

AN ORDINANCE

To lay and collect a Water Tax within this Borough.

Whereas, the Council have, for a valuable consideration, purchased of the stockholders of the Wilmington Spring Water Company, all their right, title and interest to, and in all the property and privileges belonging to the said Company. And whereas, in such case the Charter of this Borough authorises the Council to levy a tax for the introduction of good and wholesome water:

Be it therefore ordained by the Borough Council of the Borough of Wilmington, That all buildings and all families situated and residing within 100 yards of any of the pumps or hydrants, which have been erected by the said Spring Water Company, or which may be erected by the Borough Council, shall be assessed for, and pay a Water Tax, in the manner expressed by this ordinance. And that all persons who do not dwell in a taxed house or family, shall contract with the Council for so much of the said water, as he, she, or they may have occasion to use; otherwise, he, she, or they shall be liable to all the fines and penalties which might have been legally imposed on them by the said Spring Water Company, for using the said water without permission.

Sec't. 2. And be it ordained, That the Borough assessor for the time being, shall, annually, when he assesses the property of the Borough carefully ascertain what buildings and families may be situated and residing within the precincts aforesaid, and shall assess the same in a water tax, according to the best of his judgment; he taking into consideration the proximity of the water, and the benefit and use which the buildings or families might, or would probably receive from it in case of fire, and for ordinary purposes—provided that no building shall be assessed more than 4 cents, nor less than 2 cents on every hundred dollars of the real value of such building; nor more than 10 dollars, nor less than one dollar for each family per annum, except in cases of extensive manufactories requiring much water, when the matter shall be left open for contract, on motion of either of the parties.

Sec't. 3. And be it ordained, That the assessor aforesaid, shall publish the assessment of the water tax, at the same time, and in the same manner and place, that he publishes his other assessment: and the same time and mode of appeal and redress shall be granted to those who may think themselves aggrieved in the assessment of the water tax, as are granted and secured to appellants in cases of the ordinary Borough tax; and the collector is hereby authorized and required to collect the said water tax, as other taxes are collected, and pay the same over to the treasurer, for the use of the Borough.

Sec't. 4. And be it ordained, That on complaint being made in writing to the Borough Council, by the superintendant of the Water Works, or any other inhabitant of the Borough, that any person has wilfully, or negligently caused the said water to be wasted, or suffered any of his or her family to do so, the presiding Burgess in Council, shall summon the complainants or their witnesses, and the person or persons complained of before them; and if the charge aforesaid be made out to the satisfaction of the Council, they shall impose a fine on the person or persons, so convicted, in any sum not exceeding three dollars, with costs of suit, for each and every such offence as aforesaid; and the presiding Burgess shall cause the same to be collected for the use of the Borough, in the same manner that other debts of the like amount are recoverable by law.

Sec't. 5. And be it ordained, That should any dwelling-house be unoccupied at the time of assessing the taxes, and should such houses afterwards become occupied by persons not previously taxed before the next assessment, the principal of the occupying family shall, before any of his or her family use of the spring water belonging to the Borough, make application to and contract with the assessor of the Borough for the said water, otherwise, he, she, or they shall be liable to prosecution as aforesaid; and in case of contract the assessor shall make a report thereof to the Borough collector.

Sec't. 6. And be it ordained, That all rights and privileges heretofore vested in the Wilmington Spring Water Company, and which are not supplied by this ordinance, shall be and remain in full force and virtue for the benefit of this corporation.

Passed the 4th of June 1810.

JAMES WILSON,

Clerk pro tem. of the Borough Council.