

# ORDINANCE.

AN ORDINANCE to provide for a supply of water for the inhabitants of Lyons Iowa, for domestic and mechanical use, and fire protection

Sec. 1. *Be it Ordained* by the City Council of Lyons City, that there is hereby granted to the Lyons Water Works Company, a corporation organized under the laws of Iowa, its successors and assigns, the exclusive privilege for twenty-five years, and an equal right with all others thereafter, of supplying Lyons City with water, to be taken from the Mississippi river at such a point opposite Lyons City as will best suit the objects and purposes of the company to which this franchise is granted.

Sec. 2. That the said Lyons Water Works Co., its successors and assigns shall have during said term of twenty five years, the right to use any street, avenue, lane, alley, square or sidewalk, for the purpose of laying down pipes or other fixtures for the conveyance of water, and distributing of the same to the citizens of said city

Sec. 3. That during the laying down, placing or repairing at any time of said pipes and other fixtures through said streets, avenues, lanes, alleys, squares or sidewalks, no unnecessary obstructions shall be permitted, and in laying said street mains and connection pipes, said company shall conform to the grade established by said city, so that upon the completion of said work, no obstructions by pipes or other material shall prevent the free use of any street, avenue lane, alley, square or sidewalk, but said company shall have the right at any time for the purpose of repairing said pipes, to disturb any street avenue lane, alley square or sidewalk, and said company is hereby required with diligence, to place the same in as good condition as before such disturbance

Sec. 4. That in case said company refuses or neglects to repair said streets, avenues lanes, alleys squares or sidewalks, within a reasonable time after said work is completed, having been duly notified of such neglect by the proper officer or officers of said city, the city council of said city may direct the necessary repairs of said streets alleys lanes, avenues squares or sidewalks, to be made at the cost of said company, its successors or assigns, and the said company shall be responsible for all damages sustained by any person or persons by reason of negligence of its servants or employees, while constructing, and operating said works

Sec. 5. That the said company shall upon its acceptance in writing of the franchise granted by this ordinance proceed without delay to make suitable arrangements for carrying out the purpose of this franchise and shall lay down pipe of sufficient dimension to deliver the requisite amount of water for domestic supply, mechanical purposes and fire protection and the said pipe shall be so arranged as to secure the best results both as to present and to future wants and requirements and it is hereby further provided that said pipe and as required by the terms of this ordinance shall be laid from the water works pumping house of said company, to a connection with the main line of pipe on Sixth street in said city, thence west to Seventh street, thence north on said Seventh street to the Reservoir or Reservoirs of said company to be located and erected in the vicinity of Block eight Range six in block addition in said city. Said main line of pipe to be extended south from said first named connection to said Sixth street, thence north on said Sixth street to the intersection with Third street, and west on Main street from said Main pipe on Sixth street to the intersection of Main street with Fourth street. Also from Main street south on Fourth street to Washington street, a south on the pumping house of the Lyons Water Works to North avenue in Block addition. And there shall be located on said lines of pipe water hydrants, not less than thirty hydrants, at the following points: The intersection of said main line with Third street and Sixth street and Sixth avenue, Fifth street and Sixth street, Seventh street, Sixth street, Seventh street and Eighth street, Third street and Fourth avenue, Third street and Fifth avenue, South street and Sixth street, and South street and Fifth street, and Sixth street, and Main street and Sixth street, Main street and Fifth street, Main street and Fourth street, Main street and Third street, Main street and Second street, Main street and North street, and Main street and North street. Also at the intersection of said main line with Fifth street and Sixth street, and Washington street. Also at the intersection of said main line with said streets South of Main street, to-wit: Exchange street, Washington street, Main street, and North street. And there shall be located on said lines of pipe water hydrants, not less than thirty hydrants, at the following points: The intersection of said main line with Third street and Sixth street and Sixth avenue, Fifth street and Sixth street, Seventh street, Sixth street, Seventh street and Eighth street, Third street and Fourth avenue, Third street and Fifth avenue, South street and Sixth street, and South street and Fifth street, and Sixth street, and Main street and Sixth street, Main street and Fifth street, Main street and Fourth street, Main street and Third street, Main street and Second street, Main street and North street, and Main street and North street. Also at the intersection of said main line with Fifth street and Sixth street, and Washington street. Also at the intersection of said main line with said streets South of Main street, to-wit: Exchange street, Washington street, Main street, and North street.

And should said company neglect to lay down pipe of sufficient dimension to deliver the requisite amount of water for domestic supply, mechanical purposes and fire protection, the city council of said city may direct the necessary repairs of said streets alleys lanes, avenues squares or sidewalks, to be made at the cost of said company, its successors or assigns, and the said company shall be responsible for all damages sustained by any person or persons by reason of negligence of its servants or employees, while constructing, and operating said works

Sec. 6. That in consideration of the rights, franchises and privileges hereby granted unto said company and for the better consideration of the annual rental to be paid by said city for the fire hydrants as aforesaid, the said company shall give unto said city at all times the free and unobstructed use, for fire purposes, of any and all the fire hydrants located and maintained by said company as aforesaid, and the said city and its proper officers and employees shall have the right at all times, for the purpose of extinguishing fires, to take water from said hydrants without any costs or charges to said city over and above the rental aforesaid, and the said company shall cause such pressure to be kept up as the reservoir, located as heretofore described, reasonably filled with water shall furnish at all times, except at a time of unavoidable casualty, aided by two pumps, kept ready by said company at all times to be immediately put in operation in case of an alarm of fire at the pumping house of said company, unavoidable accidents and casualties excepted, said pumps to be of sufficient capacity and propelled by power reasonably sufficient to accomplish the object and purpose intended in the construction of said water works, and in case of failure of reservoir pressure and supply of water from any cause, the pressure from said pumps, produced by not less than thirty pounds of steam shall be constantly supplied, except in case of unavoidable accident or casualty, to be increased to the reasonably full capacity of said pumps in case of fire alarm at such pumping house

Sec. 7. That in consideration of the rights, franchises and privileges hereby granted unto said company and for the better consideration of the annual rental to be paid by said city for the fire hydrants as aforesaid, the said company shall give unto said city at all times the free and unobstructed use, for fire purposes, of any and all the fire hydrants located and maintained by said company as aforesaid, and the said city and its proper officers and employees shall have the right at all times, for the purpose of extinguishing fires, to take water from said hydrants without any costs or charges to said city over and above the rental aforesaid, and the said company shall cause such pressure to be kept up as the reservoir, located as heretofore described, reasonably filled with water shall furnish at all times, except at a time of unavoidable casualty, aided by two pumps, kept ready by said company at all times to be immediately put in operation in case of an alarm of fire at the pumping house of said company, unavoidable accidents and casualties excepted, said pumps to be of sufficient capacity and propelled by power reasonably sufficient to accomplish the object and purpose intended in the construction of said water works, and in case of failure of reservoir pressure and supply of water from any cause, the pressure from said pumps, produced by not less than thirty pounds of steam shall be constantly supplied, except in case of unavoidable accident or casualty, to be increased to the reasonably full capacity of said pumps in case of fire alarm at such pumping house

Sec. 8. Any person not authorized by said company to turn water on fire hydrants, except said city, its proper officers and employees, for the purpose of extinguishing fires as aforesaid, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall forfeit and pay a fine of not less than ten dollars nor more than twenty five dollars or imprisonment for a term not less than five days nor more than thirty days, and costs of prosecution, in the discretion of the court, for each offence.

Sec. 9. Said company, or its agents or employees, properly authorized by said company, shall have the right to enter upon the premises of any consumers of water furnished by said company, for the purpose of examining the condition of the pipe and fixtures of such consumer with a view to the prevention of wastage of water and when found to be improperly used or wasted, on refusal to repair or remedy the defects causing such wastage or for a failure to use water in a proper manner, the said company shall have a right to shut off water and keep it shut off until satisfactory assurance is made to said company that such defects are remedied, and that water shall be properly used; and the company shall have

the right to shut off water from mains or distributing pipes for a reasonable length of time, for the purpose of putting down extension pipes or for repairs, and said company is also hereby authorized to condemn and appropriate, in the manner provided by law, so much private property as shall be necessary for the construction and operation of said water works, they paying the cost and expense of the same.

SEC. 10. The City Council of said city shall, during the continuance of the franchise hereby granted, pass and enforce all ordinances, penal or otherwise, that may be necessary to carry out the provisions of this ordinance, and as are usual in such cases to protect the rights and interests of said company, and the property of said company.

SEC. 11. And it is further agreed and understood that said Water Works Company shall, whenever the City Council shall order, lay all necessary pipes for domestic purposes, whenever there shall be an equivalent of two tenants that will take water for every one hundred feet of pipe so laid, and shall also supply the requisite amount of water at all times for the purpose aforesaid, unavoidable accidents and casualties excepted; and the rates to be charged by said company for water furnished to consumers shall not exceed those from time to time charged on an average in the cities of Davenport, Clinton and Iowa City, in Iowa, and Rock Island and Peoria, in Illinois.

SEC. 12. That to carry out the purposes and objects of this ordinance in respect to fire protection, by said works, it shall be the duty of said city to provide and keep in repair 1600 feet of hose ready for use in making reasonable experiments and upon an alarm of fire and said city hereby undertakes and contracts with said company in consideration of the said undertakings of said company, to so provide, furnish and keep in repair said quantity of hose.

SEC. 13. That a failure to accept the franchise hereby granted in writing, within five (5) days from the passage of this ordinance, by said company, organized as aforesaid, shall forfeit all rights, privileges and franchises hereby granted, but if accepted by the company as aforesaid, this ordinance shall constitute and be regarded as a contract between the said city of Lyons and said company, and shall not be subject to amendment or repeal without the consent of both parties.

This ordinance to take effect and be in full force in five days after its publication in the *Clinton County Advertiser*

C. M. BALDWIN, Mayor.

Attest: J. C. HOPKINS, City Clerk