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**ORDINANCES, BY-LAWS,
RULES AND REGULATIONS**

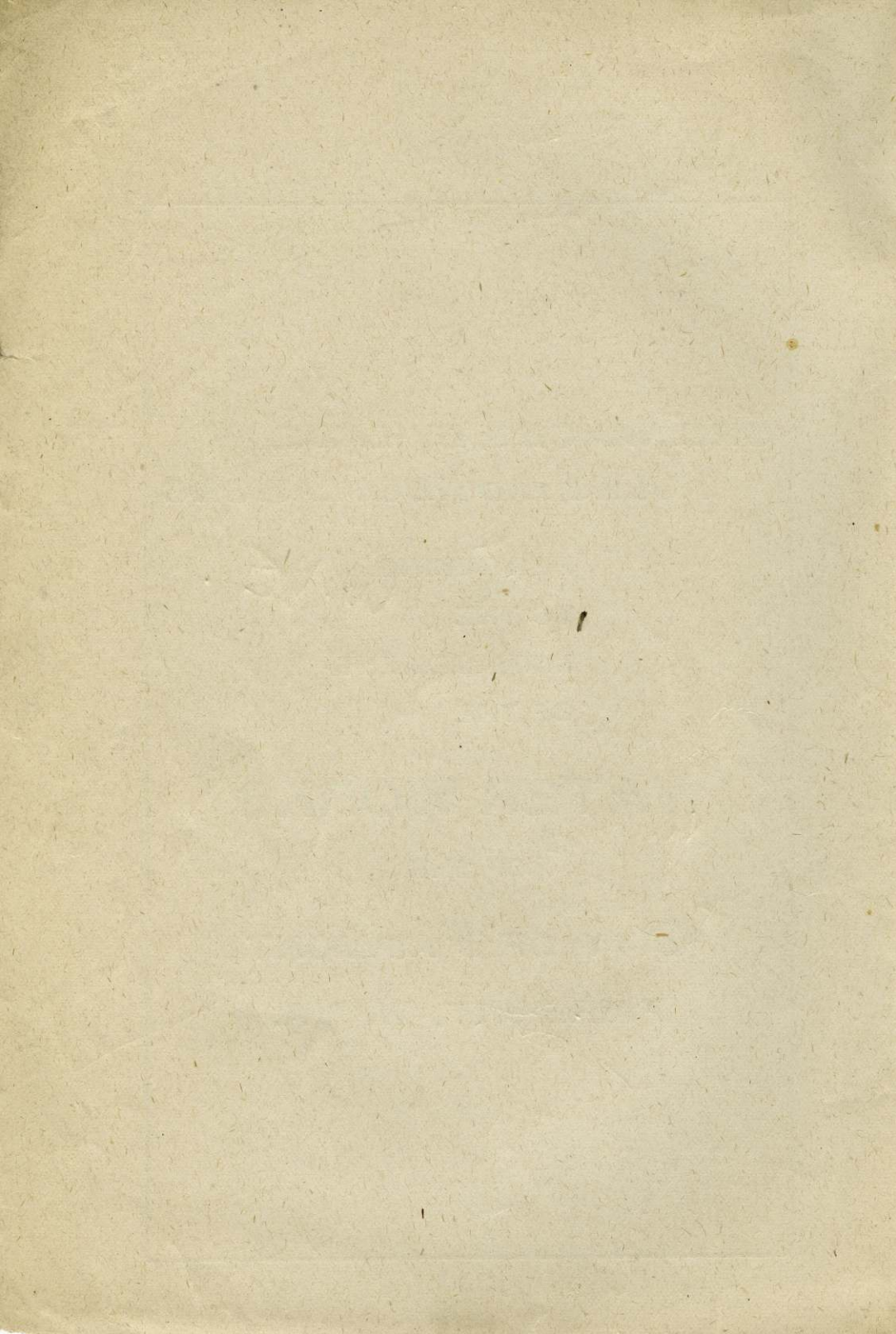
PERTAINING
TO THE
MANAGEMENT
OF THE

WATER WORKS

OF THE

CITY OF FAIRMONT

FAIRMONT, W. VA.



WATER COMMITTEE.

Chapter 19, Section 4: (Passed December 20, 1905.)

The Committee on Water shall have general supervision over the property of the water plant of the city as well as over the water commissioner and other persons employed in the department and shall make such recommendations to the council from time to time as in their judgment will subserve the best interests of the city.

THE WATER BOOKS.

Chapter 6, Section 5 (h): (Passed December 20, 1905.)

He (the city clerk) shall also prepare and deliver to the said city collector on or before the first day of each quarter, viz: January 1st, April 1st, July 1st, October 1st, the water books, which shall contain statements of all water rents due the city, for the current quarter, and the total amount of said rents as contained in said book shall likewise be charged to the said city collector.

THE CITY COLLECTOR.

Chapter 9, Section 1: (Passed December 20, 1905.)

There shall be appointed by the council at the first regular meeting in the month of April, in each year, or as soon thereafter as practicable, an officer to be called the city collector, whose duties it shall be to collect city taxes, licenses, levies, assessments, wharfages, **water rents**, etc. * * * *

Section 6:

In the collection of water rents of said city, the collector shall be governed by the ordinances and rules from time to time adopted by council.

THE WATER COMMISSIONER.

Chapter 12: (Passed December 20, 1905.)

Sec. 1. At the first regular meeting of the council in the month of April in each year, or as soon thereafter as practicable, an officer shall be appointed by the council to be designated as the water commissioner who shall within two weeks from the time of his appointment, and before entering upon the discharge of his duties, take and subscribe an oath or affirmation before any person authorized to administer oaths and file the same with the city clerk.

Sec. 2. It shall be the duty of the water commissioner under the direction of the water committee of the council to exercise general supervision over the water works of said city, including the reservoirs, main pipes, fire plugs, equipment, materials, tools and other property pertaining or belonging to the water works of said city—exclusive, however, of the bank accounts, books, papers, money, office equipment,

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or property in charge of the city clerk, city collector and city assessor. He shall superintend the workings of all employees of the water works, making all repairs, and improvements, laying of pipes, except where the council shall expressly assign such duty to other persons, not under the said water commissioner's control.

He shall report promptly to the council any error or omission he may observe, or apprehend, in the progress of his work. He shall inquire after all of the offenses against the rules and regulations governing the water works of said city, and report the same to the council.

He shall inspect all jobs of plumbing, and make reports to the city clerk, of all new connections established. Under the direction of the water committee he shall make all necessary repairs to the water system and he shall keep a book account of the time the employees under him shall have worked, and report the same to the city clerk, but no new improvements shall be made by him except upon the order of council.

He shall make frequent and close examinations of all machinery at the power house, and take proper measures to keep the same and all other apparatus, tools, fire plugs, materials and things in any way under his charge in proper working order.

He shall keep council informed as to the condition of the works.

He shall keep an account of property of the city and materials and things furnished for the water works, which may come into his charge; and when apprised by the city collector of any delinquencies in the payment of water rents, he shall, under the water rules of the city, turn off the water of such delinquent.

Sec. 3. The water commissioner shall receive such compensation for his services as the council may from time to time fix and prescribe.

Sec. 4. But nothing in this ordinance shall prevent the common council of said city from removing the said water commissioner at any time, when in the opinion of the council the best interests of the city will be subserved and promoted thereby.

AN ORDINANCE Regulating and Establishing Rules for the Government of the Water Works of the City of Fairmont.

(Passed March —, 1909.)

Be it ordained by the Common Council of the City of Fairmont:

Section 1. It shall be the duty of the water commissioner to shut off the water from any leaking hydrant or private water pipe without any further notice. And the water commissioner, or person acting under the direction of the water committee of council, shall be authorized to inquire and examine at any building or premises from which any waste or unusual flow of water shall proceed, into the cause thereof. And if any such flow of water shall proceed from any such hydrant, private water pipe or from any defect of the pipe or other fixtures, and if the occupant of the building or premises shall neglect or refuse to shut the water off from such hydrant or private water pipe, or to have the necessary repairs or alterations made forthwith, the water commissioner, or any person acting under an order from the said water committee, shall be authorized to shut off the water from such building or premises. And the water shall not be turned on again until the owner or controller of such pipe, hydrant or fixture shall have caused the necessary repairs to have been made to prevent leaking and shall have satisfied the water commissioner that such repairs have been made. And when this is done the water commissioner shall cause the water to be again turned on and shall collect from the owner or controller of such premises the sum of one dollar for turning the water on.

Section 2. All water rents shall be paid quarterly in advance, at the office of the city collector, on the first days of January, April, July and October. Fractional parts of a quarter will be collected to the first days of either of the above mentioned months,—payable on demand. A discount of 2½ per cent. shall be allowed on all bills for water rent paid on or before the tenth day of said months. In case the water rent is not paid on or before the 20th day of said months the city collector shall cause the water to be shut off from such delinquent premises, and the flow shall not be restored until said water rent is paid in full, together with a penalty of \$1.00 and actual expense, if any, incurred by the water department in cutting the street for the purpose of shutting off and restoring the flow of water or for any other purpose.

All water rents determinable by meter shall be paid on or before the 10th day of the month following the expiration of the quarter for which the water rent is charged.

All water rent shall be assessed to the owner of the property upon which the water is used.

In case any dispute arises between the collector and any water consumer as to the correctness of any bill for water, the bill shall be paid, and if it appear that an error has been made, the excess will thereafter be refunded by order of council; if such disputed bills are not paid within the time above prescribed for the payment of water rents, the water shall be turned off notwithstanding the dispute.

Section 3. The City of Fairmont retains the tapping of the mains, furnishing the ferrules, or corporation stop-cocks and boxes, and service pipe to the curb line, all work to be done under the supervision of the water commissioner, at a price to be hereafter fixed by the water committee or council, and the payment to be made in all cases before the permit is granted. No person other than the water commissioner, or persons authorized by him or by the water committee, will be permitted to make connections with the main or distribution pipes. The numbers and sizes of all corporation cocks inserted, and the length of street service pipe laid shall be taken by or reported to the commissioner at once. But in no case shall a connection be made until a permit, stating the size of cocks and pipes and the location of same, is granted to the party desiring to so connect.

Section 4. No service pipe shall be laid or shall be connected to the city's main pipe or to any other water pipe except in conformity to the following provisions, and all other provisions of these rules and regulations:

"The owner of the house desired to be supplied shall sign and seal an application in a book kept at the office of the city collector, by which application he shall ask permission to have laid a service pipe for water to the house or premises indicated, the work to be done in accordance with these rules and regulations, and shall agree to said rules and regulations, and shall agree that such pipe and all attachments thereto, and their use shall be and remain at all times subject to said rules and regulations and all amendments thereto, and shall promise to comply with and be governed by the same; such owner shall then truthfully inform the collector and answer all his questions in relation to the uses for which the water may be wanted. If the service pipe and ferrule desired be permissible under these rules and regulations, the collector shall, upon receipt of such sum as may hereafter be fixed by council for inserting the service pipe and conveying same to the line of the curbstone, issue a permit for the laying of the same in accordance with these rules and regulations, specifying in the permit the sizes of the pipe and the ferrule to be used."

The owner of all premises to be supplied with water shall sign articles of agreement making the property so supplied liable for a lien for the payment of all water rents and other charges remaining unpaid, and agreeing to be governed by the by-laws, rules and regulations that are now in force or may hereafter be established by council.

Section 5. A corporation cock will be inserted in the street main, and service pipe laid to the curbstone, and a stop-cock attached, and

valve box placed at the line of the curbstone, at the expense of the City of Fairmont, so soon as permits have been issued and paid for according to the rules and regulations.

Section 6. In no case will service pipes be allowed to run across lots—that is, from one lot to another—but must be taken from the main in front of the premises, or some point adjacent thereto. And in case a lot or premises in which a service pipe shall have been previously laid, and fixtures set up, shall become sub-divided and under different ownerships, the water commissioner shall notify all parties interested, and shall make demand, in writing, upon the owner of the premises through which the pipe shall first pass, requiring him to cause said pipe to be disconnected or cut off from all adjoining premises and soldered up within five (5) days from the date of demand, under the penalty of having the water turned off at the curb without further notice. Provided, however, a meter is set in the premises through which the service pipe shall first pass, and so arranged as to measure all water passing through said pipe, and the owner thereof shall assume the payment of all water rents accruing thereon.

Section 7. The City of Fairmont reserves the right at any time to shut off the water in the mains in case of accident, or for the purpose of making connections, alterations or repairs, and it shall be the duty of the water commissioner to cause notice to be given to all consumers within the district to be shut off at least one hour previous to the shutting off, except in case of accident, in which case the water shall be shut off without notice.

Section 8. Persons owning adjoining lots may join in obtaining permits, in which case a single service pipe may be laid to the curb line and divided, giving each person an independent service and stop, and the cost of such permit shall be hereafter fixed by council.

Section 9. Persons taking water must keep their service pipe and all fixtures in good repair and protected from frost at their own expense, and must prevent all unnecessary waste of water under penalty of having the water shut off.

Section 10. No corporation cock shall be inserted in any of the leading mains above the size of three-fourths of an inch, inside diameter, unless with the consent of the water commissioner and approved by the water committee. And in all cases where corporation cocks of a larger size are asked for permits shall only be granted for branches to supply the full capacity of the service pipe.

Section 11. Applicants desiring attachments of larger diameter than prescribed by the rules of the water works, for the purpose of controlling a large quantity of water in a short space of time, will be required to pay on demand all extra costs of such attachment above that of an ordinary service, and be at the expense of an approved meter of proper size for the measurement of the water consumed, and shall pay meter rates.

Section 12. Meters may be attached to any premises whatsoever when, in the opinion of the water committee and the water commissioner, the same may for any reason be deemed necessary, and the

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refusal of any persons to attach meters to their premises when ordered to do so shall be sufficient cause for the department to shut off water from any of such premises. And all persons to whom water rates are charged or assessed or who are users of city water, authorized to use or consume city water under the provisions of this ordinance, shall have the privilege of using water meters if they desire. The water works will in all cases furnish and apply the meters, will collect therefor, in advance, including the expense of attaching same, and will make the necessary repairs to same from time to time, at cost of the owner.

Section 13. Every plumber or other person who shall do any work of attaching to any water pipe or waste pipe any fixture for the use of water additional to such as were in use before, or any work of connecting up any disused pipe or fixture which was before cut off, or any work of a nature to increase the consumption of water on any premises or by any person, or any work of putting pipe or fixtures for the use of water into any house, tenement or premises which was not before supplied with water, shall report in writing to the collector within ten days after doing such work, the full particulars of same, with the date when it was done and the street number, or if it have none the location of the premises in which the work was done.

No plumber or other person without the consent of the collector, in writing, shall turn on any water which has been turned off for non-payment of rent, leaking fixtures, or vacancy of premises.

Section 14. Hydrants, taps, water closets, urinals, baths and other fixtures will not be allowed to be kept running when not in actual use, unless water shall first pass through a meter. For any violation of this section, after having once been notified by the commissioner or other person authorized by him, the water shall be turned off, and the sum of two (\$2.00) dollars shall be paid before again turning on the water.

Section 15. In cases where the water is turned off for non-payment of water rent or other causes, or when in the opinion of the water commissioner the turning off of the water at the stop-cock is not sufficient protection against the further use of water, he may cause the corporation cock to be withdrawn.

Section 16. Upon re-application for water, where the water has been turned off and the cock withdrawn, an additional charge of three (\$3.00) dollars will be made for reinserting it.

Section 17. No consumer shall permit others not members of his family to habitually use water from his pipe or hydrant or make any connection therewith, whatsoever. For any violation of this section after having once been notified by the water commissioner, or other person authorized by him, the water shall be turned off, in which case the sum of two dollars shall be paid before the water is again turned on. Any person so using water from the pipes or hydrant of another person shall, upon conviction thereof, be fined not less than one nor more than ten dollars and costs of prosecution. In addition to all penalties heretofore prescribed water rent for the water so used shall

be assessed against either the person so using water or the person so permitting water to be used, at the option of the city.

Section 18. The water commissioner shall have the right to shut off and stop the flow of water into any premises, whenever access to any part of the water apparatus in any house shall be denied to him or his agent, or whenever the consumer shall fail to comply with every requirement made by or under the rules of the water department.

Section 19. When premises are vacated thirty days or more before the expiration of the quarter for which water rent has been paid a refunder will be issued for the unexpired term; provided, that personal application is made, and the last water rent receipt is returned to the collector's office. No water rent, however, shall be refunded unless the premises are entirely vacated.

When any such premises are vacated the owner thereof shall give notice of such vacancy at the office of the city collector. Upon receipt of such notice the collector shall cause the water to be shut off from such premises. And no refund shall be allowed unless such notice shall have been given at the beginning of the period for which such refund is desired.

Section 20. No person for other purposes than the extinguishment or prevention of fires shall turn the city's water on any hose or use any hose during the time of any fire or during the time specified in any public notice which shall have been given by the water commissioner or the water committee of council, requesting the consumers to economize with water on account of a scarcity of the supply.

Section 21. No person except employees of the fire department in the discharge of their duties, and such other persons as may be specially authorized so to do by the water commissioner or the water committee, shall open any fire plug or water pipe or water valve on a main water pipe belonging to the city, or in any way meddle with any such plug, water pipe or water valve.

Section 22. No person except the properly authorized agents of the city, acting by direction of the water commissioner, shall drill, tap or make any connection with any main or service water pipe of the city.

Section 23. No person shall suffer the lid of any hose plug, or stop-cock on any street or alley, and pertaining to or belonging to or supplying premises owned or occupied wholly or partially by such person, to remain off unnecessarily, or such hose plug or box to remain unnecessarily uncovered.

Section 24. No person shall in any manner obstruct the access to any stop-cock connected with any water pipe within any street or alley in the City of Fairmont by means of any lumber, brick, building material or other article, thing or hindrance whatsoever.

Section 25. No person shall wilfully or negligently damage, injure or displace any of the pipes, fire plugs, stop-cocks, valves, hydrants, tanks, reservoir, engines, or any thing appertaining to the water works, or shall throw any dirt, stones or other articles into the reservoir or

tanks, or shall cause any wilful waste of water, or shall suffer the water to flow unnecessarily from his premises, or shall use the water for any purpose except that specially agreed in the contract with the city for the said water.

Section 26. Where two or more families occupy the same building water rent shall be charged to each family for domestic purposes. Water rent shall be charged to each tenant for every water closet, urinal or bath or other water fixture which may be in an area common to two or more tenants, or be in a building having rooms rented to different tenants, unless in the latter case it can be arrived at only through one tenant's premises, in which case such tenant only shall be assessed for its use; provided, that if the owner of the property in which such water closet, urinal or bath or other fixture is shall apply for its use and pay for it as public, the tenants shall not be assessed for it.

Section 27. Unless water closets and baths have both water and waste pipes cut off, and unless urinals are removed from any water supply, and unless hose bibs are removed from any spigot, water rent will be charged on such closets, baths, urinals and hose whether they be used or not; and every receptacle made for use with water, similar to the use of a water closet and having a waste pipe, shall be classed as a water closet, whether it have an inlet pipe or not.

Section 28. No hose shall be used for more than one dwelling or store unless the same shall have been assessed to and the water for its use paid for by all using the same. Each water taker must confine himself to sprinkling in front of the property mentioned in his permit.

Hose larger than three-fourths of an inch in diameter, or with a larger nozzle opening than one-fourth of an inch in diameter, will not be permitted, except upon additional charge. Using a hose without a nozzle is forbidden. Converting hose into jets for the amusement of either adults or children, adjusting hose upon either temporary or fixed supports or devices of any kind arranged to sprinkle automatically for the purpose of cooling walls, the atmosphere, etc., will be regarded as fountains and will be subject to such additional charges as may be deemed sufficient for such extravagant use of water. Water must not be used in such quantities as to muddy the streets or to flow into the gutter or onto the adjoining property.

Where a plug or nozzle to the water pipe anywhere on any premises is attached, water rent will be charged for washing pavements with hose, or for sprinkling gardens, lawns or grass plots, whether the same has been used for either purpose or not.

City water for purposes of sprinkling streets or yards shall be paid for at the rates hereinafter specified, and shall only be used for such purposes between the hours of 5:00 o'clock and 9:00 o'clock a. m. and 5:00 o'clock and 9:00 o'clock p. m. And no hose shall be used for more than two hours in any day.

BRICK MASONS, ETC.

Section 29. It shall be the duty of every brick mason, stone mason, plasterer, builder, layer of concrete or cement, to render to the city collector, at the end of each month, a statement giving a full account of the water rent chargeable to him for building or construction purposes according to section 35, or stating that there has been no such charges, such statement as rendered being verified by oath, the certificate of such oath being on the same paper with the statement. And if such statement, so verified, be not rendered as prescribed in any case, it shall be the duty of the water commissioner to call upon the person from whom such statement shall have been due and demand the same, and if it be not furnished forthwith such person shall forfeit and pay to the city a fine of not less than \$1.00 nor more than \$5.00 and costs of prosecution, for each and every day he shall fail after such demand to make such statement. The city collector shall assess the water rent due according to this rule, and such assessments shall be classed as supplemental assessments.

Section 30. Any person violating any of the provisions of sections 13, 21, 22, 25 or 28 of this chapter, upon conviction thereof, shall be fined not less than one nor more than ten dollars, and in addition thereto shall reimburse the city for any damages which may have accrued to it by reason of the violation of such section.

Section 31. Any person violating any of the provisions of sections 20, 23 or 24 of this chapter, upon conviction thereof, shall be fined not less than two nor more than five dollars and costs of prosecution.

Section 32. No liability for damages shall attach to the city, its officers or employees, for a lack of water at any time in any pipe or in any locality or in the city generally, whether such lack shall have resulted from negligence on the part of the agents of the city or from any other cause. No water rents shall be refunded or rebate allowed on account of failure in or scarcity of supply of water, as the city charges only for what it may furnish for ordinary purposes (not for fires) without any guarantee whatever as to the quality of the water, quantity or regularity of the supply.

Section 33. The City of Fairmont hereby refuses peremptorily to enter into any contract, express or implied, to furnish water for the extinguishment of fires, or to be obliged in any way to have on a supply of water at any fire plug or consumer's hydrant or any outlet at the time of the fire, or to be liable for such supply not being on at any time, and no officer, agent or employee of the city shall at any such time have authority to bind the city by his act or sufferance to any such contracts, obligation or liability. The water rent charged by the city is in no sense a charge for protection from fire, or for use of water in case of fire.

Section 34. The requirements made and inspection referred to in these rules are provided by the city for its own interests and are merely part of the condition upon which the city is willing to furnish water, and while it is also to the interests of users of water and owners of buildings that said rules should be strictly enforced, such

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users and owners must understand that the city assumes no responsibility for a failure on the part of its agents to compel their observance, and consequently the users of water and owners must themselves be the guardians of the safety and sufficiency of their own pipes and fixtures. To the Honorable Council, City of Fairmont:

We, your Water Committee, beg to report the attached "Schedule of Water Rates" for your approval and adoption to take effect April 1st, 1909.

After meeting with consumers using water in hydraulic elevators we have changed schedule making them a rate 30 per cent. higher than they are now paying, which rate is satisfactory to said consumers.

We deem it important that these new rates be passed by this body.

Respectfully submitted,

FRED HELMICK,
O. E. McMILLAN,
J. E. MORGAN,
Water Committee.

SCHEDULE OF WATER RATES

CITY OF FAIRMONT.

Section 35.

	Rate per year
BANKS	\$7.20
BAKERIES	12.00
BARBER SHOPS, first chair.....	8.00
Each additional chair	5.00
BLACKSMITH SHOPS, first fire.....	7.20
Each additional fire	1.75
BILLIARD ROOMS, first table.....	7.20
Each additional table	1.00
BOWLING HOUSES OR ALLEYS, first alley.....	10.00
Each additional alley	2.00
BAR ROOMS	40.00
Beer pump additional	10.00
BUILDING PURPOSES—Brick, per thousand.....	12
Plastering, per 100 yards.....	50
Stone, per perch	06
Cement walks, per square yard.....	06
Concrete, per cubic yard.....	06
Puddling purposes, per cubic yard.....	06
BATHS—In private dwellings or flats, per capita, per year.....	60
In hotels, boarding houses, office buildings and all other places except dwellings and flats—public.....	8.00
Private	4.00
Shower baths in public places.....	8.00
CIGAR FACTORIES, 10 hands or less.....	7.20
Each additional hand	1.00
CLOSETS—In hotels, bowling and billiard rooms and bar rooms, Public	6.00
Private	4.00
Dwellings, first closet.....	4.00
Second closet	2.00
Each additional	1.00
Office buildings and other establishments—public.....	4.00
Private	3.00
Dwellings—Occupied by one family only, five persons or less, including help	7.20
Each additional person	1.50
Each additional family, same rate.....	

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DENTISTS—One chair	14.00
Each additional chair or spittoon and water attachment...	2.00
DRUG STORES—Without fountains	16.00
Fountain, April 1st to October 1st.....	8.00
Fountain, October 1st to April 1st.....	4.00
DAIRIES OR MILK DEPOTS.....	
DYEING AND SCOURING WORKS, each hand or tub.....	10.00
Each tank	7.00
Each dyeing machine	5.00
ENGINES—Gas, each horse power	85
Air compressors, each horse power.....	85
Steam boilers, each horse power.....	85
ELEVATORS—Hydraulic, present flat rates to be increased 30 per cent.	
FACTORIES—In addition to engine, boiler and compressor, first spigot	10.00
Second spigot	5.00
Each additional spigot	3.00
GREEN OR HOT HOUSES, private.....	3.00
For florists	\$10 to 20.00
HOTELS—One to sixteen rooms.....	16.00
Each additional room	75
HOSE—For scrubbing and sprinkling (no charge less than a year). Residences, hotels, stores and other establishments not mentioned, 50 foot front or less.....	4.00
Each additional 50 foot or less.....	4.00
ICE CREAM FACTORIES.....	12.50
LAUNDRIES—Hotel	\$25.00 to 200.00
Public	\$25.00 to 200.00
Meter6c per 1,000 gal.
MOTORS, WATER—1 to 5 horse power.....	16.00
5 to 10 horse power.....	32.00
10 to 15 horse power.....	48.00
15 to 20 horse power.....	64.00
METERS—20,000 gallons or less per quarter.....	30c per 1,000 gal.
Next 10,000 gallons per quarter.....	25c per 1,000 gal.
Each additional 1,000 gallons.....	20c per 1,000 gal.
Hydraulic elevators, factories and steam laundries6c per 1,000 gal.
OFFICES—Eight persons or less.....	5.00
Each additional person	1.00
OFFICE BUILDINGS	

PHOTOGRAPH GALLERIES	12.00
POP FACTORIES—In addition to boiler and engines, 1 to 3 men	30.00
Each additional man	5.00
PRINTING OFFICES—In addition to boiler and engine, first	
spigot	10.00
Second spigot	5.00
Each additional spigot	3.00
RESTAURANTS	\$15.00 to 25.00
STORES—Eight persons or less	7.20
Each additional person	1.00
STABLES—First horse	3.00
Each additional horse	2.00
Each carriage	1.00
(This includes washing with hose.)	
SCHOOLS	
URINALS—Public, bar room	10.00
Public, hotels and other places	6.00
Private	4.00
VEGETABLE SPRINKLERS	5.00
Any places having baths, closets, urinals, hose, to pay regular charges in addition to above rates.	

