

ORDINANCE RECORD

No. 725—K-B PRINTING CO., OMAHA. COMPILED BY GEORGE R. MANN, ATTORNEY FOR NEBRASKA ORDINANCE REFERENCE BUREAU, LINCOLN

OPENING

Lexington, Nebraska.
Febr. 4, 1936, 19

The Mayor and Council of the City of Lexington, Dawson County, Nebraska, met in regular (special) session in the City Hall at 8.)) o'clock P. M. Mayor Battle presided. City Clerk Olsson recorded the proceedings of this meeting.

ROLL CALL

The Mayor instructed the Clerk to call the roll. The Clerk called the roll and the following Councilmen were present: Malone, Morganson, Hagadone, Spies, Kjar and Gillan.

Absent: none.

ORDER OF BUSINESS

Whereupon the Mayor announced that the introduction of ordinances was now in order.

ORDINANCE NO. 309

Introduction of Ordinance No. 309 of the City of Lexington, Nebraska.

And the matter now coming before the Mayor and Council was the passage and approval of Ordinance No. 309 of the City of Lexington, Nebraska. This ordinance was introduced by Councilman Spies, and is in words and figures as follows, to-wit:
(Insert copy of ordinance as finally passed, signed and sealed here.)

ORDINANCE NO. 309

An Ordinance relating to the waterworks system municipally owned and operated by the City of Lexington, Dawson County, Nebraska, to provide rules and regulations governing and controlling the operation, maintenance and protection of the waterworks therein; to prescribe that all work done in connection with such municipal waterworks and sewer system shall be carried on by duly licensed and bonded plumbers, answerable at all times to the Water Commissioner and the Mayor and Council; providing for the use of meters, for separate permits for each connection with the water mains and change in the service system of any consumer, for certificates of satisfactory inspection and for filing complete returns of the work by plumbers; fixing the water rates to be paid by consumers, minimum charges and discount for advance annual payment of flat rates or minimum meter charges; providing specifications for house boilers and service pipes; providing fees for installing water service; providing that water may be shut off from consumer when payments are delinquent; providing that delinquent water rents shall be a lien against the premises for which water

ORDINANCE RECORD

L.L. BROWN & CO. PAPER CO.
LINEN & LEDGER

No. 725—K-B PRINTING CO., OMAHA. COMPILED BY GEORGE R. MANN, ATTORNEY FOR NEBRASKA ORDINANCE REFERENCE BUREAU, LINCOLN

service was used or supplied; creating the office of Water Commissioner and defining his duties and powers and fixing his salary; to prescribe the time when this ordinance shall be in full force and take effect; and to provide penalties for the violation of the several sections thereof; and to provide for the repeal of prior ordinances in conflict herewith.

Be it Ordained by the Mayor and Council of the City of Lexington, Nebraska:

Section 1. That the rules, regulations and water rates hereinafter specified shall be considered a part of the contract with every person, firm or corporation who is supplied with water through the waterworks system of said City, and every such person, firm or corporation by taking water or permitting the use of water on his or its property, shall be considered held to consent and to be bound thereby, and when any of said rules or regulations are violated, or such others that the said City or Water Commissioner may hereafter adopt, the water shall be shut off from the building or places of such violation and shall not be turned on again except by order of the Water Commissioner and on the payment of any delinquent water charge due from said person, firm or corporation, and upon such other terms as said Water Commissioner may determine.

Section 2. Every person, firm or corporation desiring a supply of water must make application therefor to the Water Commissioner upon blanks to be furnished by him for that purpose; Provided, all such applications shall be made by the owner of the property upon which water is to be used. The application must state fully and truly all the uses to which the water is to be applied and no different or additional use will be allowed except by the permission of said Water Commissioner. No more than one house or building shall be supplied from one tap. Every applicant for water service, where meter shall be required as hereinafter provided, shall hereafter accompany his application with the meter deposit fee of \$13.00 where ordinary meter not over $\frac{5}{8}$ is required, or where larger meter is necessary with a meter deposit fee equal to the actual cost of said meter set and installed by City, said amount in each case to be fixed by the Water Commissioner.

Section 3. All water furnished to business or commercial property or establishments, or where a tap larger than $\frac{5}{8}$ " is used, shall be furnished at meter rates through a meter as hereinafter set forth. Water shall be furnished to all residences and property other than business or commercial establishments, and where $\frac{5}{8}$ " or smaller tap is used, at a flat rate as hereinafter set forth, or at meter rates, at the option of the property owner. Hereafter all water meters installed in connection with the waterworks system of this City shall be of uniform standard quality, of type and kind recommended by the Water Commissioner and approved by the Purchasing Committee of the Council and which measures water consumed in terms of gallons. All meters so set and installed shall be kept in repair at the expense of the owner of the property upon which such meter is used. When meters are entirely worn out, they will be replaced by the City upon payment of a deposit fee as required in the first instance where water service is installed.

Section 4. All moneys due said City for water furnished under this ordinance shall become due and payable quarterly on the first day of the month succeeding the quarterly period in which water service is furnished and shall be delinquent ten days after due. The first quarterly period in each year shall commence on the first day of May. The Water Commissioner may, in his discretion, collect in advance for water furnished special users, not regular consumers of said system.

Section 5. Bills for water furnished under this ordinance shall be rendered at the end of each quarter, and where meter is used or required, shall designate the number of gallons for the three month period preceding the date of the bill, and the amount of the charge therefor, both for the quarterly minimum and for any excess water for the three month period, shall be computed in dollars and cents in accordance with the rate established herein. Provided, that in the event of the payment by any consumer of the minimum rate annually in advance, as hereinafter provided, bills shall then be rendered to such consumer quarterly covering only the excess water for such period. In the event the bill is not paid until after the expiration of the ten

(If copy of ordinance as finally passed requires more space, insert here additional blank page or pages at end of set.)

ORDINANCE RECORD

day period, then the Water Commissioner is empowered, instructed and commanded to collect the entire bill and any payment made which does not include the entire amount due shall not bind the said City, but shall remain as an existing liability against the property on which furnished and the owner thereof, for which suit may be brought in the name of the City for the collection thereof. The Water Commissioner is hereby empowered and directed to shut off and disconnect the water service of any consumer after his bill shall have become delinquent, which bill shall be paid by such consumer before resumption of service.

Section 6. Water will not be turned into any house or service pipe except upon the order of the Water Commissioner, and plumbers are prohibited from turning the water into any service pipe except on the order of the Water Commissioner; Provided, this rule shall not be construed to prevent plumbers admitting water to test pipes, but for that purpose only. No consumers shall supply water to other families, nor suffer them to take it off his or her premises; nor after water is introduced into any building or upon any premises shall any person make, or employ any plumber or any other person to make, any tap or connection with the pipes upon the premises for the alteration or attachment without permission of the Water Commissioner.

Section 7. No person, firm or corporation shall be permitted to have, make or have made, any taps or connections with the service pipe between the meter, where meter is installed or required, and the mains.

Section 8. All persons, firms or corporations using city water are prohibited from opening any hydrant, tap or other connection of any description during the progress of any fire within said City; and it is hereby made the duty of all consumers upon the sounding of the fire alarm to immediately close and keep closed all water taps during the continuance of said fire.

Section 9. When the water has been turned off from any consumer for the nonpayment of bill for water, it shall not be turned on without an order from the Water Commissioner and the payment of the then delinquent charge; and any plumber or pipe fitter turning on water without an order from the Water Commissioner shall be held liable on his bond for such unpaid bill.

Section 10. The owner or tenant on property where meter is used or required shall provide ready and convenient access to the meter so that it may be easily examined and read by the Water Commissioner; and all consumers of water shall permit the Water Commissioner, at all hours between seven o'clock A.M. and six o'clock P.M., to enter his premises or building for the purpose of testing any meter or to examine the pipes, meters or other fixtures. All meters of consumers, where required as hereinbefore designated in Section three, or where used by any consumer, shall be read between the 15th day and the last day of the months of January, April, July and October of each year by the Water Commissioner or his assistant, and the Water Commissioner shall make or cause to be made statements for the minimum and any excess over the minimum for such quarterly period, by the first day of the succeeding month when water bills are due, which statements may be mailed or delivered to consumers; and record of the mailing or delivery date of such statements shall be kept by the Water Commissioner or his assistant. A separate ledger account shall be opened and kept for each consumer. All bills shall be payable at the office of the Water Commissioner.

Section 11. All house boilers shall be constructed with one or more air holes near the top of the inlet pipe, and sufficiently strong to bear the pressure of the atmosphere under the vacuum, and shall have a check valve between the service pipe and the boiler; the stop cocks and other apparatus must be sufficiently strong to bear the pressure and run the water in the mains. All persons taking the water shall keep the service pipes, stop cocks, meters, and other apparatus in good order and repair, and protect the same from frost at their own risk and expense; and it is hereby expressly stipulated by said City and Water Commissioner that no claim shall be made against them or either of them, by reason of any service cock, or if from any cause the supply of water should fail or from damage arising from shutting off water to repair mains, making connections, or extensions, or for any other purpose, as may be deemed necessary, and the right is hereby reserved to cut off the supply of water at any time, any permit granted to the contrary notwithstanding.

Section 12. Either iron, enameled iron, lead, copper or brass service pipe may be used at the option of the applicant in introducing

ORDINANCE RECORD

water service from the stop box in and upon applicant's premises and such service pipe must be at least one-eighth inch larger in diameter than the tap through which it is supplied. All iron pipe must sustain a pressure of not less than 200 pounds to the square inch, and at the point of connection with the street main between the corporation cock and the coupling in the service pipe, there must be at least eighteen inches of lead pipe, to relieve the rigidity of the iron pipe. A brass coupling must be used for connecting the lead with the iron pipe and in no case must lead be soldered to iron.

Section 13. All service pipe must be laid at such depth under the surface of the ground as the main pipe in the street and in no case less than 4 feet in depth, and in all cases be so protected as to prevent rupture from freezing.

Section 14. Unless otherwise permitted, stop cocks shall be placed in the service pipe at the edge of, or near, the curb line, and protected by a box or iron pipe, reaching from the top of the stop cock to the surface of the ground, of suitable size to admit a stop key for turning on and off the stop; and with cast iron cover having the letter "W" or the word "Water" marked thereon, visible and even with the surface of the ground, said stop box or iron pipe to be kept closed and in good repair. In case of refusal of any consumer to keep his stop box or other equipment on premises up to meter in good condition, the Water Commissioner shall put the same in good order, at the expense of the owner of the premises. There shall be a stop and waste cock attached to every supply pipe in the building, so as to admit of water being shut off in frosty weather and the pipes being emptied.

Section 15. The applicant for water service from the waterworks system of said City shall accompany his application with a tap fee of \$18.00 for a 3/4" tap, or the sum of \$25.00 for a 1" tap, or the sum of \$60.00 for a 2" tap: Provided, if larger than 2" tap is desired, the tap fee shall be such sum as the Water Commissioner shall in each case fix, which sum shall be paid in advance and which shall cover the actual cost of extending said service pipe from the main. The City by its Water Commissioner will tap or cause to be tapped, the commercial main to which applicant's service pipe will be joined. For the tap fee aforesaid, the City will also furnish stop or curb box, curb cock, corporation cock and goose neck, and will also install pipe, trenching, labor and attachments to bring water service from commercial main to a point at or near the curb line where stop box is placed: Provided, the above service shall be furnished for the tap fee aforesaid only in those cases where applicant's property abuts a street where a commercial main is now laid or may hereafter be laid. Applicant at his own expense shall bring water service from curb line in and upon his own premises and shall keep the same in repair. The City will repair any water service from commercial main to curb, including stop box, and will charge consumer or owner of premises for actual cost of same; but when water service between commercial main to lot line shall completely wear out and require replacement on account of ordinary use over a period of years, or when any change shall be required in present connections, the consumer shall be liable for the actual cost of such replacement or change as in the case of a new tap or installation. Applicants for water service whose property is situated outside the corporate limits shall pay tap and installation fees in such sums as the Mayor and Council shall in each case fix: Provided, however, nothing herein shall be construed to obligate the City of Lexington to furnish water service to non-residents unless it is able to do so without overloading its pumps, machinery or other equipment. All meter pits, if meters are not set in basements or buildings, shall be constructed by applicant or consumer at his own expense at a point near the property line and shall be constructed of brick, cement or tile not less than 10" in diameter with suitable cover thereon, as may be approved by the Water Commissioner: Provided, that all meters shall be set in a horizontal position so that the same may be easily read by the Water Commissioner or his agents, whether set in meter pit, building or basement. The Water Commissioner shall, whenever it is not convenient to make readings of any meter now set or hereafter to be set in meter pits, buildings or basements, be empowered to give consumer twenty days notice in writing to reset said meter so that same may be conveniently read, and, if the consumer refuses or neglects to do so, then the Water Commissioner shall reset said meter and the cost thereof shall be charged to and paid by said consumer as water rent. All meter pits hereafter shall be constructed in such design and in manner as prescribed by the Water Commissioner. If commercial mains are not laid

ORDINANCE RECORD

along street abutting applicant's property, and if water main district is not created as provided by statute, applicant at his own expense, under the direction of the Water Commissioner, shall pay for and install pipe, trenching, labor and attachments to bring water service from the curb line of the street where commercial main is laid, to and upon applicant's premises.

Section 16. Any plumber wishing to do business in connection with the waterworks or sewer system of the City of Lexington, shall, before receiving license, file in the office of Water Commissioner a petition in writing, giving his name and of each member of his firm, if any, and place of business, asking to become a licensed plumber of the City of Lexington, stating his willingness to be governed by the rules and regulations now or hereafter to be adopted by the City Council or Water Commissioner concerning his business. Before receiving a license, he shall also file in the office of the Water Commissioner a bond with two or more sureties, to be approved by the City Council, in the sum of Two Thousand Dollars, which bond shall be renewed annually, conditioned that he will indemnify and keep harmless the City of Lexington and the Water Commissioner from all liability from accidents and damages arising from any negligence or unskillfulness in doing or protecting his work or from any unfaithful or inadequate work done in pursuance of his license, and that he will also restore the streets, sidewalks and pavements in as good condition as he found them, and keep and maintain the same in good order to the satisfaction of the Water Commissioner and City Council for a period of six months thereafter; and that he will pay all fines imposed upon him for the violation of any rules and regulations adopted by the said City or Water Commissioner, and in force during the term of his license. The petition herein mentioned shall be issued by the Clerk, under the seal of the City, when ordered by the Council. The obligee in said bond shall be the City of Lexington, and an action may be maintained thereon by anyone injured by a breach of its conditions.

Section 17. Any plumber or pipe fitter who shall be guilty of a violation of any of the rules and regulations adopted by the City or Water Commissioner, shall forfeit his license, such violation to be determined by the City Council at a hearing to be held at any regular or special meeting. A forfeiture of the license of any plumber shall operate as a suspension of the license held by the co-partner in the same business, or by any person in his or their employ.

Section 18. Within 48 hours after the completion of any attachment or connection, the plumber shall make a full return in writing to the Water Commissioner, with a description of all the apparatus and arrangements for using the water, together with a plat showing the exact location by measurement from lot lines, of a stop cock, meter and service pipes and any further particulars that may be called for by the Water Commissioner. The water will not be turned into any service pipe until the complete returns are made by the plumber.

Section 19. All plumbing shall be skillfully done and in the manner required by the Water Commissioner, and shall be subject to his inspection and approval; the quality and pattern of all appurtenances shall, in like manner, be subject to his approval and no work shall be approved or accepted until examined by him.

Section 20. It shall be unlawful for any plumber or pipe fitter to do any work upon any of the pipes, appurtenances of the waterworks system of said city, or to make any connection with or extensions of the supply pipes of any consumer, until such plumber or pipe fitter shall have first procured a plumber's license and the special permit, as herein provided.

Section 21. No person except the Water Commissioner or engineer employed by the City will be permitted, under any circumstances, to tap the mains or distributing pipes, or insert stop cocks or ferrules therein, except upon written permit of the Water Commissioner specifically describing the location or taps to be made. All taps to be made between 8 o'clock A. M. and 5 o'clock P.M. of the day, and pipes must in all cases be on the top and not in any case nearer than fifteen inches of either end of the pipe, nor nearer than four feet to any other tap.

Section 22. In all paving districts, the service pipes between the commercial main in the street and the stop cock must be of lead, designated extra strong, and must be one-eighth inch larger than the corporation cock. Weight must not be less than 2 lbs., 7 oz. per foot

ORDINANCE RECORD

for one-half inch pipe; not less than 3 lbs., 7 oz. per foot for five eighth inch pipe; not less than 3 lbs., 10 oz. per foot for three-quarter inch pipe; not less than 4 lbs., 12 oz. per foot for one inch pipe; not less than 6 lbs., 12 oz. per foot for one and one-quarter inch pipe; not less than 7 lbs., 7 oz. per foot for one and one-half inch pipe; and not less than 9 lbs., 8 oz. per foot for two inch pipe. Provided, copper or brass service pipe may be specified by the Water Commissioner in lieu of lead between commercial main in street and stop cock in paving districts aforesaid; and where copper or brass service pipe is so specified, proper connections shall also be so specified.

Section 23. Proprietors of business establishments will be permitted to connect said places by larger pipes, with hydrants and hose couplings, with the water mains, at their own expense, upon application to the Water Commissioner, and will be allowed to use the water for fire purposes only: Provided, however, that the Water Commissioner shall put in a water meter at the expense of the proprietor; and provided further, each proprietor shall be charged and pay for all water taken through said meters, except that taken in cases of fire; when used in case of fire, the proprietor shall forthwith notify the Water Commissioner of the use of water for said purpose; if said notice is not given as above provided, the proprietor shall be charged and pay for the water taken through said meter at same rates as are herein provided for to other consumers.

Section 24. All hydrants erected by said City for the purpose of extinguishing fire, are hereby declared to be public hydrants, and no person other than members of the Fire Department, and then only for the use and purpose of said Department, or persons specially authorized by the City Water Commissioner, and then only in the exercise of the authority delegated by the City or Water Commissioner, shall open any of said hydrants, or attempt to draw water from the same or in any manner interfere with same. No hydrants, except the public fire hydrants aforesaid or except for public drinking fountains, shall be placed within the limits of any streets; and no drinking fountain shall be so erected which has openings by which it can be used as a source of domestic supply.

Section 25. It shall be the duty of the police of said City to report to the Water Commissioner all cases of leakage and violations of this or any other ordinance, relating to the waterworks of said City, that may be brought to their notice, and they shall enforce the observance of all such ordinances, so far as they have the authority to do so.

Section 26. The City reserves the right to suspend the use of water for sprinkling yards, lawns, gardens or for irrigation purposes, whenever in the opinion of the City Council the public exigency may require it.

Section 27. Should any water meter, where meter is required or used as provided herein, become out of order or repair and fail to register properly, the consumer will be charged at the average monthly consumption as shown by the meter reading when in good order for six months previous, or fraction thereof if the same has not been used that long; all such meters shall be put in repair by or under the supervision of the Water Commissioner and expense thereof charged to the consumer, which shall be a lien against the real property of said consumer until paid; and all meters shall be sealed by the Water Commissioner and it shall be unlawful to break said seal or open any meter except under the direction or upon the order of the Water Commissioner. Hereafter all meters shall be sealed in three places, to-wit: Once on the burr connection, on each side, and on the cover of the registering dial, and no person shall deface, injure or break said seals unless authorized in writing to do so by the Water Commissioner or his duly authorized deputy. Any consumer who breaks, or allows to be broken, the seal on any meter, shall be charged such rate for water for the preceding quarterly period as may be determined by the Water Commissioner and the City Council. All water meters may be tested at the expense of City at reasonable times.

Section 28. If any consumer shall remove from the premises for which application was issued, or such premises shall be destroyed by fire, the property owner shall notify the Water Commissioner thereof, who shall cause the water to be shut off the premises..

Section 29. All connection charges such as tap fees and meter deposits shall be paid in advance as no installment payments shall hereafter be permitted or allowed.

ORDINANCE RECORD

Section 30. Each and every consumer of City water, where water meter is used or required to be used, shall be allowed a minimum amount of 15,000 gallons for each quarter annual period, and all water used in excess of the minimum of 15,000 gallons shall be charged to such consumer at the rate of 15¢ for each 1,000 gallons used in excess of said 15,000 gallon minimum. The minimum charge for the minimum amount of water used by consumers where water meter is used or required, in each quarter annual period shall be \$3.00. Each consumer for which flat rate service is provided shall pay a quarter annual water rental of \$3.75: Provided such flat rate shall not be allowed in any residence property which is occupied by more than one family, unless such flat rate is paid by each family occupying said premises; and provided further that such flat rate shall not be available to any consumer using, for lawn, garden or other purpose, property having more than 75 foot frontage or land equal in size to a tract 75' by 140'; any consumer desiring to use water on a flat rate for more than a 75' frontage shall pay an additional quarter annual water rental of 75¢ for each additional 25' frontage so used. Provided further any consumer using water only in the yard, and having no water connections inside of any house or building on said premises, shall pay a quarter annual water rental of \$2.50 for a frontage of 75' or less, and the additional sum above provided for a frontage in excess of 75'. Such rates in all cases to be determined by the Water Commissioner. Provided further, that either the minimum meter rate or the minimum flat rate may be paid annually in advance at a discount of 10% if paid on or before May 10 for the period from May 1 of the same month to the following April 30th. In the event of such annual payment in advance for minimum meter rates, such consumer shall pay quarterly for all excess water used in the preceding quarter.

Section 31. All water meter charges shall be charged to and collected from the owner of the premises upon which such water is used, and the same shall be a lien on said premises and real estate where used and may be collected by said City at any time after the same becomes due by civil action in the courts, and it shall be the duty of the Water Commissioner, once quarterly, to report the names of all parties delinquent in payment of their water rates and charges and meter charges, showing the amount due from each delinquent together with a description of property upon, or for which, the water has been used or supplied, and to file lien against each piece of real estate upon or for which water was used, for such delinquent amount, in the office of the Register of Deeds of Dawson County, Nebraska, without further notice to the owner thereof, which lien may be foreclosed against the real estate in the same manner as provided by Statute of the State of Nebraska for the foreclosure of a tax lien, and thereupon the City Attorney shall proceed to collect the same by suit either against the person or property or both as he may deem expedient. This section shall not be construed or intended to limit the right of the Water Commissioner to shut off or disconnect the water of any consumer when the amount due for water furnished has become delinquent as provided in this ordinance.

Section 32. The City Council shall provide a schedule of prices for the sale of all material and fixtures furnished by the City, and such schedule shall be filed with the Water Commissioner, but said said schedule of prices shall be based upon the cost of said articles to the city, and may be changed at any time as the cost of the same may vary in the market.

Section 33. The Water Commissioner shall have the authority to issue permits for the use of water for building and construction purposes. He shall adopt such means, by inspection or otherwise, as may prove most efficient in finding and determining the amount of water which will be used, and where water is taken from street hydrant or street fountain and used for irrigation or other special purposes, the regular charge shall be paid as though the water was taken direct from the waterworks, and he shall collect the rates provided by this ordinance therefor. He may, in his discretion, put in a meter to measure the water so used, or he may estimate the amount if the same can be done with the consumer. If a meter is put in, the expense thereof shall be paid by such consumer using the water for such special purposes in the same manner as is charged regular consumers for similar service.

Section 34. There is hereby created in the City of Lexington the office of Water Commissioner who shall be appointed by the Mayor

ORDINANCE RECORD

of such City by and with the advice and consent of the City Council. Such Water Commissioner shall be a resident freeholder of said City and his term of office shall be for one fiscal year or until his successor shall be appointed and qualified, and annually on the first Tuesday in May, the Water Commissioner may at any time for sufficient cause be removed by a two-thirds vote of the City Council, and any vacancy occurring in said office of Water Commissioner by death, resignation or removal from office as aforesaid, or removal from the City, may be filled in the manner hereinbefore provided for the appointment of such Commissioner. The Water Commissioner shall, before he enters upon the discharge of his duties, execute a bond to said City in the sum of Five Thousand Dollars (\$5,000.00) conditioned upon the faithful discharge of his duties and signed by two or more good and sufficient sureties to be approved by the Mayor and Council. It shall be the duty of such Water Commissioner, subject to the supervision of the Mayor and Council, to have the general management and control of the system of waterworks and water supply in said City. Such Water Commissioner shall collect all money due to said City on account of said system of waterworks and faithfully account for and pay over the same to the Treasurer of such City, taking his receipt therefor in duplicate, one copy thereof to be filed with the City Clerk, and shall make a detailed report to the City Council at least once every three (3) months of the condition of said water system, of all mains, pipe, hydrants, machinery, and of such improvements and repairs and extension thereof as he may think proper, and showing the amount of receipts and expenditures on account thereof for the preceding 3 months, and no money shall be expended for improvements, repairs or extension of said waterworks system except upon recommendation of the Water Commissioner. Said Water Commissioner shall make a complete statement at the beginning of each fiscal year for the whole of the preceding year.

Section 35. The Water Commissioner shall be paid a salary of \$ 100.00 per month, and, upon his written recommendation, the Council shall employ such laborers and clerks as may to them seem necessary, and no member of the Council shall be eligible to the office of Water Commissioner during the term for which he was elected.

Section 36. No person shall willfully or carelessly break, injure or deface, interfere with or disturb any machinery, apparatus, fixture attachments or appurtenances of the waterworks system of said City or any public or private hydrant, hose or water trough or stop cock, meter, water supply or service pipe or any part thereof, nor shall any person deposit anything in any stop cock box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property. Any person or persons violating any of the provisions of this section or of the thirty-five preceding sections of this ordinance in which penalties are not therein provided, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding \$100.00 and not less than \$10.00 and shall be confined to the City or County jail until such fine and costs are paid.

Section 37. Water meter deposits shall, when received by the City Treasurer from the Water Commissioner, be held separate and apart in a fund to be known as "Water Meter Deposit Fund". Said Water Meter Deposit Fund shall be expended solely for the purchase of new meters. The Water Commissioner shall give each applicant or consumer separate receipts for all meter deposits and tap fees received by him.

Section 38. The City reserves the right to at any time alter or amend or change this ordinance or any provision thereof, including the water rates herein established.

Section 39. If any part or parts of this ordinance are for any reason held to be invalid, said holding shall not affect the validity of the remaining portions of this ordinance.

Section 40. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Provided, however, that the water rates in effect prior to the passage of this ordinance shall remain in effect until May 1, 1936, and the repeal of said ordinances shall not limit the right of the City to enforce the payment of any water rent due prior to the passage of this ordinance, or which may become due prior to May 1, 1936.

Section 41. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Attest:

J. L. Olsson

City Clerk. (seal)

Passed and approved February 4th, 1936.

John Battle