

P3693

AN ORDINANCE

— PROVIDING FOR —

THE CONSTRUCTION OF

Water Works,

— IN THE CITY OF —

PARKERSBURG, W. VA.

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PASSED, NOVEMBER 22, 1881.

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PARKERSBURG SENTINEL PRINT.

AN ORDINANCE

OF THE CITY OF

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AN ORDINANCE

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THE CONSTRUCTION OF

Water Works

— IN THE CITY OF —

PARKERSBURG, W. VA.

PASSED NOVEMBER 22, 1891.

— BY THE CITY COUNCIL —

# AN ORDINANCE,

*Granting unto the Parkersburg Water Works Company, the Right to Build, Erect and Maintain Water Works in the City of Parkersburg, and for Providing for the Furnishing of said City and its Inhabitants with water.*

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PARKERSBURG:—

SECTION 1st. That exclusive license and permission is hereby granted unto the Parkersburg Water Works Company, a corporation under the laws of the State of West Virginia for a period of twenty-five (25) years as hereinafter provided, to build, erect, construct and maintain Water Works in the City of Parkersburg, County of Wood, and State of West Virginia, and to furnish said City and the inhabitants thereof with a full and ample supply of good, pure, healthful and wholesome water, well suited for domestic, manufacturing and fire purposes, according to plans as hereinafter provided and specifications following:—

*Specification A.* There shall be two (2) pumps, each of which shall have a capacity of not less than seven hundred and fifty thousand (750,000) gallons per day of twenty-four (24) hours, running at one hundred and twenty (120) feet, Piston speed.

*B.* There shall be two (2) Boilers, each capable of furnishing the steam necessary to run the pumps to their full capacity and shall be so constructed as to raise the necessary pressure for extraordinary service in at most, thirty (30) minutes time. And the Pump House shall be a substantial structure and appropriate finish, with a slate or metal roof.

*C* The said Company shall take the water for the supply of

said city and the inhabitants thereof from the Ohio River at a point above Tenth (10th) Street, at least one hundred (100) feet from the shore at low water, and shall carry it thence through a force main, independent of the distributing system of pipes, to two (2) reservoir tanks of suitable weight of iron, of not less than seven hundred and fifty thousand (750,000) gallons capacity, each, to be located on Prospect Hill, or any other eminence near said city, of an elevation not less than two hundred and eight (208) feet from low water mark in the Ohio River to the bottom of said tanks.

*D.* Out of said reservoir tanks the city and its inhabitants shall be supplied with water of the character hereinbefore specified from a pipe system of the best quality of standard cast iron water pipe, guaranteed and tested at the place of manufacture to withstand a hydrostatic pressure of three hundred pounds to the square inch, in accordance with the plan of streets and pipes, with the sizes thereof furnished by Engineer Hill which is hereby adopted, and to be laid to a depth of three (3) feet and six (6) inches from the top of the pipe to the surface of the street, and shall be so laid as not to interfere with the gas pipe or with the sewers and drainage of said City. But in the event of any future change or alteration of the grade of any street along which the aforesaid pipes and water mains shall be laid and constructed, after the same are so laid, that shall leave said pipes or water mains at a less depth than three (3) feet and six (6) inches, or so much more depth than three (3) feet and (6) inches, as to necessitate the sinking or raising of said pipes or water mains, then, and in that event the City of Parkersburg assumes and agrees to pay to said Water Works Company the actual cost of such sinking or such raising of said pipes or water mains to the required depth.

*E.* There shall be on the line of distribution pipes, fifty (50) fire hydrants, each with two discharge nozzles of two and one-half ( $2\frac{1}{2}$ ) inch opening and which shall be located as per plan and order of City Council; and the City of Parkersburg shall have the right to require said company to supply and erect on the distributing lines hereinbefore located, additional fire hydrants, not exceeding twenty (20), each with two (2) discharge nozzles of two and one-half ( $2\frac{1}{2}$ ) inches diameter as heretofore mentioned at such points as may be designated by the City of Parkersburg; but the City of Parkersburg shall reimburse the said company for the cost of such additional hydrants and their connections and erecting the same, and when so erected, they shall be the property of the said city. All the said hydrants shall be of the best quality and approved manufacture, and the thread of the coupling shall be subject to the order of said city.

There shall be eighty-four (84) stop valves located as per plan filed with said city.

F. Said works shall have the capacity to discharge for fire purposes four (4) one (1) inch streams, one hundred (100) feet in height, through fifty (50) feet of two and one-half ( $2\frac{1}{2}$ ) inch hose simultaneously from any four (4) hydrants on the first general bench of the city on a level approximately with Julianna Street at the Post Office. Or four (4) one (1) inch streams eighty (80) feet high, through fifty (50) feet of two and one-half ( $2\frac{1}{2}$ ) inch hose, from any four (4) hydrants on the second bench or level of the city, *i. e.* on all streets on a level approximately with Market Street, from Seventh (7th) Street to Thirteenth (13th) Street; and four one inch streams through fifty (50) feet of two and one half ( $2\frac{1}{2}$ ) inch hose, to a height of sixty (60) feet in any other part of the city on the line of pipe as per plan filed with the city; and should the elevation of the reservoirs be insufficient to afford fire protection as herein provided at or to any portion of the city, said company undertakes and agrees, either by the erection of a standpipe, elevated tank or by direct pressure to obviate any defect from a lack of elevation of reservoir tanks for all purposes, provided that for such supplemental service thirty (30) minutes time shall be given said Parkersburg Water Works Company after notice from the authorized officer of the city that the same is required.

Provided that no demands for test or fire purposes in excess of one hundred and fifty (150) pounds pressure by gauge at pump house shall at any time be made.

SECTION 2ND. That the said Parkersburg Water Works Company shall have the exclusive privilege of supplying the City of Parkersburg and the inhabitants thereof, with water for the period of twenty-five (25) years from and after the passage of this ordinance by the Mayor and Council of said city, unless sooner purchased by the said city as hereinafter provided, and an equal privilege after said time, with any other person or corporation, and that during all the said term of twenty-five (25) years, the said Water Works Company are hereby licensed and authorized to and shall have the right to use the streets, lanes, alleys or sidewalks of said city for the purpose of laying down, repairing and maintaining cast iron pipes, service pipes or other fixtures for the conveyance of water and distributing the same to the inhabitants throughout the city, but they are required to and must put the said streets, lanes, alleys and sidewalks in as good condition as they were previous to laying or repairing the pipes and in case they refuse or neglect to repair any street, lane, alley or sidewalk in which they have laid pipes within a reasonable

time after the works is completed, then, upon being notified by the city to repair the same, and they refuse or neglect so to do, then the city of Parkersburg, by its Mayor and Council may direct the necessary repairs to be made upon said street, lane, alley or sidewalk, and the cost or expense of making such repairs shall be repaid to the city of Parkersburg by the Parkersburg Water Works Company. And the Parkersburg Water Works Company during all of said term of twenty five (25) years are hereby licensed and authorized to build and erect engine houses, pumping works and all other buildings or structures that may be necessary or convenient for them in operating their water works.

SECTION 3RD. The said Parkersburg Water Works Company shall be liable and responsible for any and all damages sustained by reason of the negligence, incompetency or willful acts of their servants or employees, whilst constructing, building or operating said water works and for any and all damages sustained by any person or persons, or by the said city caused by the bursting of any street pipe or main or other pipe, and in no event shall the City of Parkersburg be liable for any such damage or any damage attributable to or caused directly or indirectly by the building or operating of said Water Works. And in case any suit or suits shall be commenced against the said City of Parkersburg by any person or persons claiming in some way to be damaged, either by the building, constructing or operating said water works or any part of the same or otherwise, then, upon the said City of Parkersburg, through its Mayor, notifying said Parkersburg Water Works Company of said suit or suits, it shall be the duty of the said company to defend any such suit or suits and pay whatever judgment, if any shall be rendered in the same against said City of Parkersburg.

SECTION 4TH: That during the construction of the works and while the trench for the mains is open, the said Parkersburg Water Works Company shall, upon the application of any person whose property fronts upon a street where mains are laid, and which said person shall at the same time contract with said company to take water, make the necessary connections with the mains and lay the service pipe from said main to the curb at the expense of the said water works company. But in no event shall said company be required to make such connections or lay such service pipe at its expense except as provided in this section.

SECTION 5TH. Water rates to consumers shall not exceed thirty (30) cents per one thousand (1,000) gallons, or one and two tenths (1 2-10) cents per barrel. Approximated for the several purposes as follows:—



<i>1st.—Private Dwellings.</i>		PER ANNUM.
For one or two rooms		\$ 4 00
“ 3 “ 4 “		5 00
“ 5 “ 6 “		6 00
“ 7 “ 8 “		8 00
“ 9 “ 10 “		9 00
“ 11 rooms		10 00
“ each additional room		50
“ Houses occupied by more than one family, to the above rates add for each family over the above one the sum of		3 00

<i>2nd.—Boarding Houses and Hotels.</i>		PER ANNUM.
For 1 or 2 rooms		\$ 6 00
“ 3 “ 4 “		7 50
“ 5 “ 6 “		9 00
“ 7 Rooms		10 50
“ Each additional room		1 50
“ Hotels, each room,		1 50
Or, for 1,000 gallons by meter or estimate, 30 cts.		

<i>3rd.—Stores, Shops, &amp;c.</i>		PER ANNUM.
For wholesale and retail stores and shops		\$3 00 to \$20 00
“ Offices and sleeping rooms		3 00 “ 20 00

<i>4th.—Saloons.</i>		PER ANNUM.
For Drinking		\$10 00 to \$45 00
“ Eating and Coffee houses, per table,		1 50
“ Ice cream, “ “		50
“ Lager Beer, “ “		50
“ Billiards, “ “		3 00
“ Bowling, “ alley,		3 00

<i>5th.—Stables.</i>		PER ANNUM.
For Livery and Sale, per stall,		\$1 75
“ “ for each wheeled vehicle		1 25
“ “ “ “ vehicle, if washed with hose,		3 00
“ Private stable, for each horse or mule,		1 50
“ “ “ “ cow or head of cattle,		1 00
“ “ “ “ “ carriage, buggy, or vehicle,		1 25
“ “ “ “ “ &c., if washed with hose		3 00
“ Government stables, for each horse or mule, taking the average for the year.		1 25
“ Stock yards, per head of stock, taking the average for the year,		1 25

**6th.—Hose Attachments.**

PER ANNUM.

For sprinkling streets and washing sidewalks, steps, windows, and fronts of lots not over 25 feet front, and half the width of the street,	\$ 5 00
For each additional front foot	10
Corner lots, both fronts charged.	
For sprinkling yards and gardens and washing walks in same, per square yard.	1½
For sprinkling public or pleasure gardens, per square y. l.	1½
“ Streets sprinkling carts, per 100 square yards,	1 50
“ Protection against fire, when rented for no other purpose, charge per square inch area of attachment	35 00

**7th.—Baths.**

PER ANNUM.

For private dwellings, cold bath, each	\$ 3 00
“ “ “ warm “ “	5 00
“ Hotels cold baths “	5 00
“ “ “ warm “ “	10 00
“ Boarding Houses, cold “ “	5 00
“ “ “ warm “ “	10 00
“ Hospitals and public bath houses, cold bath, each	5 00
“ “ “ “ “ warm “ “	10 00

**8th.—Water Closets.**

PER ANNUM.

For private dwellings, each, with self closing cocks,	\$ 3 00
“ Hotels and boarding houses, each, with self closing cocks,	5 00
For hospitals, prisons, saloons, manufactories and all other public places, with self closing cocks,	5 00

**9th.—Urinals.**

PER ANNUM.

For private dwellings, each, with self closing cocks,	\$3 00
“ Hotels and boarding houses, each, “ “	5 00
“ Hospitals, prisons, saloons, manufactories and all other public places, with self closing cock,	5 00

**10th.—Wash Basins.**

PER ANNUM.

For hotels and boarding houses, each basin, with draw,	\$3 00
“ Hospitals, prisons, saloons, manufactories and all other public places,	3 00

**11th.—Kitchens.**

PER ANNUM.

For slop sink, with draw,	\$3 00
“ each additional	1 00
“ Wash tubs, with draw, each,	1 00

*12th.—Building Purposes.*

PER ANNUM.

For stone masonry, per perch of 25 cubic feet,	\$ 04
“ Brick work, 10,000 or less,	1 00
“ “ “ over 10,000, per 1,000	10
“ Plastering, 40 bushels lime used or less,	1 00
“ “ above 40 bushels of lime, per bushel,	2 $\frac{1}{2}$
“ “ per square yard,	$\frac{1}{2}$

*13th.—Quantity Assessments by Estimates.*

Not to exceed 30 cents per 1,000 gallons according to agreement.

*14th.—By Meter Measurement.*

For 1,000 gallons 30c.

*15th.—Manufacturers and Artisans.*

PER ANNUM.

For Bakeries, per bbl. flour used,	\$0 02
“ Breweries, per 100 gallons beer brewed,	10
“ Barber shops, per 1 chair,	4 00
“ “ “ 2 “	7 00
“ “ “ each additional chair	2 00
“ Book Bindery	Assessed.
“ Brick yards, per 100,000 brick moulded	do.
“ “ “ Table	\$17 50
“ Confectioneries	Assessed.
“ Candle and Soap factories, per 100 lbs soap or candles made,	do.
“ Camphine spirit, gas, or alcohol, per 1,000 gallons manufactured,	do.
“ Camphine spirit, gas, or alcohol, per 1,000 gallons washed,	do.
“ Dyers and scourers	do.
“ Distillers per 1,000 gallons spirits distilled	do.
“ Foundries, each machine moulder,	\$1 50
“ “ “ plate or hollow ware moulder,	75
“ Flouring Mills	Assessed.
“ Fountains	do.
“ Forges, blacksmiths, each	\$2 00
“ “ Steam hammer, each	5 00
“ Glue factories, per 100 lbs glue made	Assessed.
“ Gas works	do.
“ Hat Manufactories	do.
“ Hands in factories where no meter is used, each,	10c

	PER ANNUM.
For Hospitals, per inmate,	\$1 00
“ Laundries	Assessed.
“ Labratory	do.
“ Malting, per bushel,	do
“ Printing offices	do.
“ Pork houses, per hog killed,	do.
“ Packing houses. pork, barrel of meat packed,	do.
“ Planing Mills	do.
“ Rectifying establishments, per 100 gallons.	do.
“ Rolling and paper mills	do.
“ Steam engines per 1,000 gallons water used	do.
“ Slaughter houses, per hog or head of cattle killed.	do
“ Sugar refineries, per 100 lbs. sugar refined.	do.
“ Soda factories, per 100 lbs. soda made,	do.
“ Starch “ “ 100 lbs starch,	do.
“ Steam boilers for heating purposes	do.
“ Tanneries, per vat	do.
“ Tobacco Factories for each person employed	do.
“ Vinegar manufactories per 100 gallons	do.
“ Washing meat per 100 lbs meat washed	do.
“ Woolen Mills	do.
“ Cotton Mills	do.

Rents for all purposes not hereinbefore enumerated shall be fixed by estimate or meter measurement at a rate pro rata to quantity used, not exceeding in any instance 30 cents per 1000 gallons, or, one and two-tenths (1 2-10) cents per barrel; provided, however, that the party requiring the meter must pay the expense of the same. Provided, further, that the Parkersburg Water Works Company or any consumer of water may demand a water meter for any reason, and the same shall be put in at the expense of the party so demanding, and the price charged for water in such case shall not exceed thirty (30) cents per one thousand (1000) gallons. Water rents shall be due and payable quarterly in advance, from the owners of the property.

SECTION 6<sup>TH</sup> And be it further ordained, that the said Company shall be ready at all times after the completion of their said works (unavoidable accidents excepted) to supply a sufficient amount of water for the necessity of public and private use in said city, and to keep all of said fire hydrants in thorough repair and good working order for extinguishing fires, and the said fire hydrants shall be used by the said city only for extinguishment of fires, but the said city shall have the right, free of charge, to wash, by duly authorized officers, appointed, the city sewers and gutters with water from the fire hydrants on fixed days be-

tween the first days of May and first days of November each year, one hydrant to be used at a time.

SECTION 7TH. Be it further ordained that during the continuance of this contract, in consideration of the benefits derived from the said Water Works Company by the said City and its inhabitants, by the construction and operation of said water works, that the said City, for the use of the said fifty (50) fire hydrants heretofore located, and of said additional twenty (20) fire hydrants, or less, the erection of which may be required by the said City of Parkersburg, for extinguishment of fires and the washing of sewers and gutters, as hereinbefore provided, the said City of Parkersburg agrees and binds itself to pay the said Parkersburg Water Works Company the sum of Five Thousand Dollars (\$5,000.00) annually, to be paid in quarterly payments, in lawful money of the United States, as soon as the said water works have been completed in accordance with the requirements of this ordinance. And should any portion of the fire hydrants, at least ten (10) in number, be ready for use before the whole are completed, as hereinafter provided, the said City shall pay to the said Company as rental for each of such fire hydrants from the time they are notified thereof, at the rate of One Hundred Dollars (\$100.00) per year, until the said water works are wholly completed, provided that such payment of rental by the City shall not bind the said City to the acceptance of the said water works until the whole is completed and tested as hereinafter provided. And water shall be furnished free of charge by said Water Works Company for the following purposes, *viz*: Churches, three public watering fountains, located and erected by the City; City prison, City offices and buildings, and fire cisterns, and the public schools whenever said schools shall be under control of the City government.

SECTION 8TH. The Council shall pass all ordinances necessary for the protection of said water works and for the punishment of all persons injuring the same, or in any manner interfering with the construction or the operation of the same.

SECTION 9TH. That the said Water Works Company when required so to do, by order of the Mayor and Council of the City of Parkersburg, shall extend their main pipes of such sizes as the City may require, (provided that such pipes shall not be larger than the pipes from which they are extended) on such streets of said City where there shall be an average of at least one (1) consumer to every one hundred (100) feet of pipe so extended, and shall erect and maintain along said extended line or lines, such number of fire hydrants as said City may direct, the rental value

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of which shall not exceed Fifty Dollars (\$50.00) per annum each, to be paid as hereinbefore provided.

SECTION 10TH. The city of Parkersburg shall, at the expiration of fifteen (15) years after the date of completion of the Parkersburg Water Works, as herein authorized, and at the expiration of every five (5) years thereafter, during the continuance of this contract, and on giving six (6) months notice to said Parkersburg Water Works Company in writing, have the option to purchase said water works with all its property at a fair valuation, which shall be ascertained by three (3) disinterested persons of good intelligence, not residents of the City of Parkersburg, or Wood County, West Virginia; one (1) of the said appraisers to be chosen by the said City, one (1) by the said Company, and these two (2) to choose a third. When these three (3) persons shall be thus chosen and before they determine said valuation, the City and the Parkersburg Water Works Company shall, each, at their option, have the right to call non-resident experts, not exceeding three (3), in behalf of each party, to give testimony under oath before the said three (3) appraisers, as to the value of the said property, and the appraisers shall take such other measures as they shall deem proper to inform themselves in the premises, whereupon, they, or a majority of them, by agreement in writing, shall determine and declare the valuation of the entire Parkersburg Water Works and property of the Company, and the City shall pay the sum thus ascertained, with ten (10) per centum added to the amount at which the same may have been valued, provided that should such purchase be made at or after the expiration of twenty-five (25) years after the completion of the said works, then the ten (10) per centum shall not be added to the appraised value to be paid by said City. The City shall, in such purchase, assume and perform all unfinished contracts for furnishing water, and of which the said appraisers shall be advised, made by said Parkersburg Water Works Company, and assume and pay all outstanding obligations of the said Parkersburg Water Works Company, which are liens upon said property to an amount not exceeding the appraised value of the work, the lawful quittance for which shall be received by the Parkersburg Water Works Company as a part of the cash payment of the declared value of the Parkersburg water works and the remainder shall be paid by the city within sixty (60) days after being notified of the award.

SECTION 11TH. The said Parkersburg Water Works Company shall begin the work of construction of said water works on or before the first day of January, 1882, and shall complete said

water works within twelve (12) months thereafter, and when the said water works are completed and the Mayor of said city notified thereof, a test thereof shall be made for an assurance of the capacity of the said water works as herein set forth. Then for the full time of this contract the said Parkersburg Water Works Company shall continue and furnish without default, a constant and uninterrupted supply of water to said City and the inhabitants thereof for the various uses as hereinbefore set forth; and a failure at any time to do so (unavoidable accidents and casualties excepted) or a failure by said Water Works Company to comply with any of the requirements of this ordinance on their part to be observed or performed, shall if not complied with on their part within thirty (30) days after being notified so to do by the Mayor of said City, work a forfeiture of all the rights and privileges granted them by this ordinance.

SECTION 12TH. That upon the acceptance of the terms and conditions of this ordinance, by the Parkersburg Water Works Company, and the said City of Parkersburg so notified by a suitable instrument of writing under the seal of said Company and its signature by its President, to that effect duly authorized, within ten (10) days from and after this date, the terms, conditions, provisions and stipulations thereof shall be and have the force of a contract.

SECTION 13TH. That all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed.

The foregoing is a true copy of an ordinance adopted by the Mayor and Council of the City of Parkersburg at a regular meeting held November 22nd, 1881.

S. P. WELLS, MAYOR.

TESTE:—

F. B. TOOTHAKER, CLERK.











