

118 Ordinance by the Council  
June 11, 1902

ORDINANCE NO. 366.

Passed by the Council June 11 - 1902.

Ord 366  
Passed by the Council June 11, 1902  
1449  
631  
an ordinance relating to and granting a right  
away the The Albany Canal, Water Transportation and  
Lighting Company through the streets of Albany  
and extending and granting the franchise  
granted to J. W. Crawford to said Company and  
regulating the exercise of the franchise granted to  
said Company.

The People of the City of Albany do ordain as follows:  
Section 1: That there and is hereby granted to  
The Albany Canal, Water Transportation and Lighting  
Company, its successors and assigns, at its  
instance and request, as the successor and  
assignee of J. W. Crawford, the right of way  
through and along the streets of the City of Albany,  
Salem County, Oregon, to dig, keep, repair and  
maintain a canal along and through the streets  
of said city, and to cause water to flow in  
and along the same perpetually, so that the  
water shall not overflow the banks of said  
canal as follows to-wit:

Commencing at the Southern end of  
Vine Street, <sup>to the middle of said street</sup> the Lapora River. Also commencing  
at the intersection of Vine and Light Street,  
thence ~~commencing~~ along Light Street to a point  
where said canal strikes Lot 6 in Block 17 thence  
to Thurston Street, thence along Thurston Street  
to the Willamette River. Also commencing at the  
intersection of Water and Thurston Streets, thence  
to Lafayette Street thence in a southeasterly course  
along La Fayette Street to First Street, thence along  
First Street to Madison Street, thence along Madison  
Street to the Willamette River. Also commencing  
at the intersection of La Fayette and Water  
Streets, thence along La Fayette Street to the  
Willamette River. Also commencing at the intersection  
of Thurston and Water Streets, in said city, and  
running thence along the center of Water Street  
to Railroad Street and from thence to Robinson's  
and West's Saw Mill and Cherry's Foundry, and from  
those two points in two channels, crossing Water Street,  
to the Willamette River.

And said several canals along said streets to



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remain and continue when they may be so long as said The Albany Canal, Water, Transportation and Lighting Company, its successors or assigns may use them for the purpose of conveying water. And the rights, privileges and franchises heretofore granted to the Albany and Southern Water Ditch or Canal Company or to said Canal by ordinance are hereby fully approved, ratified and confirmed to said The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns so far as the same are applicable at this time, and the several rights of way, privileges and franchises herein enumerated and granted to said The Albany Canal, Water, Transportation and Lighting Company, shall operate and have the relation to the time when said several branches of said canal were actually constructed through and along the streets of said city and be valid and binding to all intents and purposes as if previously so made at the time. And the said The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns, are hereby authorized and empowered to continue to use and occupy so much of said several streets for said purpose as now occupies thereof.

Section 2. That the said grant of the right of way in said canal and its branches along the said streets of the city of Albany where the same is now located, and the said rights and privileges and franchises granted to The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns, by the said city of Albany, as in section 1 of this ordinance, provided, is upon the following conditions, to-wit:

Section 3. That said canal at the place of beginning at the South end of Vine Street, to the intersection of Vine and Eighth Streets, shall not exceed forty feet in width at the top surface of the ground, and from said intersection of Vine and Eighth Streets to the Canal Street, shall not exceed thirty-six feet in width at the top of the



surface of the ground; and from said intersection of Vine and Eight Streets, to Thurston Street and thence to the Willamette River, it shall not exceed thirty feet in width at the top surface of the ground, and all the branches of said canal described in section 1 shall not be enlarged at the top surface of the ground but the canal and all its branches may at any time be made deeper, and the said The Albany Canal, Water, Transportation and Lighting Company, its successors or assigns, may, desire

Section 4:- That the said The Albany Canal, Water, Transportation and Lighting Company, its successors or assigns, shall construct suitable and safe flumes, bulkheads and embankment along the ~~course of Water Street to Railroad Street, and from thence to the line of said canal~~ line of said canal and its branches through low places, sloughs and waters on said streets where the same shall be necessary and where the water of said canal and its branches flow over the bank of the Willamette River, into said river and over the banks of the Dalapraia Creek, into said Creek and keep the same safe and secure so that the water flowing through said canal and its branches, flumes and bulkheads shall not overflow the same into the Streets or property in said City.

Section 5:- That the said The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns, may at all times, turn into and come to flow through said canal and its several branches, flumes and Bulkheads, continually such quantity of water as the said canal, its branches, flumes, bulkheads and banks will hold and convey without overflowing the same into the streets or property in said City.

Section 6:- That said The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns, may at all times when necessary, enter upon the streets of said city for the purpose of repairing said canal and its branches, flumes, bulkheads and banks, without doing and being unnecessary injury or damage to the streets, sidewalks, crosswalks or bridges over said canal or



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over its flumes, embankments, or bulkheads in said city, and shall make all such repairs with as little delay as possible.

Section 7: That, the said The Albany Canal, Water Transportation and Lighting Company, its successors and assigns shall within a reasonable time after making the repairs on said canal, its branches, flumes, bulkheads and embankments, repair all damage done to the property, streets, crosswalks and bridges over said canal and its branches, flumes and bulkheads, necessarily or otherwise caused by reason of the making of such repairs within said city.

Section 8: That the said The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns shall in case said canal or any of its branches shall at any time be made deeper as in this ordinance provided, remove all the earth, rock, and other substances taken from the same in said city, to such place in said city as may be designated by the street commissioner of the city of Albany, and shall within a reasonable time thereafter repair all damage done to the streets, sidewalks, crosswalks and bridges over said canal, and flumes and bulkheads and embankments, public squares and property in said city, caused by deepening said canal or any of its branches, or by removing the earth rock or other substance therefrom as in this section provided.

Section 9: That all places where said canal, its branches, flumes embankments, or bulkheads cross a slough, swale or low place in said city, the said The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns shall provide a way for all water that may flow in such slough, or swale or low place to either pass into or under said canal and its branches, flumes and bulkheads, so as not to cause an overflow of the water in such slough, swale or low place.



on to any street or property in said city.

Section 10:- That the said The Albany Canal Water Transportation and Lighting Company, its successors and assigns shall pay all damage that said city or any person in said city may sustain by reason of the water in said canal, or its branches, flumes, embankments, bulkheads, weirs, slough or low places overflowing, the same or any part of the same into the streets, sidewalks, crosswalks, squares or any property in the city.

Section 11- That the said The Albany Canal Water Transportation and Lighting Company, its successors and assigns shall keep said canal and its branches, flumes, embankments and bulkheads in said city in good repair and condition, so as to keep the water therein from overflowing the same, and shall repair all damage all damage to property, sidewalks, crosswalks and public squares, streets, and bridges over the same in said city caused by the overflow of the water of said canal, or its branches, flumes, bulkheads or embankments within three days after such damage shall occur and in case of failure or neglect to make such repairs within three days after such damage shall occur the said city shall make such repairs at the cost and expense of the said The Albany Canal Water Transportation and Lighting Company, its successors and assigns, and the cost and expense of such repairs so made by said city shall at once as soon as made become and be a lien on said canal, its branches, flumes, embankments, bulkheads and all rights, privileges and franchises granted by this ordinance for the security of the payment of all such costs, charges, and expenses. And the said Albany Canal Water Transportation and Lighting Company, its successors and assigns shall bind to the said city of Albany all damage it may be liable or compelled to pay to any person by reason of an injury to person or property, caused by reason of any carelessness or neglect on the part of the said Albany Canal Water



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Transportation and Lighting Company, its successors or assigns, in making or causing to be made any repairs to said canal or any of its branches, flumes, bulkheads or embankments, and the said Albany Canal Water, Transportation and Lighting Company, its successors or assigns shall at all times keep lights during the night time whenever or wherever said ditch, or any of its branches, flume, bulkheads or embankments, are or may be in a dangerous condition or undergoing repairs.

Section 12: That the said The Albany Canal, Water, Transportation and Lighting Company, its successors or assigns shall pay said city all damages and costs, charges and expenses it may be liable or compelled to pay any person or persons or account of any injury to person or property caused by the water in said canal, its branches, flumes, embankments, bulkheads overflowing the same on the streets, sidewalks, cross walks, bridges or squares in said city, and thereby rendering the same unsafe or dangerous to public use in said city.

Section 13: That the said City of Albany in consideration of the rights, privileges and franchises granted to said The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns, as provided in this ordinance, shall at all times have the right and privilege free of charge, to use the water in said canal or any of its branches, flumes and bulkheads, for the purpose of extinguishing fires in said city, in any manner that the fire department in said city may deem best for that purpose, and also the right and privilege at all times, to take the water free of charge from said canal or any of its branches, flumes and bulkheads by means of pipes and fire engines, pumps and conduct the same therefrom to the fire systems in said city, for the use of said city in extinguishing fire.

Section 14: That the said city shall at all



times, have the right and privilege to take water from said canal and any of its branches, flumes, and bulkheads in the same manner and free of charge when said water is not used for other purposes and conduct the same in pipes into the sewers and gutters of said city, and use said water for the purpose of sluicing and cleansing said sewers and gutters, when the quantity of water so taken shall not interfere with the propulsion of machinery propelled by water in said canal and its branches, flumes and bulkheads in said city, but no case of fire the fire department shall be allowed to take and use free of charge, such amount of water as may be deemed necessary for the purpose of extinguishing such fire, and have the free use of the flume in said canal, and any of its branches, flumes, bulkheads and embankments for all fire purposes.

Section 15:—That the city of Albany shall construct and keep in good repair and condition all necessary bridges over said canal, and its branches, flumes, bulkheads and embankments in said city; but in the event the said canal or any of its branches, flumes, bulkheads or embankments shall be changed, altered or widened so that the bridges as they now stand would be insufficient for any purpose whatever, it shall be the duty of said Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns, to make good and sufficient new bridges at its or their proper cost and expense.

Section 16:—It shall not be lawful for said Albany Canal, Water, Transportation and Lighting Company, its successors or assigns, or any person to cast or deposit into said canal or any of its branches, flumes or bulkheads within the limits of the said city of Albany any dead animals or filth or sewage or any rubbish whatever.

Section 17:—That any person violating the provision of section 6 of this ordinance shall be liable to prosecution therefor before the recorder of



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said city, and upon conviction thereof, shall pay a fine of five dollars but not more than \$50 and costs of prosecution.

Section 1: - It shall be the duty of said The Albany Canal, Water, Transportation and Lighting Company, its successors and assigns, in all cases where said canal or any of its branches flow under any sidewalks in said city, to cause the same to be enclosed so as to prevent the washing of the struts and securely board up to said sidewalks and also to keep said canal and its branches securely and safely covered when the same are now covered or may be hereafter covered so that the travel may securely pass over the same.

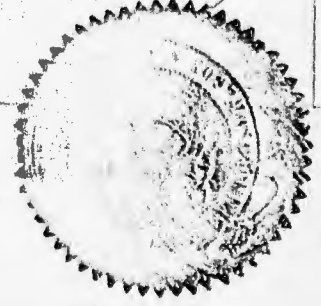
Section 2: - That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: - This ordinance shall take effect and be in force from and after its approval by the mayor.

Approved this 10th day of June 1902.

W. H. Davis  
Mayor of City of Albany

Attest: J. S. Van Winkle  
Recorder of City of Albany



City Recorder's Certificate.

STATE OF OREGON. }  
COUNTY OF LINN. }

I, J. S. VAN WINKLE, Recorder of the City of Albany, in Linn County, and State of Oregon, do hereby certify that the foregoing ~~and annexed~~ copy of Ordinance No. 366.

has been by me carefully compared with the original Ordinance bill No 388 now on file in my office, and that it is a true and correct copy of all and the whole of said Ordinance bill No 388 as passed by the City Council of said City June 10 1902

Witness, my hand and official signature and the seal of the City of Albany, this 11 day of June 1902

J. S. Van Winkle  
Recorder of the City of Albany.



## ORDINANCE NO. 366

AN ORDINANCE RELATING TO AND GRANTING A RIGHT-OF-WAY THE ~~TO~~ THE ALBANY CANAL, WATER, TRANSPORTATION AND LIGHTING COMPANY THROUGH THE STREETS OF ALBANY AND EXTENDING AND GRANTING THE FRANCHISE HERETOFORE GRANTED TO JOHN A. CRAWFORD TO SAID COMPANY AND REGULATING THE EXERCISE OF THE FRANCHISES GRANTED TO SAID COMPANY.

The people of the City of Albany do ordain as follows:

Section 1. That there be and is hereby granted to the Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns, at its instance and request, as the successor and assignee of John A. Crawford, the right-of-way through and along the streets of said city, and to cause water to flow in and along the same perpetually, so that the water shall not overflow the banks of said canal, as follows, to wit:

Commencing at the southern end of Vine Street, thence down the center or middle of Vine Street to the Calapooia River. Also commencing at the intersection of Vine and Eighth Streets; thence along Eighth Street to the east boundary line of the intersection of Eighth Street and Baker Street; thence ten feet on each side of the center line described as follows: Beginning at a point on the southerly line of lot 6 block 5, said point being approximately 10 feet distant easterly from the southwest corner of said lot 6; thence in a southwesterly direction to a point on the center line of the existing Santiam Canal, said point being approximately 21 feet distant easterly from the point of intersection of the D. L. C. line dividing blocks 5 and 9 with the center line of the existing Santiam Canal on Eighth Street, thence westerly on the center line of existing Santiam Canal to the intersection of said center line with easterly line of concrete arch culvert in intersection of Baker and Eighth Street; also beginning at a point on the easterly line of lot 5 block 5, said point being approximately 45 feet distant northerly from the southeast corner of said lot 5; thence in a northeasterly direction across Montgomery Street to a point on the westerly line of lot 8 block 8; said point being approximately 62 feet distant northerly from the southwest corner of said lot 8; also beginning at a point on the easterly line of lot 5 block 8, said point being approximately 73 feet distant northerly from the southeast corner of said lot 5; thence easterly across Railroad Street to a point on the westerly line of lot 8 block 17; said point being approximately 38 feet distant northerly from southwest corner of said lot 8; also beginning at a point on the easterly line of lot 5 block 17, said point being approximately 157 feet distant southerly from the northeast corner of block 17, thence northeasterly across Jackson Street to a point on the westerly line of lot 1 block 20; said point being approximately 93 feet and 5 inches distant southerly from the



northwest corner of said block 20; thence in a northeasterly direction to a point which is described as follows: 51 feet south of the northwest corner of lot no. 4 in block no. 20.

From the last above described point over the route of the present canal as the same is now constituted as follows: Thence to Thurston Street, then along Thurston Street to the Willamette River. Also commencing at the intersection of Water and Thurston Streets, thence to LaFayette Street; thence in a southeasterly course along LaFayette Street to First Street; thence along First Street to Madison Street; thence along Madison Street to the Willamette River. Also commencing at the intersection of LaFayette Street and Water Street, thence along LaFayette Street to the Willamette River. Also commencing at the intersection of Thurston and Water Streets in said city and running thence along the center of Water Street to Railroad Street, and from thence to Robinson and West's Saw Mill and Cherr's Foundry, and from those two points in two channels, crossing Water Street, to the Willamette River.

The said several canals along said streets to remain and continue where they now are so long as said the Albany Canal, Water, Transportation and Lighting Company, its successors, or assigns may use them for the purpose of conveying water. And the rights, privileges, and franchises heretofore granted to the Albany and Santiam Water Ditch or Canal Company or to John A. Crawford by ordinance are hereby fully approved, ratified, and confirmed to said the Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns so far as the same are applicable at this time, and the several rights-of-way, privileges, and franchises herein enumerated and granted to said The Albany Canal, Water, Transportation and Lighting Company, shall operate and have the relation to the time when said several branches of said canal were actually constructed through and along the streets of said city and be valid and binding to all intents and purposes as of previously or made at the time. And the said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns are hereby authorized and empowered to continue to use and occupy so much of said several streets for said purposes as now occupies therefor. [Note: Section 1 as amended by ordinance no. 1454, passed July 13, 1938.]

Section 2. That the said grant of the right-of-way for said canal and its branches along the said streets of the city of Albany, where the same is now located, and the said rights and privileges and franchises granted to The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns, by the said city of Albany, as in section 1 of this ordinance provided, is upon the following conditions viz:

Section 3. That said canal at the place of beginning at the south end of Vine Street, to the intersection of Vine and Eight Streets shall not exceed forty feet in width at the top surface of the ground, and from said intersection of Vine and Eighth Street to the Calapooia Creek shall not exceed thirty-six feet in width at the top of the surface of the ground; and from said intersection of Vine and Eight Streets, to Thurston Street, and thence to the Willamette River, it shall not exceed thirty-six feet in width at the top surface of the ground, and all



the branches of said canal described in section 1 shall not be enlarged at the top surface of the ground but the canal and all its branches may at any time be made deeper, as the said The Albany Canal, Water, and Lighting Company, its successors, or assigns may desire.

Section 4. That the said The Albany Canal, Water, Transportation and Lighting Company, its successors, or assigns shall construct suitable and safe flumes, bulkheads, and embankment along the line of said canal and its branches through low places, sloughs, and swales on said streets where the same shall be necessary and where the water of said canal and its branches flow over the bank of the Willamette River into said river, and over the banks of the Calapooia Creek into said creek, and keep the same safe and secure so that the water flowing through said canal and its branches, flumes, and bulkheads shall not overflow the same into the streets or property in said city.

Section 5. That the said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns may at all times turn into and cause to flow through said canal and its several branches, flumes, and bulkheads, continually such quantity of water as the said canal, its branches, flumes, bulkheads, and banks will hold and convey without overflowing the same into the streets or property in said city.

Section 6. That said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns may at all times when necessary enter upon the streets of said city for the purpose of repairing said canal and its branches, flumes, bulkheads, and banks, without doing and any unnecessary injury or damage to the streets, sidewalks, crosswalks, or bridges over said canal or over its flumes, embankments, or bulkheads in said city, and shall make all such repairs with as little delay as possible.

Section 7. That the said The Albany Canal, Water Transportation and Lighting Company, its successors, and assigns shall within a reasonable time after making the repairs on said canal, its branches, flumes, bulkheads, and embankments, repair all damage done to the property, streets, crosswalks, and bridges over said canal and its branches, flumes, and bulkheads, necessarily or otherwise caused by reason of the making of such repairs within said city.

Section 8. That the said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns shall, in case said canal or any of its branches shall at any time be made deeper as in this ordinance provided, remove all the earth, rock, and other substances taken from the same in said city to such place in said city as may be designated by the street commissioner of the city of Albany, and shall within a reasonable time thereafter repair all damage done to the streets, sidewalks, crosswalks, and bridges over said canal, and flumes and bulkheads and embankments, public squares, and property in said city, caused by deepening said canal or any of its branches, or by removing the earth, rock, or other substance therefrom as in this section provided.

Section 9. That all places where said canal, its branches, flumes, embankments, or bulkheads cross a slough, swale, or low place in said city, the said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns shall provide a way for all water that may flow in such slough or swale or low place to either pass into



or under said canal and its branches, flumes, and bulkheads so as not to cause an overflow of the water in such slough, swale, or low place on to any street or property in said city.

Section 10. That the said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns shall pay all damage that said city or any person in said city may sustain, by reason for the water in said canal, or its branches, flumes, embankments, bulkheads, swales, sloughs, or low places overflowing the same or any part of the same into the streets, sidewalks, squares, or any property in the city.

Section 11. That the said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns shall keep said canal and its branches, flumes, embankments, and bulkheads in said city in good repair and condition so as to keep the water therein from overflowing the same, and shall repair all damage to property, sidewalks, crosswalks, and public squares, streets, and bridges over the same in said city caused by the overflow of the water of said canal, or its branches, flumes, bulkheads, or embankments within three days after such damage shall occur; and in cases of failure or neglect to make such repairs within three days after such damage shall occur, the said city may make such repairs at the cost and expense of the said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns, and the cost and expense of such repairs so made by said city shall at once, as soon as made, become and be a lien on said canal, its branches, flumes, embankments, bulkheads, and all rights, privileges, and franchises granted by this ordinance for the security of the payment of all such costs, charges, and expenses. And the said Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns shall pay to the said city of Albany all damage it may be liable or compelled to pay to any person by reason of an injury to person or property, caused by reason of any carelessness or neglect on the part of the said Albany Canal, Water, Transportation and Lighting Company, its successors, or assigns in making or causing to be made any repairs to said canal or any of its branches, flumes, bulkheads, or embankments, and the said Albany Canal, Water, Transportation and Lighting Company, its successors, or assigns shall at all times display lights during the nighttime whenever or wherever said ditch or any of its branches, flumes, bulkheads, or embankments are or may be in a dangerous condition or undergoing repairs.

Section 12. That the said The Albany Canal, Water, Transportation and Lighting Company, its successor, or assigns shall pay said city all damages and costs, charges, and expenses it may be liable or compelled to pay any person or persons on account of any injury to person or property caused by the water in said canal, its branches, flumes, embankments, bulkheads overflowing the same on the streets, sidewalks, crosswalks, bridges, or squares in said city, and thereby rendering the same unsafe or dangerous to public use in said city.

Section 13. That the said City of Albany in consideration of the rights, privileges, and franchises granted to said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns, as provided in this ordinance, shall at all times have the right and privilege, free of charge, to use the water in said canal or any of its



branches, flumes, and bulkheads for the purpose of extinguishing fires in said city, in any manner that the fire department in said city may deem best for that purpose, and also the right and privilege at all times, to take the water free of charge from said canal or any of its branches, flumes, and bulkheads by means of pipes and fire engines, pumps, and conduct the same therefrom to the fire cisterns in said city, for the use of said city in extinguishing fire.

Section 14. That the said city shall at all times have the right and privilege to take water from said canal and any of its branches, flumes, and bulkheads in the same manner and free of charge when said water is not used for other purposes, and conduct the same in pipes into the sewers and gutters of said city and use said water for the purpose of sluicing and cleaning said sewers and gutters of said city, when the quantity of water so taken shall not interfere with the propelling of machinery propelled by water in said canal and its branches, flumes, and bulkheads in said city; but in case of fire the fire department shall be allowed to take and use, free of charge, such amount of water as may be deemed necessary for the purpose of extinguishing such fire, and have the free use of the water in said canal and any of its branches, flumes, bulkheads, and embankments for all fire purposes.

Section 15. That the said The Albany Canal, Water, Transportation and Lighting Company, its successors, or assigns shall construct and keep in good repair and condition all necessary bridges and sidewalks over said canal and its branches, flumes, bulkheads, and embankments in said city, which said bridges and sidewalks may be constructed of wood until such time as any street crossing said canal or any of its branches may be ordered by the council of the city of Albany to be paved on both sides of said canal or any of its branches; and in the event of the passage of an ordinance to pave such street on both sides of said canal or any of its branches, the said The Albany Canal, Water, Transportation and Lighting Company, its successors, or assigns shall, within the time prescribed by ordinance for the completion of such paving, construct over and across said canal or its branches at such crossing a good and sufficient concrete arch the full width of such street so to be paved.

Unless this ordinance is accepted by the present holder of the franchise granted by said ordinance no. 366 within fifteen days of the date of its passage, the same shall be void and of no effect; and in consideration of the acceptance of this ordinance by said present holder of the franchise granted by said ordinance no. 366, the said The Albany Canal, Water, Transportation and Lighting Company, its successors, or assigns shall not be required to otherwise enclose or cover in any manner any of its canals or ditches now constructed and maintained under and by virtue of said ordinance no. 366, but may maintain such canals and ditches in the same open condition as now constructed and maintained.

Note: Section 15, as amended by ordinance no. 631, passed April 23, 1913.

Section 16. It shall not be lawful for said The Albany Canal, Water, Transportation and Lighting Company, its successors, or assigns or any person to cast or deposit into said canal or any of its branches, flumes, or bulkheads within the limits of the said city of Albany any dead animals or filth or sewerage or any rubbish whatever.



Section 17. That any person violating the provision of section 16 of this ordinance shall be liable to prosecution therefor before the recorder of said city and upon conviction thereof shall pay a fine of not less than \$5.00 nor more than \$25.00, and costs of prosecution.

Section 18. It shall be the duty of said The Albany Canal, Water, Transportation and Lighting Company, its successors, and assigns, in all cases when said canal or any of its branches flow under any sidewalks in said city, to cause the same to be enclosed so as to prevent the washing of the streets and securely boxed up to said sidewalks and also to keep said canal and its branches securely and safely covered where the same are now covered or may be hereafter covered so that the travel may securely pass over the same.

Section 19. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 20. This ordinance shall take effect and be in force from and after its approval by the mayor.

Approved this 11th day of June 1902.