

CATALOGUE OF CITY GOVERNMENT,

From April, 1839, to August, 1875.

1839.

MAYOR — RODOLPHUS BENNETT.

TRUSTEES.

A. C. Donaldson,	Jonathan W. Parker,
D. C. Eldridge,	John Litch,
John Forrest,	John Owens.
Frazer Wilson, Recorder.	
James M. Bowling, Treasurer.	
George Colt, Marshal.	

1840.

MAYOR — JOHN H. THORINGTON.

TRUSTEES.

John Forrest,	George L. Davenport,
Jonathan W. Parker,	Seth F. Whiting,
William Nichols,	* Strong Burnell.
Frazer Wilson, Recorder.	
James M. Bowling, Treasurer.	
Wm. B. Watts, Marshal.	

* Appointed in place of WILLIAM NICHOLS, who died in September, 1840.

CHAPTER 59.

WATER WORKS.

AN ORDINANCE to provide for the supply of water for domestic use and fire protection.

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| <ol style="list-style-type: none"> 1. Exclusive franchise granted. 2. Right to use streets, &c., granted. 3. Streets not to be unnecessarily obstructed. Laying of pipes to correspond with grades of streets. Streets to be repaired. 4. City may repair streets if company fails. Company charged with expense. 5. Pipe to be laid, within what time. 6. Miles of main pipe to be laid. Size of pipes. 7. Pipe laid, in what streets. 8. Pipe to be extended on request of Council. When Council may not direct. | <ol style="list-style-type: none"> 9. Character of machinery to be used. Quantity of water to be thrown. 10. Number of hydrants to be located. Quality of hydrants to be used. 11. Rental to be paid by city for hydrants. 12. Water rates. Exempt from municipal taxes. 13. City reserves right to purchase. Terms of purchase, how settled. 14. City to pass ordinances for protection of water works. 15. Ordinance to be deemed a contract. 16. Water rates restricted. |
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Be it enacted by the City Council of the City of Davenport :

SECTION 1. That there is hereby granted to Michael Donahue and his associates, who shall organize as a corporation under the laws of the State of Iowa, under the name of the Davenport Water Company, its successors and assigns, the exclusive privilege for twenty-five years, and an equal privilege thereafter with all others, of supplying the citizens of said city with water, to be taken from the Mississippi river at such point above the old railroad bridge as will best secure an abundant supply both for domestic use and fire protection, said water to be taken out of the river at such distance from the shore as will secure pure water for domestic use.

SEC. 2. *Be it further enacted,* That the said Davenport Water Company, its successors and assigns, shall have, during said term, the right to use any street, lane, or alley in said city for the purpose of laying down cast iron pipes, service pipes, or other fixtures for the conveyance of water and distribution of the same to the citizens thereof.

SEC. 3. *Be it further enacted,* That during the laying down or placing of said pipe and other fixtures through said

streets, lanes, or alleys, no unnecessary obstructions shall be permitted by said City Council or by said company, and in laying said street mains, all pipe shall conform to the grade established by the said city, so that on the completion of said work no obstruction of pipe or other material shall prevent the free use of said street, lane, or alley; and for the purpose of repairing said pipes at any time the said company shall have the right, whenever necessary, to disturb any street, lane, or alley, or sidewalk, but shall repair the same with the materials so disturbed, making the same in as good condition as before said pipes were laid.

SEC. 4. *Be it further enacted*, That in case said company refuses or neglects to repair said streets, lanes, alleys, or sidewalks within a reasonable time after said work is completed, and having been duly notified of such neglect by the proper officers of said city, the Council may direct the necessary repairs of said streets, lanes, alleys, or sidewalks to be made at the expense of said company, and said company shall be responsible for all damages sustained by any person by reason of the negligence of its servants or employes while constructing and operating said works as above stated.

SEC. 5. *Be it further enacted*, That the said company shall upon their acceptance of the terms of this ordinance, proceed to make the necessary contracts for machinery, pipes, etc., all to be made and delivered, and there shall be at least seventeen miles of pipe laid and the works be in full operation on or before the first day of January, A. D. 1874, and three miles more on or before the first day of January, A. D. 1875.

SEC. 6. *Be it further enacted*, That in the system of pipes for distribution of water said company shall lay down on or before said first day of January, A. D. 1874, not less than seventeen miles, and on or before the first day of January, A. D. 1875, not less than three miles more of main pipe, to be designated by said city, of sufficient diameter to deliver the requisite amount of water for domestic supply and fire

protection, and the pipes shall be so arranged as to secure the best results, both as to economy in operating, as well as general distribution, for the present as well as for the future.

SEC. 7. *Be it further enacted,* That said main pipe to be laid by said company to an extent of not less than twenty miles, as provided in the sixth section of this ordinance, shall be laid in the following portions of this city, to wit: Commencing at Severn's brewery on the river road, thence running west on Front street to intersection of Third street, thence west along said Third street to the western limit of said city.

On Second street from Farnam street to Harris street.

On Front street from Rock Island street to Western avenue.

Fourth street from Du Page street to Warren street, five thousand six hundred feet; Fifth street from Le Claire street to Littig's brewery, six thousand six hundred feet; Sixth street from Farnam street to Fillmore street, seven thousand six hundred and sixty-six feet; Seventh street from Warren street to a point two hundred feet west of De Soto, one thousand six hundred feet; Federal street from Front street to Farnam street, one thousand one hundred and fifty feet; from Oneida avenue to Tremont avenue, eight hundred feet; on Front street from Severn's brewery to East Davenport, at Frey's blacksmith shop; Bridge avenue from Front street to Third street, one thousand one hundred feet; College avenue from Front street to Fifth street, Fulton's addition, one thousand seven hundred feet; Fourteenth or Fifteenth streets, from College avenue to Ripley street, four thousand nine hundred and thirty-five feet; Second street, Fulton's addition, from Bridge avenue to Mississippi avenue, one thousand and forty feet; Third street, Fulton's addition, from Bridge avenue, east, six hundred and fifty-six feet; Fourth street, Fulton's addition, from College avenue to Mississippi avenue, six hundred and forty feet; Farnam street from Fourteenth street to a point one thousand feet north of Locust street, two thousand

five hundred feet; Perry street from Seventh street to Sixteenth street, three thousand three hundred and thirty-five feet; Brady street from Seventh street to the Fair Grounds, five thousand four hundred and eighty feet; Main street from Seventh street to Locust street, three thousand seven hundred and fifty-four feet; Harrison street from Eighth street to Locust street, three thousand seven hundred and fifty-four feet; Ripley street from Twelfth to Sixteenth streets, one thousand four hundred and thirty feet; Eighth street from Western avenue to Vine street, two thousand seven hundred and fifty feet; Twelfth street from Perry street to Le Claire street, one thousand two hundred feet; Eleventh street from Perry street to Le Claire street, one thousand two hundred feet; Tenth street from Rock Island street to Farnam street, one thousand two hundred feet; Farnam street from Tenth street to Seventh street, one thousand two hundred feet; Iowa street from Eleventh street to Tenth street, four hundred feet. Total, thirty-eight thousand six hundred and seventy feet.

Second street, East Davenport, from Spring street, one thousand two hundred feet; Mound street between Main street and Third street, seven hundred feet; Third street from Mound street to Eastern avenue, one thousand three hundred and sixty-five feet. Grand total, ninety-two thousand five hundred and sixty-eight feet.

On Gaines street from Sixth street to Eighth street, and at such other places connected with the above, sufficient to make not less than twenty miles in all, shall be designated by the City Council, but the company shall not be required to lay pipes in any part of the abovenamed streets that are not within two feet of grade.

SEC. 8. *Be it further enacted*, That the said company, its successors or assigns, shall extend such mains and pipes to any part of the said city when requested so to do by resolution of said City Council; provided, that said Council shall not direct said company to extend said mains and pipes beyond the limits occupied by said twenty miles of main

pipes, except there shall be upon the street asking such extension, at least six tenements for every four hundred feet on an average of such extension, the occupants of which tenements shall first agree in writing to use and pay for water furnished said tenements by said company.

SEC. 9. *Be it further enacted*, That in the construction of said works machinery shall be used of such character and capacity as will furnish the necessary supply of water, except unusual and unavoidable casualties, for domestic use and fire protection along said lines of mains. And that at all times in case of fire a sufficient pressure shall be kept up for fire protection to throw six streams simultaneously out of one-inch nozzles, one hundred and fifty feet below or one hundred feet on the Bluffs.

SEC. 10. *Be it further enacted*, That there shall be located on the line of said twenty miles of mains, at such points as may be designated by the City Council, at least two hundred and forty suitable fire hydrants, and others when needed, with double discharge nozzles of the most approved make, and on all extensions of said mains there shall be located at least twelve hydrants to the mile, or a greater number if required, which hydrants are to be provided and maintained by said company, and to be connected with the street mains, and in said connection a suitable valve or stop cock shall be placed to disconnect the water in the main from the hydrants; also, valves shall be used in the mains at such points as will controll the water properly in distribution.

SEC. 11. *Be it further enacted*, That during the first term of five years of this charter, for each fire hydrant located as hereinbefore provided, and of which said city shall at all times have the free and unobstructed use for fire purposes, the city shall pay to said company an annual rental of eighty dollars; for each of said hydrants for the next term of five years, an annual rental of seventy dollars; for each of said hydrants for the term of five years next thereafter, an annual rental of fifty dollars; and thereafter, during the

existence of this charter, an annual rental of forty dollars for each of said hydrants, payments to be made semi-annually; the rent for said hydrants to commence as soon as said two hundred hydrants are ready for use.

SEC. 12. *Be it further enacted*, That said company shall, during the life of this grant, furnish water free of charge to all public schools, and to all buildings in said city owned and used by the city, (except public baths,) and for fountains in each of the public parks therein, and at not less than three places in said city for public watering troughs, to be located by the city. But for all water used for other purposes (except for fire and domestic use) the said city shall pay the same rates as for domestic use, and said rates, whether for domestic or otherwise, shall be established at a uniform price for one thousand gallons as near as practicable. And in consideration of the foregoing provisions, the said company, during the term of twenty-five years, shall be exempt from all municipal taxation on the franchise hereby granted, and all property owned by said company, and actually required for the economical management of the works aforesaid.

SEC. 13. *Be it further enacted*, That in consideration of the rights and privileges granted said company, the said city reserves to itself the right, at the expiration of fifteen years from the date hereof, to take from the company the entire work at a valuation to be then agreed on in the following manner, to-wit: By giving notice in writing one year before the expiration of the fifteen years of such intent, whereupon said city shall appoint two appraisers, said company shall appoint two appraisers, and the four so chosen shall select a fifth, the five so constituted shall proceed to value all machinery, pipes, buildings, franchises, and material on hand, then belonging to said company, and the decision of a majority shall be binding both on the city and company, and on the payment of the amount so determined, the company shall at once deliver to said city all of said property. Should the city fail or neglect to notify at

or before the time required, the same right shall be extended at the end of each five years, thereafter, until the expiration of said grant, when the same method shall be adopted for the valuation of the machinery, buildings, pipes, franchises, and material on hand, provided, that if said city shall purchase said works at the end of twenty-five years, the franchises granted said company herein shall not be appraised, and shall not be considered by said appraisers in fixing the amount which said city shall pay for said works.

SEC. 14. *Be it further enacted*, That on or before the completion of said works, or at any time during the ownership thereof, the city shall pass and enforce all ordinances, penal or otherwise, as may be required, and as is usual in similar circumstances, for the protection of the property and rights of said company.

SEC. 15. This ordinance, when accepted by the said water company, shall constitute and be regarded as a contract between the said City of Davenport and the said water company, and shall not be subject to amendment or repeal, as provided in section one of chapter fifty-four, of the revised ordinances. (Now chapter 65.)

SEC. 16. *Be it further enacted*, That the rates to be charged by said water company for water shall not exceed those charged in other cities similarly situated.

NOTE.—Passed, December 4, 1872.

CHAPTER 60.

WATER WORKS—PROTECTION OF.

AN ORDINANCE providing for the management of the property, and protection of the rights, of the Davenport Water Company.

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| 1. Opening of hydrants prohibited. | 4. Injury to property punished. |
| 2. Duty of persons introducing water to private premises defined. | 5. Persons using water to keep hydrants taps, &c., closed. |
| 3. Water Company to attach service pipes; plumbers not to drill mains, &c., except, when. | 6. Penalty for violating ordinance. |