

An Ordinance Authorizing and Regulating Street Railways in the Village of St. Louis Park

Section 1. The Minneapolis Land and Investment Company is hereby granted the right and privilege of constructing, operating and maintaining a street railway line, or lines, with single or double tracks and all necessary turnouts, side-tracks, switches, turn-tables and other appurtenances upon and over any and all streets in the Village of St. Louis Park, Hennepin County, Minnesota, except Goodrich Ave., for and during the term of 5 years from the date of filing its acceptance of this ordinance and thereafter during the term of its charter, upon and over such street or streets in said Village of St. Louis Park as the Village Council of said Village may by resolution designate, subject to any right, power or authority to control said streets, or any or either thereof which is now vested in the County Commissioners of the County of Hennepin in the State of Minnesota, or said County, and to which the right, power and authority of said Village or Village Council may be in any way inferior, or subordinate and subject to all the terms, conditions and forfeitures hereinafter contained. All tracks shall be of standard gauge at least 4 ft. wide.

Section 2. The aforesaid grant is upon the express condition that within 2 years from the passage of this ordinance, the said Minneapolis Land and Investment Company shall construct, put in operation and thereafter maintain a line of street railway in said Village of St. Louis Park, which shall connect said Village with the city of Minneapolis, and that a line of street railway shall within such time be constructed and thereafter operate from _____ in such Village to some point where convenient, direct and easy connection can be made with the lines of the Minneapolis Street Railway Co., either as now located or as they may be extended within said time.

After the expiration of the period of 5 years provided for in Section One, the Village Council may at any time designate any other line of railway in said Village as a line demanded by the public necessities, and may also designate an extension of any existing line or lines.

Section 3. In case said the Minneapolis Land and Investment Co. shall at any time neglect to construct any line of railway which it may have constructed, upon such neglect continuing for one year after notice from the Village Council to construct or operate such line, said company shall forfeit the right herein granted so far as the same pertains to such neglected line and the Village Council may grant to any other person or company the right to build and operate a street railway upon such neglected lines; provided that said company shall, if required by the Village Council after being notified in writing by the Village Attorney, remove or cause to be moved the track and other material of any neglected line already in construction within 15 days after the service of said notice upon the President or Secretary of said company.

Section 4. The cars to be used upon such tracks shall be propelled and operated by such powers as the said company may desire to use either animal, pneumatic, electric or any other power except steam, provided that no propelling power or machine of any sort shall be used after it shall prove to be a public nuisance; and said company may connect with any other railway upon which power is used similar to that authorized to be used on street railway by the Village Council, but no locomotive, freight or passenger car such as are usually run over the general

railway of this state for the transportation of freight and passengers shall be used upon any of said tracks, unless authorized by the Village Council.

Section 5. Said tracks and railway shall be used for the purpose of transporting passengers and freight and the cars and carriages for that purpose shall be of good style and class as any used on such railways in other similar places; provided said company shall at all time have the right to use their tracks for transporting ties and other material for constructing their road and keeping the same in repair and such other purposes as from time to time may be necessary in carrying out any contract or engagement that may be hereafter entered into by and between the Village of St. Louis Park and said company.

Section 6. The tracks of such railway shall be laid so as to conform to the established grade of the streets on which the road may be built, whenever the same may have been graded by the Village; but said company having laid its tracks to conform to a grade once established such grade shall not be changed so as to require said company to take up and relay its tracks at its own expense. Where the streets are not graded to an established grade, said company shall lay its tracks to conform to the surface of the streets; provided it shall raise or lower its tracks to the grade when the Village shall grade such streets, or any part thereof; and in case said Village shall at any time pave or otherwise improve the surface between the rails of its tracks unless otherwise provided by the Village Council so that it shall substantially correspond with the improvement of the street outside the tracks, except that in case other than animal or cable power is used, the company shall be required to pay only so much of the expense of paving the street as it made extra by reason of said railway provided said company shall plank the space between the tracks and on both sides thereof, at each street crossing whenever the Village Council shall consider the same necessary and order it to be done; and one plank shall be laid on the outside of each rail and on the inside when deemed necessary and ordered by the Village Council; and provided further that no "T" rails so called shall be laid by said company through the streets of the Village, except by consent of said council after the expiration of the period of 5 years provided in section one.

Section 7. The said Village of St. Louis Park shall not be held liable to said company for any damage that may be occasioned by the breakage of any gas or water pipes or from and delays that may be occasioned by the construction of sewers, laying of water pipes or gas pipes or from the improvement or repair of any street unless there be unreasonable delay in making such improvements and repairs.

The Village of St. Louis Park hereby reserves the right to take up and remove the rails of said road whenever it shall be necessary for the repair or improvement of the streets or for laying water or gas pipes or sewers or for other public purposes on the streets on which such rails may be laid and such repairs or improvements or works shall be made by the Village without unnecessary delay, and the track of said road shall be taken up and relaid by and at the cost of said company whenever it may be necessary to do so for the purpose of carrying on such public works except the changing an established grade when taken up and relaying said tracks shall be done at the expense of said Village.

Section 8. The said company may establish and regulate the rate to be charged by it for the transportation of passengers and baggage provided it shall be a reasonable rate and shall not

exceed five (5) cents per passenger for one continuous ride to or from any point upon the railway lines to be built and operated by said company. Free transfers by said company at all junction points of its own lines to be used, however only upon the car passing the point of junction next after the issue of any transfer, provided that such transfer shall not be used upon any car upon the same line from which a passenger is transferred or upon any parallel line.

Section 9. The council of the Village of St. Louis Park hereby reserves the right to make all necessary and usual police regulations concerning the operation and management of the streets and roads of said Village during the continuance of the rights and privileges hereby granted.

Section 10. Said tracks shall be laid in the center of the streets in all cases where it is practicable to so lay them and said tracks shall not be laid within 12 ft. of the sidewalk upon any street in any case where it is practicable to be avoided; and said company shall keep the space between the rails in proper repairs so as not to interfere unnecessarily with travel over same.

Section 11. The cars of said company shall be entitled to the track and in all cases where any team or vehicle shall be met or overtaken upon any of the street railways in said Village by one of said cars, such team or vehicle shall give way to such car; nor shall any person willfully obstruct, hinder, or interfere with any of said railway cars by placing, driving or stopping or causing to be placed or driven at a slow pace or stopped, any team, vehicle or other obstacle in, upon, across, along, or near the tracks of said railway or either of them, after being notified by the driver or conductor by the ringing of the car bell or otherwise; and whoever shall willfully violate any of the provisions of this section shall upon conviction thereof be punished by a fine of not more than 50, nor less than 5 dollars and costs or prosecution and may be imprisoned until such fine and costs are paid, not exceeding 30 days.

Section 12. It shall be the duty of said company to furnish and run a sufficient number of cars to accommodate the traveling public on all streets which they shall use and occupy for railway purposes. All cars shall carry single lights after dark.

Section 13. It shall be the duty of the said company to repair any and all damage done to the streets, curbs, sidewalks, gutters or other public property by the construction or repairing of the tracks along the streets as herein provided for and further to protect and save harmless the Village of St. Louis Park against claims or damages arising from the construction or management of tracks and roads provided for herein.

Section 14. The cars or carriages of the company shall be run upon and along the tracks of said company in conformity with the following rules and regulations, provided that nothing herein contained shall be construed as limiting the police powers of the Village Council as reserved in Section 9 of this ordinance to wit. –

- (1) No car shall be run at a greater rate of speed than twenty-five (25) miles an hour.
- (2) While cars are turning corners or crossing bridges the horses or mules attached thereto shall not be driven faster than a walk or if other motive power is used not faster than three miles an hour.

(3) Cars driven in the same direction shall not approach each other, nearer than a distance of 50 ft., except in cases of unavoidable necessity or accident or when cars are near, or at stations or terminals.

(4) No cars shall be left to remain standing on any street at any time unless the same is waiting for passengers or is unavoidably detained.

(5) No cars shall be allowed to stop on a crosswalk nor in front of any intersecting street except to avoid collision or to prevent danger to persons in the street or to take on or leave off passengers.

(6) Conductors shall announce to passengers in a distinct tone the names of all streets crossed as the cars approach such cross streets and they shall observe the same rule when nearing the track of any other railway company.

(7) No car shall remain standing at any of the stations more than ten minutes except at each end of the lines and the stations nearest the passenger depots of any other railway companies at which excepted stations they may stand a longer time.

Section 15. Within 30 days from the passage of this ordinance said company shall file with the Village Recorder of the Village of St. Louis Park a written acceptance of the grants hereinbefore made with the conditions, regulations and limitations above expressed signed by the president and secretary of said company and when so accepted the ordinance shall operate as a contract between the Village and said company and upon failure to file such acceptance as aforesaid then the above grant shall not operate to vest in said company any rights, privileges or franchises whatsoever.

Section 16. Should the said Village of St. Louis Park during the continuance of this ordinance change its name or become incorporated as a city under the same or another name or be attached to any other municipality, the word "village" as herein used shall be deemed to apply to the territory now included in, or that may be annexed hereafter, to said Village of St. Louis Park and to be construed as meaning the village of different name, or city or part of the city to which it may be changed.

Section 17. This ordinance shall take effect and be in force from and after its publication.

Passed the Village Council May 8, 1891

Joseph Hamilton, President

To the Village of St. Louis Park, Hennepin County, Minnesota. The Minneapolis Land and Investment Company hereby accepts the grant made to it by the ordinance of said Village Council, passed and approved May 8th, 1891, entitled "An Ordinance Authorizing and Regulating Street Railways in the Village of St. Louis Park" with the conditions, regulations, and limitations therein expressed.

Dated June 6th, 1891

Minneapolis Land and Investment Company.
By T.B. Walker
President