

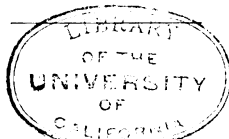
THE CHARTER
AND
REVISED ORDINANCES

OF THE
CITY OF MUSCATINE,

TOGETHER WITH
ACTS OF THE GENERAL ASSEMBLY OF THE
STATE OF IOWA RELATING TO CITIES
UNDER SPECIAL CHARTERS.

REVISED AND ARRANGED BY
W. F. BRANNAN.

Revised and Published by Authority of the City Council.



MUSCATINE, IOWA:

BETTS BROTHERS,
1878.

SEC. 3. Taxable property within the City, not situated within said Water District, being deemed not to be within the limits of benefit or protection of the water works, shall not be subject to the tax mentioned in the preceeding sections.

CHAPTER LXVI.

WATER WORKS.

AN ORDINANCE to provide for a proper supply of water for use and protection from fire.

1. Exclusive franchise granted for a term of twenty-five years.

2. Right to use streets, &c., granted. Streets not to be unnecessarily obstructed. Streets to be repaired. City may repair if company fails and charge Company with expense.

3. Duty of Company upon its acceptance of the franchise granted by the ordinance. Must make survey and plat. Pipes to be laid six feet below the surface of the ground. City to have free use of fire hydrants, in case of fire. Quantity of water to be kept in reservoir.

4. City to pay rent for use of fire hydrants.
5. Penalty for turning water on hydrants without authority.

6. Company authorized to enter upon the premises of any consumer of water furnished by it to examine pipes and fixtures,

and prevent waste. May shut off water from private premises.

7. City to pass ordinances for the protection of water works, and to compel the company to perform its duties.

8. Rates to be charged for use of water.

9. When company may condemn private property, and in what manner.

10. Company may erect certain buildings on water front of said City.

11. Public square demised to the company. Purposes and conditions of such demise.

12. City reserves right to purchase the works of said company upon appraisement, Appraisers, how chosen. When City may declare franchise forfeited.

13. Company to file acceptance of ordinance within thirty days after its passage, if accepted. If acceptance be so filed, this ordinance to constitute a contract between the City and Company.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That there is hereby granted to J. A. Bishop, G. W. Dillaway, S. & L. Cohn, W. W. Webster, W. S. Robertson, R. M. Burnett, Wm. C. Wier, R. Musser, R. M. Baker, J. T. Krehe, S. G. Stein, L. W. Olds, H. Funck, J. Rubelmann, and P. Stein, and their associates, who shall organize as a corporation under the laws of Iowa, under the name and style of the "Muscatine Water Works Company," and to their successors and assigns, the exclusive privilege for twenty-five (25) years, and an equal right thereafter with all others, of supplying the City of Muscatine with water to be taken from the Mississippi river, at such point or points as the company shall deem most expedient.

SEC. 2. That the said Muscatine Water Works Company, its successors and assigns, during said term of twenty-five years, shall have the right to use any street, avenue, lane, alley, square, sidewalk, wharf, landing, or river front, for the

purpose of laying down therein, and of altering, enlarging, maintaining and repairing pipes and other fixtures for conveyance and distribution of water to the City and its inhabitants. And in the performance of such work no unnecessary obstruction to the public, to travel or to business, shall be permitted by the City or the company. And the said company shall, as rapidly as practicable, repair the street or other place so used, and restore the same to as good condition as before such work was done. And in case the company shall neglect to make such repair and restoration within a reasonable time, and after being duly notified by the City, the City Council may cause such repair and restoration to be made at the expense of said company, and may recover such expense of the company in an ordinary action at law. And in case any person, right or property be injured by the negligence of said company, its agents or employes in the work in this section set forth, the company shall be liable therefor.

SEC. 3. The said company shall, upon its written acceptance of the franchise by this ordinance granted, proceed to make suitable arrangements for carrying out the purposes thereof; and to that end, shall within a reasonable time, make a topographical survey and plat of that part of the City of Muscatine wherein the first two miles of main pipe shall be laid, to-wit: Second and Fifth streets, between Locust and Oak streets, including necessary connections, and connections with pumping works and reservoir, with such variations from the line of either or any of said streets, as the nature of the ground may render expedient. And the said survey and plat shall show the proposed location of the pumping works and reservoir, and the mains connecting therewith; the size of the main pipes; where fire hydrants are to be located; and the number and location of all stop cocks for shutting off the water in the mains; and the said plat shall be filed with the City Recorder. And in case of every extension of, or addition to said street mains, the location and size thereof shall be designated upon said plat by the company, or a new plat filed, as the case may require.

And the said company shall, by the first day of July, A. D., 1876, lay down at least two miles of such main pipe, and the said pipe and all future extension thereof, shall be of sufficient capacity to deliver the requisite amount of water for domestic use and fire protection, and shall be so laid as to give a continuous circuit to the flow of water throughout the entire system of main pipes. And said pipes shall be laid below the reach of frost, to a depth of at least six feet from the surface of the ground to the bottom of the trenches.

And there shall be located at each street crossing on and along said two miles of main pipe, one double discharge fire hydrant, for the use of the City for fire protection, and the said City shall at all times have the free and unobstructed use for fire purposes, of the said fire hydrants ; and the said City, its proper officers and employes, shall have the right at all times, for the purpose of extinguishing fires, to take water from said fire hydrants without charge therefor to the City, save and except the annual rental hereinafter and by this ordinance agreed, stipulated and provided to be paid by said City.

And after the construction of its reservoir, said company shall at all times keep at least five hundred thousand gallons of water in the reservoir, and in case of fire shall get up steam as soon as possible for the purpose of re-enforcing said supply of water ; and the reservoir and the main pipes laid in distribution, shall have a capacity to throw at least four streams of water simultaneously from one inch nozzles, to a height of one hundred feet, at such points on the line as shall be deemed feasible by the City and the company.

SEC. 4. And be it further ordained, that in consideration of the use of said fire hydrants, on the said two miles of main pipe and the water therefrom, as in the preceding section set forth, and as an annual rental therefor and payment for such use and right of use, the said City of Muscatine shall, and will in each and every year during the life of the franchise by this ordinance granted, pay unto the said Muscatine Water Works Company, the sum of four thousand dollars, in equal quarterly installments, payable to the Treasurer of said company on the first Monday in March, June, September and December of each year.

And the said rental shall commence and take effect as soon as said hydrants are ready for use, and the said company complies with the provisions of this ordinance.

And for every additional fire hydrant put in by said company with the consent of said City, by vote or resolution of the City Council, previously expressed, upon any extension of or addition to said two miles of main pipe, or elsewhere, and provided the same be requested by the property holders interested, the said City shall pay unto said company an annual rental of seventy-five dollars, payable quarter-yearly, as aforesaid ; the City to have the same use of such additional fire hydrant or hydrants as of those on the first two miles above specified.

SEC. 5. Any person who shall, without authority of said company, turn water on the fire hydrants, or any of them, except by order of the City, its officers or employes, for the

purpose of extinguishing fire shall be deemed guilty of misdemeanor and on conviction thereof, shall be fined not less than ten nor more than twenty-five dollars, or, at the discretion of the Court, be imprisoned not less than five nor more than thirty days.

SEC. 6. Said company, or its properly authorized agents or employes, shall have the right at any reasonable time to enter upon the premises of any consumer of water furnished by said company, for the purpose of examining the condition of the pipes and fixtures of such consumer and preventing waste of water. And in case any consumer shall fail to repair defects in his pipes or fixtures, or shall waste said water, or suffer the same to be done, the company shall have the right to shut off the water from the premises of such consumer until such repairs are made, or satisfactory assurance given that the water shall be properly used.

And the company shall have the right to shut off the water from the pipes for a reasonable time for the purpose of making necessary repairs, or the putting down of extension pipes.

SEC. 7. The City Council of said City shall, during the life of said franchise, pass all ordinances, penal, or otherwise, that may be necessary to carry out the provisions of this ordinance; to protect the rights and interests of said company; to preserve the purity of the water from whence the supply is taken, and to compel the said company to perform its duties and obligations as contained and set forth in this ordinance.

SEC. 8. The rates to be charged by said company for water furnished to consumers, shall not exceed the average rates charged by or in the cities of Clinton, Iowa; Davenport, Iowa; and Des Moines, Iowa.

SEC. 9. The said City of Muscatine hereby grants to and confers upon the said Muscatine Water Works Company, all the rights, powers and privileges possessed, or that might be possessed or exercised by said City under the laws of Iowa, to condemn private property for the purpose of constructing said Water Works and reservoir thereon, and of maintaining and operating the same.

And the said company is authorized to make such condemnation of private property, for the purposes aforesaid, in the manner and with the effect provided by law.

SEC. 10. And there is hereby granted unto said company the right to build, construct and maintain its pumping works and necessary buildings and other structures in connection therewith, at such point on the river front of said City, as may be deemed best suited for the purpose; such point to be so located as to avoid interference with the rights of the pub-

lic so far as possible, and consistently with the safety and importance of said works.

Provided, that such pumping works and structures shall not be located upon the river front or levee, between Chestnut Street and Iowa Avenue, inclusive of said streets.

SEC. 11. And be it further ordained that there is hereby let and demised unto the said Water Works Company, for the said term of twenty-five years, the open space of ground between blocks 49, 50, 83 and 84, known and designated on the City map as the "Public Square," for the purpose of improving, beautifying and adorning the same; and with the privilege of constructing and maintaining thereon, a reservoir, having a capacity of one million gallons. And the said company shall at all times save and hold the City free, clear and harmless of, and from all loss, cost or expense or damage by reason of the grant in this section contained. And in consideration of said grant and lease, and provided the said company shall construct such reservoir upon said ground, the said company shall and must at once proceed to adorn and improve the remaining portions of said ground, so far as the nature of said ground will permit, by planting trees thereon, and making the streets through the same in good order, and providing convenient footpaths, and shall at all times keep the said ground and the works and improvements thereon in good order and condition.

SEC. 12. That in consideration of the rights and privileges herein granted unto said company, the City hereby reserves the right, at the expiration of five, ten or fifteen years from the date of the passage of this ordinance, to take from the company the entire works, together with its franchise and privileges, at a valuation then to be agreed upon, in the following manner, to-wit: The City shall give the company one year's notice, in writing, of its intention to take the works as aforesaid; and the City shall thereupon appoint two appraisers, and the company shall appoint two appraisers, and the four appraisers so chosen shall choose a fifth, and said five appraisers shall proceed to value all the franchises, buildings, machinery, fixtures and materials then on hand belonging to said company, and upon the payment by said City to the company of the amount of such valuation, the company shall at once deliver to the City all of said property; a finding and valuation by a majority of the appraisers shall be binding on both parties.

And it is hereby further provided, that in case the four appraisers chosen as aforesaid, shall refuse or neglect, for thirty days after their appointment, to select a fifth, then, and in that

case, either party may apply to the Judge of the District Court of this Judicial District, who shall, upon such application, appoint the fifth appraiser ; and it is also provided that a failure on the part of the company, for thirty days, to select the two appraisers as hereinbefore provided, shall authorize the City to apply to the said Judge, who shall thereupon appoint said two appraisers, as is provided of the fifth appraiser.

And it is further understood and provided, that any disagreement between the City and the company shall be settled by arbitration, each party selecting one, and the two selected shall select a third, and the decision of said three arbitrators shall be final and conclusive between the parties. But nothing in this section contained shall affect the rights reserved to the City in section two of this ordinance, to institute actions for the causes in said last mentioned section set forth.

And the City further reserves the right to declare the franchise granted by this ordinance forfeited, in case the Company shall unreasonably neglect or refuse to fulfill and perform the conditions by this ordinance imposed upon it.

SEC. 13. A failure on the part of said company for sixty days from and after the passage of this ordinance, to file in the office of the City Recorder a written acceptance of the franchise hereby granted, shall subject such franchise to forfeiture. But if such acceptance be filed, then this ordinance shall constitute and be construed as a contract between the said City of Muscatine and the said Muscatine Water Works Company, and the same shall not be subject to amendment or appeal without the consent of both said parties.

CHAPTER LXVII.

WATER WORKS.

AN ORDINANCE providing for the Management and Protection of the Property and Rights of the Muscatine Water Works Company.

1. The Company to attach service pipes to street mains when proper application is made therefor. No other person allowed to connect such pipes to the mains.

2. Persons using water to keep the hydrants in repair.

3. No person allowed to hitch any animal

to any hydrant, or break, or deface any property belonging to said company.

4. Oil or other filthy matter not to be placed in the reservoir of said company, or in the Mississippi river within the City limits.

5. Penalty.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That it shall be the duty of the Muscatine Water Works company to attach service pipes to the street