

Members sus-
pended from
Membership

amount equal to Fifty cents per month for each members named in said roll as approved by said Common Council, which said payment shall be in addition to the compensation now allowed members of said Fire Department for services therein, and said Board of Managers, as well as officers of each fire company, are hereby directed and required to promptly report to the Clerk of said city the names of any member who shall for any reason have ceased to be a member of said department and of any members who shall have been suspended from membership.

Passed March 27, 1899. Record 3. Page 243.

551

Water works,
authorizing Lakes
Michigan Water Co.
to construct.
(See page 35 for
amendment)

Resolved, authorizing the Lake Michigan Water Company, to construct, maintain and operate water works and supply water to the city and people of Michigan City; defining its powers and privileges and prescribing its duties.

Pure
Water.

Section 1. Be it Ordained by the Common Council of Michigan City, That the Lake Michigan Water Company of said city of Michigan City, and its successors and assigns, be and are hereby authorized and empowered to construct, maintain and operate water works, in the city of Michigan City, with proper structures, machinery, reservoirs, embankments and conduits, to supply said city and its citizens with (pure and wholesome) Lake Michigan water, and to use the streets, avenues, alleys and public grounds of said city, as it is now and may hereafter be laid out and enlarged, for the purpose of laying pipes and conduits therein, necessary to carry water throughout said city; provided, the same shall be so laid as not to interfere with or abridge the rights and privileges of other public works, now the pipes laid by other corporations with permission of the Common Council of said city, nor with the present or future drainage of said city; and, said company may

Rules and
Regulations.

establish rules and regulations for and concerning the use of the water from their works, and for and concerning the conduct of such person as may use the water from their works, so far as respects the preservation and use of, and restraining the waste thereof, subject to the review and approval of the Common Council of said city.

Section II.

Adoption of
Plans and
Specifications

The water works constructed under and by virtue of the provisions of this ordinance, shall in all things be constructed according to plans and specifications to be adopted by said company and approved in every detail by the Common Council of said city, and in case said company and Common Council fail to agree upon said plans and specifications or any part thereof, the

Amending of.

same shall be changed, amended, or modified to the satisfaction of said Common Council. Said water works shall

Intake.

provide for an intake in Lake Michigan in not less than forty feet of water, with submerged intake pipes not less than 12 or 30 inches in diameter and not less than one mile of (16)

Use of
Present mains

inch distributing main pipe to be laid and connected with the system of water pipes now laid and in use by said city, which said system of mains, pipes, connections, valves, gates and hydrants, now owned and operated by said city, and the use thereof, is hereby turned over and released, unto said Company for the proper use and purposes of the same and under the terms and conditions of this ordinance, for the periods of this franchise. And said water works to be con-

Capacity of
Works.

structed by said company shall have a capacity of at least six million gallon liquid measure, daily, and shall maintain the same in such condition as to be capable of (throwing fire stream of water at once, one hundred feet vertically through a one inch nozzle) and shall apply the same in the extinguishment of fire under regulations to be prescribed by the Common Council of said city. The pumps, machines,

Building of
pumps, ma-
chinery, etc.
Supervision
of Engineers.

intake and station of said waterworks shall be built, constructed, erected and installed under the supervision of a competent hydraulic engineer to be appointed by said company (with the advice, consent and approval of said Common Council or its proper delegated committee. And every act, plan and determination of said company or its said engineer shall be and remain subject to the expressed

Approval of work,
etc. by Council.

approval of said Common Council, and no part of said work shall be done, performed or executed until said approval shall be first had and obtained.)

Cost.

Section III.

The cost and expense of the entire plant to be constructed by said company, including the expense of plans, specifications and supervision shall not exceed in the aggregate the sum of \$75,000. Said

Contract.

work shall be done by contract, in whole or in parts, and shall be awarded to the lowest and best bidder after advertising in both local daily papers and also in a newspaper of general circulation devoted to the interests of

Awarding of.

contractors and builders. No contract shall be let for such work or any part thereof until all the propositions or bids received for such work, shall have been submitted to the Common Council and the awarding of said contract, shall have been approved by said Common Council,

Extra work.

and no subsequent, additional or extra work shall be contracted for, or done in connection with said water works, and no contract thereof shall be of any binding force, unless the same shall have been awarded, ordered and performed by, and with the advice, consent and approval of said Common Council and regularly contracted for, and the price therefore stipulated in writing, and the contract endorsed by the Mayor of said city, and each and every estimate, allowance and payment other than for the preliminary cost of organization, incorporation and consultation, made during such construction of said work or upon the completion thereof shall first be passed upon and approved by said Common Council.

Construction,

Section IV.

beginning of
90 days.

Said company shall within 90 days from the passage of this ordinance, commence the construction of such waterworks and shall within one year from the time the same is commenced, have the same in complete and full operation and fully connected with the existing system of water mains and pipes now in said city and supplied, if required, with full capacity of said works as herein before provided.

Failure.

And should the company, because of any want of care, and diligence on its part, fail either in the commencement or prosecution of the work, as in this section pro-

Deprivation
of water.

vided, or shall in like manner fail to furnish the city and citizens with water at the rate in this ordinance provided for, then, and in either case the rights and privileges herein granted shall be forfeited, and shall revert to the city; and should the city or its citizens at any time, through the wilfulness or carelessness of the company, be deprived of necessary water for thirty-six consecutive hours, the company shall be liable to a forfeiture of its rights under this charter, or at the election of the city the company shall forfeit all claim for payment for the stipulated price for all hydrants supplying water to the city for a period of one year.

Purchase of
works by city.

Section V. Upon the full completion of said works provided for in this ordinance and required to be done by said company or at any time thereafter, on giving six months notice, said city shall have the right to purchase from the said company all the buildings, machinery, pumps, pipes and other property pertaining to said water works, including all its corporate rights and privileges, at a price to be fixed by ascertaining the actual cost of building, construction and erecting said works, including plans, specifications and supervision and accrued interest thereon, as also the cost of organization and incorporation of said company to the date of such purchase, but in making such estimate and ascertaining such price no value shall be fixed and no price charged for the franchise granted in this ordinance or any addition or amendments thereto which may be hereafter granted by said Common Council, nor for its right to use the existing system of pipes and mains now owned and used by said city.

Terms of
Payment.

The terms of payment for such purchase, if any, to be agreed upon between the Common Council of said city and the Board of Directors of said company; provided, however, that the said conveyance shall be made subject to the payment of the water works bonds issued by said company for the construction of said works, not exceeding the sum of \$50,000, and the payment of the hydrant rentals hereinafter provided for, and provided further, that said city does not, will not and shall not assume and agree to pay the said bonds and the same shall not become a debt of said city, but the said conveyance shall be

made subject to the lien of said bonds, and the said bonds, or the residue thereof remaining unpaid, shall continue to be a lien upon the franchise and property herein mentioned until the same shall have been fully paid and satisfied as herein specified.

Water supplied free.

Park.

Payment of Water Rentals.

20 years.

Release from city.

Issuance of Bonds.

Section VI. In consideration of the use by said company of the existing system of water mains now owned by said city and which use is herein granted to said company, the said water Company shall supply to Michigan City free of charge, all the water necessary for the purpose of sprinkling and improving its park upon the shore of Lake Michigan known as "Washington Park", and also such other public parks and grounds as the said city may now, create, establish or improve during the term of this franchise and, as an inducement to the said company, to construct and maintain its said water works, and in consideration of the benefits accruing to the city and the people of Michigan City from the use of pure and wholesome lake water, the said city hereby agrees, that in addition to the water rentals provided for in this ordinance, there shall be paid semi-annually, on or before the 1st day of January and the 1st day of July in each year beginning with January 1st, 1900, by the said city, as rentals for public hydrants now in use and hereafter to be provided for, the use of said city, the sums set forth in the schedule attached hereto and made a part of this ordinance, payment of rentals for public hydrants by said city as provided by this section shall be made by the Treasurer of Michigan City, to any bank, trust company or person to be appointed by the Board of Directors of said company and to be applied to the payment of the bonds herein provided for, together with semi-annual interest thereon, as it may accrue, for the period of twenty years from the first day of July, 1899, at the expiration of which time the said hydrant rentals shall cease, and the said city shall be relieved from the payment of any sum whatever for the use of the public hydrants within and about said city.

Section VII. Issuance of Bonds. Before or within ten days after the completion of the said

100 Bonds
\$500. each.

waterworks in accordance with the specifications, as provided in this ordinance, and the acceptance thereof by the said Common Council of the city of Michigan City, as herein set forth, the said Lake Michigan Water Company shall issue one hundred water works bonds in the ordinary form, each for \$500.00, being a total of \$50,000, bearing interest at the rate of five per cent per annum, payable semi-annually, on the first day of January and July of each year, secured by trust deed upon all the water works rights and franchises, in this ordinance provided for; five of said bonds, to-wit, the sum of \$2,500. on the first day of July, 1900, and \$2,500. on the 1st day of July of each year thereafter, until all of said bonds are fully paid and satisfied.

Ground
Granted

Section VIII.

Right
of Way.

There is further hereby granted to the said Lake Michigan Water Company the use of one acre of ground at or near the shore of Lake Michigan, within the said city, for the construction and maintenance thereon of a power house for engines, pumps and other machinery necessary to propel the water from the said lake into and through the said city of Michigan City; the rights of way necessary in the laying of pipes and water mains under the railroads within the corporate limits of said city; provided, that any expense occasioned by the securing of the right of way herein provided for shall be paid by said water works company.

Leasing of
plant by
City.

Section IX.

Terms.

Said city shall also have the right and privilege of leasing said completed plant, immediately upon its completion and acceptance, for a term of twenty years with the privilege of purchasing the same at any time during the continuance of said lease; and, in case said city shall determine to so lease or purchase, or lease and purchase said plant, it shall have the right to do so upon the following terms, to-wit: - It shall pay to said company semi-annually as rent for said plant the sums fixed in the schedule of hydrant rentals attached hereto and made a part of this ordinance to be used in the payment of the Company's water bonds, to be credited to the payment of the principal sum of said purchase money, which said principal sum shall be ascertained as hereinbefore provided, and also pay 6 per cent

on the paid up stock of said company per annum payable semi-annually; it shall operate, maintain and control said works and obligate itself to keep the same in good condition and to renew and replace all broken, worn out, injured or damaged machinery, buildings, pipes, pumps or other material, and for the purpose of securing the performance of this obligation said company shall, during the term of said lease or contract of purchase, appoint an agent to superintend, inspect and examine said plants and represent the interest of said company at a reasonable compensation to be fixed by said company and added to the annual rentals.

Agent for Company

In case the said city of Michigan City decides to accept the option to purchase or lease said water works as provided in this ordinance, it hereby agrees and binds itself, to set aside the funds collected by said city from the citizens of said city as water rents, to the payment of the rentals herein provided, and to use the same for no other purpose whatever; provided, however, that any surplus over and above the amount annually specified to be paid as hydrant rentals, may be supplied to any other purpose as the said Council may elect.

Set aside funds for payment of Rentals.

Until the said city shall purchase, lease or contract to lease and purchase the said plant so created and constructed by the said company, the right to use, control and operate the present system of the water mains and pipes now owned by said city of Michigan City is exclusively granted to such company upon the terms and conditions herein set forth and stipulated.

Use of water mains, etc. by Company.

The said company shall supply to the city, upon the several streets and avenues in which pipes and conduits may be laid and in such cisterns and localities off the same as the city may conduct the same to such quantity of water as may be required by the City Council for public use or drainage and fire purposes, and to that end, said Company shall erect and attach as many hydrants or fire plugs as the City Council may direct, and from the same the city may draw all water necessary for the prevention and extinguishment of fires, and washing, cleaning, cooling, flushing or sprinkling the streets, pavements, gutters, alleys, sewers and public grounds, and the city may

Hydrants.

Cleaning streets.

attach to each hydrant a cock, faucet or nozzle from which water may be drawn by citizens and passers by, for persons and animals, and the company shall furnish to the citizens of said city upon the several streets and avenues in which pipes and water courses may be laid, and in such localities off the same as the citizens may conduct the water to such quantity of water as they may desire. The company shall furnish water to the city upon the terms and conditions as may be agreed upon between the city council and the company except by street rentals, which are fixed hereby. The company shall have the right to charge the city and the citizens thereof for such water as may be supplied, as much as the average price paid by other cities of the United States and the citizens thereof, of like population, that are supplied with as efficient water works, unless a less price may be agreed upon, but the company may not demand or charge a greater price. In case the company and city fail to agree upon a schedule of prices to be paid by the city and its citizens, then such schedule and rates of charges shall be ascertained, and determined by five disinterested persons, non-residents of the city, two of whom shall be chosen by the company, two by the City Council, and the fifth by the four thus chosen, and the rates so fixed shall remain in force until altered by agreement or arbitration as aforesaid, and either the city or company may demand a re-adjustment of such rates by agreement or arbitration, as aforesaid, at any time after the expiration of one year from the last preceding adjustment, but in no event shall the city be charged more for hydrants or fire plugs than the sums fixed by the schedule attached hereto and made a part hereof. The water to be supplied as in this section provided, shall be taken from Lake Michigan and not from any river or any other open stream or channel.

Price of
water supplied.

Price ascertained
by disinterested
parties.

Price of
hydrants.

Purchase of
stock by city.

Section I.

The Common Council of said city reserves the right to subscribe for and purchase as much of the stock of said company as the Common Council may elect and to hold, own and control the same for and on behalf of said city and one third of said stock shall be deemed to have been subscribed for by said city until the Common Council shall expressly determine that it will subscribe for any greater or less amount of said stock.

Rights granted
for 50 years.

Acceptance
of Ordinance.

Acceptance of this Ordinance filed in my office this
5th day of May, 1899, by certified copy of resolution adopted
by Board of Directors of Lake Michigan Water Company.
For full form of acceptance see
Record G. Page 272.

Schedule of
Hydrant Rentals.

Section XI.

This ordinance and the rights and privileges herein granted are to be in force from and after its passage and acceptance and so remain for the period of fifty years, provided, that there shall be filed in the office of the City Clerk of said city within sixty days from the date of the passage of this ordinance a certified copy of the records of said water company of a resolution of the Board of Directors of said company accepting the terms and conditions herein recited, and in case said acceptance is not filed within said sixty days then this ordinance shall be null and void, and provided further, that if at any time after the construction and completion of said works the city of Michigan City shall purchase the same under the provisions of this ordinance or in any other manner than this ordinance from the time of the completion and said purchase shall be null and void and all the rights and privileges granted said water company under this ordinance shall terminate and cease.

Section XII.

A schedule of hydrant rentals to be paid by the city of Michigan City to the Lake Michigan Water Company upon the dates and in the sums hereinafter mentioned, to-wit: -

January 1 st 1900	\$ 1,250.00	January 1 st 1910	625.00
July " "	3,750.00	July " "	3,125.00
January " 1901	1,187.50	January " 1911	562.50
July " "	3,687.50	July " "	3,062.50
January " 1902	1,125.00	January " 1912	500.00
July " "	3,625.00	July " "	3,000.00
January " 1903	1,062.50	January " 1913	437.50
July " "	3,562.50	July " "	2,937.50
January " 1904	1,000.00	January " 1914	375.00
July " "	3,500.00	July " "	2,875.00
January " 1905	937.50	January " 1915	312.50
July " "	3,437.50	July " "	2,812.50
January " 1906	875.00	January " 1916	250.00
July " "	3,375.00	July " "	2,750.00
January " 1907	812.50	January " 1917	187.50
July " "	3,312.50	July " "	2,567.50
January " 1908	750.00	January " 1918	125.00
July " "	3,250.00	July " "	2,440.00

January 1st 1891 \$687.50 January 1st 1891 62.50
 July " " 2,157.50 July " " 2,552.50

Passed April 11, 1891. Records, 3, Page 271 to 285.

552

Ordinance

Amendment.

Streets & Pavements
to protect.

(See amendment # 643.)

An Ordinance to amend section four of an ordinance entitled "An ordinance to protect the streets and pavements of the city of Michigan City, to regulate excavations therein and provide penalties for the violation of this ordinance." Passed by the Common Council of the city of Michigan City, May 5th, 1893.

Be it ordained by the Common Council of the city of Michigan City that section 4 of an ordinance entitled "An ordinance to protect the streets and pavements of the city of Michigan City, to regulate excavations therein and provide penalties for the violation of this ordinance" passed by the Common Council of the city of Michigan City May 5th, 1893, be and the same is hereby amended to read as follows, to-wit:-

Section 4.

Whenever the Common Council

shall have granted a permit to take up any pavement or crosswalks, the applicant shall file in the office of the City Clerk, an undertaking in the sum of One Hundred Dollars, to be approved by the said Clerk, binding the applicant to pay into the City Treasury the entire cost and expense of taking up the said pavement or crosswalks within five days after the completion of said work, whereupon the City Clerk shall issue a permit in writing and deliver the same to the applicant, who shall file the same with the Street Commissioner of said city together with a notice, stating the time when he desires the pavement or crosswalk taken up, the said Street Commissioner shall fix a time when it will be convenient for him to do said work, and at the time by him set, or as soon thereafter as he can perform said work, the Street Commissioner shall take up the said pavement or crosswalks and make all necessary excavations, and said applicant shall immediately proceed with the work for which said excavation was made, under

(See Ord. No. 643 Amend.) →

Permit.

Bonds.

St. Commis.

Removal of
Pavement.

Ad-
ter
the