

## ARTICLE VII.

## AN ORDINANCE

*To provide for the Establishment of Water Works in the City of Stillwater, Minnesota.*

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The City Council of the City of Stillwater do Ordain:

SECTION 1. That in consideration of the benefits to the city of Stillwater hereinafter specified and provided for, there is hereby granted to the Stillwater Water Company of the city of Stillwater, Minnesota, and to its associates, successors and assigns, the exclusive privilege of constructing water works and laying water mains and pipes for furnishing water to the public in any portion of said city, as the same now exists or may hereafter be extended, for the term of thirty years from and after the date of the passage, acceptance and legal record of this ordinance, in accordance with the terms and conditions of the same, and subject to the liabilities as hereinafter expressed in this ordinance, and at the end of said thirty (30) years all of the exclusive and special grants and contracts contained in this ordinance shall terminate and end; *Provided*, however, that at the expiration of said thirty years should the city refuse to grant to the said The Stillwater Water Company, its associates, successors and assigns, the right to continue and maintain said works in and upon the public grounds and streets of the city and to supply the said city and the inhabitants thereof with water on reasonable terms, then and in such case the city shall purchase from said The Stillwater Water Company, its successors or assigns, said water works and property connected therewith at a fair valuation to be ascertained as provided in section 10 of this ordinance.

SEC. 2. The general plan of said water works shall be as follows: The water for supplying the city shall be furnished by gravity or otherwise in such manner as to give a head of at least 150 feet at all points on a level with the street surface at the corner of Main and Myrtle streets, and for the higher portions of the city the water shall be pumped by suitable machinery into the necessary mains and pipes connected with a tank or tanks upon land

situated at least two hundred and fifty (250) feet above the water level of Lake St. Croix.

SEC. 3. The Stillwater Water Company is hereby granted the right of way as held by the city, for the term of thirty years from the taking effect of this ordinance to use the streets, alleys, lanes, roads or other public highways and public grounds within the present and future limits of said city, for the purpose of laying, repairing, and constructing of pipes, conduits, canals, tanks, reservoirs, hydrants and fountains for the supply of water, but there shall be no continued, unreasonable or unnecessary obstructions of said streets, alleys, lanes, roads, or other public highways and public grounds by said company, and they shall be restored by said company to their former condition as near as practicable.

SEC. 4. The Stillwater Water Company shall lay not less than seven (7) miles of main pipes so located as to best secure the fire protection of the city, due regard being had for the proper circulation and for the supply of water for domestic purposes. If at any time it shall appear that by extending the water pipes or mains, an additional revenue to said company can be secured, either from public hydrants or by the written agreement of responsible consumers, which shall not be less than at the rate of one hundred and fifty dollars (\$150) per year for every three hundred (300) feet for such extension, the city council may by resolution require said company to make such extension of pipes which shall be done without unreasonable delay; *Provided*, however, that if said company shall be required to lay their mains in any ungraded street, that whenever said street is graded the said city shall pay the cost of relaying such pipe with proper reference to the established grade.

SEC. 5. All the pipes used in the construction of said water works before being laid shall be subject to a test of two hundred and fifty (250) pounds hydrostatic pressure to the square inch. Said pipe shall be of a suitable size to furnish an abundant supply of water, looking to the present wants of the city, and to its future growth.

SEC. 6. The lines of main pipe shall be located and laid on one side or the other from the center of the street, and so as not unnecessarily to interfere with the pipes and drains already laid in

said city, nor with railroad tracks, and that in laying the pipes and conduits or in the construction or operation of said water works, the said water company shall be liable for injury to person or property caused by the negligence, mismanagement or fault of itself or its employes while engaged in the construction, or operating of said works, and will hold the city harmless from any suit brought against the city as a result from such negligence.

SEC. 7. The city of Stillwater shall, upon written application of said water company, condemn the right of way for said company to construct their water works, over or upon any tract of land within the city, which condemnation shall be at the cost of said company, and all such rights so acquired shall be transferred to said company for its use.

SEC. 8. The said company shall have power and authority to make and enforce as part of the conditions upon which it will supply water to its consumers, all needful rules and regulations not inconsistent with the law or provisions of this ordinance, and the said city will adopt and enforce ordinances protecting the said company in the safe and unmolested exercise of these franchises, and against injury to the hydrants and fountains rented by it to said city, and against injury to its other property upon application of said company.

SEC. 9. The said Stillwater Water Company shall commence in good faith the construction of said works within ninety (90) days after the passage and approval of this ordinance, and shall diligently prosecute said construction until the complete and successful operation of the same, and complete and put into use one mile of the same along Main street before January 1st, 1881. If, however, the said company shall not complete the said works within eighteen months from the acceptance of this ordinance, circumstances beyond its control excepted, then and in that case the city council may by a vote of two thirds of its members declare the contract for the payment for the use of the hydrants forfeited and void.

SEC. 10. The said city shall have the option and privilege at any time after the expiration of ten years from the passage and acceptance of this ordinance to purchase the said water works, with all its property and franchises, the price to be ascertained in the following manner, viz: Three disinterested persons, not resi-

dents of the city of Stillwater, Minnesota, shall be chosen—one of them by the said city, another by the said company, and the third by the first two, and the three, or their majority, shall make an award to the amount of which shall be added ten per centum (10 per cent.) thereof, and the said city shall have the option of refusing to purchase after the said award shall have been made, or to pay to the said company in cash within three (3) months from the date of the said award, and in addition the said ten per centum; but in that event the said city shall assume as a part of the aforesaid award to be paid, and shall pay the bond and floating indebtedness of the said company, which said payment of said bonded and floating indebtedness aforesaid, shall be applied *pro tanto* towards the payment of said award. In case the said city shall neglect or refuse to purchase said works as aforesaid, after making of said award, upon the application of said city, then and in any and all such cases, the said city shall be liable for and shall bear and pay the expense of any such award; but if the city shall purchase said works after the making of such award in conformity with the provisions hereof, then and in that case the expense of said award shall be borne and paid equally by said city and said Stillwater Water Company; *Provided*, however, That said company shall not have at said time a bonded or floating indebtedness, that shall exceed the amount of said award.

SEC. 11. In consideration of the benefits that will accrue to the city of Stillwater, and its people by the erection and operation of water works, and for a better protection against fire, the city of Stillwater agrees and binds itself to rent, and does hereby rent, from the Stillwater Water Company, eighty-five (85) public hydrants, for the term of thirty years from and after the completion of said works, or as long as this contract remains in force. The rental to be paid by said city for the use of said hydrants shall be seven thousand dollars (\$7,000) per year, and the payment shall be paid quarter yearly *pro rata*, namely: on January 1st, April 1st, July 1st, and October 1st of each and every year during the period of the said thirty years, or so long as this contract shall remain in force; *Provided*, however, That the first payment shall be made *pro rata* on the first day of the quarter next succeeding the completion of not less than twenty (20) of said hydrants, and after their efficiency is proven as hereinafter provided, and as each succeeding twenty (20) hydrants are complet-



ed for service, the city shall commence payment for such service until the entire eighty-five hydrants are completed. All fire hydrants shall be double delivery, and shall be erected and maintained in good order and efficiency by the said water company at such points along the line of the main pipes as shall be designated by the city council or its representatives, and a written copy of such designation shall be given to said water company as soon as the pipes shall have been distributed along any given street. Said hydrants shall have six (6) inch pipe connections to the main pipes in the streets and the openings on said hydrant for the attachment of hose shall be two and one-half (2½) inches in diameter, and the thread of the screw on the nozzle to the opening shall be made to fit the hose couplings now in use by the Stillwater fire department. Upon the completion of the works, each of said hydrants shall be capable of supplying a steam fire engine with water for two fire streams, or they shall be able without steamers to supply eight (8) fire streams simultaneously in the lower portion of the city or four fire streams upon the higher portion of the city; provided, that only one stream shall be taken from the same hydrant, or to furnish six streams from adjoining hydrants in the lower portion of the city.

SEC. 12. If the said city shall at any time desire additional hydrants for fire protection, such additional hydrants to the number of not less than twelve to the mile on new mains and at such points on the old mains as the city shall designate, shall be erected and maintained by the said water company for which the said city shall pay a rental of seventy-five (75) dollars each per year, for the first fifteen so erected, and for all additional hydrants sixty-five (65) dollars each per year, which sum shall be payable quarter yearly, *pro rata*, as provided for in section eleven (11) of this ordinance, for the remainder of the said thirty years or during the continuance of this contract, and the said water company shall, whenever required by the city, remove any of the said fire hydrants and re-locate them at any other point on the line of their mains; the cost of said removal shall be paid by the city. It is hereby stipulated and agreed that the said hydrants rented to the city are not for the private use of the citizens or for street sprinkling, but shall be for the use of the city, once in each week for flushing its sewers, in doing which only one hydrant shall be turned on at a time, and in no case during a fire, and for the fire depart-

ment of the city, and shall be under the control of its chief for such puposes.

SEC. 13. The said water company shall, upon the request of the city council of said city, furnish the said city with water for at least four public drinking fountains to supply water for man and beast, to be located on the line of water mains wherever the city may determine, free of charge and cost; the said company shall also furnish said city, free of cost or charge, water for one hydrant and for drinking purposes at the city hall, and at each of the public school buildings, designated as the central school building and the north school building, for drinking purposes, and water to supply a spray fountain in the yard in front of the city hall; said water shall be furnished at such points along the mains of said company as the city council shall direct. The city is hereby authorized to place in use for the discharge of water in each of said buildings, not to exceed the number of six faucets. The fountains and faucets aforesaid shall be provided with self-closing or automatic valves to prevent the waste of water; in case the city shall at any time locate and construct spray fountains in any of its public parks, in such a manner as to provide for conducting the water therefrom to watering troughs located by the city in the adjacent streets or spray fountains only, the said water company shall supply and furnish the water therefor in the same manner as herein agreed for furnishing and supplying water for hydrants, at and for the sum of sixty-five dollars (\$65) per year for each such spray fountain; the same to be paid at such time and times, and in such proportion as is herein provided, for paying for the use of hydrants; *Provided*, That each of said spray fountains shall be provided by said city with a jet or jets equal in volume to one jet of one sixteenth (1-16) of an inch orifice, and not to run exceeding ten (10) hours per day during six months of each year.

SEC. 14. The water rates of the consumers of water during the continuance of this contract shall not exceed the average rates now charged at St. Paul, Minnesota; Dubuque or Clinton, Iowa.

SEC. 15. For every week during which a full supply of water cannot be obtained from any one of such hydrants by reason of neglect or default of said company, there shall be deducted from the compensation of said company, ten dollars for each hydrant for every week in which such hydrant shall be defective as afore-

said. The Chief Engineer of the fire department of said city is hereby authorized to inspect or cause to be inspected said hydrants; to ascertain whether said hydrants are in good working order, and shall report any defect therein to the city council of said city; *Provided*, however, That the total amount so deducted in any one year shall not exceed the sum of the annual rental of such defective hydrant.

SEC. 16. The Stillwater Water Company shall within sixty (60) days after the passage and approval of this ordinance, file with the clerk of said city, a written acceptance of the powers, privileges, franchises, and duties conferred or imposed by this ordinance, and from and after such filing, this ordinance shall be the measure of rights and liabilities of the said city, as well as of the said company, and shall constitute a contract between the said parties; *Provided*, however, That this clause shall not prohibit other persons who may be associated with said company after filing from joining said company and sharing in the benefits and responsibilities hereby created and imposed.

SEC. 17. This ordinance shall take effect and be in force from and after its publication.

Passed April 15, 1880.

Published April 23, 1880.

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STILLWATER, MINN., April 30th, 1880.

*To the City of Stillwater, Minn.:*

Please take notice that the Stillwater Water Company accepts the conditions of an ordinance of the city of Stillwater, entitled "An ordinance to provide for the establishment of Water Works" in the city of Stillwater, Minnesota, passed by the city council and duly signed and approved by the mayor of said city on April 15, 1880.

THE STILLWATER WATER COMPANY.

H. W. CANNON, Secretary.

ARTICLE VIII.

AN ORDINANCE.

The City Council of the City of Stillwater do Ordain:

SECTION 1. That the ordinance entitled "An ordinance to provide for the establishment of Water Works in the city of Stillwater," be and the same is hereby amended, by inserting after the words "Stillwater Water Company," wherever the said words occur in said ordinance, the words, "its successors and assigns."

SEC. 2. That the said ordinance so amended and the contract therein contained with said Stillwater Water Company, its successors and assigns, is hereby ratified and confirmed, and all the rights, tolls, franchises and privileges granted by said ordinance to the said Stillwater Water Company is hereby granted and secured to the successors and assigns of said Stillwater Water Company.

Passed May 18, 1880.

Published May 21, 1880.

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STILLWATER, MINN., May 22, 1880.

*To the City of Stillwater, Minn.:*

Please to take notice that the Stillwater Water Company hereby accepts of the conditions of that certain ordinance passed by the city council of said city, entitled "An ordinance to provide for the establishment of Water Works in the city of Stillwater," approved April 15, 1880, and duly published; also that certain ordinance amendatory of the above ordinance, duly passed and approved on the 18th day of May, 1880, and duly published.

E. W. DURANT, Pres't.

H. W. CANNON, Sec'y and Treas.

Stillwater Water Company.



## ARTICLE IX.

## AN ORDINANCE

*To Protect the Property and Appurtenances of the Stillwater Water Company of the City of Stillwater, Minnesota.*

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Whereas, It is necessary in order to secure wholesome water for domestic purposes and an ample supply for fire protection to protect the cleanliness and purity of Lake "McKusick," and the safety of the mains, water pipes, hydrants and other appurtenances of the Stillwater Water Company; therefore,

The City Council of the City of Stillwater do Ordain :

SECTION 1. It shall be unlawful for any person or persons to place at or near, or throw into the waters of Lake "McKusick," or into the outlet of the same, or into the filtering basin or clear well of the Stillwater Water Company's Works, any dead animal or part or substance thereof, or fæces, or any garbage, slops, or any noxious or noisome vegetable, animal, or other substance or placing any such object or substance at or near or on the margin of said lake, outlet, or said basin or clear well, or upon any drain or water course that may feed said lake, outlet or basin or well. Any person or persons doing any act forbidden by this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars.

SEC. 2. It shall be unlawful for any person or persons to wilfully or carelessly break down, injure or deface any hydrant upon the line of the street mains of said Stillwater Water Company; and any person or persons so breaking down, injuring or defacing any such hydrant shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars.

SEC. 3. It shall be unlawful for any person or persons to hitch or tie any horse or horses or other animals to any hydrant or public fountain upon the line of the mains of the said Stillwater Water Company, and any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor



and upon conviction thereof shall be fined not less than ten dollars (\$10) nor more than twenty-five (\$25) dollars.

SEC. 4. It shall be unlawful for any other person other than the chief of the fire department or his subordinates under and by virtue of his direct orders to open any of the public hydrants or take any water therefrom except as otherwise provided in an ordinance of the date of April 15, 1880, entitled "an ordinance to provide for the establishment of water works in the city of Stillwater, Minnesota," for any purpose whatsoever, and any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not less than ten (\$10) dollars nor more than fifty (\$50) dollars.

SEC. 5. It shall be unlawful for any person other than [an] employe of the Stillwater Water Company, or a plumber regularly licensed and duly authorized by said company to tap or make connections with any water pipe or street mains or other appurtenances of said water company. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50) nor more than one hundred (\$100) dollars.

SEC. 6. It shall be unlawful for any person or persons having a license to use water from the water works, to use or suffer to be used by others the water for any purpose other than that designated in the said license, or suffer or permit any person or persons not licensed to use water from the tap or hydrant on his, her or their premises without informing the officers of the Stillwater Water Company thereof, or suffer or permit such tap or hydrant to remain exposed to public use or suffer or permit any unnecessary waste of water therefrom, or negligently suffer or permit (either by him or herself or themselves, their agents, servants or other employes) the water to run waste from the same, or supply water to any other person, persons, buildings, rooms or tenements not contemplated by the said license granted by the Stillwater Water Company. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not less than ten (\$10) nor more than one hundred (\$100) dollars.

SEC. 7. The officers of the Stillwater Water Company, their agents, servants and employes, shall be and are hereby author-

ized to enter into and have free access to, from and upon any premises at all seasonable hours when it may be necessary to ascertain the location or condition of any hydrant, tap or pipe or other fixtures or appurtenances appertaining to or connected with the water works, or to shut off or let on water from or to any hydrant, tap or pipe or other attachment connected with the works or for any other purpose that may be deemed essential for the preservation of the works, or to protect the revenue of the company derived from the same, and it shall be unlawful for any person or persons to prevent, or prohibit or obstruct any such officer, agent, servant or employe of the said water company in the legitimate discharge of his or their duties, as herein enumerated in connection with the said water works and its connections and appurtenances. Any person or persons so offending as enumerated in this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten (\$10) dollars nor more than one hundred (\$100) dollars.

SEC. 8. The regularly constituted fire companies of this city shall at all times have the liberty to use water from the fire hydrants for the purpose of washing, cleaning, or testing the engines or other apparatus.

SEC. 9. It shall be the duty of the police force of the city of Stillwater to enforce the provisions of this ordinance and arrest and report the same to the officers of the Stillwater Water Company any person or persons violating the same.

SEC. 10. This ordinance shall take effect and be in force from and after its publication.

Passed January 4, 1881.

Published January 7, 1881.