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ORDINANCES

OF THE

CITY OF LAFAYETTE

INDIANA, 1905.

AND

STATUTES OF THE STATE APPLICABLE THERETO.

INCLUDING LISTS OF PRESENT CITY OFFICERS, BOARDS AND STANDING
COMMITTEES, A ROSTER OF CITY OFFICERS AND MEMBERS OF COUN-
CIL FROM 1853 TO 1905, INCLUSIVE, A TABLE OF ANNUAL TAX
LEVIES FROM 1853, BUILDING LINES OF VARIOUS STREETS,
STANDING RULES AND ORDERS OF THE COMMON
COUNCIL, RULES AND REGULATIONS FOR THE
GOVERNMENT OF THE WATER WORKS,
FIRE DEPARTMENT, METROPOLITAN
POLICE FORCE, AND THE BOARD
OF PUBLIC IMPROVEMENTS
IN THE CONSTRUCTION
OF BUILDINGS.

REVISED AND COMPILED BY
GEORGE P. HAYWOOD, CITY ATTORNEY,

ASSISTED BY
CHARLES A. BURNETT.

*Prepared and Published by Order of the Common Council of the
City of LaFayette, Indiana.*

Gov't,
LAFAYETTE, INDIANA.
1905.

other necessary appliances in, through, under, and over the same: *Provided,*

First: That said streets, sidewalks, thoroughfares and public grounds shall not be unnecessarily and continuously obstructed.

Second: That such poles and lines shall be kept in good and safe repair, and that such poles shall be erected only at the intersection or corners of streets, and on the line of contiguous lots, or as near thereto as possible.

Third: That the grantees herein shall commence to erect and operate and maintain such electrical apparatus as above stated, within the next six months after the passage of this ordinance, or the authority herein granted shall be null and void.

Fourth: That the grantees herein shall file with the city clerk a proper bond, of sufficient surety, in the sum of ten thousand dollars, indemnifying the city against any damage to which the city be rendered liable by reason of any negligence on the part of the grantees in erecting said poles and wires, and in maintaining the same.

Fifth: That the city shall have the right at all times to determine all questions concerning the location and manner of placing poles and concerning their safe repair.

Sixth: That the said grantees herein, or their assigns, shall comply in all respects with the ordinance creating a board of public improvements, and defining its power, etc., adopted by the common council of the City of LaFayette, Indiana, January 11, 1897, and all the rules and regulations now made, or which may hereafter be made, governing said board of public improvements, and all amendments to said ordinance, creating said board of public improvements which may at any time hereafter be made.

Sec. 2. *Provided,* that nothing in this ordinance shall be construed so as to give or grant any right or privilege to the exclusion of any other grant that said common council shall hereafter make, the right of said common council to give and grant like privileges to any other party being hereby reserved.

MERCHANTS ELECTRIC LIGHT ASSOCIATION HOT WATER HEATING FRANCHISE.

AN ORDINANCE granting to the Merchants Electric Light Association of LaFayette, Indiana, a franchise for a hot water plant for hot water heating, and the right to construct, maintain and operate all proper and necessary appliances in the streets, alleys, and public grounds in the City of LaFayette for a system of heating water and conveying the same for heating and other purposes to any and all buildings in said city, and granting the

privilege of vending said hot water to the inhabitants of said city, and providing the conditions upon which the privileges thereby granted may be exercised.

[Adopted April 14, 1902.]

Section 1. Be it ordained by the Mayor and Common Council of the City of LaFayette, Tippecanoe County, Indiana, that permission and authority are hereby granted to the Merchants Electric Light Association of LaFayette, Indiana, a corporation duly organized under the laws of the state of Indiana, and having its principal office in said City of LaFayette (herein designated as the grantee), to erect, construct, maintain and operate in said City of LaFayette a hot water heating system, and for that purpose permission and license is hereby granted to the said grantee, and its assigns, to lay and maintain mains and pipes and all other proper and necessary appliances, in, and along and across the streets, alleys, avenues, roads and public grounds in the corporate limits of said city, and also to sell and vend such hot water heat to any person, firm, or corporation in said city: *Provided*, that such erection, construction, maintenance, operation and vending shall in all respects conform to the laws of the state of Indiana, to this ordinance and the general ordinances of said city applicable thereto as they now are, or may hereafter be made.

Sec. 2. The rights, privileges and franchises hereby granted shall be vested in the said grantee and its assigns for and during the period of thirty years after the due and legal passage and approval of this ordinance upon the condition that the said grantee, and its assigns, shall comply fully with all the provisions in this ordinance set forth.

Sec. 3. Whenever the said grantee, or its assigns, shall desire to construct or lay in any street, alley, avenue, road, or other public ground in said city any pipe, main, or other apparatus, said grantee, or its assigns, shall make application therefor in writing to the common council of said city, which application shall state the character, kind and location of such pipe, main, or other apparatus desired to be laid or constructed, whereupon said common council shall determine the streets and alleys on which said pipes and mains shall be laid, and on which side of such street or alleys the same shall be laid; it being expressly provided that said grantee shall, wherever practicable, use the alleys in said city for its mains and pipes.

Sec. 4. All work done by said grantee, or its assigns, under the rights and privileges conferred by this ordinance shall be done in a careful and workmanlike manner and so as to not permanently interfere or obstruct the convenient use and travel by the public upon and along that portion of the street, alleys and other public grounds, in which such work is being conducted, or in any manner whatever to interfere with any drain, sewer, waterpipe, gas, or

other pipe which has been constructed by or under the authority of said city.

Sec. 5. The said grantee, or its assigns, shall not open or incumber more of any street, alley, or other public ground in said city at any one time than may be necessary to enable it to proceed with the work to be done nor more than shall have been previously authorized by a permit previously obtained, as provided by section three of this ordinance. All excavations made in pursuance of the rights herein granted shall at all times be kept and maintained with sufficient and proper guards and lights to render the same secure and free from danger, and no excavations shall be permitted to be or remain in any street, alley, avenue, or other public ground in said city for a longer period than is necessary to properly construct, lay, or repair said pipes, mains, or other apparatus; and in no event shall travel be stopped on any street in said city a greater distance than one square at a time, nor for a longer period than ten days.

Sec. 6. Whenever the said grantee, or its assigns, shall open ground in accordance with the rights herein granted, after placing the pipes, mains, or other apparatus for which such excavation was made, said grantee, or its assigns, shall at once restore the pavement, sidewalk, alley, or street to the same condition as before such excavation was made and to the satisfaction of the civil engineer and common council of said city, and shall thereafter cause any and all defects to be repaired to the satisfaction of the common council caused by any such excavation or any such use. If the said grantee, or its assigns, shall fail to do any of the work or fulfill any of the conditions required by this section, or to the satisfaction of the common council, the same may be done by said city and said grantee, or its assigns, shall be liable for and pay to said city the cost thereof.

Sec. 7. Whenever said grantee, or its assigns, shall desire to relay or repair any pipe or main previously laid in pursuance of the rights herein granted, the same shall be done under all the restrictions and subject to the same approval and condition herein contained in relation to the original construction.

Sec. 8. The said grantee shall have the right to tap, or connect with, any public sewer in any street, alley, or public place occupied by any of the pipes, mains, casings, or appliances of the grantee for the purpose of draining such pipes, mains, casings, and appliances and the trenches in which they are laid, *provided*, plans and specifications showing where and how such tapping or connection shall be made have been first filed with said engineer and a permit issued therefor; all of which work shall be done under the supervision of such engineer and committee on streets.

Sec. 9. The said grantee, or its assigns, shall indemnify and save harmless said city against any and all damages, judgments, or decrees, and the costs and expenses which it may suffer or become

liable for resulting from the passage of this ordinance, or from the exercise of the rights and privileges herein granted; and in no case shall the said grantee, its successors or assigns, be entitled to any damages from or against said city which may result from its mains, pipes, or other apparatus being injured or interfered with by reason of, or growing out of, work being done or improvements being made by said city, its officers or agents.

Sec. 10. Whenever any inhabitant of said city shall make application to the said grantee, or its assigns, for hot water to heat any building, room, or rooms, situate on any street, alley, avenue, or other public ground in said city, in which at the time of such application pipes or mains have been laid under the provisions of this ordinance, and such inhabitant is ready and willing to pay the lawful charges for such hot water heating, then said grantee, or its assigns, shall, with as little delay as possible, deliver to him at such building, room, or rooms such hot water to heat the same.

Sec. 11. It is further provided that any consumer whose radiation is sufficient, under the regulations of the company, and to whom insufficient heat is supplied to maintain uniformly a maximum temperature within the room where said radiation is supplied of seventy-two degrees Fahrenheit, there shall be allowed by said company, from the charges against said consumer, a discount justly proportioned to the loss in temperature below said maximum; *provided, however*, that there shall be no charge against such consumer for such time during the months of October, November, December, January, February, March and April, when such temperature shall fall below sixty degrees Fahrenheit, and *provided, also*, that such discount shall not be required where the company has not been notified in writing of such insufficiency of heat and given an opportunity to discover the cause, and if due to the company's service to remedy the same, nor shall it be required where the cause is due to the violation of the company's rules or to any fault of the consumer.

Sec. 12. It is agreed that the annual rate which the grantee may charge to the consumers of heat supplied by it shall not exceed seventeen cents per square foot of radiating surface in use by any consumer; said charge to be divided and payable as follows: Fifteen per centum on October first; fifteen per centum on November first; twenty per centum on December first; twenty per centum on January first; fifteen per centum on February first; and fifteen per centum on March first.

Sec. 13. The charges made for said hot water heating shall at all times be uniform; and the said grantee, or its assigns, shall at no time charge any inhabitant of said city more per square foot of the radiating surface of the radiator or radiators in his building, room, or rooms to be heated than it charges every other inhabitant of said city to whom it shall at the same time furnish hot

water for heating purposes. This section shall not apply to school houses and other buildings in said city belonging to the public, or heated by the public.

Sec. 14. Said grantee, or its assigns, shall commence the installation of said hot water heating system within ninety days after the adoption of this ordinance, and shall lay at least one mile of pipe line and have the same ready to furnish hot water heat to the inhabitants of said city by the first day of November, 1902; and in case of failure to do so, the rights, privileges and franchise by this ordinance granted shall lapse and become null and void, strikes and the acts of God excepted.

Sec. 15. Within ten days after the passage of this ordinance and the approval of the same by the mayor of said city, said grantee, or its assigns, shall file with the clerk of said city a written acceptance of its provisions, and within ninety days thereafter, and before work is commenced, shall file with said clerk a good and sufficient bond, in the penal sum of ten thousand dollars, with sureties to the approval of the common council of said city, conditioned upon the full and faithful performance by the said grantee, or its assigns, of all and singular the obligations by this ordinance imposed upon said grantee or its assigns.

Sec. 16. This ordinance shall take effect and be in full force from and after its passage and approval and its acceptance and the filing of the bond as provided in section fifteen.

MILK AND MEAT INSPECTION ORDINANCE.

AN ORDINANCE providing for a milk and meat inspector for the City of LaFayette, fixing his compensation, defining his duties and powers, regulating milk and meat supplies and their distribution, regulating unsanitary conditions, repealing conflicting ordinances, and providing penalties for the violation of the provisions of such ordinance.

[Adopted October 24, 1900.]

Section 1. Be it ordained by the Mayor and Common Council of the City of LaFayette, that the position of milk and meat inspector is hereby created, whose appointment shall be made by the common council; that upon the adoption of this ordinance such inspector shall be appointed and shall serve until the first regular meeting of the common council in January, 1902, and thereafter at the first regular meeting of the common council in January of each year there shall be appointed by the common council a milk and meat inspector to serve for the period of one year. Such inspector shall not be removed without cause; but may be removed by a majority vote of all the members of the common council for