

## ORDINANCE NO. 40

AN ORDINANCE REQUIRING THE REGISTRATION AND PROVIDING FOR THE INSPECTION OF ALL UTILITY POLES, WIRES AND CABLES, NOW OR HEREAFTER ERECTED AND MAINTAINED IN, UPON, ALONG, THROUGH OR ABOVE ANY OF THE STREETS, ROADS, HIGHWAYS OR PUBLIC PLACES OR PRIVATE OR PUBLIC PROPERTY WITHIN THE BOROUGH, PROVIDING FOR THE LEVYING AND COLLECTION OF AN INSPECTION FEE UPON ALL SUCH POLES, WIRES AND CABLES, AND IMPOSING FINES AND PENALTIES FOR NON-PAYMENT OF SUCH FEES, AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE PROVISIONS HEREOF.

The Council of the Borough of Monroeville does hereby ordain and enact the following Ordinance:

SECTION 1. From and after the passage of this Ordinance all persons, firms or corporations, owning or maintaining any poles, wires or cables, in, upon, along, through or above any street, road, highway or public place or private or public property, within the Borough and all such poles, wires and cables, shall be subject to registration and to levy of inspection fees, as hereinafter stated. Such fees imposed shall be to cover the costs of services of the Borough officers and employees in making the necessary studies, inspections and investigations, in connection with such enumerations and report herein provided for.

SECTION 2. It shall be the duty and responsibility of all persons, firms or corporations, owning and maintaining any pole, wires or cables, for telephone, telegraph, electric light, electric power, and any and all other poles which are now erected and maintained or may hereinafter be erected and maintained in, upon, along, through or above any of the streets, roads, highways, or public places or public or private property within the Borough, to report in writing within 30 days after the passage of this Ordinance and annually thereafter to the Borough, the location and number of such poles and the location and number of miles of such wires and cables, within the Borough. Such reports may be used or accepted by the Borough in determining the amount of fees due as herein provided or the Borough may investigate, check and redetermine any such report.

SECTION 3. The Borough Council may appoint or designate an officer or employee, for the purpose of, and it shall then be his duty, to investigate, make or cause to be made, an enumeration and inspection of all utility, telephone,

telegraph, electric light and electric power poles, and any and all other poles which are now erected and maintained or may hereafter be erected and maintained by any person, firm or corporation, in, upon, along, through or over any of the streets, roads, highways or public places or private or public property within the Borough. At the same time, the said officer or employee named for such purpose, shall enumerate and inspect all wires, and cables suspended on or between such poles or passing through, along, in, upon or over any public or private property, street, road or highway within the Borough. Such enumeration and inspection shall be made semi-annually, in the Spring and the Fall of the year and at such additional times as such officer shall deem advisable or as shall be directed by Borough Council.

SECTION 4. The said officer or employee appointed or designated for the purposes as hereinbefore provided, shall make a report in writing to the Borough Council within thirty (30) days after such enumeration and inspection, setting forth the condition, number and location of poles erected and maintained by each person, firm or corporation, owning and maintaining such poles, and the condition, location and number of miles of wires and/or cable erected and maintained by every such person, firm or corporation within the Borough.

SECTION 5. For the purpose of defraying the expenses of such enumeration and inspection as herein provided, an annual inspection fee is hereby imposed of thirty-five cents (\$.35) for each pole and thirty-five cents (\$.35) for each mile of wire and fifty cents (\$.50) for each mile of cable maintained, at the time of such inspection, in, upon, along, through, or above any of the streets, roads, highways or public places, or private or public property, within the Borough. Such fees shall be for the use of the Borough and shall be paid in each case by the person, firm or corporation, owning or maintaining such poles, wires or cables.

SECTION 6. Upon receipt of the report from the officer or employee appointed or designated for the said purpose by the Borough Council or the annual

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report filed by said person, firm or corporation, the Borough Secretary shall prepare a statement of the number of poles and the number of miles of wire and/or cables, erected and maintained in the Borough by every such person, firm or corporation and the amount of such inspection fee due therefor. On or before the first day of May, 1955 and on or before the first day of April, of each and every year thereafter, the Borough Secretary shall give notice to and bill every such person, firm or corporation of the amount of the inspection fee due and that the same shall be due and payable to the Borough not later than thirty (30) days thereafter.

SECTION 7. Any person firm or corporation owning or maintaining any pole, wire or cable in, upon, along, through or above any of the streets, roads, highways or public places, private or public property, within the Borough and refusing or neglecting to pay such inspection fee imposed under this Ordinance, shall, upon conviction, in summary proceedings before the Burgess or any Justice of the Peace of the Borough, be subject to pay a fine of Thirty-five cents (\$.35) per pole and/or Thirty-five (\$.35) cents per mile of wire, and Fifty (\$.50) cents per mile of cable, as the case may be, for each month the fee for any pole or for any mile of wire or cable remains unpaid beyond the time it is due.

SECTION 8. After the passage of this Ordinance, any person, firm or corporation desiring to erect and maintain any pole, wire or cable, within the Borough shall first apply and secure a permit therefor from the Borough Secretary, and shall pay to the said Secretary the required fee, upon the basis as hereinbefore set forth, for the term period of the year or remaining portion of the year as herein provided. Such application shall also state the proposed location of such pole, wire or cable. Such application shall be approved by Borough Council. If the application of the proposed location of such pole, wire or cable is not approved, no permit shall issue and such pole, wire or cable shall not be erected.

SECTION 9. The Borough Council shall direct its duly authorized officer or

employee to cause all such poles, wires and cables to be inspected as provided and shall notify the owners thereof to remedy or remove all defective or dangerous poles and wires. Any owner of any poles, wires or cables, who shall upon being given such notice, neglect or refuse to remove or replace any defective or dangerous poles, wires or cables and against whom complaint shall be made therefor, upon conviction thereof, in summary proceedings before the Burgess or any Justice of the Peace of the Borough, shall be fined not less than \$10.00 nor more than \$100.00 for each and every offense or violation, together with costs, and in default of the payment of the fine and costs, shall be committed to the Allegheny County Jail for a period of not more than thirty days. Each and every day after notice is served upon the said owner or owners, shall constitute a separate and distinct offense and violation under this Ordinance and shall be subject to separate and distinct penalties therefor.

SECTION 10. Should any section or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 11. All ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed and declared void to the extent of such conflict.

ORDAINED AND ENACTED this 21st day of March, 1955.

ATTEST:

BOROUGH OF MONROEVILLE

(Signed) Edyth J. Amalong  
Borough Secretary

By (Signed) Wm. J. Caughey  
President of Council

EXAMINED AND APPROVED by me this 21st day of March, 1955.

(Signed) Samuel Jenkins  
Burgess