
CHAP. 433. .

AN ACT to provide for supplying the city of Hudson with pure and wholesome water.

PASSED May 7, 1873; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Common council authorized to supply city with water.

Election to decide source from which water to be obtained.

SECTION 1. The common council of the city of Hudson are hereby authorized and empowered to supply the said city and the inhabitants thereof with pure and wholesome water; and, for this purpose, may purchase, appropriate, take and hold any real estate, property, easements, right and interests which they or the board of water commissioners, hereinafter provided for, shall determine to be necessary; and also, at an early day, to call and hold an election to decide, by a majority or plurality of votes of the legal voters of said city who are tax-payers therein, the source from which said pure and wholesome water shall be obtained; but prior to such election the said common council shall ascertain as near as may be, by causing preliminary surveys and estimates to be made, the probable cost of obtaining such

supply from each of the two sources, namely, the Hudson river and Lake Charlotte, and shall publish the results of such several estimates of cost for six days successively in each of the daily newspapers published in said city.

§ 2. The election for determining the particular source from which said pure and wholesome water shall be obtained and taken shall be held within thirty days after the passage of this act upon a previous notice of ten days published daily (Sundays excepted) in the two daily papers published in said city, and shall be conducted, so far as not inconsistent with the purposes and provisions of this act, the same as elections for raising money for special purposes are required to be conducted in and by the charter of said city; such notice shall state not only the time and place of holding said election but also the word or words to be put upon the ballots which are to be used in voting to determine the source from which said pure and wholesome water shall be obtained and taken.

Election, when to be held; notice of, etc.

§ 3. The source or place from whence said water shall be obtained or taken having been determined as aforesaid, the common council shall forthwith appoint six reputable citizens, not members of the said common council, to be and constitute "The board of water commissioners of the city of Hudson," who shall be divided into three classes of two each; the first to be appointed for one year, the second for two years, and the third for three years, and at the expiration of their several terms, and annually thereafter, two like citizens shall be appointed in the same manner for three years and until others are duly appointed in their places. If, from any cause, a vacancy occurs in said board, the common council shall forthwith fill such vacancy by the appointment of another reputable citizen, not a member of said common council, and no person being a member of the board of water commissioners shall be eligible to any office which will constitute him a member of the said common council. Such commissioners, before entering upon the discharge of the duties of their office, shall each take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk of said city; and if either neglects so to do for the period of ten days after his appointment, he shall be deemed and taken to have declined the appointment, and the common council shall forthwith appoint another or others, as the case may be, to fill the place or places made vacant by such declination and neglect to file said oath.

Board of water commissioners.

Vacancies in.

Official oath.

§ 4. The said board of water commissioners, so appointed as aforesaid, may sue or be sued under the name of "The board of water commissioners of the city of Hudson" in any of the courts of this State; and they are hereby authorized and empowered to enter in and upon any land or water for the purpose of making surveys, and to acquire for said city, as hereinafter provided, any lands or waters, easements, privileges, rights and property necessary to be owned, held and appropriated for the purposes of this act; and they shall have the exclusive control and power over, and the management of negotiating, acquiring and securing the right and title to the source or sources of said pure and wholesome water, and to all lands, easements, privileges, rights and property necessary for conducting said water to and into said city, and to use and occupy all lands, streets, highways, roads, lanes, alleys and squares of said city which it may be necessary to own, appropriate, use or occupy, for the purposes of this act, and locating and maintaining all reservoirs necessary for storing or holding said water, and of laying all main and distributing pipes through-

Powers of board.

'out said city, and of all other acts and things necessary to carry out the objects and purposes of this act.

Lands re-
quired for
the pur-
poses of
this act,
how ac-
quired.

§ 5. In case the water commissioners shall be unable to agree with the person or persons owning or having an interest in any lands, tenements or hereditaments, required by them for any of the purposes of this act, they shall apply to the supreme court at any special term thereof, held in the third judicial district, for the appointment of three commissioners to appraise the damages to the owner or owners, or those claiming an interest in said lands, waters, easements, property and privileges, which proceedings shall be had and conducted in the manner provided by the act entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April two, eighteen hundred and fifty, and acts amendatory thereof, so far as the same are applicable and not inconsistent with the provisions of this act; and on payment of the damages so assessed, as provided by said railroad act, the city of Hudson shall thereupon become seized in fee of the property, rights, easements and privileges so acquired.

Common
council to
borrow
money as
required
by com-
mission-
ers.

To issue
bonds to
be known
as "Water
bonds of
the city of
Hudson."

§ 6. The said common council shall, from time to time, as required by the water commissioners, borrow upon the credit of the city of Hudson such sum or sums of money, not exceeding in the whole two hundred and fifty thousand dollars, as shall be necessary for the purposes of this act, and upon such terms, and at such rate of interest, not exceeding seven per cent per annum, as shall be deemed for the best interests of said city, and secure the same by issuing bonds of said city, signed by the mayor and clerk, and sealed with the seal of said city and entitled "Water bonds of the city of Hudson," which shall be made of such denominations respectively and payable at such time and times as said common council shall direct, but said bonds shall not be disposed of either at public or private sale for less than par; and the money so borrowed or realized on the sale of said bonds, and all other moneys realized or collected under any of the provisions of this act, shall be paid to the city treasurer and by him placed to the credit of the "water fund of the city of Hudson," and paid out only on the order or draft of the said water commissioners, to carry into effect the provisions of this act; the common council shall annually levy and collect the sum of five thousand dollars for the purpose of defraying the expense of operating the water-works.

Board
having
com-
pleted
surveys,
etc., to
make
contracts
for work,
etc.

§ 7. The said board of water commissioners, having completed all necessary surveys, maps, plans and estimates, and having procured the necessary water and land, rights, property, easements and privileges for the purposes of this act, are hereby authorized and empowered to decide upon and to make all needful contracts and agreements in the name of said board, as to the manner in which the said city of Hudson shall be supplied with water; to determine the quantity to be supplied and where and how introduced and distributed through said city; what size or sizes of pipes, and what kind or kinds shall be employed and how laid; how many and what size and kind of reservoir or reservoirs shall be constructed; what kind of engines, pumps, apparatus or machinery are required to best carry into effect the purposes of this act. And the said board of water commissioners, their agents, servants and employees, are hereby authorized and empowered to enter in and upon any lands, waters, streets, highways, roads, lanes, alleys or squares, and build and construct and repair any buildings, reservoirs, aqueducts, docks, filterers, apparatus, machinery, engines, pumps and pipes, and to do any and all other work necessary or proper for the pur-

Entry
upon
lands,
etc.

poses of this act; and to make all necessary excavations and embankments, and lay, dig up and repair pipes and aqueducts upon any lands, waters, property, easements, rights and privileges contracted for, entered upon, purchased, owned, appropriated, taken or held by the said board, or by the said city of Hudson; but they shall restore all lands, streets, roads, highways, alleys, lanes and squares, as near as may be, to their former condition.

§ 8. Said water commissioners shall also have and possess the power:

1. To appoint by a resolution to be entered upon their minutes an officer to be denominated "The superintendent of the water-works of the city of Hudson," and all such other agents as may be necessary in order to carry into effect the purposes of this act, which said superintendent and other agents shall hold their offices during the pleasure of said water commissioners, and receive such salary or compensation for their services as the said board of water commissioners shall fix or decide upon.

Superintendent of water-works.

2. To make any and all necessary contracts to carry out the plan and plans by them determined upon, or that may be determined upon; and do, and cause to be done, any and all acts that may be necessary to take and force into or lead into and through the city of Hudson for the use of said city and of the inhabitants thereof a full and ample supply of water for all purposes as contemplated by this act.

Contracts.

3. To appoint one of their body president; also to appoint a suitable person as secretary of said board; and in case of vacancy, to fill such vacancy. Such secretary to hold his office during the pleasure of said board of water commissioners. And the said board of water commissioners may establish rules and regulations for their own government and the government of their superintendent, agents and servants; and shall prescribe the duties of such superintendent, agents and servants.

Officers.

Rules, etc.

4. To make proper rules and regulations for the use of said water, and to provide for the protection and preservation of said works and all property connected therewith, and to enact proper penalties, not exceeding fifty dollars for each offense, for the violation of any such rules and regulations. Such rules and regulations, when made, to be published for six weeks in the city official papers; and such publication shall be notice to all persons for the purposes of this act. Such rules and regulations may be enforced and the penalties enacted thereby collected in the same manner by said board of water commissioners, in the name of said board, as in the case of ordinances made by the common council of said city, and the observance of said rules and regulations may also be enforced by cutting off the use and supply of water. The penalties so collected by said board shall be paid to the treasurer of the city of Hudson to the credit of the "water fund" for the use of said board of water commissioners for the purposes of this act.

Rules, etc., for use of water, etc.

5. To establish a scale of annual rents, or fix the sum or sums of money to be paid by any corporation or corporations or individuals that may be permitted by said board to use the said water for manufacturing, railroad or other purposes; and to collect such rents or sum and sums of moneys fixed as agreed upon for the use of said water, and pay the same over to the city treasurer to the credit of said water fund for the use of said board of commissioners for the purposes of this act.

Rents.

§ 9. The said board of water commissioners shall not only have the

General powers of water commissioners.

control and superintendence of the construction of all the said water-works and work to be done by them, their agents, servants and employees as aforesaid, but the continuous supervision and directing power and authority in all matters relating to the preservation, alteration, repairing and continuance of all the work authorized under or by virtue of this act; and they shall keep a record of their proceedings and doings and of the moneys received and expended by them in a suitable book or books, and shall on or before the first day of November in each year, after the commencement of said work, make a report to the common council of their proceedings and doings, and of the moneys received and expended by them, and of the condition and progress of the work in their charge.

Connecting or supply pipes, expense of, etc.

§ 10. The connecting or supply pipes leading from the distribution pipes to the dwellings or other places to which the same shall be permitted to be led by said board of water commissioners, shall be inserted and kept in repair at the expense of the owner or occupant of the building or place to which the same shall be permitted to be led, and no pipe shall be inserted or connected with the main pipe or distributing pipe until a written permit therefor shall first be obtained from said board, a record of which permit shall be kept by said board, and all such connecting or supply pipes and fixtures shall be constructed under and according to the direction of the superintendent or authorized agent of said board; and such board and their agent or agents shall be authorized, at all times, to enter into any building or place where water is used from supply pipes, to examine as to the amount of water used and the manner of using it.

Willful injuries.

§ 11. If any person or persons shall willfully do, or cause to be done, any act whereby any work, material or property whatever, erected or used within the city of Hudson, or elsewhere, by the water commissioners, or by any person acting under their authority, for the purpose of procuring, furnishing and keeping a supply of water, shall in any manner be injured, such person or persons, upon conviction thereof, upon the complaint of said board, shall be deemed guilty of misdemeanor, and be punished accordingly. It shall not be lawful for any person to throw or deposit, or cause to be thrown or deposited, into any aqueduct, water-way, reservoir or reservoirs constructed by or under the direction of said board, any animal, dead or alive, nor any other offensive matter or thing whatever; any person offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, upon complaint of said board, shall be punished by a fine or imprisonment, or both, in the discretion of the court; such fine not to exceed one hundred dollars, and such imprisonment not to exceed the period of three months.

Offensive matter not to be deposited in any aqueduct, etc.

Commissioners not to receive compensation.

§ 12. The said water commissioners shall not receive any compensation whatever for any services to be rendered by them under the provisions of this act; but all reasonable and proper expenses by them incurred in executing their trusts as such commissioners together with the salaries of the superintendent, agents, servants and employees shall be paid by the treasurer of the city of Hudson upon the certificate and order of said board of water commissioners, out of the water fund or moneys raised, collected, appropriated or set apart under and pursuant to the provisions of this act, for the purposes of this act. And the treasurer of the city of Hudson shall keep an account with the said board, showing all moneys received to or for the use of said board, or from said board, and all moneys paid to the said board, or for or on account of said board; but he shall not pay any money to

City treasurer to keep account with board.

said board, or for or on account of said board except upon the order or draft of said board, which account with said board shall at all times be open to the inspection of said board, and said treasurer shall make a report thereof on or before the first day of November of each and every year to the common council of the city of Hudson, and as often as the common council of the city of Hudson shall require him to report to them, which report and reports shall show the situation and state of the said accounts, and of all the moneys received and paid out by him as aforesaid.

§ 13. The said water commissioners may do whatever shall by the said board be decided to be necessary to be done to secure the observance and performance of the provisions of this act, and to carry out and into full effect the purposes of this act. Any and all judgments recovered by said board, and any and all fines and penalties collected shall be for the benefit of the said city of Hudson; and any and all moneys so collected by said board, or that shall be paid to said board in settlement of any claim or claims of said board, shall be paid over by said board to the treasurer of the city of Hudson, to the credit of said water fund; and any and all recoveries, judgment or judgments against said board of water commissioners shall be deemed and held to be a recovery and judgment against the said city of Hudson only, and be paid by the city of Hudson or levied and collected out of the property of said city according to law. But any such judgment or recovery, and all proper claims, may be paid by order of said board out of said water fund, in the discretion of said board.

Judgments for fines, etc., when collected, to be credited to water fund.

§ 14. The common council of the city of Hudson shall raise annually such amount of money, by tax upon the taxable property of the city of Hudson, as shall be sufficient to pay the principal of any and all bonds issued under this act, that by the terms of said bonds shall become due and payable, together with the interest on such bonds and all bonds unpaid, and shall pay the said bonds as they fall due, and all interest due on said bonds; which amount so to be levied and collected shall be in addition to the amount that is now or shall be authorized by the charter of the city of Hudson to be raised for other purposes. And the said common council shall also have the power to raise, and shall raise at the next annual tax levy, such amount as the said board of water commissioners shall report and certify to be necessary for the use of said board for the purposes of this act, and to pay any judgment and legal claim against said board; which amount so levied and collected shall also be in addition to the amount authorized by the charter of the city of Hudson to be raised for other purposes.

Annual tax.

Next tax levy.

§ 15. The act entitled "An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water," passed April sixth, eighteen hundred and seventy-two, is hereby repealed.

Act of 1872 repealed.

§ 16. This act shall take effect immediately.