

## CHAPTER IX

### FRANCHISES

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Part 1  
Electric

Section 1. Franchise to the West Penn Power Company. The right and privilege is hereby granted to the West Penn Power Company, its successors, lessees and assigns, to erect, construct, maintain and operate in, upon and under the streets, alleys, lanes, ways and public places of the said Borough of Harrisville, County of Butler, State of Pennsylvania, poles, guys, wires, transformers and any and all other apparatus and materials necessary, needful, useful and convenient in the transmission of electricity, for the purpose of supplying light, heat, power or any of them, and for such other purposes as electricity is now or may hereafter be used in and through the said Borough to such persons, organizations, corporations, firms and partnerships as may desire the same, and to alter and repair the said system of distribution from time to time.<sup>1</sup> (April 7, 1924, Section 1)

Section 2. Manner of Installing Facilities; Location and Relocation. Such poles, wires, cables and apparatus as hereinbefore provided for<sup>2</sup> shall be erected so as to interfere as little as possible with the ordinary and customary use of the streets, lanes, alleys and highways of the said Borough; provided that the location of the poles and the general supervision thereof shall be subject to the regulations of the Borough Council. If, however, any poles or fixtures so erected are found to interfere with the public improvements, the said Company shall, upon being notified by said Borough, remove and relocate at its own expense such poles or fixtures from the objectionable place to a more suitable location. And provided further, that the said Company shall repair and replace in the same condition as existed before the said work was done, all streets or alleys, or parts thereof, damaged or torn up in the exercise of the privilege granted by this franchise,<sup>3</sup> and upon the failure of the said Company to make such repairs the said Borough may, on or after twenty (20) days' written notice, served on the local superintendent or other person in charge of the local office, make said repairs and collect the cost thereof from the said Company by action of law. (April 7, 1924, Section 2)

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1. Section 6 of this ordinance required that the Company pay the costs of publishing and advertising the ordinance and for obtaining approval of the Public Service Commission (now the Public Utility Commission). Section 7 provided that before beginning operation in the Borough, and within 30 days after approval of the ordinance by the Public Service Commission, the Company file with the Borough Clerk its acceptance of the ordinance; Section 10 repealed all conflicting ordinances and parts of ordinances to the extent of conflict.
  2. In Section 1 of this chapter.
  3. This ordinance, Sections 1 to 7 of this chapter.

Section 3. Requirements for Poles; Manner of Suspending Wires and Cables; Location of Other Facilities. All poles used in such work shall be good, straight poles, carefully selected with reference to size, strength and appearance. All wires, feed wires and cables for the said system shall be suspended from the poles as authorized to be erected at a point as near the top thereof as practicable, and all wires, cables, poles, stubs and anchors shall be located in a manner and way satisfactory to said Council, along and over the curb lines as near as may be practicable. (April 7, 1924, Section 3)

Section 4. Borough Police and Fire Alarm Wires Permitted on Poles of Company. The Borough shall have the right to attach to the poles of the said Company, its fixtures and string thereon its fire alarm or police telegraph wires and equipment, at points on said poles designated by said Company. Said Borough shall indemnify and save harmless the said Company from any loss, cost, damage or liability resulting or caused by the occupation of said poles by aforesaid system. (April 7, 1924, Section 4)

Section 5. Annual Report to Council; Inspection Fee. The Street Commissioner, or other officer appointed by the Council of said Borough shall make a true report in writing to the Council at its first regular meeting thereof in January of each and every year, setting forth the number of poles erected and maintained by said Company in the Borough limits for the year ending the 31st day of December immediately preceding and the said Company shall within sixty (60) days from time of receipt of copy of such report, pay to the Secretary or proper officer of said Borough a reasonable inspection fee for each and every pole erected and maintained within the Borough, during the year covered by the written report as aforesaid. (April 7, 1924, Section 5)

Section 6. No Effect upon Authority of Public Utility Commission. It is hereby understood and agreed that neither the purpose nor intent, nor the obligation of this contract,<sup>4</sup> if and when approved by the Public Service Commission of the Commonwealth of Pennsylvania is such as to impair or in anywise affect the exercise by said Commission of any of the powers vested in it by the Public Service Company Law, approved July 26th, 1913.<sup>5</sup>

Section 7. Franchise Applicable to Successors, Lessees and Assigns. The privileges and obligations conferred by this ordinance<sup>6</sup> shall inure to the benefit of the West Penn Power Company, its successors, lessees and assigns. (April 7, 1924, Section 9)

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4. This franchise, Sections 1 to 7 of this chapter.

5. The Public Service Commission was abolished and supplanted by the Public Utility Commission by the Act of 1937 P. L. 160, and the Public Service Company Law was repealed (1937 P. L. 1053 section 1502) and supplanted by the Public Utility Law (1937 P. L. 1053).

6. Sections 1 to 7 of this chapter.

Part 2

Telephone and Telegraph

Section 31. Franchise to The Central District & Printing Telegraph Company.<sup>7</sup> The privilege be and is hereby granted to The Central District & Printing Telegraph Company, its successors and assigns, to construct, operate and maintain the necessary poles, fixtures, cables and supports in and upon the streets, highways, footwalks, lanes and alleys of said Borough as may be necessary for the purpose of constructing, operating and maintaining lines of telegraph and telephone through the said Borough, to the places of business, works, manufacturing establishments, offices and houses of subscribers within the Borough limits and adjacent thereto, subject to the conditions and regulations hereinafter<sup>8</sup> contained.<sup>9</sup> (Ordinance 2, July 27, 1900, Section 1)

Section 32. Replacement of Streets, Alleys and Sidewalks Disturbed; Location of Poles. The said The Central District & Printing Telegraph Company shall replace the streets, highways, footwalks, lanes and alleys of said Borough upon which it shall erect any of its poles or fixtures as aforesaid in as good condition as they were before said poles and fixtures were erected thereon; and further, that the location of said poles shall be made under the direction and supervision of the Street Committee of the Council of the Borough aforesaid. (Ordinance 2, July 27, 1900, Section 2)

Section 33. Requirements for Poles and Other Facilities. All poles erected under the provisions of this ordinance<sup>10</sup> shall be reasonably straight, planted not less than five (5) feet in the ground and shall be kept well painted by the said Company, and there shall be no crossarms for the suspension of wires and cables placed at a distance less than twenty (20) feet from the grade of the street, unless by permission of the said Council. (Ordinance 2, July 27, 1900, Section 3)

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7. This franchise is now vested in The Bell Telephone Company of Pennsylvania.
  8. In Sections 32 and 33 of this chapter.
  9. Section 4 of this ordinance directed that the Company, within 30 days after after passage and approval of the ordinance, file with the Clerk of Council its acceptance of the terms of the ordinance, and also required that the Company pay all expenses incident to publication of the ordinance; Section 5 repealed all conflicting ordinances and parts of ordinances, so far as the effect on this ordinance.
  10. Sections 31 to 33 of this chapter.