

## Chapter A184

### LIGHTING

- § A184.1. Grant of use of public spaces.
- § A184.2. Construction of facilities.
- § A184.3. Moving of poles upon notice.
- § A184.4. Right of BOROUGH to use poles.
- § A184.5. Maintenance responsibility; indemnification of BOROUGH.
- § A184.6. Limitation on rights granted.
- § A184.7. Compliance with other ordinances and statutes.
- § A184.8. Rights and privileges not exclusive.
- § A184.9. Written acceptance required; filing of copy; effective date.
- § A184.10. Responsibility for expenses and necessary filings.

**[HISTORY: Adopted by the BOROUGH COUNCIL 12-1-48 as Ord. No. 35. Amendments noted where applicable.]**

**§ A184.1. Grant of use of public spaces.**

The consent of the BOROUGH is hereby granted to the Duquesne Light Company, its successors, lessees and assigns to enter upon, along, over, under and across the STREETS, roads, lanes and alleys of the BOROUGH for the purpose of constructing, maintaining, operating, repairing and using poles, wires, crossarms, conduits, manholes and other devices and appurtenances within the present and future limits of the BOROUGH in the County of Allegheny and Commonwealth of Pennsylvania for the purpose of conducting electricity in and through the said BOROUGH and for the purpose of furnishing light, heat and power or any of them by means of electricity to the BOROUGH and to individuals, firms, partnerships and CORPORATIONS within the said BOROUGH; to use the property of other companies and to permit other companies that possess authority to operate within the limits of said BOROUGH to use its property under such arrangements as may be agreed to by said companies, such consent being granted under the conditions as set forth in the following sections of this ordinance.

**§ A184.2. Construction of facilities.**

All poles erected by said company shall extend not less than twenty (20) feet above the surface of the ground, and in constructing and erecting the said poles, wires, crossarms,

conduits, manholes and other devices and appurtenances upon, along, over, under and across said STREETS, roads, lanes and alleys within the said BOROUGH, only such portions thereof shall be occupied as will not interfere with the necessary, customary and ordinary use of the same by the BOROUGH, and all poles shall be located at such place or places as shall be approved by the BOROUGH COUNCIL or by such BOROUGH official as may be empowered by the BOROUGH COUNCIL to so approve. In the installation and maintenance of any underground facilities the company shall not open or encumber any more of any street, road, lane or alley than will be necessary to enable it to perform the work with proper economy and efficiency. The company shall replace and properly relay that portion of any sidewalk or STREET pavement which may have been displaced or damaged by it in the construction and maintenance of its system within the BOROUGH. Should the company fail to make such replacement and repairs within a reasonable time after receipt of written notice from COUNCIL so to do, then and in such event the BOROUGH may cause the work to be done and charge the company for the actual cost thereof.

**§ A184.3. Moving of poles upon notice.**

The Duquesne Light Company shall at its own expense, within thirty (30) days after written notice from the proper BOROUGH officers, move any pole or poles which may be a hindrance or an obstruction to the BOROUGH in the improvement of any STREET, road, lane or alley for the use of the public.

**§ A184.4. Right of BOROUGH to use poles.**

The BOROUGH shall have the right and privilege, without charge therefor, to attach its wires for its fire alarm and police systems to the poles of the company; provided, however, that the same shall be attached only at such places on said poles as shall be designated or approved by the company or its duly authorized representative and under a special agreement or agreements relating thereto, duly executed and filed with the Pennsylvania Public Utility Commission.

**§ A184.5. Maintenance responsibility; indemnification of BOROUGH.**

The Duquesne Light Company shall maintain all of its facilities within the BOROUGH in good and safe order and condition and shall at all times fully indemnify, protect and save harmless the BOROUGH from and against all actions, claims, suits, damages and charges and against all loss and necessary expenditures arising from the erection, construction and maintenance of the said poles, wires, crossarms, conduits, manholes and other devices and appurtenances or from collision of any kind with its poles or equipment or from the installation or removal of any of its appurtenances, including collision therewith by vehicles, or from its neglect or failure to maintain the said apparatus or facilities in good and safe order and condition, and shall defend at its own expense all suits in law, equity or of any other nature whatsoever and shall hold the BOROUGH harmless from any judgments entered therein which may be brought against the said BOROUGH arising from the acts or omissions of the company in performing the duties imposed by this section.

**§ A184.6. Limitation on rights granted.**

Nothing in this ordinance shall be interpreted as giving to the company any right of the kind and character granted hereunder upon any property other than the STREETS, roads, lanes and alleys of the BOROUGH.

**§ A184.7. Compliance with other ordinances and statutes.**

The company shall be governed by all legal ordinances of a general nature affecting its operation in the BOROUGH that are now in force and enacted under and by virtue of the police powers of the said BOROUGH or the laws of the state as well as all such ordinances hereafter so enacted, provided the terms, conditions and regulations prescribed by such ordinances do not impair or abridge the permission contained in this ordinance.

**§ A184.8. Rights and privileges not exclusive.**

Nothing in this ordinance shall be construed to grant unto the said Duquesne Light Company any exclusive right or to prevent a grant of similar privileges to other companies.

**§ A184.9. Written acceptance required; filing of copy; effective date.**

The Duquesne Light Company shall, within ninety (90) days after the approval of this ordinance by the Mayor of the BOROUGH, file with the BOROUGH SECRETARY its written acceptance of the conditions herein set forth. The Duquesne Light Company shall file a copy of this ordinance with the Pennsylvania Public Utility Commission promptly upon the execution and delivery of said written acceptance; the 33rd day after such filing shall be the effective date hereof, unless prior to such date said Commission shall institute proceedings as provided by Section 911 of the Pennsylvania Public Utility Law; and in the event of the institution of such proceedings, then this ordinance shall become effective only after the approval thereof by said Commission.

**§ A184.10. Responsibility for expenses and necessary filings.**

The Duquesne Light Company shall pay the expenses of posting and publishing this ordinance and shall prepare all papers and bear all expenses in connection with the submission of this ordinance to the Pennsylvania Public Utility Commission.