[No. 325.]

An Ordinance

For the erection and maintainance of water works in the city.

Be it ordained by the Mayor and Councilmen of the City of Atchison:

SECTION 1. In consequence of the advantages to the city of Atchison, Kansas, hereinafter specified and provided for, there is hereby given and granted to Sylvester Watts or his assigns and successors the exclusive right and privilege for the period of twenty-five years, from and after the ratification of this ordinance of supplying the city of Atchison and the citizens of said city with good, healthful and wholesome water taken from the main channel of the Missouri river. Said water to be supplied subject to the terms and conditions set forth in this ordinance.

SEC. 2. That the said Watts or his successors, be and are hereby authorized to establish, construct, maintain and operate water works, in or adjacent to the city of Atchison, Kansas, to receive and store, purify, conduct and distribute in and throughout the said city, water, and to extend aqueducts and pipes through any and all streets, alleys and public grounds, or across any bridge of the city of Atchison. To erect and maintain any engines and machinery or other appliances, necessary for such works for supplying said city and inhabitants thereof with water of the character described in section one of this ordinance. To take up all pavements or sidewalks upon such streets, lanes, alleys or public grounds and make such excavations therein as may be necessary to lay, repair, keep and maintain aqueducts of pipes below the surface of the ground for conveying and distributing water as aforesaid. Provided: Such pavements and sidewalks shall be repaired and replaced in as good condition, as near as may be, as they were before and with all convenient speed. Provided: If the water works are built outside of the city limits the said Watts or his assigns hereby agree to deduct from the rental of hydrants yearly an amount equal to what the taxes on said water works would amount to if said works were located in the city limits.

SEC. 3. The said water works to be constructed on the reservoir gravitation plan, with reservoir of not less than three million gallons capacity, and with pumps of not less than two millions capacity in twenty-four hours. Said reservoir shall be located at an elevation of not less than two hundred feet at the top of the water line above low water mark in the Missouri river. The main and distributing pipes, the total length of which shall be five miles, shall be from four inches in their inner diameter to twelve inches in their inner diameter (cast vertically in dry sand) of the best quality of cast iron used for such purpose. All of such pipes to be tested at the foundry at three hundred pounds to the square inch. If the reservoir of said water works shall be erected outside of the limits of said city, no part of the pipes leading from the pumps to said reservoir, or from reservoir towards the city limits, and outside of said limits, shall be considered as a part of the five miles of main or distributing pipes provided for in section three of this ordinance under said system.

SEC. 4. The works shall be so constructed as to interfere as little as possible with the rights and property of others in said city. And any injury resulting from such interference shall be paid for by said Watts or his successors. Said water pipes shall be laid at a distance of four feet from the line of gas pipe now in use, except in such cases where it may be found necessary to approach nearer, in which case, care shall be taken to prevent any damage to the gas company, and in crossing at right angles under said gas pipe, there shall be at least six inches of earth or space intervening. And if any person shall wilfully or maliciously injure or destroy any portion of the works, fixtures or other property appertaining to said water works, or shall wilfully interfere with, open or waste any water from the fire hydrants, except for the purpose of extinguishing fires or such other purposes, as said hydrants may, under this ordinance, be legitimately used, such person shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum of not less than three nor more than fifty dollars.

SEC. 5. The city of Atchison hereby reserves to itself the right, at its option, at the expiration of twenty years from the date of the ratification of this ordinance, to purchase said water works, including all pipes and attachments, and all extensions, rights and franchises belonging to the same, upon giving six months previous notice in writing. And in order to ascertain the value of such works, pipes, attachments, franchises and rights, the said city shall appoint one person, and said Watts or his successor appoint another person, and the two thus appointed shall select a third, and the three thus chosen, or in case of their inability to agree, a majority of them shall fix a price upon said works, pipes, attachments and franchises, for which the same are to be purchased by the city. Should the works be incumbered at the time, then the amount of incumbrance shall be deducted from the price fixed as aforesaid, and the city shall pay the excess or difference; and in case the amount of incumbrance exceeds the appraised value of said works, said Watts or his successors agree to pay the amount of such incumbrance in excess of the appraised value of said works. Should the city fail to purchase at the end of twenty years she may do so at the end of five, ten or fifteen years thereafter, and this franchise shall extend until the city does so purchase.

SEC. 6. The city of Atchison hereby agrees and does rent from said Watts or his successors during the term of twenty-five years, fifty hydrants, to be located along the five miles of mains hereinafter provided for; said hydrants to be located as the mayor and council may by ordinance direct; said hydrants to be either single or double hydrants as said city may by ordinance direct, and erected by said Watts or his successors as the pipes are laid in the ground, and the said city hereby agrees to pay as an annual rental for said fifty hydrants the sum of six thousand dollars per annum, payable quarterly for the full term of twenty-five years from the completion of said works, unless purchased by the city before said time; and said Watts or his successors, hereby agree to erect whenever directed by said city any additional hydrants said city may require on said five miles of mains, the cost of said additional hydrants and erection of same to be paid for by said city. And the city is to have the use of said additional hydrants without paying any rent therefor, except in the contingencies hereinafter set forth, and in any future extensions of pipes ordered by said city for every mile of such extension said Watts or his successors are to erect ten hydrants, for which the city is to pay the sum of one thousand dollars per annum and the same proportionate rate for any fraction thereof, with the privilege of having other hydrants erected on such mile of extension by paying the cost of such hydrants and erection of same, but to pay no additional rental thereon, except in the contingency hereafter set forth. All private water rates and payments from the city for the public use of water and hydrant service as herein provided shall be made quarterly during said term of twenty-five years, on the first days of January, April, July and October of each and every year. And in case of the failure on the part of said city to so pay said Watts or his successors for the public use of water or hydrant service for the period of thirty days after any installment shall become due then said Watts or his successors shall have the privilege of withholding from said city the right to use any water for public uses as herein provided until all arrearages shall have been fully paid. There shall be a charge to the city for the use of public water during the time such water is so turned off, and the city shall pay for the same as if it had been turned on. But said Watts or his successors retain the right to again furnish at any time he or they may think proper a public supply of water. Provided: The said Watts or his successors shall serve a notice in writing on the mayor and council of his intention of so withdrawing the right and privilege of the use of said water for public uses at least ninety days before he turns off the water.

SEC. 7. When the number of hydrants, including the original fifty hydrants and those placed on the first five miles in addition thereto, also the ten allowed on each mile of extension with those placed in addition thereto, shall reach the number of four hundred, then the annual rental of all hydrants placed in said city shall be at a uniform rate of sixty dollars per each hydrant per annum, the city to be paid the amount of the original outlay for hydrants it may place in line, all hydrants in excess of four hundred to be charged at similar rates. Deferred or delayed payments shall bear ten per cent. per annum interest from the time they become due. The city may use the hydrants on streets that are paved and curbed and guttered, for the purpose of washing and flushing the gutters and sewers on such streets, when the city authorities or city physician may deem it necessary, upon giving previous notice to the management of the water works, and the same shall be free of charge. The city shall have water free of charge for furnishing the city hall, and the offices thereof occupied for city purposes, and also the public schools and churches in said city, and for one fountain in each public park or square, should the city erect the same. Also for any drinking places the city may choose to erect in any portion of the city on its pipes, and for basins for watering stock from waste water out of such fountains. Provided, however, that such watering places for stock shall not be used by omnibus, street railway or other companies or persons who use large numbers of horses or mules.

SEC. 8. The water rate to consumers, during the continuance of this contract, shall not exceed the following tariff, to-wit:

TABLE OF YEARLY WATER RATES.

Alcohol for each barrel manufactured			10c
Ale cellar from	$ 10 00	to	$50 00
Bakery, each oven	10 00	to	50 00
Barber shop, first chair			10 00
" each additional chair			5 00
Bath, private, without heating apparatus			2 00
Bath, private, with heating apparatus			5 00
Bath in boarding or tenement house			5 00
Bath in public not less than			15 00
Beer, for each barrel brewed			05
Beer house, each	10 00	to	50 00
Billiard saloon, each table			5 00
Boarding house, per room			1 00
Boarding house, with no license less than			10 00
Book bindery not less			10 00
Brick work, per thousand			10
Brick yard, each gang of hands			20 00
Camphene, each barrel manufactured			10
Candle manufactory from	100 00	to	1,000 00
Candy manufactory from	15 00	to	75 00
Church, from	5 00	to	15 00
Church, for baptistry, from	5 00	to	15 00
Cigar manufactory, per hand			2 00
Cigar manufactory, but no license less than			10 00
Club room	20 00	to	100 00
Coffee saloon, from	5 00	to	30 00
Confectionery, from	15 00	to	75 00
Cow			1 00
Distillery, for each barrel distilled			10
Drug store, from	20 00	to	75 00
Drug and a coating, from	25 00	to	100 00
Forge			2 00
Foundry, for six months, running not more than four hours per day, from	10 00	to	150 00
Hat, from	5 00	to	30 00
Hat manufactory, from	20 00	to	100 00
Horses, from	2 00	to	5 00
Horses, for private stable, not less than			5 00
Horse for livery or sale stable	30 00	to	50 00
Hose or washing per front foot			10
Hose for sprinkling street, including sidewalks, per foot run			10
Hotel, per room			1 50
Ice cream saloon, from	10 00	to	50 00
Laboratory, from	50 00	to	200 00
Laundry, from	10 00	to	100 00
Livery stable, per stall			2 00
Malt, per bushel			01
Office, from	5 00	to	30 00
Oyster saloon, from	10 00	to	50 00
Packing house, from	40 00	to	500 00
Photograph gallery, from	10 00	to	40 00
Plastering, per square yard			25
Porter cellar, from	10 00	to	50 00
Rectifying whisky, per barrel			05
Residence, occupied by one family only, 1 to 4 rooms			5 00
Residence, occupied by one family only, 5 or 6 rooms			5 00
Residence, occupied by one family only, 7 or 8 rooms			7 00
Residence, occupied by one family only, 9 or 10 rooms			8 00
Residence, occupied by one family only, 11 or 12 rooms			9 00
Residence, occupied by one family only, 13 or 14 rooms			10 00
Residence, occupied by one family only, 15 or 16 rooms			11 00
Residence, occupied by one family only, 17 or 18 rooms			12 00
Residence, occupied by one family only, 19 or 20 rooms			13 00
Residence, occupied by one family only, with more rooms, in same ratio			
Restaurant	15 00	to	100 00
Sale stable, per stall			2 00
School, private, for every scholar			3
Shop	5 00	to	30 00
Slaughter house	25 00	to	500 00
Soap manufactory	100 00	to	1,000 00
Soda "	40 00	to	300 00
Spirit gas, for each barrel manufactured			10
Sprinkling, no license less than			5 00
Sprinkling public gardens, with hose	25 00	to	150 00
Sprinkling street, with sprinkling carts, per square			6 00
Sprinkling street with hose, including sidewalks, per foot run			10
Starch manufactory	50 00	to	500 00
Steam boilers, per square foot of fire surface, not less than			40
Steam boilers, but no license less than			25 00
Stock yard	25 00	to	500 00
Stone work, per perch			5
Store	5 00	to	50 00
Sugar refinery	300 00	to	3,000 00
Tannery, per vat			6 00
" but no license less than			25 00
Tenement, per room			1 50
" but no license less than			10 00
Tobacco manufactory, per hand			2 00
" but no license less than			10 00
Urinal basin from	10 00	to	40 00
" private			5 00
Vault, for residence			5 00
" for accommodating double house, each house			3 00
Vault, for tenement or boarding house, for every fifteen rooms			5 00
Vault, bar			5 00
Vehicle			2 00
Vinegar, for each barrel manufactured			05
Washing bottles from	5 00	to	30 00
" bottle, per barrel			05
" meat from	50 00	to	500 00
Water closet, private			5 00
" hotel			10 00
Wine cellar from	10 00	to	50 00

WATER RATES.

From 2,000 to 5,000 gallons per day from 3¼ to 5c. per 100 gallons	
From 5,000 to 10,000 gallons per day	3c. per 100 gallons
From 10,000 to 20,000 gallons per day	2½c. per 100 gallons
From 20,000 gallons and upwards per day	2c. per 100 gallons

The meter rates are to apply to persons using water other than those named in the above table of water rates.

SEC. 9. The rental of each of the said hydrants to be paid for at the rate aforesaid, shall begin at the date at which it is fully ready for use, and the water of the character herein provided for, ready to be delivered through the same and the city clerk of said city notified of the fact in writing by the owners of said water works.

SEC. 10 The said Watts or his assigns hind themselves during the continuance of this franchise to furnish at all times, by gravitation, for all public and private uses of said city, and the inhabitants thereof, a full and sufficient supply of good, healthful and wholesome water, well suited for domestic and manufacturing purposes, and taken from the Missouri river at a distance of not less than three hundred feet north of the bridge across the Missouri river known as the Chicago & Atchison bridge.

SEC. 11. Said Watts or his assigns agree that the work on said water works shall be commenced within sixty days after the ratification, by a majority of the voters of said city, of this ordinance, and will so far complete the same as to be ready to supply water through five miles of main within eight months from the date of the commencement of the work.

SEC. 12. The said company shall construct and maintain its works so that the fire hydrants rented by the city, shall at any time with fire pressure in the pipes throw ten effective fire streams through hose one hundred (100) feet long, six streams of water through as many different hydrants in any part of the city where the altitude is no higher than that of Ninth and Commercial streets, and at a heighth of eighty feet on all other places in the city of no greater altitude than the heighth at Second and Atchison streets at any time, each stream to be through fifty feet of hose and a one inch nozzle to the heighth of one hundred (100) feet, or four streams as aforesaid through fifty feet of hose and inch and a quarter nozzle to the heighth of one hundred and twenty-five (125) feet or two streams as aforesaid, each through fifty feet of hose, and an inch and a half nozzle to the heighth of one hundred and fifty (150) feet; in each case the heighth to be reckoned from the end of the nozzle and that the hydrants shall, at all times, be available and efficient in case of fire; and the fire hydrants shall be so constructed that on opening any one of said hydrants in any part of the city, that it will immediately blow a whistle in the engine house, notifying the engineer of the fire, and that there shall be placed on the engine house, a large steam gong to notify the firemen that the engineer has heard the fire alarm and has caused the pressure to be put on at the works. The use of the fire hydrants rented by the city shall be under the supervision and control of the chief of the fire department of the city, or such other officers or persons as the mayor and councilmen of the city may designate, and such chief of the fire department or other officer or person shall have the right to provide for the opening and using such hydrants at any time in case of fire or other use mentioned by this ordinance or contract.

SEC. 13. The city may require said Watts or his assigns to extend mains through any graded street, which can be reached through a continuous line of other graded streets, and further to require said Watts or his assigns, to lay pipes on streets which are not on grade provided that when such streets are brought to grade, the relaying of the pipes shall be paid for by the city, and no mains shall be extended outside of those named in the diagram on file in the office of the city engineer, except it be done pursuant to an ordinance of the city duly passed.

SEC. 14. If this ordinance is duly passed and approved, the mayor of said city of Atchison shall issue his proclamation, calling an election of the qualified voters of said city, to be held on a day therein named, (which proclamation shall be filed with the city clerk, and by him duly recorded and preserved) at which election the qualified voters shall vote for the rejection or ratification of this ordinance.

SEC. 15. Every qualified voter in favor of ratifying this ordinance, shall have written or printed on his ballot the words, "Water Works—Yes," and every qualified voter opposed to such ratification shall have written or printed on his ballot the words, "Water Works—No."

SEC 16. After said election the votes cast thereat shall be duly canvassed and the number of votes in favor of, and and the number against the ratification of this ordinance shall be made a matter of record. And if a majority of the votes polled at said election, shall be in favor of this ordinance, the same shall be binding and effectual, between said city and said Watts or his assigns and successors as a contract; but if there be less than a majority of the votes polled at said election, in favor of this, then this ordinance and all proceedings thereunder shall be void and of no effect.

SEC. 17. All ordinances and parts of ordinances which are in conflict with this ordinance are hereby repealed and this ordinance is to be in full force and effect from and after its approval. For any neglect or carelessness on the part of said Watts or his successors or their employes to furnish a sufficient supply of water, the said Watts or his successors shall pay to said city the sum of fifty dollars per day for each and every day of such failure, provided said failure is not caused by any unavoidable accident or event beyond the control of said Watts or his successors or their employes.

SEC. 18. Within twenty days after the approval of this ordinance, the said company shall file with the city clerk of said city its acceptance in writing of all the provisions, terms and conditions of this ordinance, which acceptance shall be duly acknowledged before some officer, authorized to administer oaths, which acceptance when so filed shall be recorded in the book of ordinances of said city, and safely kept by said city clerk, which acceptance when so filed shall have the effect, upon the ratification of this ordinance by the qualified voters of said city, of a contract between said city and said company, the terms and conditions of which shall be those as set forth in this ordinance; and said company shall also at the time of filing said acceptance, also deposit with the city clerk its bond in the penal sum of five thousand dollars, with good security to be approved by the mayor of said city, two of the securities of said bond to be residents of the state of Kansas, and conditioned that in case this ordinance is ratified at the election hereinafter provided for, said company will in good faith commence and complete the construction of said water works in accordance with the provisions of this ordinance.

SEC. 19. That the location of the mains shall be designated by the mayor and council within ten days from the passage of this ordinance, and diagrams of the same shall be made and placed on file in the city clerk's office within such time.

Passed March 5th, 1880.

Approved March 6th, 1880.

[SEAL.] JOHN C. TOMLINSON, Mayor.

Attest: C. P. COCHRAN, City Clerk.

[Published in THE DAILY PATRIOT March 6th, 1880.]

MARKETS.

ATCHISON LIVE STOCK MARKET.

EAST ATCHISON STOCK YARDS, March 6 [illegible] P. M.

CATTLE — Receipts, 115; shipments, 80; butcher's cattle in good demand and firm at $ 40@3 00; other grades quiet and unchanged.

HOGS—Receipts, 1,015; market active and firm; light, $ 70@3 80; mixed packers, $ 80@3 90; choice heavy, $ 95@4 00.

Fowler Brothers' Packing House Market, as reported at the packing house.

PACKING HOUSE, March 6.

HOGS—Receipts, 1,300; cash, $ 70@3 85; mixed packers, $ 80@3 90; choice heavy, $ 95@4 10.

ATCHISON MARKET.

ATCHISON, March 8.

Prepared by Cain Bros., grain commission merchants. These values are free of all charges to the seller, except $5 cents per car inspection. Wagon loads one cent per bushel less all round.

WHEAT—No. 2, winter, 1 [illegible]; No. 3 do, 103; No. 4 do, 1 06; No. 2 spring, 1 08; No. 3 do 99 to 92.

RYE—No 2, 56.

OATS—NO X, 26.

BARLEY—No 2, 60.

CORN—No. 2, 27½; No. 3 white mixed, 28.

FLAX SEED—Prime, $1 30.

NEW YORK MONEY MARKET

WALL STREET, New York, March 6.

MONEY—3@6 per cent.

S. BILLING—4 [illegible] at sixty days; 4 [illegible] on sight.

BAR SILVER—1 12½.

GOVERNMENT BONDS—Quiet and firm.

RAILROAD BONDS Inactive.

STATE BONDS—Dull and nominal.

STOCKS—Buoyant, with an advance in prices [illegible] per cent.: Pacific Mail, Chesapeake and Ohio, Lake Erie and Western and others leading the upward movement.

NEW YORK MARKET

New York, March 6.

FLOUR—In buyers favor and [illegible].

WHEAT—Spring dull and nominal; winter very heavy; inquiries lower; No 2 red, March, 1 [illegible].

CORN—A shade easier and dull; mixed western, spot, 50@50½.

OATS—Quiet; western 48@52.

BEEF—Steady.

PORK—Dull and lower; old mess 11 75.

LARD—A shade easier; steam, 7 65.

WHISKY—Nominal; western, 1 10.

ST. LOUIS MARKET

St. Louis, March 6.

FLOUR—Dull.

WHEAT—Lower and very unsettled; No 2 red, 1 [illegible]; No 3 do, 1 [illegible]; No 4 do, 1 18½.

CORN—Lower; 30@30½.

OATS—Lower, 25½ bid.

PORK—Dull; jobbing 12 [illegible].

DRY SALT MEATS—Lower; 5 50@5 75, 5 65@5 75, 5 [illegible].

BACON—Quiet and unchanged.

LARD—Nominal.

ST. LOUIS LIVE STOCK MARKET.

St. Louis, March 6.

HOGS—Unchanged; Yorkers to Baltimores, $ [illegible]@4 90; packing, 4 [illegible]@4 [illegible]; butchers to extra, $ [illegible]@4 [illegible]. Receipts, 1,000; shipments, 3,100.

CHICAGO MARKET.

Chicago, March 6.

WHEAT—Unsettled and irregular; heavy and lower at 1 [illegible].

CORN—Weak and [illegible]; 37½.

OATS—Firm at 31½.

RYE—Nominal.

BARLEY—Nominal.

WHISKY—1 07.

PORK—Weak and lower; 11 60.

LARD—Weak and lower; 7 [illegible].

CHICAGO LIVE STOCK MARKET.

Chicago, March 6.

HOGS—Receipts, 10,000; quiet and steady; light, 4 [illegible]@4 35; shipping, 4 [illegible]@4 65.

CATTLE—Receipts 1,200; strong and a shade higher; shipping, 4 [illegible]@5 00; butchers, 3 [illegible]@4 20; stockers, 2 [illegible]@3 [illegible].

FIRE INSURANCE.

American Central, St. Louis.

Available assets, Jan. 1, 1880 ..... $[illegible]
In U. S. and Mo. bonds, cash value, [illegible]
Surplus as to policy holders ..... [illegible]

Westchester, New York.

Total assets, Jan 1, 1880 ..... $[illegible]
U. S. Bonds, value ..... [illegible]
Surplus as to policy holders ..... [illegible]

Continental Fire, New York.

Cash Capital ..... $[illegible]
Total assets ..... [illegible]
Net surplus and capital ..... [illegible]

L. A. ALDERSON, Agent.

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