

ORDINANCE NUMBER 151

WEST SHORE ELECTRIC STREET RAILWAY ORDINANCE

AN ORDINANCE granting unto the West Shore Electric Street Railway Company, its successors, lessees and assigns, the right to enter upon certain streets and avenues of the Borough of Donora, Washington County, Pennsylvania, for the purpose of constructing, maintaining and operating thereon a street railway for public use in the conveyance of passengers by electric power; and to erect and maintain all poles, wires, cables, and other apparatus necessary to the successful maintenance and operation of such street railway.

Whereas, the West Shore Electric Street Railway Company, a corporation created by and existing under the laws of the Commonwealth of Pennsylvania, has made formal application to the Town Council of the borough of Donora, said County and State, for consent for it, the said street railway company, and its successors lessees and assigns, to enter upon certain streets and avenues in said borough, which streets and avenues are hereinafter mentioned, for the purpose of constructing, maintaining and operating thereon a street railway for public use in the conveyance of passengers by electric power, and to erect and maintain on such streets and avenues all poles, wires, cables, and other apparatus necessary in the successful maintenance of said street railway; and said company praying said Council to enact an ordinance giving unto it, and its successors lessees and assigns the consent aforesaid, and said Council being desirous so to do, therefore;-

Be it ordained and enacted by the Town Council of the Borough of Donora, in the County of Washington and State of Pennsylvania, in regular meeting assembled, and it is hereby ordained and enacted by the authority of the same:

Section 1. That the consent of said Council be and the same is hereby given unto the said West Shore Electric Street Railway Company, its successors, lessees, and assigns, to enter upon the streets and avenues of the said Borough, along the following route:--Beginning on Meldon Avenue at the intersection of the same with the North boundary line of the said Borough and running thence Southwardly along said Meldon avenue to Eleventh street; thence Westwardly along Eleventh street to McKean avenue; thence Southwardly along McKean avenue to First street; thence returning by the same route to the place of beginning, forming a complete circuit, for the purpose of constructing, maintaining and operating thereon a street railway for public use in the conveyance of passengers, by electricity, with double tracks, or by a single track together with the necessary sidings, turnouts and switches. Also the right to erect and maintain all such poles, wires, cables and such other apparatus as shall be necessary for the successful operation of said street railway, and to string and maintain on said poles and apparatus every and all wires and cables necessary for the successful and sufficient operation of a ful-

ORDINANCE NUMBER 151

ly equipped street railway system. And the said Company, its successors, lessees and assigns, are hereby given the rights and privilege to inspect, alter and repair its said railway system within said Borough. Provided that if a single track is adopted the same shall be so constructed that the center line thereof shall be the center line of the street or avenue along which the said railway shall be built; and provided further, that in the construction or repairing of said railway, not more than three squares of any street or avenue shall be opened or obstructed at any one time, without the consent of Council.

Section 2. All the poles of said railway, which shall be either wood or iron, shall be first class in every respect, none of which poles shall be less than twenty (20) feet in height. All poles shall be located and erected under the direction and to the satisfaction of the Committee on Highways and Sewers and the Council of said Borough. If, after the location thereof, any pole or poles become objectionable or unsatisfactory to the said Council, on account of public improvements, they shall be removed by said Company within ten (10) days after notice from the Council of said borough so to do, and relocated as directed by said Council, such removal and relocation to be at the cost and expense of said company. If, after the notice as aforesaid, the said Company shall neglect or refuse to so remove and relocate such pole or poles so directed to be removed and relocated as aforesaid, the Council of said Borough shall, at its pleasure, remove and relocate such pole or poles and the cost and expenses thereof shall be collected from said Company as like debts are now collectable by law.

Section 3. All wires, cables or other overhead system or means used over the surface of any shall be suspended at a height of not less than sixteen (16) feet above the grade thereof.

Section 4. All pavements, curbs and paving affected either in the construction, maintenance or operation of said railway, shall be replaced and constantly kept in as good order and repair as before the entry of said Company thereon. If, at any time any pavement, curb or paving is left or becomes in bad repair by reason of construction maintenance or operation of said railway, and the said Company shall neglect or refuse to place the same in a condition satisfactory to said Council within ten (10) days after notice from said council so to do, the said Council shall proceed to repair such pavement, curb or paving, and collect the cost and expenses thereof from the said Company as like debts are collectable by law.

Section 5. If any suit or action is brought against the borough for the recovery of damages by reason of the construction maintenance or operation of said railway in the public streets or avenues aforesaid, it shall be the duty of the

ORDINANCE NUMBER 151

West Shore Electric Street Railway Company, its successors, lessees and assigns, upon receiving notice from the Borough Solicitor, to defend the said suit or action on behalf of the borough, and if a recovery is finally had in said suit or action, the said Company, or its successors, lessees or assigns, shall pay the amount thereof, with interests and costs, to the party injured. In event that the said Company, as above directed, fails to comply with the provisions of the section they shall be liable to repay to the Borough any such sum or sums recovered as aforesaid, with interest and costs, and its own reasonable charges and expenses incurred in defending such suit or action. Provided, however, that this section applies only to cases in which the Borough Solicitor, or other proper officer of said Borough, shall give such reasonable notice the said Company, or its successors, lessees or assigns, as will allow it to defend the said suit in ample time to protect itself.

Section 6. That the said Company shall, upon the first Monday of April in each and every year, present a written report to Council of said Borough, setting forth the number of poles and miles of suspended wire owned by it in and upon the said streets and avenues.

Section 7. The Council hereby expressly reserves the right to grant unto any other street railway company, duly authorized to construct a railway in said Borough, the privilege of crossing at grade, any of the tracks of the West Shore Electric Street Railway Company in said Borough, providing that such crossing shall be so constructed and operated that the same shall not effect the convenient and safe operation of the said West Shore Electric Street Railway Company.

Section 8. The said Council hereby expressly reserves the right to ordain and enact such other reasonable regulations in regard to the said railway as in its judgement the interest of the public demands.

Section 9. The consent hereinbefore given is so given upon the following express conditions, to-wit:

(a) That the said West Shore Electric Street Railway Company, its successors, lessees and assigns, shall accept the provisions hereof in writing, which acceptance shall be filed with the Clerk of said Council within ten (10) days after the approval of this ordinance.

(b) That said Company, or its successors, lessees or assigns, shall, when they enter upon any of said streets or avenues which are not at that time paved for the purpose of construction of said railway thereon, pave any of such streets or avenues as follows: If single track is laid, the street between the rails and for

ORDINANCE NUMBER 151

a distance of eighteen (18) inches on either side of said track shall be paved as aforesaid with brick, and if double track is laid, the street or avenue between said tracks, between the rails of each track, and for a distance of eighteen (18) inches outside of the outer rail of each track shall be paved as aforesaid with brick.

(c) The said Company, its successors, lessees or assigns, shall pay or cause to be paid, into the treasury of said Borough, for the use of said on each and every pole erected and used in the maintenance of said railway, as a tax, which tax shall be paid not later than the First day of August.

(d) The said Company shall paint all of its poles located within the limits of said Borough and keep them painted.

(e) That said company, its successors, lessees or assigns, shall pay or cause to be paid, into the treasury of the Borough, an annual tax of Twenty five (\$25.00) Dollars per car on each car operated within the limits of said Borough except such car or cars as shall be operated or run from a point beyond the Northern terminus of said Company at Black Diamond, in the aforesaid County, or from a point or points beyond the limits of said Borough, on the East, South or West, on which the said tax shall be such proportion of said Twenty-five (\$25.00) Dollars as the distance curb car or cars shall be operated within said Borough shall be to the entire distance such car or cars shall be operated in making a regular run or trip. Such tax shall not be payable on cars making occasional trips or on repair or maintenance-of way cars, but shall apply to all cars regularly operated for the transportations of passengers.

(f) That said Company, its successors, lessees or assigns, shall when said railway shall have been completed, operate and run daily, a car for the transportation of passengers over the route herein granted, and in each direction thereon, every half hour, from five o'clock A. M., until seven o'clock P. M., and in each direction every hour, from seven o'clock P. M. until twelve o'clock midnight.

(g) That said Company, its successors, lessees or assigns, shall commence the actual physical construction of said railway within ninety (90) days from the date of the approval of this ordinance, and shall complete the same within one year from such approval.

(h) The said Company, in the construction of its railway on said streets and avenues, shall use girder rails of a suitable pattern to be approved by the Borough of Donora, and weighing not less than seventy (70) pounds per yard, laid on ties not less than 6 by 8 inches in size, the rails to be not less than seven (7)

ORDINANCE NUMBER 151

inches in height. The overhead wires shall be not less than sixteen (16) feet above the rails.

(i) The said company shall give bond to the said Borough of Donora in the sum of Five Thousand (\$5,000.00) Dollars, conditioned that it will construct its proposed street railway over the streets and highways described in the grant, in the manner and within the time herein designated; and the said bonds shall be filed with the said Borough by the said Company, with its written acceptance of this ordinance, and shall have sureties to be approved by said Borough; and in the event said proposed street railway is not built as contemplated in this grant, and operated as herein provided, after the acceptance thereof, the said sum of Five Thousand (\$5,000.00) Dollars shall be forfeited and be; aid to the said Borough as a penalty for the failure so to do.

Section 10. The said Council hereby expressly reserves the right to annul, revoke and make void by an ordinance duly enacted and approved, any and all rights and privileges granted by this ordinance, upon being satisfied that any one of the provisions hereof has been violated, or that any one of the express conditions enumerated in Section 9 hereof has not been fulfilled, or upon violation of any of these express conditions aforesaid.

Section 11. That the said Company shall pay the costs and expenses incident to the enactment and publication of this ordinance.

Section 12. All ordinances, or parts of ordinances in conflict with any of the provisions of this ordinance, be and the same are hereby repealed.

Ordained and enacted into an ordinance this 18th day of December, A. D. 1905.

GEO. W. ALLEN,

President of Council.

Attest:

FRANK B. HAMBRY,

Clerk of Council.

Examined and approved by me, this 27th day of December, A. D. 1905.

I HEREBY CERTIFY THAT J. N. MULLIN,
THIS IS A CORRECT COPY Burgess.

OF ORDINANCE No. 151

G. W. Allen
BOROUGH CLERK