

THE CORPORATION OF THE  
T O W N   O F   P E L H A M

BY-LAW NUMBER 95 (1971)

Being a By-law to provide for the consent of the Corporation of the Town of Pelham to Bell Canada, constructing its lines upon, along, across and under Highways, bridges, and other public places under the jurisdiction of the Corporation of the Town of Pelham.

WHEREAS Bell Canada is empowered by its special Act of Incorporation, 43 Victoria Chapter 67 (Canada) and amending Acts, to construct, erect and maintain its lines of telecommunication along the sides of and across or under any public highways, streets, bridges, watercourses, or other such places, or across or under any navigable waters either wholly in Canada or dividing Canada from any other country, subject to the terms therein set forth and,

WHEREAS subsection (2) of Section 378 of the Railway Act R.S.C. 1952, Chapter 234, provides that no telephone line within the legislative authority of the Parliament of Canada shall, except as therein provided be constructed upon, along, across or under any highway, square or public place without the legal consent of the municipality having jurisdiction over such highway, square or public place and,

WHEREAS paragraph 96 of Subsection (1) of Section 379 of the Municipal Act R.S.O. 1960, Chapter 249, provides that by-laws may be passed by the Council of local municipalities, subject to the Municipal Franchises Act, and on such terms and conditions as the council may deem expedient, for authorizing the erection and maintenance of electric light, power, telegraph and telephone poles and wires across or along any highway or public place; and

WHEREAS Bell Canada has applied to the Council of the Town of Pelham for permission to construct as lines along, upon, across and under the highways, streets, bridges and other public places under the jurisdiction of the Town of Pelham.

THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM AS FOLLOWS:-

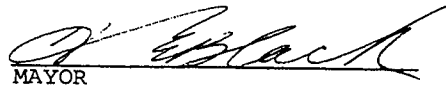
1. That pursuant to the provisions of section 378 (2) of the Railway Act, R.S.C. 1952, Chapter 234, The Town of Pelham hereby consents to the construction, erection and maintenance by Bell Canada from time to time hereafter of all such poles, cables, ducts, wires or other structures or equipment in connection therewith as Bell Canada requires for the purposes of its business, upon, along, across or under any or all of the streets, highways, squares, or other public places within and under the jurisdiction of the Town of Pelham.

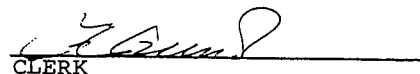
2. The construction of all such lines and appurtenances by Bell Canada, shall be done in accordance with the standards of construction from time to time in force and effect by Bell Canada, provided that the location of all such lines and appurtenances as of existing lines or appurtenances which may be hereafter relocated, and the opening of streets, squares, bridges, or other public places for erection of poles or the carrying of wires underground, shall be subject to the supervisions of the Town of Pelham Works Superintendent, from time to time, whose written approval of locations of lines, and whose certificate as to supervision shall be valid and binding upon the Corporation.

3. The Clerk of the Town of Pelham is hereby authorized and directed to certify from time to time under the seal of the Corporation to Bell Canada the appointment and the name of the Works Superintendent of the Town of Pelham, authorized to act under this law.

4. In the event of the Town of Pelham council or a properly qualified and authorized body or person deeming it necessary to request Bell Canada to move or alter the poles, lines or appurtenances for the purpose of widening, improving, or relocating a highway or street of the Town of Pelham or for any other purpose, the Town of Pelham Works Superintendent may give to Bell Canada an order to do such works as he deems necessary; and he may enter into an agreement with Bell Canada for the payment of the whole or any portion of the cost of the said work by the Town of Pelham; and any such agreement entered into by the Town of Pelham Works Superintendent shall be valid and fully binding upon the Town of Pelham, provided that the cost to be borne by the Corporation under the terms of the said agreement shall not exceed the sum of \$200.00.

READ A FIRST, SECOND AND THIRD TIME THIS 17th. DAY OF MAY, 1971.

  
MAYOR

  
CLERK