

Ordinance No. 73.

An ordinance granting the consent of the borough of Patton to the Northern Cambria Street Railroad company to occupy certain streets and highways of the said borough and to lay its tracks and operate its road thereon.

SECTION 1. Be it enacted and ordained by the burgess and town council of the borough of Patton, Pennsylvania, and it is hereby enacted and ordained by the authority of the same: That the authority be and is hereby granted to the Northern Cambria Street Railroad company to construct, maintain and operate an electric railway with the necessary tracks, loops, sidings and switches and to erect the necessary poles, properly painted, and to suspend wires thereon on the following streets and highways of said borough, viz:

On Magee avenue, commencing at the Pennsylvania railroad crossing, thence in a westerly direction to borough limits and along Fifth avenue, commencing at Magee avenue in a northerly direction to the borough line. The track to be laid shall be laid in the center of all said streets, excepting so much of any of the streets named as shall by the borough engineer and street committee be deemed necessary for a turnout. The kind of rail to be used to be standard gilder or flange rail, not less than sixty pounds to the yard, and to be satisfactory to the borough engineer and to the street committee. The top of the said rail to be laid even with the grade or surface of said streets as given by the borough engineer.

SECTION 2. The said street railway company shall in the laying of their tracks and the erection of their poles immediately restore the tracks and streets to the same grade and condition in which they found them or as may be agreed by the borough council. They shall not at any time, either in the construction of these lines or in the repair of the same, obstruct the said streets or highways, but shall at all times permit free passage of the public along the same.

SECTION 3. The said railway company shall keep its tracks, loops, sidings, turnouts, switches in good order and repair so that the same can be crossed in safety by persons or vehicles, and in case that the said borough shall at any time hereafter change or alter the grade of any of said streets or parts of the same the said railroad company shall change its tracks, loops, sidings, turnouts and switches to conform to such change at its own expense.

SECTION 4. The said railroad company will at all times keep the highway between its tracks and one foot each side of the same in the same order, condition and repair as the remaining portion of such highways are kept by the borough, and whenever at any time hereafter the said borough shall pave any of the said streets, or parts of the same, the said railway company shall at its own proper expense pave such streets, or parts of the same, between its tracks thereon, and one foot wide on each side of such tracks, with the same kind of material, so that the entire paving of such streets or parts of the same shall be uniform.

SECTION 5. The said borough of Patton shall at all times have the right to lay and relay, repair or remove and make connection with any sewer or sewers and grant permission to any citizen to make connections therewith in the line of or under a street or railway traversed by said railway, and to grant permission to any citizen to lay any gas pipes, water pipes, steam pipes or electrical conduits to any person or corporation, and to make connections therewith, and to repair the same, under and along the track of the said Northern Cambria Street Railway company. Said work to be done in such a manner as not to interfere with the operation of the said railway or cause any injury to the same, and where any excavation is made for the purpose heretofore specified, party making the excavation shall solidly re-fill the excavation and repair the same without expense to the said railway company.

SECTION 6. The said railway company shall at all times save and keep harmless the borough of Patton from any and all damage that may be done or may result to any person or property by reason of the construction and operation of its railway, and in case said railway company shall at any time abandon any street or part thereof with consent of the borough council it shall immediately take up and remove therefrom its rails and ties and return said street to good order and repair.

SECTION 7. The said street railway company shall procure and apply the most modern and improved fenders, pilots, brakes, lights, gongs and other modern appliances necessary for the safety of life and property in the said borough. They shall also run their cars under proper control within the borough limits.

SECTION 8. Neither the borough of Patton, nor any person or corporation, shall be liable for damages incurred by the cutting of wires of the said street railway company on any public highway when the same is done for the purpose of the suppression of any fire or

area within the limits of the borough.

SECTION 9. The said railway company may use a sufficient amount of salt on their rails to melt ice or snow, but shall not use the same between the rails or tracks or outside of the rails for the purpose of melting ice or snow, and when ice or snow is shoveled or removed from off the tracks it shall be removed from off the streets so as not to impede or obstruct the traveling public.

SECTION 10. The Northern Cambria Street Railway company, after commencing to operate said railway, shall continue to do so regularly unless prevented by strikes or other cause beyond its control; and any failure to run their cars, as so required for a period of three months, shall, at the option of the borough, work an abrogation and forfeiture of the rights and franchises acquired under the terms and conditions of this ordinance, with the right to the said railway company, however, to remove their property within thirty days from the date of receipt of written notice from the said borough of such action, provided that the said street railway company shall leave the streets and highways in as good condition as they were before entering on the same.

SECTION 11. Nothing contained in this ordinance shall limit the power of the said borough to impose legal taxes or prohibit it from adopting or enforcing any proper police regulation relating to the streets, alleys or highways of the borough, affecting the said Northern Cambria Street Railway company.

SECTION 12. The said street railway company, its successors and assigns, shall in the acceptance of this ordinance, at all times be bound to observe and be subject to all ordinances of the borough regulating the care of streets, avenues, alleys, pavements and lanes, and the opening and digging into the same, now in force or to be hereafter passed.

SECTION 13. The said street railway company shall in good faith commence the construction of its roads within eighteen months of the time this ordinance takes effect, and shall continue the construction of the same on said streets until the same is completed within twelve months thereafter. Otherwise all rights hereby granted shall cease and determine.

SECTION 14. The said street railway company shall within thirty days from the passage of this ordinance file with the clerk of said council an acceptance of this ordinance, under its corporate seal, and shall pay the costs of publication of this ordinance as is required by law. Otherwise this ordinance shall be void and of no effect. Upon receipt of the written acceptance of this ordinance by the said street railway company the secretary of council shall copy the same along with the ordinance in the proper books of the borough.

Enacted and ordained this, the 21st day of September, A. D. 1903.

J. J. DONNELLY, President of Council.

Attest: ED S. MOORE, Borough Secretary.

Approved by the burgess of Patton borough this, the 23rd day of September, A. D. 1903.

DANIEL M. HARPER, Chief Burgess.

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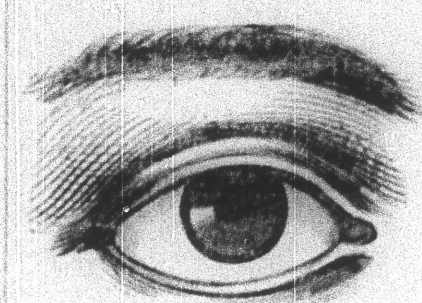
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