

AN ORDINANCE GRANTING PERMISSION TO THE MILLVILLE ELECTRIC LIGHT COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC LIGHT PLANT AND SYSTEM AND A RAILROAD SWITCH IN THE BOROUGH OF MILLVILLE, COLUMBIA COUNTY, PENNSYLVANIA.

SECTION 1. Be it ordained and enacted by the Borough Council of the Borough of Millville, in the County of Columbia and the State of Pennsylvania, in council assembled, and it is hereby ordained and enacted by the authority of the same: That the Millville Electric Light Company be and it is hereby permitted to locate and construct buildings and other necessary appliances for the propose of supplying light, heat and power by electricity, and for such propose or purposes may erect poles with wires or cables upon the streets or highways within the limits of the said Borough of Millville, and may maintain and use the same, subject to the terms and conditions hereinafter mentioned, and subject to such other reasonable and lawful regulation as may be made or required, from time to time, by the said Borough Council.

SECTION 2. The said Company shall, in the erection of poles, immediately repair the pavements, streets and water courses so as to put the same in proper condition and keep the same at all times in good repair and whenever, in the judgement of the Borough Council of said Borough, private or public improvement shall require there (sic) placing of any pole or poles of said Company, the said Company shall remove and replace the same as the said Borough Council shall and may direct; and upon failure of said Light Company so to do, upon notice to the said Light Company, the Commissioner of Highways of said Borough shall have the power to perform such work at the expense of the Company; and if the amount of any such bill shall not be paid within ten days after due notice to pay the same shall have been served upon the said Light Company, then it shall become the duty of the Borough solicitor, or other proper Borough official, to proceed with the collection of such bill, or bills, according to law.

SECTION 3. If at any time the buildings, machinery, poles, wires or other equipment whatsoever of the said Light Company shall be found or become defective or dangerous from any cause, or not in accordance with the regulations of this ordinance or such other rules and regulations as may hereafter be properly enacted, the said Light Company shall, upon notice given by the Committee on Highways of said Borough, forthwith make such repairs as may be necessary and required to remove such defect of danger, and if said Light Company shall neglect or refuse to forthwith perform the work required in such cases, upon receiving notice as aforesaid, it shall be liable to a fine of Five Dollars for each and every day during which said neglect or refusal shall continue, to be collected according to law.

SECTION 4. The poles shall be located and the works constructed in such manner as

may be approved by the Borough Engineer and the Committee on Highways of said Borough, and shall be of such size, height and character as may be approved by the said Engineer and Committee.

SECTION 5. The said Company is hereby permitted to locate, construct, establish and use a Railroad switch of single track from the Pennsylvania Railroad to its land upon which its buildings and machinery may be erected and located, subject to the terms and conditions of this ordinance and of such other reasonable and lawful requirements as may be hereafter made or required by the said Borough Council.

SECTION 6. The route of the said Railway switch, its grade and construction shall be to the satisfaction and approval of the Borough Engineer; and it shall be constructed, maintained and used in all its parts at all highway crossings at such grade as shall be fixed by the said Borough Council, and so as not to interfere with the use of any street or highway, except as may be actually necessary, and shall be so kept, maintained and used by the said Light Company; and the said Light Company, its successors, assigns, lessees and others operating the same shall submit to and observe all legal and reasonable regulations, which may be at any time made by the said Borough Council with reference to speed of trains, gates, flagmen, or other wise.

SECTION 7. That the said Railroad switch shall be so operated and managed that there shall be no unjust discrimination in freight or other charges, and that under just and equitable conditions there shall be afforded opportunity of connection by switches or otherwise with other Railroad Companies, and with individuals owning property or conducting business along the line thereof.

SECTION 8. The said Light Company shall be liable for all damage or injury done to public or private property by reason of the construction, operation, maintenance and use of its system, or by reason of any privilege granted by said Borough; and nothing in this ordinance shall be construed in any manner so as to affect the rights of individuals or others as to damages or injury by reason of the location, operation, construction, maintenance and use of any of the said Company's works, appliances, equipment or constructions in this ordinance mentioned or referred to; and the said Company, its successors, lessees, assigns or others, owning or operation the said light plant and system shall keep the same in good order, repair and condition and save the Borough of Millville harmless for any responsibility or liability, whatsoever, by reason of location, operation, construction, maintenance or use of its system, plant, works or constructions.

SECTION 9. The said Company shall not proceed to the erection of its plant, system or works until it shall have presented for approval to the said Borough Council complete plans and specifications of its purpose, system, construction and works, showing the location of its buildings, machinery to be installed and its location, and the streets of said Borough to be occupied, the location of its poles and wires and other devices and appliances together with the proposed route of said Railroad switch; and upon any subsequent proposed extension or change, like plans and specifications shall be

presented to the said Borough Council for approval.

SECTION 10. The said Light Company shall pay to the Borough Treasurer and annual license fee of ten cents (10¢) for each and every pole erected in said Borough.

SECTION 11. All services performed by the Borough Engineer or other Borough officers or employees, the cost and expense of enacting this ordinance and all future regulations, and the expense incurred by the said Borough by Light Company of Millville reason of any other service necessary under the provisions of this ordinance in the construction, operation, maintenance and use of the system or works of the said Light Company shall be paid by the said Light Company.

SECTION 12. That any failure or refusal on the part of the said Millville Light Company, its successors or assigns, to construct, maintain or operate its light, heat and power system within Ninety days from the date of the passage of this ordinance, shall work a complete forfeiture of all of the franchises and privileges granted to it by this ordinance; and in the event said light Company after beginning operation of its system should or shall suspend operations, or fail to furnish light, heat and power to its patrons for a period of thirty days, then and in that event all of its several franchises and privileges herein contained shall be forfeited and shall become absolutely null and void, anything herein contained to the contrary thereof in any wise notwithstanding.

SECTION 13. That each and every one of the grants, conditions, regulations, stipulations and restrictions respectively, contained in this ordinance shall be alike binding and obligatory upon the said Millville Electric Light Company, and its successors and assigns.

SECTION 14. That the said Millville Electric Light Company through its proper corporate officers fully authorized to act, shall, before any right or privileges hereby granted shall be come operative or to be enjoyed by the said Light Company, signify in writing its acceptance of all of the several regulations, conditions, stipulations and restrictions of this ordinance.

Ordained and enacted into an Ordinance this 1st day of September, A. D. 1919.

E. T. Eves

President of Council

ATTEST:

J. S. Eves

Secretary of Council

Approved this 2nd day of September, A. D. 1919.

R. C. Kester

Chief Burgess

(Compiler's note: The signed document is on file)

19190901.040 *Electric Light Company of Millville*