

HOUSE No. 308

By Mr. McNamara of Leominster, petition of the Star Manufacturing Company that said company be authorized to construct and maintain a structure bridging Water Street in the city of Leominster. Cities.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO GRANT A PERMIT RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF A STRUCTURE BRIDGING WATER STREET IN SAID CITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Upon petition and after seven days'
2 notice published in a newspaper published in the city
3 of Leominster and a public hearing thereon, the city
4 council of the city of Leominster may, with the
5 approval of the mayor, grant and issue a permit to
6 the Star Manufacturing Company, a Massachusetts
7 corporation, authorized to do business in this com-
8 monwealth, abutter on both sides of Water street in
9 the city of Leominster, to build, and on such conditions
10 and subject to such restrictions as said council may
11 prescribe, permanently maintain a structure bridging
12 Water street in said city connecting lands owned by
13 the abutter on opposite sides of said avenue.

1 SECTION 2. No structure bridging said avenue
2 under a permit issued as provided in section one of
3 this act shall be constructed or maintained at a height
4 less than eighteen feet above the grade line of said
5 street, and no part of the bridge or its supports shall
6 rest upon the traveled portion of said highway; but
7 nothing contained herein shall prohibit the erection
8 of supports or columns; provided, that they are
9 placed in the so-called tree line of said highway. Such
10 consent of the city of Leominster may be given by its
11 council with the approval of the mayor.

1 SECTION 3. If a traveler on the highway while in
2 the exercise of due care sustains bodily injury or dam-
3 age in his property by reason of the negligent con-
4 struction or maintenance of said structure, he may
5 recover damages therefor in an action of tort brought
6 against said Star Manufacturing Company, or its
7 successors or assigns, within one year after the date
8 of such injury or damage; provided, that such
9 notice of the time, place, and cause of said injury or
10 damage be given to said Star Manufacturing Com-
11 pany, or its successors or assigns, by, or on behalf of,
12 the person or persons sustaining the same as is, under
13 the provisions of chapter eighty-four of the General
14 Laws, valid and sufficient in cases of injury or damage
15 sustained by reason of a defect or a want of repair
16 in or upon a way, if such defect or want of repair
17 is caused by or consists in part of snow or ice, or
18 both. The remedy herein provided shall not be
19 exclusive, but shall be in addition to any other remedy
20 provided by law.