

ORDINANCE 22

Be it enacted and ordained by the Burgess and Town Council of the Borough and it is hereby enacted and ordained by the authority of the same.

Section 1. That the Lilly Light, Heat and Power Company, a Corporation, its successors and assigns, be and it is hereby granted the right to enter upon the streets, lanes, alleys and public places of the Borough of Lilly, to erect and maintain the necessary poles, wires and cables, upon, over, through and under the several streets, lanes, avenues, alleys, and public places of said Borough, for the purpose of conducting electric current to all parts of said Borough, and adjoining districts, to the public and to such persons, partnerships, and corporations residing or located therein as may desire the same, and to re-enter upon such streets, lanes, alleys, avenues, and public places in said Borough from time to time, as may be necessary for the maintenance, renewal and repair of said system of poles, wires and cables. The authority, rights, privileges and permission herein granted are subject to the following terms, restrictions and conditions:

Section 2. A- That said poles shall be straight and sound and shall be of such length as to have the wires passing from one to another located at least twenty feet above the level of the streets, lanes, alleys at the crossings, and in placing said poles the same shall be done under the direction and supervision of the proper Borough authorities and under and subject to all the ordinances of said Borough relating to the election and maintenance of poles and wires upon the streets, lanes, alleys, and avenues of said Borough.

B- That the said poles shall be erected so as not to interfere with or obstruct or impede the free flow and passage of water in over, through, under or upon any drain, gutter, sewer, culvert or water course and so as not to interfere with or damage private property or that of any corporation or authorized to do said business in said Borough. The said Lilly Light, Heat and Power Company shall repair and make good all damages to the streets, lanes, alleys, avenues and highways of said Borough and sidewalks thereof, used by it for the purpose aforesaid, and shall remove therefrom all dirt and other debris caused by erecting or repairing said poles and wires.

C- That the said Lilly Light, Heat and Power Company, its successors and assigns, shall be liable to the Borough of Lilly and to private persons and corporations for all damages or injury caused by or arising from the use and occupancy of any street, avenue, alley, or public place for the purpose mentioned in this ordinance, and shall at all times save and keep harmless the said Borough of and claims for damages from or by reason of the entry upon, use or occupancy of streets, avenues, alleys or public places and from all liability for or on account of the same and shall defend any and all actions which may arise or be constituted against the said Borough for the enforcement of any claims, and the said Lilly Light, Heat and Power Company shall pay and all judgments obtained as a result of said actions together with all costs incident thereto and accruing thereon.

D- The current shall be placed at the disposal of patrons at such a time during the evening hours and during the morning hours, so as to give satisfaction.

Section 3. That the privileges hereby granted to the said Lilly Light, Heat and Power Company for the purpose herein set forth is not an exclusive grant, and may be recalled by said Borough of Lilly for failure to provide to the public and to such persons, partnerships and corporations residing therein, electric current for Light and Power purposes. That the privileges hereby granted the said Lilly Light, Heat and Power Company, its successors and assigns, shall remain in force for a period of twenty-five (25) years from the date of this ordinance, unless the same be terminated for causes herein set forth.

Section 4. It shall be unlawful for any person to wantonly injure or deface said poles erected by said company. Any person violating any of the sections or provisions of this section shall, on conviction thereof pay a fine of not less than one (\$1.00) dollar and not more than five (\$5.00) dollars.

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Section 5. That the said Lilly Light, Heat and Power Company, shall furnish free of charge and keep in repair for the said Borough of Lilly, incandescent electric lights for the lighting of the municipal building in the Borough of Lilly, during the existence of this franchise or the privileges granted under this ordinance.

Section 6. That the said Lilly Light, Heat and Power Company, shall pay the cost of printing and publishing this ordinance, and before said rights and privileges granted by this ordinance shall become effective and binding, the said Lilly Light, Heat and Power Company, shall file with the clerk of the Borough Council of Lilly, its written acceptance of the terms and conditions imposed by this ordinance.

Ordained and enacted by the Council of the Borough of Lilly, the thirtieth 30th day of September A.D. 1920.

Attest: V.P. McGough
Secretary

William Sweeney
President of Council

Approved by me this 30th day of September A.D. 1920.

E.J. Duffy
Burgess

Lilly Light, Heat and Power Company
By-- A.L. Tickerhoof. Pres.

I, V.P. McGough, Clerk, hereby certify that the foregoing ordinance was passed by the Council of Lilly Borough, on the 30th day of September, A.D. 1920., and that the said ordinance was advertised in the Johnstown Tribune September 20th 1920., and at least twelve (12) copies of said ordinance were posted in public places in the Borough of Lilly Cambria County Penna