

LEGAL NOTICES

ADMINISTRATOR NOTICE
Estate of Jennie N. Bigler, dec'd., late of Mount Joy Borough, Penna.
Letters of Administration on said estate having been granted to the undersigned, all persons indebted thereto are requested to make immediate payment and those having claims or demands against the same will present them without delay for settlement to the undersigned
ALVIN B. BIGLER
258 West Main Street
Mount Joy, Penna.
Clarence C. Newcomer
Attorney 16-3e

AN ORDINANCE GRANTING A LICENSE FOR OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE BOROUGH OF MOUNT JOY, AUTHORIZING CERTAIN USES OF BOROUGH STREETS, ALLEYS, WAYS AND BRIDGES BY THE LICENSEE, AND PRESCRIBING THE TERMS AND CONDITIONS THEREOF.

It is hereby ordained by the Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. Short Title. This ordinance may be cited as the Mt. Joy CATV Ordinance of 1966.

Section 2. Definitions. As used in this ordinance, and in regulations pertaining hereto, unless the context clearly requires a different meaning, the following terms shall have the meanings ascribed to them in this section.

(a) Borough means the Borough of Mount Joy, Lancaster County, Penna. When used in connection with the granting of permits or exercise of other acts of discretion, administration or regulation hereunder, it shall mean the Borough Council or such officer or agents as the Borough Council may have designated to perform a particular function.

(b) Licensee means (a) United Transmission Inc. a corporation organized under the laws of the State of Kansas and having its principal office in Westwood, Kansas (b) any assignee to which the license granted to said corporation hereunder is legally transferred; and (c) any other corporation which may be made subject to any of the provisions of this ordinance under a license hereafter granted.

(c) Facility. Facilities shall mean individually or collectively the towers, antennas, poles, conduit, wire, cable, amplifiers, connectors and all other plant, fixtures and equipment or apparatus of the licensee required to gather and distribute audio and video program material to the licensee's customers (CATV System). Except where the context indicates otherwise, these terms shall mean such facilities installed in, on or under a street, as herein defined.

(d) Street. Streets, shall mean individually or collectively all public streets, alleys, ways, parkways and bridges, (including the sidewalks thereof) now or hereafter existing within the present boundaries of the Borough and within any territory hereafter annexed to the Borough.

Section 3. Grant of License. To the extent that it may lawfully be given, and subject to all the terms, conditions and limitations herein stated, the Borough grants a non-exclusive license to United Transmission Incorporated, to construct, install, maintain and operate in the Borough, a Community Antenna Television System (CATV) to gather and distribute audio and/or video signals to customers in and near to the Borough, and to construct, install, maintain and operate facilities of said system on, along and under the streets of the Borough, for the term hereinafter stated.

The licensee shall not engage in selling or servicing television sets, and the licensee's facilities shall not be used for distribution of so-called Pay TV.

The rights herein granted shall at all times be subject to the exercise of the general police power of the Borough; and the inclusion of specific limitations, conditions and restrictions in this ordinance or in regulations made hereunder shall not be deemed to limit the exercise of such general police power.

Section 4. Use of Streets. The extent of the licensee's right to have its facilities on streets, and the conditions of such rights are as follows:

(a) The grantee shall install, maintain and operate its facilities in accordance with good engineering and construction practices, and only in full compliance with all applicable statutes, ordinances, rules and regulations now or hereafter enacted, and in such manner and places as to not unreasonably interfere with travel upon and use of the streets,—or access to adjacent properties. All wires, cables, and other overhead facilities shall be at such minimum heights as are or may be required for telephone and electric power lines by the Penna. Public Utility Commission or by the Penna. Department of Highways.

(b) Where practicable, the poles used for the attachments shall be poles and upright standards heretofore or hereafter erected in the Borough by power companies, telephone companies, or any other public utility companies within the limits of the Borough, and licensee shall obtain the permission from said power, telephone or other public utility companies to attach to such poles. To this end, it is the express desire of the Borough Council that public utilities owning or controlling poles located in the Borough cooperate with licensee in said rental of pole space.

(c) The licensee may not install, construct, operate or relocate in, on, or along any street, any facilities other than such as are attached to poles of a public utility, and service lines from such public utility poles to properties of customers, except pursuant to specific permit therefor to be issued by the Borough upon application of the licensee, and subject to all terms, conditions and limitations with respect thereto as are contained in this ordinance or in regulations as adopted by the Borough before or simultaneously with the enactment of this ordinance, and such regulations may hereafter be reasonably amended, supplemented or revised.

(d) The Borough particularly reserves the following rights, to be exercised through regulations or in issuing permits: To refuse to permit the licensee to erect poles on any street or part of a street on which there is an existing pole line of a public utility company, or on a street on which use restrictions forbid the erection of poles, or on a street which the Borough deems too narrow for placement of poles without interfering with or causing inconvenience to traffic; and to require the licensee to follow the procedures of the public utilities as to installation of both underground and overhead cables; to refuse to permit placement of facilities under particular streets; to specify the locations of poles and other facilities in the interest of the public and of adjacent property owners; to require non-discriminatory service to customers; to give priorities to public utility companies for placement of their facilities; and to require the licensee to permit public utility companies and other licensees to attach their facilities to licensee's poles or other facilities, if feasible, in accordance with the standards of the National Electric Safety Code.

(e) The installations, maintenance and operation of any facility in, on or along a State highway or other public road over which the Pennsylvania Department of Highways has jurisdiction shall be subject to all rules, regulations and conditions of the said Department, and compliance therewith shall be an additional condition of this

license and of any permit to be issued hereunder.

(f) If and when a permit is granted for installation of underground facilities, the licensee shall have the right to make excavations when and where required for construction, maintenance and operation thereof. Any excavation or any taking up of pavement, curbing, or sidewalk shall be done under the supervision and direction of and pursuant to permits issued by the Borough. Such work shall be done in a manner and at such times as will cause the least public inconvenience and such safety precautions shall be taken and such notices or warnings shall be given as are necessary to afford adequate protection to the public from any danger which may arise out of such work. Licensee shall replace and repair and maintain any such excavation, and any pavement, curbing or sidewalk taken up in a manner to restore the same to as good condition as it was before the work was begun.

(g) The licensee shall prepare, and supply to the Borough and maintain current accurate records and maps which shall show at all times the location of all of licensee's plant and facilities within the corporate limits of the Borough whether on, above, or below the ground. All openings of the surface of any street and restoration thereof shall be subject to all the terms and conditions of any present or future ordinance of the Borough governing the opening of street surfaces by public utilities.

(h) Licensee shall have the right to cut or trim trees or shrubs upon or overhanging any bridges, avenues, streets, alleys, sidewalks, parkways, or other public grounds and places as may be necessary to prevent the branches of such trees or shrubs from coming into contact with its wires, cable or other facilities; provided all such cutting and trimming shall be done under the supervision and direction of the Borough, and after reasonable notice of the time thereof to the owner of the private property upon which or adjacent to which such tree or shrub may be located, and subject to his reasonable requests and restrictions as to such cutting.

Section 5. Relocation of Facilities. If, while any facilities of the licensee are located in, on, or along any street the Borough shall elect to alter the width or change the route or grade of any street, or to construct, or to reconstruct or change the location of any water, sewer, gas or other public public facilities, or to permit a public Authority or public utility corporation to do so, and such project as approved by the Borough shall make it necessary, for relocation of any facilities of the licensee, the licensee, upon reasonable notice from the Borough shall promptly proceed to effect such relocation as its own cost. If any pole or other facility obstructs or causes substantial inconvenience to means of access by vehicle from adjacent property to a street, whether by an existing driveway or by one which the owner seeks to establish, the licensee, upon demand of the Borough, shall move its facility at its own cost, to eliminate such obstruction or inconvenience.

Section 6. Temporary Removals. The licensee, upon request made by any person holding a permit from the Borough to move a building or structure or large implement along or across any public way, shall temporarily remove, raise or lower any of its wires, cables or other equipment to the extent necessary to permit such movement without damaging such wire, cable or other equipment, provided the person making the request shall give the licensee at least 72 hours' advance notice of the intended move and shall pay the costs and expenses incurred by licensee in complying with such request. The licensee may require such person to deposit with the licensee or furnish security for the amount of the costs and expenses which the licensee estimates will be incurred in complying with such request before proceeding to remove, raise or lower such wire,

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