

ORDINANCE NUMBER 164  
DONORA & ELDORA RAILWAY

AN ORDINANCE granting unto the Donora & Eldora 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 the exercise of its corporate powers, 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 Donora & Eldora Street Railway Company, a corporation created by and existing under the laws of 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 and the exercise of its corporate powers by electric power, and to erect and maintain on such streets and avenues all poles, wires, cables and other apparatus necessary for 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 the said council be and the same is hereby given unto the said Donora & Eldora Street Railway company, its successors, lessees and assigns, to enter upon the streets and avenues of the said Borough along the following route.

Beginning at Modisette Avenue at the Borough line; thence along the line of Modisette Avenue extended to McCrea Avenue; thence Southwardly along McCrea Avenue to Kenric Avenue; thence Northeastwardly along Kenric Avenue to Carroll Avenue; thence Southwardly along Carroll Avenue to Second Street; thence along Second Street to Thompson Avenue; thence along Thompson Avenue Northwestwardly to Eighth Street; thence Eastwardly along Eighth Street to Meldon Avenue; and returning by the same route to the place of beginning forming a complete circuit, for the



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purpose of constructing, maintaining and operating; thereon a street railway for public use for the conveyance of passengers and the exercise of its corporate powers by electricity, by a single track together with the necessary sidings, turnouts and switches, if approved by Highways and Sewers Committee. 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 fully equipped street railway system. And the said company, its successors, lessees and assigns, are hereby given the right 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 the 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 councils 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 said 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 foresaid the said company shall neglect or refuse to so remove and relocate such pole or poles may be removed and relocated by the Borough and the cost and expenses thereof shall be collected from said company as like debts are now collected by law.

Section 3. All wires, cables or other overhead system or means used over the surface of any street or avenue shall be properly insulated and 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 under the supervision of the Borough Engineer 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



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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 replace the same in a condition satisfactory to the 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 collected by law.

Section 5. If any suit or action is brought against the Borough for the recovery of damage by reason of the construction, maintenance or operation of said railways in the public streets or avenues aforesaid, it shall be the duty of Donora & Eldora 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 interest and costs to the party injured. In event that the said Company as above directed fails to comply with the provisions of this 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 expenses and charges 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 to the said Company, its successors, lessees, or assigns, as will allow to it 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 or cable 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 Donora & Eldora Street Railway Company in said Borough, providing that such crossing shall be so constructed and operated that the same shall not affect the convenient and safe operation of the said Donora & Eldora 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 judgment the interest of the public demands.

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



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(a) That the said Donora & Eldora 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 such streets or avenues as follows: if single track is laid the streets between the rails and for 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 shall paint all of its poles located within the limits of said Borough and keep them painted.

(d) 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 Borough annually the sum of one (1) dollar 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.

(e) 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 thereof, every half hour from five o'clock a. m. until seven p. m. and in each direction every hour from seven o'clock p. m. until twelve o'clock midnight.

(f) That said Company, its successors, lessees or assigns shall commence the actual physical construction of said railway within six (6) months from the date of the approval of this Ordinance, and shall complete the same within one (1) year thereafter to the town of Eldora at the intersection of Wanner Avenue and East Monessen Avenue.

(g) 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 are not to be less than seven (7) inches in height. The overhead wires shall not be less than sixteen (16) feet above the rails.



(h) That the said company, its successors, lessees or assigns, shall pay or cause to be paid into the Treasury of the Borough an annual car tax of one hundred (\$100) dollars.

(i) Wherever the Company's said road shall pass over any unpaved street or avenue of or within the limits of said Borough the said Company shall grade the same from property line to property line in accordance with the instructions of the Borough Engineer and Highways & Sewers Committee.

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 if the physical construction of the road is not commenced within six (6) months and completed to the town of Eldora as aforesaid within one year thereafter. That the said Company shall pay the costs and expenses incident to the enactment and publication of this ordinance.

Section 11. Whereas the said Donora & Eldora Street Railway Company has applied for an extension in the Borough of Donora beginning at a point on McCrea Avenue and Modisette Avenue extended thence Westwardly along McCrea Avenue to Castner Avenue; thence Northwardly along Castner Avenue to Fifth Street; thence Eastwardly along Fifth Street to Wood Street; thence Northwardly along Wood Street to Prospect Avenue; thence Eastwardly along Prospect Avenue to Fifth Street and Eastwardly along Fifth Street to Thompson Avenue where the line of the said proposed extension intersects with the route granted to the said Company by Charter and for which franchise is hereby given. And

Whereas it is the desire of the Borough of Donora that the original Charter route from the intersection of McCrea Avenue and Modisette Avenue extended to the intersection of Fifth Street and Thompson Avenue be abandoned and the route of the proposed extension be substituted therefor. It is a condition of this franchise, that upon the granting by the Commonwealth of Pennsylvania of the said proposed extension, and the passage of an ordinance extending the franchise hereby granted to the said proposed extension upon the same terms and conditions as are forth in this ordinance and the passage of an ordinance authorizing the abandonment of the original line between the points named above, that said Company shall thereupon construct its line between the said two points over the said proposed extension, and shall enter into a contract with the Borough to temporarily abandon and postpone the exercise of its franchise over the portion of its original line indicated above, until such time as the said Company, its successors,



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lessees or assigns, shall apply to the said Borough for revocation of the said contract, and the said Borough shall in pursuance thereof, by a proper ordinance duly passed revoke the said contract and again authorize the construction of the road upon the said portions of the original charter route not to be abandoned together with the said proposed extension affording to the said Company one continuous route and a complete circuit for its cars within the said Borough.

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 5th day of November, 1906.

E. O. KNIGHT,  
President of Council.

Attest:

FRANK B. HAMBRY,  
Clerk of Council.

Examined and approved by me, this 6th day of November A. D. 1906.

A. V. LEWIS,  
Burgess.

I HEREBY CERTIFY THAT  
THIS IS A CORRECT COPY  
OF ORDINANCE NO. 164

*Geo Warden*  
BOROUGH CLERK

*Repealed by Ord 171*