

26.5.

THE REVISED ORDINANCE

OF THE
CITY OF QUINCY,

TOGETHER WITH

THE SPECIAL LAWS AND ORDINANCES RELATING TO THE CITY, THE CHARTER
OF THE CITY AS AMENDED AND OTHER LAWS AFFECTING THE
CITY, RULES OF ORDER OF THE CITY COUNCIL, AND
CATALOGUE OF CITY GOVERNMENT.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

REVISED, COMPILED AND ARRANGED BY
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1875.

City Comptroller, within thirty days from and after the passage of this ordinance, their written acceptance thereof, and said ordinance shall, with such written acceptance, constitute and be a contract between said City of Quincy and the said Warner and Janes.

CHAPTER VII.

WATER WORKS.

SECTION 1. Right to establish and maintain Water Works conferred.

- " 2. Property in connection with Water Works conveyed by city.
- " 3. Water mains to be laid, hydrants set and tank built—How and when to be completed.
- " 4. Compensation to be paid by the city for fire hydrants.
- " 5. Old location of Water Works to be used.
- " 6. When permanent works shall be constructed, and how.
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- " 10. The city may purchase Water Works—Upon what conditions. /
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- " 13. At expiration of the grants herein set forth, the same to be renewed or works purchased by city.
- " 14. Security for faithful performance of provisions hereof defined.
- " 15. Water rates.
- " 16. Ordinances to be passed for protection of property of.
- " 17. Rules and regulations may be established—Who may open hydrants.
- " 18. Rights and privileges conferred and duties imposed hereby to extend to whom
- " 19. Ordinance to be accepted—Effect of acceptance.

AN ORDINANCE to Provide the City of Quincy with Water.

(Passed August 7, 1873.)

1. SECTION 1. *Be it Ordained by the City Council of the City of Quincy as follows, to-wit:* The exclusive right to construct, maintain and operate Water Works in the City of Quincy, Illinois,

is hereby granted to Edward Prince, for a period of thirty years, from the date of this ordinance, upon the terms, conditions and stipulations hereinafter mentioned.

2. SEC. 2. Said city hereby transfers and conveys to Edward Prince all its right, title and interest in the boiler, pump, steam connections, pump-house, pump-well, inlet-pipe, and valves at foot of Main street. Also the iron pipes, extra castings, valves, hydrants, and all other things purchased by said city for temporary pumping works. And said city, at such time and on such terms as said Prince and said city may agree upon, is to receive actual cost for its investment in said temporary pumping works up to the time said Prince signifies his acceptance of this ordinance, as hereinafter provided, and said city shall, whenever requested by said Prince, make such other and further assurance and conveyance of said property, above mentioned, as may be necessary to vest the title to said property in said Prince.

3. SEC. 3. Said Prince shall immediately take possession of the property hereinbefore mentioned—pay for the laying of the pipe already purchased—set fire hydrants, such as the city may order, not to exceed in cost \$60 each, at or near the corners of Front, Third, Fourth and Fifth streets, reconstruct and paint the pump-house, giving it a respectable appearance, put in at foot of Maine street a pump with a capacity of four hundred thousand gallons in twenty-four hours, and having dimensions of water cylinder at least seven inches diameter and sixteen inch stroke—making proper steam connections, &c., purchase and lay a six inch main from end of pipe laying, heretofore mentioned, on Fifth street to Hampshire street, and on Hampshire street from Third to Seventh street, and extend said main from Seventh street four blocks, setting fire hydrants as before mentioned, at Third, Fourth, Fifth, Sixth and Seventh streets—and at street intersections on said extension, locating on said line necessary stop and blow-off valves. To construct and connect with said main at some point east of Seventh street a tank with a capacity of fifty thousand gallons, at such an elevation as to give a constant pressure on the entire main equal to twenty feet head, all said work to be first-class; to keep a constant supply of water in

said tank ; keep mains, engines, fire hydrants, stop and blow-off cocks in repair, and pay all running charges and expenses himself, and complete all of said work within one hundred days from the time said Prince signifies his acceptance of the terms of this ordinance, as hereinafter provided.

4. SEC. 4. Said city shall pay said Prince in monthly installments, from the time water is turned on, the sum of twenty-six hundred dollars per annum ; said Prince to extend the mains when ordered by the City Council to do so, said city allowing a reasonable time for the purchase of material and performance of the work, and only ordering said work to be done in season for pipe laying, and paying at the rate of two hundred dollars per annum per fire hydrant, in manner as before mentioned, and further, ordering one fire hydrant on each cross street intersection.

5. SEC. 5. Said Prince shall have the right to use the present location at the foot of Maine street during the continuance of the present temporary works.

6. SEC. 6. Said Prince, after twelve months' notice to said Prince, and after, with the fire hydrants then already in use, the City Council shall order enough fire hydrants to make the number equal one hundred, shall construct permanent works of the following general description : To construct at a suitable point below the railroad bridge, below low water, in the sand, a filter gallery of the most approved kind, and capable of furnishing one million gallons of filtered water in each twenty-four hours, to connect the same by a twenty-four inch conduit laid under the bay, with a suitable pumping well at the foot of Broadway ; build engine house at foot of Broadway, and put in pumping engines of capacity sufficient to supply the City of Quincy with an abundance of water for all purposes ; lay a twelve inch main to Fifth street, on Broadway, thence a ten inch main to Eighth street, also a six inch main from Broadway, on Front street, to Maine street, connecting with the Maine street force main, thus making two ascending force mains ; also connecting the Broadway force main with a general system of distribution, and lay in all not less than ten miles of mains, or sufficient to supply said city with one hundred hydrants ; to construct reservoirs at most available points,

with a capacity of not less than two and one-half million gallons. All of said work, both in plan and execution, to be first-class.

7 SEC. 7. Said city shall pay to said Prince, in monthly installments, from the time water is turned on the fire hydrant, for the first one hundred fire hydrants at the rate of two hundred dollars (\$200) per annum per fire hydrant; for the next fifty fire hydrants, at the rate of one hundred and fifty dollars per annum per fire hydrant, and for all others at the rate of one hundred dollars per annum per fire hydrant. The City Council shall indicate the location of mains and hydrants and shall locate one fire hydrant at each cross street intersection where main is ordered.

8. SEC. 8. For purposes indicated, said Prince is granted the foot of Broadway full width of said street, subject to the right of any railroads, also the right to cross with conduit under bay and towhead, and the right to construct, either in river or on the west side of said towhead, below low water, in the sand, and below the railroad bridge, a filter gallery, when the City Council shall order said permanent works.

9. SEC. 9. Said Prince shall furnish at all times good and wholesome water, and shall have the exclusive right to sell water in said city for municipal and private use, said right not however to deprive any person, or persons, of the privilege of hauling water from the river, or pumping from springs and selling as heretofore.

10. SEC. 10. The said city of Quincy shall have the right to purchase and take possession of said Water Works upon the following conditions precedent, viz: Said city shall give said Prince twelve (12) months' notice in writing of its intention so to do, and shall pay said Prince the amount he shall have invested in said works up to the time of said purchase, including all moneys that he shall have expended in each year in the purchase of said works, and of machinery and materials for said works, and in the construction of the same, deducting therefrom all such amounts as he may have realized in each year from sales, if any, of such machinery or materials, and if in any year or years, while said Prince shall be the owner of said works, the said bu-

business of said Water Works shall have fallen short of paying said Prince a net profit of ten per cent. per annum on the amount of his investment in said works as aforesaid, then in computing the amount to be paid to said Prince, the amount of such deficiency shall be added to the investment and become part thereof, at and from the end of each such year in like manner, as if the amount of such deficiency had, at the end of such year, been actually expended in the purchase of machinery or materials for said Water Works, and there shall also in like manner be added to and become a part of the said investment at the end of each and every year, so long as said works shall be owned and superintended by said Prince, a reasonable sum, to be agreed on by the said city and said Prince, not exceeding fifteen hundred dollars (\$1,500) as a compensation to said Prince for superintending said Water Works; and said city shall be bound to fulfill all contracts which may exist between said Prince and any other party or parties growing out of or relating to the business of said Water Works, at the time of the service of the aforesaid notice of the city desiring to purchase and take possession of said Water Works. Said Prince or any other person having charge of the books of said Water Works shall make a sworn statement to the said City Council, of the actual expenditure of construction and operation of said works, and also of all receipts from sale of water and otherwise, as shown by said books, within a reasonable time after said notice being given and before the time specified in said notice for the purchase of said works, and if said city after having given such notice, as aforesaid, shall fail to pay for and take possession of the same in accordance with said notice and the terms of this section, then said notice shall become inoperative and of none effect and it shall be necessary to give other twelve (12) months notice.

11. SEC. 11. The city of Quincy grants to said Prince the right of way in all streets and alleys, and city, and all other property, over which said city has or may have control for the purpose of laying mains and services, valves, valve boxes, extra castings, and necessary mains and service appendages, said Prince being in all cases responsible for all damages arising from

said work, and in case of alteration of street grades, the city paying to said Prince the amount of damage done him by such alteration.

12. SEC. 12. Said city grants to said Prince the right to use the present site for purpose indicated during the continuance of the temporary works.

13. SEC. 13. At the expiration of thirty years from date of this ordinance, if no agreement can be made for renewal or continuance of contract, said city shall pay for said works, their then actual cash value.

14. SEC. 14. A continuing lien in favor of said city shall rest upon all the property connected with said works, as security for the faithful performance by said Prince of his undertakings in this contract.

15. SEC. 15. Said Prince shall not be allowed to charge more than seven and one-half cents per hundred gallons, meter rates, and when parties do not furnish meters may charge such rates as may be agreed upon between said Prince and the consumer, provided, that nothing in this section shall be construed to prohibit the making of any contract for a year, or term of years, upon such terms as may be agreed upon between said Prince and consumer.

16. SEC. 16. The city shall pass such ordinances as shall be necessary to protect the property, the hydrants, valves and machinery of said Prince, and the rights herein granted.

17. SEC. 17. Said Prince shall have the right to make all needful rules and regulations for the government of said works in all its branches and departments, and no person, excepting the City Council or said Prince, or their properly authorized agents, shall have the right to open or interfere in any way with any fire hydrants in said city, and said city shall have at all times the right to use water from said fire hydrants for the following purposes and no other, viz: For the extinguishment of fires, for the use, exercise and practice of fire engines, for filling fire cisterns, and all other legitimate and proper fire purposes.

18. SEC. 18. All the rights and privileges which may be ac-

quired by the said Edward Prince under or by virtue of the contract between him and the said City of Quincy, contemplated by this ordinance, shall inure to his legal representatives and assigns, and all obligations imposed on him by such contract shall be binding on his legal representatives and assigns in like manner as if such representatives and assigns had been named wherever his name occurs or is alluded to in this ordinance; and wherever the words foot of Broadway occur in this contract, they shall be construed to mean the ground lying west of Front street in said city, and between the north and south lines of said Broadway, continued west to the limits of said city.

19. SEC. 19. Whenever the said Edward Prince shall, by an instrument in writing, signed by him and filed with the City Comptroller of said city, signifying his acceptance of the terms and provisions of this ordinance, then and thereafter this ordinance, together with such written acceptance thereof, shall constitute a contract between said city and said Edward Prince.