

# FORD CITY BOROUGH ORDINANCE NO. 249

## AN ORDINANCE

GRANTING TO THE PEOPLES NATURAL GAS COMPANY, ITS SUCCESSORS OR ASSIGNS, THE RIGHT, FRANCHISE AND PRIVILEGE TO LAY, MAINTAIN, OPERATE, REPAIR AND REMOVE LINES OF PIPE IN, THROUGH AND UNDER THE HIGHWAYS, STREETS, ALLEYS AND PUBLIC GROUNDS OF THE BOROUGH OF FORD CITY, ARMSTRONG COUNTY, PENNSYLVANIA, TO SUPPLY THE BOROUGH AND THE INHABITANTS THEREOF WITH GAS FOR FUEL, LIGHT AND OTHER APPROPRIATE PURPOSES, AND PROVIDING THE CONDITIONS UNDER WHICH THE SAID RIGHT, FRANCHISE AND PRIVILEGE SHALL BE EXERCISED.

WHEREAS, by ordinance enacted on the 3rd day of February, 1899, by the Town Council of the Borough of Ford City, George V. Forman was granted the franchise to lay and maintain pipes in the highways, streets and alleys of said Borough to supply the inhabitants thereof with gas for the term of fifty (50) years from the date of adoption thereof; and

WHEREAS, The Peoples Natural Gas Company has succeeded to the title of the said George V. Forman, his successors or assigns, to the pipe lines and distribution system and franchise rights in said Borough; and

WHEREAS, the said ordinance is about to expire by its term and it is now desired to provide for the continuance of said franchise rights.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Ford City, and it is hereby ordained and enacted by the authority of the same

SECTION 1: That The Peoples Natural Gas Company, a Pennsylvania corporation of Pittsburgh, Pennsylvania, its successors or assigns, hereinafter called "Utility", is hereby granted the right, franchise and privilege to lay, maintain, operate and remove lines of pipe in, through and under the highways, streets, alleys and public grounds of the Borough to supply the Borough and the inhabitants thereof with gas for fuel, light and other appropriate purposes.

SECTION 2: The Utility, is hereby authorized and empowered to use said highways, streets, alleys and public grounds to the extent necessary or proper for the installation of lines of pipe required to furnish the Borough and the inhabitants thereof with gas for the purposes specified and for making all necessary repairs and alterations to such lines and to similar lines installed under the authority of ordinance enacted February 3, 1899, together with the right to construct, maintain, operate, repair and remove all necessary regulators, valves, curb boxes and other necessary appliances in and under said highways, streets, alleys and public grounds, subject to the following conditions.

SECTION 3: All lines of pipe shall be laid at a minimum depth of thirty inches below the grade line of highways, streets or alleys except where subsurface obstructions make it impossible to do so, and when it becomes necessary to lay, repair or remove such lines the work shall be done under the direction and supervision of the Street Committee.

SECTION 4: All the excavations made by the Utility in the use and enjoyment of this franchise shall be made with the least inconvenience to the public, or the inhabitants of the Borough and with reasonable dispatch; and all damage done to highways, streets, avenues, alleys, lanes or sidewalks by excavations shall be repaired by the Utility at its own proper cost, and without unnecessary delay. It shall be the duty of the Utility, where excavations shall be made, to restore the same to the former condition; and should the Utility fail or neglect to remove obstructions caused or created by it and make proper and workmanlike repairs to said streets within a reasonable time after making excavations, the Borough may remove such obstruction and repair the streets at the expense of the Utility.

SECTION 5: It is further provided, that the Utility shall be responsible for all injury or damage to persons or property occasioned by negligence and want of proper care in obstructing said highways, streets, avenues, alleys or lanes for the purposes aforesaid.

SECTION 6: The pipes, mains and facilities installed and maintained by the Utility shall not interfere with any sewer pipes or water mains which are already in place, and upon receipt of written notice from the Borough, in advance of the installation of new public sewer pipes, public water mains and other Borough facilities, the Utility will make such adjustments as are necessary to prevent interference therewith.

SECTION 7: All gas pipes and mains shall be constructed, laid and maintained in a thorough and workmanlike manner and under such reasonable regulations as the Borough may prescribe; it being understood that the Utility in laying said pipes and mains and making connections therewith shall provide modern and improved devices against accident from escaping gas.

SECTION 8: The Utility in accepting this franchise shall be bound to indemnify the Borough against any and all claims or demands and against the payment of damages by Borough by reason of any act of negligence or commission by the Utility growing out of the work or operations of the Utility in the enjoyment of this franchise.

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SECTION 9: This ordinance shall be null and void unless the Utility shall file with the Borough Secretary within thirty (30) days after enactment hereof its written acceptance of the conditions herein contained.

SECTION 10: That any ordinance or part of ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed, so far as the same affects this ordinance.

ORDAINED AND ENACTED in Council this 7th day of February, 1949.

*L.P. Barick*  
President of Council

ATTEST:

*Mary Anolik*  
Secretary

Examined and approved this 8th day of February, 1949.

*Ralph Hedrick*  
Burgess

I hereby certify that the foregoing ordinance has been duly advertised and posted.

*Mary Anolik*  
Secretary