

# THE OSKALOOSA HERALD.

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OSKALOOSA, MAHASKA CO., IOWA.

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Leighton, Lee & Leighton Bros.

Editors and Proprietors.

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THURSDAY, NOVEMBER 6, 1879.

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## ORDINANCE No. 69.

AN ORDINANCE to provide a supply of water to the inhabitants of Oskaloosa for fire protection and domestic use, and granting certain rights and privileges to Coverdale & Cowell, their successors and assigns in relation thereto.

*Be it ordained by the City Council of the City of Oskaloosa, Iowa.*

SECTION 1. That there is hereby granted unto Messrs. Coverdale & Cowell, of Cincinnati, Ohio, their successors and assigns the privilege for twenty years, and an equal right with all other persons thereafter, of supplying the city of Oskaloosa with water to be taken from South Skunk river at such point as will best suit the objects and purposes of said Coverdale & Cowell, their successors and assigns, to whom this privilege is granted, and the water so furnished to said city is to be taken from the main channel of the river and to be well and thoroughly filtered through a filter of sufficient capacity to filter all water needed for domestic purposes, and similar to the one at Keokuk, Iowa; except in case of an extensive fire, they, their successors and assigns, may use unfiltered water if necessary, to extinguish such fire.

SEC. 2. For the purpose of laying down pipe and other fixtures for the conveyance of water and distributing the same to the city and inhabitants thereof, the said Coverdale & Cowell, their successors and assigns, shall have the right during said term of twenty years, to use any street, avenue, lane, square or sidewalk, subject only to the reservations and conditions hereinafter contained.

SEC. 3. That in laying down, placing or repairing at any time of said pipes and other fixtures through said streets, avenues, lanes, alleys, squares, or sidewalks, no unnecessary obstructions shall be permitted by said city, or by Coverdale & Cowell, their successors and assigns. And in laying down the street mains and their connections the pipes shall conform to the established grade of said city, so that when completed no obstruction of pipe or other material shall prevent the free use of any street, avenue, lane, or sidewalk, but the said Coverdale & Cowell, their successors and assigns, shall have the right for the purpose of repairing said pipes whenever necessary to disturb any street, alley, avenue, lane, or sidewalk, but in all such cases they, their successors and assigns, shall, with due diligence, replace and restore the same in as good condition, as far as possible, as it was before the pipe was laid or repaired.

SEC. 4. That in case said Coverdale & Cowell, their successors and assigns, shall neglect or refuse to replace and restore said streets, avenues, lanes, alleys, squares and sidewalks within a reasonable time after the work of laying down or repairing of pipes has been completed, they, their successors and assigns shall be notified by the mayor or marshal of said city, and in case the same shall not be replaced or restored by them, their successors and assigns within a reasonable time, then the city council of said city may direct the same to be replaced and restored at the expense of said Coverdale & Cowell, their successors and assigns, and the said Coverdale & Cowell shall be liable for any and all damages, either to person or property, by reason of such refusal or neglect.

SEC. 5. The said Coverdale & Cowell, their successors and assigns, shall be liable to any and all persons for all damages sustained by any person or persons, either to person or property, by reason of the negligence, mismanagement or fault of themselves, their successors or assigns, or their servants and employes in the construction and operation of said works for a supply of water as aforesaid. And should the city be sued therefor in any case arising under this or the preceding section, the said Coverdale & Cowell, their successors and assigns shall have legal notice of said suit, and thereupon it shall be the duty of said Coverdale & Cowell, their successors and assigns, to defend said suit or settle the same, and should judgment go against the city in such case, it shall recover from said Coverdale & Cowell, their successors and assigns, the amount of said judgment with all costs and expenses incurred in defending the

SEC. 5. The said Coverdale & Cowell, their successors and assigns, shall be liable to any and all persons for all damages sustained by any person or persons, either to person or property, by reason of the negligence, mismanagement or fault of themselves, their successors or assigns, or their servants and employes in the construction and operation of said works for a supply of water as aforesaid. And should the city be sued therefor in any case arising under this or the preceding section, the said Coverdale & Cowell, their successors and assigns shall have legal notice of said suit, and thereupon it shall be the duty of said Coverdale & Cowell, their successors and assigns, to defend said suit or settle the same, and should judgment go against the city in such case, it shall recover from said Coverdale & Cowell, their successors and assigns, the amount of said judgment with all costs and expenses incurred in defending the same, and the record of the judgment against the city shall be conclusive evidence in the cause to entitle them to recover in any such suit against said Coverdale & Cowell, their successors and assigns.

SEC. 6. The said Coverdale & Cowell, their successors and assigns, shall within thirty days after the acceptance in writing of the privilege granted by this ordinance, proceed without delay to make suitable arrangements for carrying out the purpose of this privilege, and shall lay down before the first day of January, A. D., 1880, unless prevented by circumstances over which they have no control, not less than eight miles of main pipes of sufficient capacity to deliver the requisite amount of water for fire protection and domestic supply. The pipe leading from the pumping house to the summit of the hill to be twelve inches inside diameter, and from the summit of the hill to the intersection with High street in Oskaloosa to be ten inches inside diameter, remainder to be eight inches and four inches inside diameter; and there shall be located on said main pipes in said city limits *forty-five* double discharge fire hydrants with stops, valves and other appendages, in full operation at such points as the city council may designate, and the hose attachments are to be made to fit the hose now in use in the city of Oskaloosa. The hydrants are to be provided and maintained by Coverdale & Cowell, their successors and assigns and are to be connected with the street mains, but the connections of the hydrants with the mains are to be considered main pipe, and there shall be attached to the main pipes suitable valves to shut off the water from any line of pipe if found necessary. It is further provided that the said city council may from time to time by ordinance or resolution, require the said Coverdale & Cowell, their successors and assigns, within a reasonable time, not to exceed in any case ninety days, to extend said mains and pipes to other parts of the city. The extension to be from the terminus of the mains or from the intersection of any two streets as the case may require; provided that no such extension shall be required by said city as aforesaid, unless there shall be an average of not less than six tenants on each four hundred and fifty-one feet of main pipe, so ordered to be laid, who will take, use and pay for the water thus furnished by such extension; in which case the city shall pay the sum of fifty dollars for each hydrant to be located on such extension; but the hydrants on such extension shall be located not less than four hundred and fifty-one feet apart.

SEC. 7. That during the life of the privilege herein granted, in consideration of the benefits to said city, and to the inhabitants thereof, to be derived from the construction and operation

of water works within the city limits, said city shall pay unto said Coverdale & Cowell, their successors and assigns, for the first forty-five fire hydrants an annual rental of four thousand dollars, until May 1st, 1881, to be paid semi-annually; and during the life of the privilege herein granted, after May 1st, 1881, the annual rental is to be four thousand two hundred and fifty dollars, to be paid semi-annually.

The rent for said forty-five hydrants shall commence as soon as they are all ready for use, and furnish the requisite amount of water for fire protection; and for all fire hydrants furnished the city in excess of forty-five, the annual rental shall be fifty dollars each; and the rent for any such additional fire hydrants shall commence as soon as they are ready for use, and be paid at the same time as that for the first forty-five hydrants furnished; but it is provided herein, that during the life of the privilege herein granted, that the said Coverdale & Cowell, their successors and assigns, shall furnish water free of charge to all the public schools of said city, and to all other buildings used exclusively for city purposes, and for 1 fountain and 2 watering troughs to be located by said city council; the pipes and fixtures therefor to be furnished by the city and the independent school district of Oskaloosa. And it is provided further that no charge is to be made for water to cleanse public sewers; provided that no more than one one inch stream be used one hour each day for each sewer; and for exhibition of the fire department of said city.

SEC. 8. The said Coverdale & Cowell, their successors and assigns shall cleanse the mains and pipes at least once in each month.

SEC. 9. In consideration of the rights and privileges herein granted to said Coverdale & Cowell, their successors and assigns, and the annual rental to be paid for the fire hydrants as aforesaid, the said Coverdale & Cowell, their successors and assigns, shall give at all times unto said city the free and unobstructed use for fire purposes, of any and all the fire hydrants located and maintained as aforesaid; and the said city, by its proper officers and employes, shall have the right at all times, for the purpose of extinguishing fires, to take water from said hydrants, without costs or charges to said city except the annual rental as aforesaid. The said Coverdale & Cowell, their successors and assigns, shall construct and maintain an efficient fire alarm communication between said city and the pumping works on Skunk river; city to pay one-half expense for constructing and maintaining same; and in case an alarm of fire is given in the city, communication shall at once be made to the pumping works and they, their successors and assigns, shall cause a pressure to be kept up at the hydrants in use sufficient to throw, if necessary, six streams of water, simultaneously out of one inch nozzles, a horizontal distance of one hundred and twenty-five feet, except at a time of unusual and unavoidable casualties. And in the construction of said water works, the machinery and other fixtures shall be manufactured by the Holly Manufacturing Co., of Lockport, New York, and shall be duplex engines and pumps, and shall have two separate boilers, capable of delivering into the mains two million gallons of water every twenty-four hours, or be able to throw if necessary, six streams of water out of one inch nozzles eighty feet high, when the water is taken from hydrants located on the eight and six inch mains, or four streams of water out of one inch nozzles eighty feet high, when water is taken from hydrants on six and four inch mains, and the machinery used in the construction of said water works shall be capable at all times of complying with the requirements of this ordinance in time of fire over and above the ordinary water supply, and keep up a minimum pressure at all times of thirty pounds per square inch at the hydrants located in said city.

SEC. 10. The said Coverdale & Cowell, their successors and assigns, by their agents and employes, shall have the right to enter upon the premises of any private consumer or consumers of water, for the purpose of examining the pipe and fixtures of such consumer or consumers; and for the purpose of ascertaining whether or not a proper use is being made of the water furnished; and when they find the water to be improperly used or wasted, on refusal to remedy the defects causing the wastage, or on a failure to use the water in a proper manner, the said Coverdale & Cowell, their successors and assigns shall have the right to shut off the water until such defects are remedied, or satisfactory assurance is given that the water will be properly used; and they, their successors and assigns, shall have the right to shut off water from the mains or distributing pipes for a reasonable length of time for the purpose of laying down extension pipe or for repairs; and they, their successors and assigns are hereby authorized to condemn and appropriate to their own use, in such manner as the law permits so much private property as shall be necessary for the construction and operation of said water works, upon paying all costs and charges pertaining to the same.

SEC. 11. Any person, except the officers and employes of said city, for the purposes hereinafter enumerated, who shall, without authority from said Coverdale & Cowell, their successors and assigns, turn water on the fire hydrants; or any person who shall place any obstruction so near any fire hydrant as to interfere with the free use of the same, shall be deemed guilty of a misdemeanor, and on conviction before any court of competent jurisdiction, shall forfeit and pay for each offense a fine of not less than ten nor more than fifty dollars, in the discretion of the court, and the costs of prosecution and shall stand committed until paid.

SEC. 12. The city council of said city shall during the life of this privilege, pass and enforce all ordinances, penal or otherwise, which may be necessary to carry out the provisions of this ordinance, and they shall pass and enforce such ordinance as may be reasonably required to preserve and maintain the purity of the water from which the supply is taken.

SEC. 13. The maximum water rates to be charged private consumers shall not exceed those charged from time to time by any one of the following named cities of the state of Iowa, to-wit: Keokuk, Marshalltown and Davenport.

SEC. 14. The said Coverdale & Cowell, their successors and assigns, shall lay their mains and pipes a distance of five feet from the surface of the ground to the top of said mains and pipes, and the said Coverdale & Cowell, their successors and assigns, shall at all times, day and night, be prepared to perform the duties required of them by this ordinance, and to furnish the water in the quantities and manner aforesaid, and a failure to do so, unless occasioned by unavoidable casualties, may at the option of the city council, operate as a forfeiture of the rights and privileges hereby conferred.

SEC. 15. That in consideration of the rights and privileges herein granted unto said Coverdale & Cowell, their successors and assigns, the said city hereby reserves the right at any time after the expiration of five years from the date of the passage and acceptance of this ordinance, to take from said Coverdale & Cowell, their successors and assigns, the entire works with all privileges, at a valuation then to be agreed upon in a manner following, to-wit: Said city shall give the said Coverdale & Cowell, their successors and assigns, one notice of its intention to take said works as aforesaid; whereupon said city shall appoint two appraisers, and said Coverdale & Cowell, their successors and assigns shall appoint two appraisers, and the four so chosen shall choose a fifth, and the five so selected shall proceed to value all machinery, pipes, buildings and material then on hand, belonging to said Coverdale & Cowell, their suc-



and privileges hereby conferred.

SEC. 15. That in consideration of the rights and privileges herein granted unto said Coverdale & Cowell, their successors and assigns, the said city hereby reserves the right at any time after the expiration of five years from the date of the passage and acceptance of this ordinance, to take from said Coverdale & Cowell, their successors and assigns, the entire works with all privileges, at a valuation then to be agreed upon in a manner following, to-wit: Said city shall give the said Coverdale & Cowell, their successors and assigns, one notice of its intention to take said works as aforesaid; whereupon said city shall appoint two appraisers, and said Coverdale & Cowell, their successors and assigns shall appoint two appraisers, and the four so chosen shall choose a fifth, and the five so selected shall proceed to value all machinery, pipes, buildings and material then on hand, belonging to said Coverdale & Cowell, their successors and assigns, and decisions of a majority shall be binding upon said city and upon said Coverdale & Cowell, their successors and assigns, and upon the payment of the amount so determined, said Coverdale & Cowell, their successors and assigns, shall at once deliver to said city, all such property, and in case the said Coverdale & Cowell, their successors and assigns, shall fail or refuse to select the arbitrators herein provided for, for thirty days, then the said city may apply to the judge of the district court of this judicial district, and upon proof of the failure or refusal as aforesaid being made, said judge of the district court shall select the two arbitrators to act in behalf of said Coverdale & Cowell their successors and assigns; and provided further, that in case the four persons so selected as arbitrators are unable within two days after their selection to agree upon a fifth arbitrator, then in that case the auditor of the state of Iowa is empowered to make the selection of the fifth arbitrator.

SEC. 16. That a failure to accept the arbitra-

after their selection to agree upon a fifth arbitrator, then in that case the auditor of the state of Iowa is empowered to make the selection of the fifth arbitrator.

SEC. 16. That a failure to accept the privilege hereby granted, within thirty days from the passage of this ordinance by Coverdale & Cowell, their successors and assigns, shall work a forfeiture of all rights and privileges hereby granted. But if accepted by said Coverdale & Cowell, their successors and assigns, this ordinance shall constitute and be regarded as a contract between said city and said Coverdale & Cowell, their successors and assigns, and the same shall not be amended or repealed without consent of both parties.

SEC. 17. The city council shall obtain from the board of supervisors of the county the right to lay pipe and other fixtures alongside the public road leading from Oskaloosa to Skunk river, where the pumping house will be located.

SEC. 18. That in laying down the pipes and conduits necessary to supply the city with water, it is expressly provided that no authority is conferred herein by the city council to interfere with rights and privileges heretofore granted and now held by the Oskaloosa gas light company, and to railroads and other public corporations holding under the city; and it is expressly provided that Coverdale & Cowell, their successors and assigns, in laying the mains and pipes, and in enjoying the privileges herein granted, shall not in any manner disturb or displace any of the permanent monuments of the city at street crossings and other places.

SEC. 19. That ordinance No. —, entitled "An ordinance to provide a supply of water to the inhabitants of Oskaloosa, for fire protection and domestic use, and granting certain rights and privileges to Coverdale & Cowell, their successors and assigns, in relation thereto," passed Aug. 18, 1878, be and the same is hereby repealed.

SEC. 20. Upon the acceptance in writing of this ordinance by Coverdale & Cowell, their successors and assigns, the mayor shall announce the same and thereby fix the date of the privilege hereby created.

This ordinance to be in force from and after its publication in the weekly Oskaloosa HERALD and Oskaloosa Standard as provided by law.

Attest; JAMES A. RICE, Mayor.  
D. C. WAGGONER, City Clerk.

## ORDINANCE NO. 70.

AN ORDINANCE repealing sections six and sixteen of ordinance No. 69, entitled "An ordinance to provide a supply of water to the inhabitants of Oskaloosa for fire protection and domestic use, and granting certain rights and privileges to Coverdale & Cowell, their successors and assigns, in relation thereto," and enacting substitutes therefor.

Be it Ordained by the City Council of the City of Oskaloosa, Iowa:

SECTION 1. That section No. 6, of ordinance No 69 is hereby repealed, and there is enacted in lieu thereof the following to-wit:

The said Coverdale & Cowell, their successors and assigns, shall within thirty days after the acceptance in writing of the privilege granted by this ordinance, proceed without delay to make suitable arrangements for carrying out the purposes of this privilege; and shall lay down before the first day of July, A. D., 1880, unless prevented by circumstances over which they have no control, not less than eight miles of main pipes of sufficient capacity to deliver the requisite amount of water for fire protection and domestic supply. The pipe leading from the pumping works to the summit of the hill, to be twelve inches inside diameter, and from the summit of the hill to the intersection of High Street in Oskaloosa, to be ten inches inside diameter, remainder to be eight, six and four inches inside diameter.

And there shall be located on said main pipes in said city, forty-five double discharge fire hydrants with stops, valves and other appendages in full operation, at such points as the city council may designate, and the hose attachments are to be made to fit the hose now in use in the city of Oskaloosa.

The hydrants are to be provided and main-

## ORDINANCE NO. 70.

AN ORDINANCE repealing sections six and sixteen of ordinance No. 69, entitled "An ordinance to provide a supply of water to the inhabitants of Oskaloosa for fire protection and domestic use, and granting certain rights and privileges to Coverdale & Cowell, their successors and assigns, in relation thereto," and enacting substitutes therefor.

*Be it Ordained by the City Council of the City of Oskaloosa, Iowa:*

SECTION 1. That section No. 6, of ordinance No 69 is hereby repealed, and there is enacted in lieu thereof the following to-wit:

The said Coverdale & Cowell, their successors and assigns, shall within thirty days after the acceptance in writing of the privilege granted by this ordinance, proceed without delay to make suitable arrangements for carrying out the purposes of this privilege; and shall lay down before the first day of July, A. D., 1880, unless prevented by circumstances over which they have no control, not less than eight miles of main pipes of sufficient capacity to deliver the requisite amount of water for fire protection and domestic supply. The pipe leading from the pumping works to the summit of the hill, to be twelve inches inside diameter, and from the summit of the hill to the intersection of High Street in Oskaloosa, to be ten inches inside diameter, remainder to be eight, six and four inches inside diameter.

And there shall be located on said main pipes in said city, *forty-five* double discharge fire hydrants with stops, valves and other appendages in full operation, at such points as the city council may designate, and the hose attachments are to be made to fit the hose now in use in the city of Oskaloosa.

The hydrants are to be provided and maintained by Coverdale and Cowell, their successors and assigns, and are to be connected with the street mains; but the connections are to be considered main pipes, and there shall be attached to the main pipes suitable valves to shut off the water from any line of pipe, if found necessary.

It is further provided, that said city council may from time to time, by ordinance or resolution, require the said Coverdale & Cowell, their successors and assigns, within a reasonable time, not to exceed in any case ninety days, to extend said mains and pipes to other parts of the city, the extensions to be from the termini of the mains or from the intersection of any two streets as the case may require; provided that no such extension shall be required by said city as aforesaid, unless there shall be an average of not less than six tenants on each four hundred and fifty-one feet of main pipe so ordered to be laid, who will take use and pay for the water thus furnished by such extension, in which case the city shall pay the sum of fifty dollars per annum for each hydrant to be located on such extension; but the hydrants to be located on such extension, shall be located not less than four hundred and fifty-one feet apart.

SEC. 2. That section sixteen of ordinance No. 69, of said city, be and the same is hereby repealed, and there is enacted in lieu thereof the following to-wit:

That a failure to accept the privilege hereby granted within thirty days from the passage of this ordinance, by Coverdale & Cowell, their successors and assigns, shall work a forfeiture of all rights and privileges hereby granted. But if accepted by said Coverdale & Cowell, their successors and assigns, this ordinance and ordinance No. 69, to which this is amendatory, shall constitute and be regarded as a contract between said city and Coverdale & Cowell, their successors and assigns, and the same shall not be amended or repealed without consent of both parties.

This ordinance shall be in force from and after its publication in the weekly Oskaloosa HERALD and Oskaloosa Standard.

Attest: JAMES A. RICE, Mayor.  
D. C. WAGGONER, City Clerk.