

Chapter 78

POLES

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 9-9-1968. Amendments noted where applicable.]

GENERAL REFERENCES

Shade trees — See Ch. 89.

Zoning — See Ch. 110.

Streets and sidewalks — See Ch. 95.

§ 78-1. License required; application for approval.

- A. Whenever permission has already been granted and whenever permission hereafter shall be granted by Council to any corporation, firm or individual to construct a line of telegraph, telephone or electric light or an electric light plant, or both, all of which require the erection of wooden poles carrying electrically charged wires in or upon any of the streets or highways within the corporate limits of the Borough of Pennsburg, it shall be the duty of such corporation, firm or individual to submit to the Secretary of the said borough a written statement of the number, size and location of the poles carrying electrically charged wires now erected, and also whenever new poles carrying electrically charged wires are intended to be erected, a written application specifying the number and size of the poles carrying electrically charged wires intended to be erected and designating the places where the same are intended to be inserted; and if no objection shall be made thereto, it shall be the duty of the Secretary of Council to report said statements and applications to Council for approval, when the Secretary shall make a minute thereof, and the Secretary of the Council shall issue the license to said applicant for the number of poles carrying electrically charged wires erected, after receiving notice from the Borough Treasurer that the license fee required by this chapter has been first paid to the Borough Treasurer by the applicant.
- B. In case objections are made to the whole or any part of such application, it shall be the duty of the Secretary of Council to hear the same before reporting to Council, and in such case the license shall be granted as aforesaid either in accordance with the application or with such conditions and modifications as to secure the purposes of this chapter, as the case may require.
- C. No pole carrying electrically charged wires shall be newly erected unless a license therefor shall have been previously obtained as above provided, and for every license so granted

there shall be paid to the Borough Treasurer for the use of the borough the sum of \$1 per pole carrying electrically charged wires.

§ 78-2. License fee; inspection; defective or dangerous poles.

No pole carrying electrically charged wires shall be newly erected unless a license therefor shall have been previously obtained as above provided, and for every license granted prior to July 1, 1968 and remaining unpaid to the Borough Treasurer, there shall be paid to the Borough Treasurer for the use of the borough the sum of \$1 per pole carrying electrically charged wires; for every license so granted after July 1, 1968, there shall be paid to the Borough Treasurer for the use of the borough the sum of \$1 per pole carrying electrically charged wires. The Borough Road Foreman shall from time to time inspect all wooden telegraph, telephone and electric light poles erected within the corporate limits of the Borough of Pennsburg and shall immediately report any unsafe or dangerous poles to the individual or corporation owning, using or in control of such poles, with notice to forthwith replace the same with that which is sound and safe. In the event of neglect or refusal of such individual or corporation so notified satisfactorily to remedy the cause of the complaint, the Road Foreman shall report the same in writing to the Mayor, who shall have the power to remove from and off the public streets and alleys such defective and dangerous poles if after 72 hours' notice from the Mayor to the proper individual or corporation, through its superintendent, manager, clerk or other employee, such individual shall still neglect or refuse to remedy the complaint, and the cost of such removal shall be charged to and recovered from the individual or corporation owning, maintaining, using or controlling such poles, by suit before any District Justice of the borough.

§ 78-3. Duties of owners.

As a police regulation, every individual and every corporation now or hereafter maintaining, using or controlling upon the highways of the Borough of Pennsburg any wooden pole carrying electrically charged wires, and such corporation officers, managers, superintendents and employees locally in charge of the business of such corporation, are hereby required:

- A. To plainly stencil or mark every pole with the name or initial of the individual or corporation owning, maintaining or using such pole, and thereafter, upon erecting any other poles, to likewise immediately designate them, and to keep such name always legible from the sidewalk.
- B. To submit to the hereinbefore-mentioned official inspection of every pole.
- C. To remove unlicensed, defective or dangerous poles from the public highways immediately upon written notice as herein provided.
- D. To cause to be paid to the Borough of Pennsburg the cost thereof if neglect of such individual or corporation compels the borough to remove any such poles.
- E. Annually, on the first day of July, to make application to the Borough Secretary as aforesaid for a license to maintain the poles previously erected for the ensuing year, specifying the poles to be maintained by their designation, as provided for in this chapter.

§ 78-4. Issuance and duration of license.

The Borough Secretary, under the conditions mentioned in § 78-1 of this chapter shall grant a license to such applicant, which shall authorize the maintenance of the poles designated in the application only for the period of one year from the first day of July.

§ 78-5. License tag.

The borough shall provide a numbered metal license tag for each licensed pole, and such tag shall be affixed to the pole by the owner thereof.

§ 78-6. Renewal license and fee.

On and after the first day of July 1968, no telegraph, telephone or electric light pole carrying electrically charged wires shall be maintained within the corporate limits of the Borough of Pennsburg unless an annual license for the maintenance thereof shall have been previously granted for the same in accordance with the provisions of this chapter and unless the fee of \$1 per pole, as § 78-1 of this chapter provides for, shall be paid for and in lieu of any license fee per pole that had been previously paid, on all poles where the same now remains unpaid, and the fee of \$1 per pole for all annual licenses granted in accordance with the provisions of this chapter after the first day of July 1968.

§ 78-7. Right to revoke privileges.

Upon complying with the provisions and requirements of this chapter, the privilege theretofore granted to such corporations, firms or individuals by resolution or ordinance shall not in any way be affected. The Pennsburg Borough Council, however, reserves the right to revoke by ordinance any of the privileges mentioned and granted by this chapter or any other ordinance or resolution adopted by the Pennsburg Borough Council.

§ 78-8. Violations and penalties. [Amended 4-4-1977 by Ord. No. 2-77]

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$300 and costs of such proceedings or, upon default in payment of such fine and costs, by imprisonment in the county jail for a term of not more than 30 days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.