Said Alburtis Electric Company, its successors or assigns, shall remove to such new location as may be provided by the Borough, at its own expense, any and all poles whenever public improvement shall demand such removal to a new location.

Section III. Said Alburtis Electric Company, its successors or assigns, shall be liable for all damages caused to public or private property by reason of the privilege herein granted and shall replace all sidewalks curbs and gutters which may be disturbed in planting said poles, in as good condition as the same were before putting in said poles.

Section IV. All wires and cables must be strung so as to leave a clear space between said wires or cables and the surface of the street of at least twenty feet or as the location may require.

Section V. This ordinance shall be accepted in writing by said Alburtis Electric Company, its successors or assigns, within thirty days from its passage, and failure to do so shall work a forfeiture of all rights and privileges herein granted.

Section VI. The Borough shall have the right at all times to use the poles of the said Alburtis Electric Company, its successors or assigns, for the purpose of stringing wires for a fire alarm system thereon without any charge, provided the

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same shall not interfere with the purpose of this franchise nor shall said wires be placed within two feet of any electric light wires.

Section VII. That, except wherein otherwise in this ordinance provided, the said Alburdis Electric Company, its successors or assigns, shall be subject to such reasonable regulations, conditions and restrictions as the Borough may hereafter make, or from time to time by ordinance impose.

Section VIII. All grants, provisions, stipulations, restrictions and penalties herein contained and provided as to the Alburdis Electric Company shall apply in all respects to its successors or assigns and to all future owners, lessees or operations of said system.

Section IX. The said Alburdis Electric Company, its successors or assigns, shall pay a tax upon its poles at the rate of ten cents per pole per annum.

Section X. The said Alburdis Electric Company, its successors or assigns, shall within six months after the approval of this ordinance by the Public Service Commission, as evidenced by their certificate of public convenience, be prepared to supply light and power by means of electricity, to the public in said Borough, and to such persons, partnerships or associations residing therein or adjacent thereto, as may desire the same, or this franchise to be null and void.

Section XI. The Borough of Alburdis hereby reserves the right and privilege at any time hereafter, upon four months' previous notice in writing from the Town Council, to the Alburdis Electric Company, its successors or assigns,

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to purchase the plant or system, that may be erected under the provisions of this ordinance, such sale to be upon a valuation ascertained by three competent persons, one to be selected by the Alburtis Electric Company, its successors or assigns; another to be selected by Town Council and the third by the two so selected; the expense in determining such valuation shall be paid in equal shares by the two parties provided, that the whole line from the Borough of Macungie to the Borough of Alburtis, or any portion thereof, shall be included or excluded in this provision at the option of the Alburtis Electric Company, its successors or assigns.

Section XII. The Borough of Alburtis shall be furnished with Electric light at any time hereafter upon request by Town Council upon thirty days' notice in writing for the purpose of lighting the streets, lanes and alleys of the Borough as well as Municipal Buildings by the Alburtis Electric Company, its successors or assigns, at rates which are not in excess of the lowest rates paid to the Lehigh Valley Light and Power Company, its successors or assigns, by any other city, borough, township or district, under a contract for an equal or shorter length of time and an equal or less number of lights of equal or less power.

Section XIII. The said Alburtis Electric Company, its successors or assigns, shall furnish light, heat and power to such persons, partnerships or associations residing in the Borough of Alburtis or adjacent thereto as may desire the same, at rates which are not in excess of the lowest rates paid to the Lehigh Valley Light and Power Company, its

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successors or assigns, by the consumers residing within any other city, borough, township or district of equal or less population under contracts for an equal or shorter length of time and an equal or less number of lights of equal or less power.

Section XIV. That for any violation of the provisions of this ordinance or any of its sections, the Alburdis Electric Company, its manager, foreman or other person in authority, shall be liable to arrest and upon conviction before the Burgess or any Justice of the Peace of this Borough, be liable to a fine of not less than ten dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each and every offense, such fines to be recoverable as fines are now by law collectible.

Section XV. Said Alburdis Electric Company, its successors or assigns shall pay all the expense of printing, advertising and transcribing this ordinance, as well as those connected with with the approval of the same by the Public Service Commission of the State of Pennsylvania.

Section XVI. It is hereby understood and agreed that neither the purpose nor intent, nor the obligation of this contract, if and when approved by the Public Service Commission of the Commonwealth of Pennsylvania, is such as to impair or in a wise affect the exercise by said Commission of any of the powers vested in it by the Public Service Commission, approved July 26, 1913.

Enacted into an ordinance at Alburdis this 1st day of February A. D. 1916.

A. F. Nuss,
President of Council

Attest: H. B. Schmoyer, Secretary

Approved this 1st day of February 1916. A. K. Snyder, Burgess