

ORDINANCE 28

An ordinance granting to the Consumer, Heat & Power Company of Lilly, a corporation, its successors and assigns, the right to lay, construct, operate and maintaining a system of pipes in the streets, avenues, alleys, and public places in the Borough of Lilly Cambria County, Penna. to convey steam for heating purposes to the public and such persons, partnerships, and corporations residing or located therein as may desire the same.

Section 1. Be it enacted and ordained by the Town Council of the Borough of Lilly, and it is hereby enacted and ordained by the authority of the same, that the Consumers, Heat and Power Company of Lilly, its successors and assigns, be and is hereby granted the right to enter upon and construct, lay, operate, and maintain in the streets, avenues, alleys, and the public places of the Borough of Lilly a system of pipes with all necessary branches, cut-offs, and man-holes for conveying steam 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 maintenance, operation, repair and renewal of 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 conditions

(a) That when the said consumers, heat and power company of Lilly, its successors and assigns, shall enter upon any street, avenue, alley or public places for the purpose of constructing and repairing any portion of its steam heating system, it shall not interfere with the sewer pipes ^{now} laid by the property owners or by the Borough or the sewer pipes ^{HEREAFTER} laid by said Borough, and the grant or right herein given shall not be construed to abridge or take away any right, grants or privileges already acquired by any person, persons, or corporation, but all rights and privileges herein granted shall be subject to the right and privileges heretofore granted said person, persons, and corporation.

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

(c) That where ever the said Consumers, Heat and Power Company of Lilly, 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 laid or paved or hereafter to be laid or paved in said Borough, the same shall be relaid or paved 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 to the satisfaction of the Borough Authorities, and in case the said Consumers, Heat and Power Company of Lilly, its successors and assigns, shall fail to promptly and properly perform such work, the same shall be done by the authority of the Borough, its authorized agents or employees, at the cost and expense of said Company.

(D) That the said Consumers, Heat and Power Company of Lilly, its successors and assigns shall be liable to the Borough of Lilly, and to private persons or corporations for all damages or injury caused by or arising from the use or occupancy of any street, alley, avenue or public place for the purpose mentioned in this ordinance, and shall at all times save and keep harmless the said Borough of and from all claims for damages arising from, or by reason of the entry upon, use or occupancy of streets, avenues, alleys and Public places, and from all liability for or on account of same, and shall defend any and all actions which may be instituted against the said Borough for the enforcement of any such claims; and the Said Consumers, Heat and Power Company of Lilly, its successors and assigns, shall pay all judgements obtain from a result of such actions, together with all costs incident thereto and necessary thereon.

(e) That should the said Consumers, Heat and Power Company of Lilly, its successors and assigns, desire to occupy the streets, alleys, avenues and public places in said Borough for the purpose of repairing or re-laying its pipes, it shall be limited in such operation to a distance of one square or approximately 300 feet and that such work shall be promptly done and to the satisfaction of the Borough Authorities and in the case of the failure of the said Consumers, Heat and Power Company of Lilly, 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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Section 3. That the work of laying said pipes shall be commenced immediately after the acceptance of this ordinance and the work shall be prosecuted with such diligence so as not to interfere with paving of any of the streets, and avenues in said Borough, said ordinance and acceptance to be written and duly executed and to be filed with the clerk of the Borough of Lilly.

Section 4. The said Consumers, Heat and Power Company of Lilly, its successors and assigns, shall at all times hereafter be bound to observe, and be subject to all ordinances of the Borough regulating the care of streets, avenues, alleys and public places, pavements and lanes, and the opening and digging into same now in force as hereafter to be passed. The said Consumers, Heat and Power Company of Lilly, its successors and assigns, shall supply heat to the Municipal Building, so long as it remains the present size, to-wit: containing two radiators, of approximately 180 feet radiation, free of charge to the Borough; also to supply the Borough of Lilly with free radiation to the above amount even though the Municipal Building be enlarged or removed from present Site.

Section 5. Any person or persons who shall wilfully 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 Consumers, Heat and Power Company of Lilly, its successors and assigns, used or in connection with its steam heating system, or shall unnecessarily or unreasonably impede or interfere with the regular working of said steam heating system, shall upon conviction thereof, pay a fine of not less than five nor more than twenty dollars, at the discretion of the Burgess, Justice or Magistrate hearing the offense, together with the costs incident to such conviction.

Section 6. Said Consumers, Heat and Power Company to furnish free of charge to the Borough of Lilly, the one hundred and eighty (180) feet of radiation mentioned in section (4) of the within ordinance, if the Municipal Building be moved or erected on a different site, provided however, that the new municipal building be not erected more than four hundred (400) feet from the present main line of the Consumers, Heat and Power Company in said Borough. The Borough of Lilly to defray fifty percent of the cost of installation, and to secure any right of ways that may be necessary to place the said pipes to said Lilly Borough Municipal Building.

Passed this 22nd day of December A.D. 1921.

Attest: W.J. McCloskey
Clerk

William Sweeney
President of Council

The above ordinance approved the day and date above mentioned.

Joseph McGonigle
Burgess

I, Walter J. McCloskey, 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 22nd day of December A.D. 1921, and that the said ordinance was advertised in the Johnstown Tribune on December 30th 1921, and at least twelve (12) copies of said ordinance were posted in public places in the Borough of Lilly, Cambria County, Pennsylvania.

W.J. McCloskey
Secretary.

Lilly Borough Council of Lilly, Penna.
Gentlemen:

The Consumers, Heat and Power Company of Lilly, Pa. hereby acknowledge acceptance of a certain ordinance that had its final reading Dec. 22nd 1921, which related to certain privileges granted to Consumers, Heat and Power Company by said Borough of Lilly in regards of installation of steam lines and excavations and etc. in, under, and upon the streets and alleys of the Borough of Lilly and other matters which said ordinance fully describes.

Consumers, Heat and Power Company
Wm Richards- Sec'y
M.K. Piper* President.