

O R D I N A N C E N O. 63.

an ordinance granting to the Hood River Electric Light Power and Water Co., the right to lay pipes and mains, through the streets, alleys and public grounds of the City of Hood River for the purpose of carrying water into, through and throughout said city, and to supply the inhabitants thereof with water, and for providing means of extinguishing fires:

The City of Hood River does ordain as follows--

Section No. 1. That the Hood River Electric Light Power and Water Co., a corporation organized under the general laws of the State of Oregon, its successors or assigns be, and it is hereby, granted the privilege and right of laying mains and pipes underground in or through the streets, alleys and public grounds of the City of Hood River, for the purpose of conveying water into, through and throughout said City, for the supplying the inhabitants thereof with water, and for furnishing water for extinguishing fires, and for other public purposes under the conditions and rights hereinafter set forth.

Section No. 2. Commission to Fix Water Rates. The Hood River Electric Light Power and Water Co., shall never charge greater rates for water for domestic purposes than are now charged for the same in the City of Hood River, and whenever the water rates charged by the Hood River Electric Light Power and Water Co., shall appear to the common council of said City to be exorbitant or unreasonable in comparison with the Company's revenue and the services rendered, the common council can declare the same by ordinance and cause a copy of such ordinance to be served upon the President, Secretary or Manager of the Hood River Electric Light Power and Water Co. At the next regular meeting of the said common council they may appoint two freeholders, residents in said City of Hood River, as commissioners, who, in company with the President and Secretary of the said Hood River Electric Light Power and Water Co., may examine into and ascertain the amount of the net income of said

Company and if it then appears that the rates charged by the said Company are exorbitant and unreasonable as aforesaid, the Hood River Electric Light Power and Water Co., shall within ten days after such decision appoint two commissioners, freeholders, and residents of Wasco County, Oregon, and not connected with or interested in said Company.

The commissioners so appointed by the said common council and by said Company shall constitute a commission with power by a majority vote of all of said commissioners to reduce, regulate or fix the water rates to be charged by said Company, but change by reduction of water rates shall not be made within one year from time such commission shall have acted on the same.

Section No. 3. In case such commission constituted as is provided in Section 2 of this ordinance shall be unable for any cause to agree upon what water rates shall be fixed as reasonable, such commission shall select one freeholder, a resident of said Wasco County, to act with said commission, and a majority of the commission so constituted shall fix the maximum rates to be charged by said Hood River Electric Light Power and Water Co., during the time provided in Section 2 hereof: and provided further that if the Hood River Electric Light Power and Water Co., shall neglect or refuse to appoint commissioners as is provided in Section 2 hereof, and within the time therein provided, when the common council of the City of Hood River may make the commission full by the appointment of two persons with the qualifications mentioned in Section 2 hereof, for appointment by said Company, to act with the two commissioners originally appointed by said council, and the commission so constituted shall have full power to fix and establish water rates for said Company to be charged as provided in Section 2 hereof.

Section No. 4. As soon as such commission shall have agreed upon, fixed and regulated the water rates as hereinbefore provided, the same shall be reported to the common council of said City of Hood River and filed by the Recorder, who shall cause notice to be published of such rates so established, in some newspaper published in

said City, for a period of ten days, and if at any time there shall be none so published, then notice shall be posted in at least five conspicuous places within said City, after which time it shall be unlawful for said Company to collect higher charges for water meter than the rate fixed by said commission.

Section No. 5. The said Hood River Electric Light Power and Water Co., shall begin work on the construction of their water works aforesaid within thirty days after the approval of this ordinance, and shall have such works, reservoirs, and not less than two miles of mains laid within said City and in complete working order within twelve months from the approval of this ordinance. The main leading from reservoirs to State street or Park street shall be not less than ten inches in diameter and the main through State street to First street shall be eight inches in diameter and the main from State street to River street and on River street to First street shall be six inches in diameter: and the main on First, Third and Fifth streets and the main on Irving, Oak and First Streets in Newcombs, connecting the mains on State street and River street shall be four inches in diameter and main on Third, Columbia and Fourth streets shall be four inches, and the main from State street to River street on Second street shall be six inches in diameter: and a failure to comply with the requirements of this Section shall work a forfeiture of all the rights and privileges granted by this ordinance.

Section No. 6. Such water works shall be of ample capacity to supply a good working pressure for fire extinguishing purposes to fire hydrants at the following points in said City of Hood River: on State street at intersection of Park street, Third and Fifth streets and two hundred and fifty (250) feet west of intersection of Irving street, and at intersection of Park street: on Oak and River streets at the intersection of First, Third and Fifth streets and two hundred and fifty (250) feet west of intersection of Irving street, and at intersection of Park street: on Columbia street at intersection of Third and Fourth and two on Park Avenue, making twenty-one hydrants all of same to be two plug hydrants, and suitable for use for 2 1/2

to be provided and connected to the mains by the Hood River Electric Light & Water Co.
all hydrants

inch fire hose: said hydrants to be supplied with water at the rate of three dollars per month for each hydrant, said amount payable monthly, provided that water from said hydrants shall not be used for other than fire extinguishing purposes, without the permission of the Superintendent or manager of said Company. The City may use water from said hydrants not to exceed one hour per week, for flushing sewers, but never during a fire or after a fire till reservoir has been filled, nor after reservoir has been repaired till the same has been filled. The Hood River Electric Light Power and Water Co., shall furnish a flow of water sufficient to supply a drinking fountain for Men and Beast, said fountain shall be erected by the City of Hood River near the business center of said City, the water so supplied for fountain and for flushing ~~reservoirs~~ ^{reservoirs} as xx herein set forth to be free of charge so long as the City of Hood River fulfills all requirements hereinbefore set forth. The reservoirs of supply shall have a capacity respectively of not less than two hundred and seventy thousand (270,000) gallons and one hundred thousand (100,000) gallons and the water in the large reservoir shall be at least three hundred and ten (310) feet above the grades as now established on First and Oak streets in said City, said grade being one hundred and thirty-six (136) feet as compared with Government Bench Mark near depot. Such reservoir shall contain not less than one hundred and fifty thousand (150,000) gallons of water at all times, except when it is being cleaned or repaired: and provided further that whenever the common council of said City of Hood River shall order six or more fire hydrants placed in any other part of the City, of Hood River, the said Company shall within six months thereafter lay not less than ^a four inch iron main to such places, such additional hydrants to be not more than three hundred and fifty (350) feet apart, and on the west side of the stream of Hood River, said hydrants to be supplied with water at the rate of three (\$3.00) dollars per month per hydrant, (unless said hydrants are located on the hill where Power and pump are required when ^{to furnish} the rate shall be four (\$4.00) dollars per month per hydrant, to be paid monthly.)" And the said Hood River Electric Light Power

a good iron pipe - pressure for fire extinguishing purposes

and Water Co., is hereby granted the right and privilege of building, constructing and maintaining in said City the necessary reservoirs as hereinbefore provided to furnish water for fire extinguishing purposes, together with the necessary stand pipes, cisterns, machinery and appliances to supply such reservoirs with water.

Section No. 37. All mains or pipes for conducting water which may or shall be laid by said Company pursuant to the provisions of this ordinance, shall be laid not less than eighteen inches below the grades of streets as now established, and whenever excavations or trenches are ordered for laying or repairing mains or pipes in or through any street or alley in said City, such trenches or excavations shall be refilled at the expense of said Company and without any unnecessary delay, and such street put in as good condition under the supervision and to the satisfaction of the street commissioner of said City, as the same was before said trench or excavation was made. And all water furnished or supplied through any such main or pipes shall be good and wholesome water.

Nevertheless the City of Hood River reserves to itself, at its option, the right to establish and maintain, on its own account, works in and throughout said City for the supplying of said City and the inhabitants thereof with water, and to erect and use, at its option, at any time, upon such terms as may be reasonable, purchase for the said Hood River Electric Light Power and Water Co., and the said Company shall sell to said City all works and appliances for supply of water to said City then owned by it, and in case the common council of said City and the said Company shall fail to agree as reasonable price and terms on such purchase and sale, a commission shall be appointed and constituted for such purchase and sale in the same manner and with like effect as is provided in Sections two and three of this ordinance to reduce, fix, regulate and determine rates for water to be charged by said Company, and when such rates and terms shall have been agreed upon, fixed and determined in the manner hereinbefore provided, provided such price shall not be less than cost value of plant, and the City of Hood River shall

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~~tender payment and performance on its part, the said Company shall
and will take to said City a full and complete conveyance of all
its property, rights, interests and interest in and to the works
of said Company for the supply of said City with water, within thirty
days from date of such tender by said City through its Common
Council.~~ >

Section No. 3. The Hood River Electric Light Power and Water Co.,
shall file its acceptance of the provisions of this ordinance with-
in ten days after ^{it becomes a law} ~~the passage of this act~~; and the City of Hood
River, in consideration of the furnishing of water for fire pro-
tection as in this ordinance provided agrees to take water for fire
protection from not less than the number of hydrants specified
herein, at the monthly rate of three dollars per hydrant for a
period of ten years from the date of the completion of said water
works and systems as in this ordinance specified; provided that the
said Company shall during all of said time comply with all of the
conditions of this ordinance.