

ORDINANCE NO. 557

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA DEFINING A DISTRICT WITHIN WHICH ELECTRIC LIGHT, ELECTRIC POWER, TELEPHONE, TELEGRAPH AND OTHER TYPES OF WIRES SHALL BE EITHER REMOVED OR PLACED UNDER GROUND IN CONDUITS CONSTRUCTED BY THE OWNERS OF SUCH WIRES, REQUIRING THE REMOVAL OF CERTAIN POLES, PRESCRIBING REGULATIONS THEREFOR, AND FIXING A PENALTY FOR VIOLATION THEREOF.

WHEREAS certain portions of the business district of the Borough of Monroeville, as hereinafter defined, have recently undergone extensive development, construction and improvement programs; and

WHEREAS as a result of such recent development large concentrations of electric light, electric power, telephone, telegraph and other types of wires, together with supporting poles, have been erected and installed within such district, resulting in an unsightly appearance, and in the case of electric power lines have created a constant source of danger to the travelling public; and

WHEREAS it appears that within a very short time large additional business developments shall be established within the Borough of Monroeville in and along the said district that will further require large additional sources of electric power; and

WHEREAS it appears that the Commonwealth of Pennsylvania Department of Highways is about to make major capital improvements in the sections of the state highways lying within the said district; and

WHEREAS it appears that the Commonwealth of Pennsylvania Department of Highways is presently designing and contemplates the construction of a new additional limited access highway that will intersect a portion of the said business district; and

WHEREAS it appears that as a result of the said reconstruction of such highways and as a result of the construction of such additional limited access highways, and as a result of the existing and expected business development within the said district, many additional automobiles, as well as pedestrian traffic, shall use, occupy and flow through the said district; and

WHEREAS the Borough of Monroeville is contemplating the erection of an aesthetically attractive system of lights to illuminate various portions of the said business district; and

WHEREAS the Borough of Monroeville is presently planning other public projects that will greatly change and enhance the physical appearance of the said business district; and

WHEREAS it is deemed necessary by the Borough of Monroeville in order to protect the travelling public from the danger of electric power distribution lines that are presently existing and to improve the physical appearance of the said business district as hereinafter defined, and in order to further accommodate and allow for other separate improvements within the said district, that all electric light, electric power, telephone, telegraph and certain other types of wires, lines or cables shall be placed under ground in conduits or otherwise removed from the said district as soon as reasonably practicable; and

WHEREAS the Borough of Monroeville has authority to make and enforce these requirements and regulations pursuant to Sections 2301 et seq. of the Borough Code of the Commonwealth of Pennsylvania;

NOW, THEREFORE, be it ordained and enacted by the Borough of Monroeville, in Council assembled, as follows:

Section 1. DEFINITION OF DISTRICT. The following portion of the Borough of Monroeville is hereby defined as a district in which all wires and cables as hereinafter described shall be placed under ground in conduits:

- (a) A tract or strip of land three hundred (300) feet inwidth, the center line whereof being described as follows, to wit:

BEGINNING at a point on the center line of the right-of-way of William Penn Highway at a point known as Station No. 241 + 00 on the drawings of the Commonwealth of Pennsylvania Department of Highways, said point being distant one thousand five hundred fifty (1,550) feet eastwardly along the said center line from the westerly boundary line of the Borough of Monroeville; thence extending along and following the center line of the right-of-way of William Penn Highway in an easterly direction, a distance of thirteen thousand six hundred fifty (13,650) feet more or less to the center line of the Pennsylvania Turnpike.

- (b) A tract or strip of land three hundred (300) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the southerly right-of-way line of William Penn Highway at its intersection with the center line of Mosside Boulevard (Pennsylvania Traffic Route No. 48); thence in a southerly direction along and following the center line of the right-of-way of Mosside Boulevard, a distance of four thousand four hundred (4,400) feet more or less to a point which is one hundred (100) feet south of the southerly line of the entrance drive to property of the Gateway Union School District,

- (c) A tract or strip of land three hundred (300) feet in width, the center line whereof being described as follows, to-wit:

BEGINNING at a point on the Northerly right-of-way line of William Penn Highway at its intersection with the center line of Haymaker Road; thence extending and following along the center line of Haymaker Road in a northerly direction, a distance of one thousand five hundred fifty (1,550) feet more or less to a point which is one hundred (100) feet north of the northerly right-of-way line of the Penn Lincoln Parkway Extension.

The term "district" as used in this Ordinance shall mean and include all of the area described in sub-sections (a), (b) and (c) of this section.

Section 2. REMOVAL OF ELECTRIC POWER, ELECTRIC LIGHT, TELEPHONE AND TELEGRAPH WIRES. Any person, firm, association or corporation having, owning, possessing, maintaining or operating any wires or cables for electric light, electric power, telephone or telegraph purposes, in, on, over, above, along or across any portion of the said district described in Section 1 above, are hereby directed and required to remove such wires or cables within the said district as are above ground, and at the discretion of such owner, install such wires or cables in under ground conduits within the said district, or to otherwise relocate the same outside of the said district above ground or under ground.

Section 3. FURTHER INSTALLATIONS Further installations of wires or cables as described in Section 2 above may be installed within the said district for temporary purposes, but shall be removed, along with all such existing wires or cables, according to the schedule for COMPLETION OF WORK hereinafter set forth. After such existing and additional temporary wires or cables are once removed, there shall be no further installation thereof above ground within the said district.

Section 4. REMOVAL OF RADIO AND TELEVISION WIRES, ETC. Any person, firm, association or corporation having, owning, possessing, maintaining or operating any wires or cables for the transmission of radio or television or other types of electric or electronic signals, in, on, over, above, along or across any portion of the said district described in Section 1 above, are hereby directed and required to remove such wires or cables within the said district as are above ground, and at the discretion of such owner, install such wires or cables in under ground conduits within the said district, or to otherwise relocate the same outside of the said district above ground or under ground.

Section 5. FURTHER INSTALLATIONS OF RADIO OR TELEVISION WIRES. Further installations of wires or cables as described in Section 4 above may be installed within the said district for temporary purposes, but

shall be removed, along with all such existing wires or cables, according to the schedule for COMPLETION OF WORK hereinafter set forth. After such existing and additional temporary wires or cables are once removed, there shall be no further installation thereof above ground within the said district.

Section 6. POLES. All wooden poles within said district used for the support of overhead wires or cables as prohibited above, shall be similarly removed and prohibited according to the schedule of COMPLETION OF WORK as hereinafter set forth, provided however that any wooden poles within said district, whereon there are existing street illumination lamps, may be continued in place until such time as they are replaced by metal lamp poles, to be installed at the discretion of the Borough of Monroeville, and provide further that such existing wooden lamp poles shall be powered through under ground wiring to the pole.

Section 7. TYPES OF CONDUIT. Any person, firm, association or corporation installing such wires or cables under ground shall place the same in conduits not less than thirty (30) inches beneath the surface of the ground. The said wires, cables and conduits shall be of such type, material and construction as the owner thereof shall determine, provided that the same meet all of the requirements and specifications therefor, if any, that may be established by the Public Utility Commission of Pennsylvania and (where laid within a state highway right-of-way) by the Commonwealth of Pennsylvania Department of Highways.

Section 8. MULTIPLE USE OF CONDUIT. The owners of any conduit constructed in pursuance of this Ordinance may, at the discretion of such owners, lease, license or otherwise provide space within such conduit for the occupancy and use by other owners of wires or cables.

Section 9. COMMENCEMENT OF WORK. Planning and design shall be completed and work shall commence on the removal of the said overhead wires and cables and the construction where necessary of under ground conduits, not later than May 1, 1967.

Section 10. COMPLETION OF WORK. All work in connection with the removal of poles, wires or cables and the construction of conduits and the placing of wires or cables therein shall be completed according to the following schedule:

- (a) That strip of land three hundred (300) feet in in width which includes a portion of William Penn Highway, commencing from the center line of Northern Pike and extending eastwardly to the center line of Center Road, shall be completed on or before June 30, 1968.
- (b) That strip of land three hundred (300) feet in width which includes a portion of William Penn Highway, commencing from the center line of

Center Road and extending eastwardly to the center line of the Pennsylvania Turnpike, shall be completed on or before December 31, 1968.

- (c) That strip of land three hundred (300) feet in width which includes a portion of William Penn Highway, commencing from the westerly terminus of the said district as defined in Section 1 (a) above and extending eastwardly to the center line of Northern Pike, shall be completed on or before June 30, 1969.
- (d) That strip of land three hundred (300) feet in width which includes a portion of Mosside Boulevard, commencing from the southerly line of William Penn Highway and extending southwardly to the center line of Northern Pike, shall be completed on or before December 31, 1969.
- (e) That strip of land three hundred (300) feet in width which includes a portion of Mosside Boulevard, commencing from the center line of Northern Pike and extending southwardly to the southerly terminus of said district as defined in Section 1 (b) above, shall be completed on or before December 31, 1969.
- (f) The work in all remaining portions of the said district as defined in Section 1 of this Ordinance shall be completed on or before December 31, 1969.

Section 11. SEVERABILITY. If it shall be finally determined by any Court of competent jurisdiction that any section, part of section, sub-section, part of sub-section, provision or part of a provision of this Ordinance, or any portion, parcel, sub-section or part of sub-section of the under ground wiring district as defined in Section 1 above, is unlawful, unconstitutional or unreasonable so as to affect the legal validity thereof, such determination by such Court shall not affect the legal validity of the remainder of this Ordinance or the remainder of such under ground wiring district.

Section 12. ENFORCEMENT. The Borough Solicitor is authorized and directed to institute appropriate actions or proceedings at law or in equity in the Courts of the Commonwealth of Pennsylvania to require full compliance with the provisions of this Ordinance.

Section 13. PENALTY. Any person, firm, association or corporation violating any provision of this Ordinance shall, upon conviction before the Mayor or a Justice of the Peace of the Borough of Monroeville, be punished by a fine not to exceed the sum of One Hundred (\$100.00) Dollars for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the County Jail or workhouse for a period not exceeding thirty (30) days. Each day that a violation shall continue shall constitute a separate offense and shall be punishable as such. Each pole, wire or cable that

shall be operated or maintained in violation hereof shall constitute a separate offense, and shall be punishable as such. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations, upon the officers thereof.

~~Section 11.~~ REPEALER. Any ordinance or part of ordinance in conflict with any of the provisions of this Ordinance is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED this 25th day of October, 1966.

BOROUGH OF MONROEVILLE

By S/ Frank A. Witt,  
President of Council

ATTEST:

S/ Carrol F. Pickens,  
Secretary

EXAMINED AND APPROVED this 29th day of October, 1966.

S/ John J. Duncan,  
Mayor