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## Chapter 62 — Electricity and Street Lighting

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## **Article I — Alburtis Electric Co. Franchise**

### **§ 62-101 Poles, Wires, and Cables Along Streets.**

The Alburtis Electric Company, its successors and assigns, 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 the 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.

### **§ 62-102 Poles.**

Said poles shall be of such reasonable length and thickness as Council may direct, shall be 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.

### **§ 62-103 Liability; Sidewalks, Curbs, and Gutters.**

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.

### **§ 62-104 Wires and Cables.**

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 (20') or as the location may require.

### **§ 62-105 Written Acceptance Required.**

This Article shall be accepted in writing by said Alburtis Electric Company, its successors or assigns, within thirty (30) days from its passage, and failure to do so shall work a forfeiture of all rights and privileges herein granted.

**§ 62-106 Use of Poles by Borough.**

The Borough shall have the right at all times to use the poles of the said Alburdis Electric Company, its successors or assigns, for the purpose of stringing wires for a fire alarm system thereon without any charge, *provided* the same shall not interfere with the purpose of this franchise, nor shall said wires be placed within two feet (2') of any electric light wires.

**§ 62-107 Regulations.**

Except as otherwise provided in this Article, 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.

**§ 62-108 Successors, Assigns, and Lessees.**

All grants, provisions, stipulations, restrictions, and penalties contained in this Article and provided 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.

**§ 62-109 Time for Provision of Service.**

The said Alburdis Electric Company, its successors or assigns, shall within six (6) months after the approval of Ordinance 10 (now this Article) by the Public Service Commissions, as evidence by their certificate of public convenience, be prepared to supply light and power by means of electricity to the public in the Borough, and to such persons, partnerships, or associations residing therein or adjacent thereto as may desire the same, or this franchise shall be null and void.

**§ 62-110 Borough Option to Purchase System.**

The Borough hereby reserves the right and privilege at any time hereafter, upon four (4) months' previous notice in writing from Council to the Alburdis Electric Company, its successors or assigns, to purchase the plant or system that may be erected under the provisions of this Article, such sale to be upon a valuation ascertained by three (3) competent persons, one to be selected by the Alburdis Electric Company, its successors or assigns; another to be selected by 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 Alburdis, or any portion thereof, shall be included or excluded in this provision at the option of the Alburdis Electric Company, its successors or assigns.

**§ 62-111 Street Lighting.**

The Borough of Alburdis shall be furnished with electric light at any time hereafter upon request by Council upon thirty (30) days' notice in writing for the purpose of lighting the streets, lanes, and alleys of the Borough as well as municipal buildings, by the Alburdis 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.

**§ 62-112 Rates to the Public.**

The said Alburdis Electric Company, its successors or assigns, shall furnish light, heat, and power to such persons, partnerships, or associations residing in the Borough of Alburdis 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 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.

**§ 62-113 Violations and Penalties.**

For any violation of the provisions of this Article 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 District Justice shall 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 fine are now by law collectible.

**§ 62-114 Expenses.**

Said Alburdis Electric Company, its successors or assigns, shall pay all the expense of printing, advertising, and transcribing Ordinance 10 (now this Article), as well as those connected with the approval of the same by the Public Service Commission of the State of Pennsylvania.

**§ 62-115 Exercise of Powers by Commission.**

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 (now the Public Utility Commission), is such as to impair or in any wise affect the exercise by said Commission of any of the powers vested in it by the Public Service Commission Act, approved July 26, 1913 (now the Public Utility Code, title 66 of the Pennsylvania Consolidated Statutes).

## Article II — Street Lighting Service

### § 62-201 Agreement With PP&L.

The Borough shall enter into an agreement with Pennsylvania Power & Light Company for the furnishing of all electric street lighting service required to light the streets of the Borough for the period and in accordance with the terms contained in the form of agreement now on file [as of September 14, 1959] with the Borough Secretary for the furnishing of said service. The proper officers of the Borough are authorized and directed to execute and deliver said form of agreement on behalf of the Borough.

## Appendix

### ¶ 62-A Disposition of Ordinance 10.

<u>Ordinance 10</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	Not included in 1981 Code.	§ 62-101
§ II	“	§ 62-102
§ III	“	§ 62-103
§ IV	“	§ 62-104
§ V	“	§ 62-105
§ VI	“	§ 62-106
§ VII	“	§ 62-107
§ VIII	“	§ 62-108
§ IX (repealed by Ord. 116)	“	See § 62-108
§ X	“	§ 62-109
§ XI	“	§ 62-110
§ XII	“	§ 62-111
§ XIII	“	§ 62-112
§ XIV	“	§ 62-113
§ XV	“	§ 62-114
§ XVI	“	§ 62-115

### ¶ 62-B Disposition of Ordinance 83.

<u>Ordinance 83</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
All	Not included in 1981 Code.	§ 62-201

**¶ 62-C Source Ordinances.**

Ordinance 10	02-01-1916
Ordinance 83	09-14-1959
Ordinance 116	10-04-1965
Ordinance 415	10-29-2003

**¶ 62-D Prior Ordinances Concerning Related Subject Matter.**

Ordinance 26	11-01-1926
Ordinance 32	12-07-1936
Ordinance 48	07-01-1946