

# Ordinance No 6097.

## AN ORDINANCE

Authorizing the Willamette Heights Railway Company to Construct and Operate Street Railways in the City of Portland.

The City of Portland does ordain as follows:

### SECTION I.

The right is hereby granted to the Willamette Heights Railway Company and its assigns to lay down and maintain for a period of thirty years from the date of the passage of this ordinance a street railway and operate thereon passenger cars upon the following streets within the limits of the City of Portland, to-wit: Commencing at Stark and Front Streets; thence westerly on Stark to Tenth Street; thence Northerly on Tenth and North Eleventh Streets to M Street; thence westerly along M Street to North Twenty-third Street; thence Northerly along North Twenty-third Street to O Street; thence Westerly along O Street to North Twenty-fifth Street; thence Northerly North on Twenty-fifth Street to T Street; thence Westerly on T

"As far as the same is now laid out, and when the same shall be laid out: that far, then on said T street to the division line between the east and west half the Balch donation claim, thence to the City limits."

and shall be provided with brakes or other necessary appliances for stopping the same. They may be drawn by horses or operated by cables or electricity. And for that purpose said company and its assigns are hereby granted the right and privilege to erect such poles and stretch such wires or lay such cables along said streets as are necessary therefor, provided that nothing in this Ordinance shall be construed as granting any right or privilege to erect any obstruction



X between the curb lines of the street, excepting overhead wires which shall be subject to the approval <sup>and Regulation</sup> of the Common Council or its Committee on Streets, when erected. Provided further that in case said Willamette Heights Railway Company, its successors or assigns, shall at any time operate the railway herein provided for, or any part thereof, by means of a cable, wherever the track shall cross any street where railway track or tracks are now laid and operated under existing franchises, the cable of the said Willamette Heights Railway Company, its successors or assigns shall, at the crossings of the tracks of said other street railway or railways respectively be placed in such manner as to run below the cable or cables of, and to give the upper grip to such other street railway or railways. Provided further that the provisions of this Section relating to the placing of cables shall be in force and apply to all said street railway or railways laid and operated under existing franchises, whose track or tracks are now laid in any such streets wherever they or either of them now have or may hereafter acquire the right or franchise to operate their or either of their said railway or railways by means of a cable or cables.

### SECTION III.

The track of said railway shall be a single or double track, with the necessary turnouts, and shall be laid as near as practicable in the center of said streets and flush with the grade of said streets respectively where graded, so as to offer as little obstruction as possible to the passage of vehicles; and the poles and wires shall be erected and maintained subject to the approval of and regulations of the Common Council. On any part of the said streets not graded, the



roadway and rails may be built and laid upon trestle work erected in said streets if the same be necessary until such time as said streets respectively may be graded. Said track shall not be more than three feet, six inches in width.

#### SECTION IV.

The rails to be used on said railway or railways shall be of steel of the most approved pattern for street railways and shall be approved by the committee on streets before being laid down.

*# (2) and*

#### SECTION V.

The said Willamette Heights Railway Company shall pave, plank or macadamize as the municipal authorities may direct that portion of the street or streets along and over which their railway shall be laid, the whole width of said street, between the double track and between the rails and for the width of two feet on the outside of said rails.

#### SECTION VI.

For the purpose of laying down or repairing said railway no street shall be obstructed for a greater distance than the length of one block at any time, nor for a longer period than ten working days, except that in case of excessively bad weather the Common Council may extend the time aforesaid at its discretion.

#### SECTION VII.

The cars shall be run between the hours of six o'clock A.M. and eight o'clock P.M. as often as every seven minutes as far west as Twenty-third Street, and between the hours of eight and eleven P.M. as often as every twenty minutes. West of Twenty-third Street at least every fifteen minutes between the hours of six o'clock A.M. and eight o'clock P.M. and be-



tween the hours of eight and eleven P.M. as often as every thirty minutes

*and a failure to so operate such cars shall subject said company, its successors or assigns to a fine of \$25 for each day on which such failure shall occur on conviction thereof before the Police Judge.*

SECTION VIII.

It shall be unlawful for any person or persons to obstruct the railway or railways herein provided for, either during the construction or operation of the same. And any person or persons carelessly or willfully violating the foregoing provisions shall be deemed guilty of a misdemeanor and on conviction before the Police Court shall be punished by a fine not exceeding twenty-five dollars (\$25.) or by imprisonment not exceeding ten days, or both, at the discretion of the Court for each and every offense. Any conductor or other employe on the railway or railways herein provided for, any passenger thereon or other person on or about the cars belonging thereto who shall by offensive, indecent, opprobrious or abusive language, insult, abuse or maltreat any passenger on the said cars, shall on conviction thereof, before the Police Court, be punished by a fine not less than five nor more than twenty-five dollars, or imprisonment not exceeding ten days, or both, at the discretion of the Court for each and every such offense.

SECTION IX.

Nothing in this ordinance, nor any privileges granted hereby shall be construed to prevent the municipal authorities from grading, paving, sewerage, planking, macadamizing, improving, altering or repairing any of the streets over or upon which the privilege of constructing a railway is granted by this ordinance, or upon which any railway may be constructed under its provisions; but all such shall be done so as to of-



fer as little obstruction as possible to the passage of cars, and the owner or owners of the railway shall have the privilege of raising or shifting the rails so as to avoid as much as possible the liability to obstruction during the process of street repairing, improving or altering.

SECTION X.

The owners of said railway shall pay annually to the City of Portland, as a license for each car in use by them, on such railway or railways, the sum of fifty dollars (\$50.) for each car of ten feet in length or under, and one hundred dollars (\$100.) for each car exceeding ten feet in length.

SECTION XI.

The rate of fare charged shall not exceed five cents over the entire line mentioned in this ordinance, going in any one direction.

SECTION XII.

In operation, such railways as shall be constructed under this ordinance, no cars shall be allowed at any time to stop or remain still upon any intersection of streets and any violation of the provisions of this section shall subject the owner of said railway to a fine of not less than five dollars, and not more than twenty-five dollars for every offense upon conviction thereof ~~before~~<sup>in</sup> the Police ~~officers~~. *Court*

SECTION XIII.

The said Willamette Heights Railway Company shall within twenty days after the approval of this ordinance, file in the office of the Auditor and Clerk a written acceptance of the rights and privileges conferred, subject to the terms, restrictions and conditions, herein named, and a failure to do so shall forfeit all rights herein conferred.



SECTION XIV.

All rights and privileges hereby conferred shall expire at the end of thirty years from the date of the approval of this ordinance.

SECTION XV.

The work shall be completed and said railway line in operation within one year from the approval of this ordinance and a failure to so complete and put in operation any portion of said railway system shall at once and without any act on the part of the City of Portland, work a forfeiture of all rights and privileges conferred by this ordinance.

*Section XVI.*

*The rate of speed of the cars operated over the lines of railway constructed and operated under the provisions of this ordinance shall not exceed 8 miles per hour ~~or~~ and any violation of the provisions of this ordinance shall subject the offender or offenders to a fine of not less than five nor more than twenty five dollars upon conviction thereof in the Police Court.*