

ORDINANCE 23

Granted to the Lilly Light, Heat And Power Company, a corporation, its successors and assigns, the right to lay, construct, operate and maintain a system of pipes in the streets, avenues, alleys and public places, in the Borough of Lilly, Cambria County, Pennsylvania to convey steam for heating purposes to the public, and to such persons, partnerships and corporations residing or located therein.

Section 1. Be it enacted and ordained by the Town Council of the Borough of Lilly, and it is enacted and ordained by the authority of the same; that the Lilly Light, Heat and Power Company, its successors and assigns be is and hereby granted the right to enter upon and construct, lay, operate and maintain in the streets, avenues, alleys, and public places in the Borough of Lilly, a system of pipes with all necessary branches, cut-offs and man-holes for conveying steam heat to private and public consumers within said Borough and to re-enter upon such streets, avenues, alleys, and public places from time to time as may be necessary for the maintainance, operation, repair and re-new such system, or any portion of the same.

Section 2. The authority, rights, privileges and permission here in granted are subject to the following terms, restrictions and condition:
A. That when the said Lilly Light, heat and Power Company, its successors and assigns, shall enter upon any street, avenue, alley, or public places for the purpose of constructing and repairing any portion of a steam heating system, shall not interfere with the sewer pipes now laid by the property owners or by the Borough or the sewer pipes hereafter to be laid by the Borough; and norights hereby given shall be construed to abridge or take away any rights, grants, or privileges or any acquired by any person, persons, or corporations, but all rights herein granted shall be subject to the rights and privileges granted to said person or persons or corporation.

B. That pipes laid in persuance of this ordinance shall be of a depth of at least three feet from the surface and shall not be laid over any sewer or water pipes now or hereafter to be laid, except where it is necessary to cross the same.

C. And when the said Lilly Light, Heat and Power Company, its successors and assigns, shall in laying, re-laying or repairing its pipes or connections, find it necessary to tear up any pavements or streets, now layed or paved, or hereafter to be paved or laid with the same material, and shall close all trenches or holes as promptly as the same can be done, and all such work shall be done under the supervision and satisfaction of the Borough Authorities; and in case the said Lilly Light, Heat and Power Co. shall fail to promptly and properly perform such work, the same shall be done by the Borough, or its authorized agent or employees at the cost and expense of the said Company.

D. 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 & corporations for all damages or injury caused by or arising from the use and occupancy of any street, alley, avenue, or public place for the purposes mentioned in this ordinance, and shall at all times save and keep harmless the said Borough of and from all claims of damages from or by reason of the entry upon, use in occupancy of streets, avenues, alleys, or public places and from all liabilities or on account of the same and shall defend any and all actions which may be instituted against the Borough for the enforcement of any such claims, and the said Lilly Light, Heat and Power Company shall pay for any and all judgement obtained as a result of such action together with all costs incident thereto and accruing thereon

E. that the Lilly Light, Heat and Power Company, its successors and assigns, desire to occupy the streets, avenues, alleys or public places for the purpose of repairing or re-laying its pipes, which shall limit in such operation to a distance of one block, and such work shall be promptly done and to the satisfaction of the Borough Authorities and in case of the failure of the said Lilly Light, Heat and Power Company, its successors and assigns, to perform said work promptly, and to the satisfaction of the Borough Authorities; the same shall be done by the Borough Authorities at the cost and expense of said Company.

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F. 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 determined for causes herein set forth.

Section 3. That for the privileges herein granted the said Lilly Light, Heat and Power Company, its successors and assigns, shall in the acceptance of this ordinance agree to connect its steam service pipes to the Municipal Building of said Borough and to furnish heat to said building free of cost, charge, or expense to said Borough.

Section 4. The said Lilly Light, Heat and Power Company, its successors and assigns, shall at all times hereafter be bound to observe and be bound to all ordinances of the Borough relating to the care of the streets, avenues, alleys, pavement and lanes and to the opening and digging into same now in force or hereafter to be passed.

Section 5. Any person who shall willfully or maliciously cut, injure, destroy, or displace any of the steam heating pipes, drains, connections, valves, or meters or other appliances, fixtures or property of the said Lilly Light, Heat and Power Company its successors and assigns, used in connection with its steam heating system, or shall unnecessarily or unreasonably impede or interfere with the regular working of steam heating system, shall upon conviction thereof, pay a fine of not less than five (\$5) dollars, or more than twenty (20) dollars, at the discretion of the Burgess or magistrate hearing the case, together with the costs incident to such conviction.

Section 6. Before the Lilly Light, Heat and Power Company, its successors and assigns, shall have and enjoy the benefits of this ordinance, the said company must file in writing with the Clerk of Council its acceptance of the terms, conditions, and restrictions of this ordinance.

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

Attest: V.P. McGough
Secretary

William Sweeney
President of Council

Approved by me this thirtieth day of September A.D. 1920.

E. J. Duffy
Burgess

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

Vincent P. McGough
Secretary

Lilly Light-Heat and Power Company

By A.F. Tickerhoof-President

Letter of acceptance of the said Lilly Light, Heat and Power Company.
Lilly Pa. Oct. 8th 1920.

Lilly Borough Council-
Paul McGough Sec'y.

Dear Sir:

Noting your letter of September 30th 1920, advising us that two ordinances-one for light and one for steam heat had passed third and final reading.

We, the Lilly Light, Heat and Power Company, hereby wish to acknowledge our acceptance of the two ordinances as passed by your honorable body. Yours Truly,

President

M.C. Lynch
Secretary.