

ORDINANCE NUMBER

No 8A

An ordinance providing for the time and manner of constructing a Sewer in what shall be known and designated as Sewer District Number Four (4) in the City of Warrenton, upon and in Hemlock Street from Second Street to Third Street and Third Street from Hemlock Street to Main Street; providing, confirming and adopting resolution adopted by the Commissioners of the City of Warrenton on the 6th day of February, 1923, declaring intention of making said improvement and appointing Commissioners E.E. Meyers and W. N. Frances, of the City of Warrenton, a Committee on Estimates, authorizing and directing the said Committee to examine all property affected by such improvement and upon which local assessments are to be levied as to the estimates and values, if any, for the special benefit to be derived by the said property from the aforesaid improvement; adopting report of the Committee on Estimates; adopting plans and specifications for the construction of said improvement; providing for the publication of notice to all whom it may concern of the intention of the Commission to make the improvement mentioned herein; providing for a hearing of objections, remonstrances and claims of grievances of any person interested in the aforesaid improvement, and declaring an emergency.

WHEREAS, The Commissioners of the City of Warrenton on the 6th day of February, 1923, adopted a resolution declaring its intention to construct a sewer in what shall be known and designated as Sewer District Number Four, in the City of Warrenton, upon and in Hemlock Street from Second Street to Third Street and Third Street from Hemlock Street to Main Street, and

WHEREAS, By said resolution a Committee on Estimates, consisting of Commissioners E. E. Meyers and W. N. Frances, were duly named and designated for the purpose of examining all property affected by such improvement and upon which local assessments are to be levied as to the estimates and values, if any, for the special benefit to be derived by the said property from the aforesaid improvement, and

WHEREAS, The said Committee on Estimates has made and filed with the Auditor and Police Judge of the City of Warrenton its report containing a description of each lot or parcel of land and the estimate in proportion of the cost of improvement, which applies against the same, together with the name of the owner or the reputed owner thereof, the said report also containing the estimated cost of said improvement, which said report has been duly considered by the Commissioners of the City of Warrenton, and

WHEREAS, Plans and specifications for the construction of said improvement has been duly filed with the Auditor and Police Judge by the Engineer of the City of Warrenton, and said resolution declaring intention to make said improvement the report of the Committee on Estimates of the probable cost of said improvement and amount apportioned to each lot or parcel of land in the said improvement district, and plans and specifications of making said improvement filed with the Auditor and Police Judge of the City of Warrenton, are each hereby referred to and made a part hereof, as though set out in full herein, and

WHEREAS, No remonstrance has been filed against the said improvement, now, therefore,

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1- That a sewer be and the same is hereby ordered constructed in what shall be known and designated as

Sewer District Number Four, upon and in Hemlock Street from Second Street to Third Street and Third Street from Hemlock Street to Main Street.

Said improvement shall be constructed according to the plans and specifications as made and filed by the City Engineer on the _____ day of February, 1923, and resolution declaring intention and determination of the Commissioners of the City of Warrenton to make said improvement adopted on the 6th day of February, 1923, and in accordance with the notice of the intention and determination of the Commissioners to make said improvement to be given as hereinafter specified, and in accordance with report of the Committee on Estimates duly appointed by resolution adopted by the Commissioners of the City of Warrenton on the said 6th day of February, 1923, and said resolution, report of Committee on Estimates, plans and specifications and estimates of the costs apportioned to each lot or parcel of land in said improvement district benefited by the said improvement as contained in said report of Committee on Estimates are hereby approved, confirmed and adopted and referred to and made a part hereof as though set out in full herein.

Section 2:- That the Auditor and Police Judge of the City of Warrenton be and he is hereby authorized and directed to cause notice to be given by publication of the same once each week for two weeks prior to the date fixed for hearing of objections, remonstrances and claims of grievance, if any, against the said improvement from any person interested, which said notice shall be given in the "Warrenton News", a newspaper printed and published in the City of Warrenton, Clatsop County, Oregon, and of general circulation in said City, County and State, which said notice shall contain among other things the following:

(a) The boundaries of the improvement, distance to be improved or benefited, as adopted by the Commission, including lots and blocks by number if the property is platted.

(b) A description generally of the improvements so proposed referring to the plans and specifications adopted therefor.

(c) The time and place when the Commission will meet to hear and determine all objections, remonstrances and claims of grievance of any person interested.

(d) The date issued and the signature of the Auditor and Police Judge. The said notice may also be made by posting a copy thereof on the bulletin board at the City Hall of the City of Warrenton at least two weeks prior to the date set for the hearing and the proof of such service shall be made by the certificate of the Auditor and Police Judge filed, having attached thereto the affidavit of the printer or his foreman or the publisher of the newspaper publishing the affidavit of the person posting such notice.

That the hearing of objections, remonstrances and claims of grievance of any person interested shall be held in the City Hall of the City of Warrenton on the 10 day of March, 1923, at the hour of 7⁰⁰ o'clock P.m., at which time the Commission shall meet to hear and act upon all such objections, remonstrances and claims of grievance, if any, against the said improvement, and may then in its discretion adjourn said hearing until a later time, but not later than thirty (30) days thereafter. After such final hearing and compliance with the requirements of the Charter of the City of Warrenton and this Ordinance, the Commission of the City of Warrenton shall be deemed to have acquired jurisdiction to make said improvement

all in accordance with the provisions of the Charter of the City of Warrenton, which said provisions are hereby referred to and made a part of this Ordinance.

Section 3:- The Commission of the City of Warrenton be and the same is hereby authorized and directed, as conforming to the requirements of the Charter of the City of Warrenton, and this Ordinance, as hereinbefore specified, to advertise for bids for the construction of said improvement, and upon the acceptance of the lowest and best responsible bid by said Commission to enter into a contract with such bidder for the construction of said improvement.

The contract shall provide that said improvement shall be constructed and completed to the satisfaction of the Manager of the City of Warrenton and the City Engineer of said City, and that the contractor shall commence work on or before ten (10) days from the date of signing the contract, and that the work shall be diligently prosecuted and the same shall be completed on or before the 10th day of May, 1923, unless the time shall be extended by resolution or ordinance, and for each day's delay in the commencement of the work, as above provided, and for each day's delay in the completion of the improvement as above provided, unless the time shall be extended by resolution or ordinance, the contractor shall forfeit and pay to the City of Warrenton as stipulated damages the sum of \$ 5⁰⁰ Dollars.

The contractor submitting a bid for the aforesaid improvement shall with his proposal submit a certified check for an amount equal to 5 per cent of the total amount bid payable to the City of Warrenton, and which shall be forfeited and become the property of the City of Warrenton if the contractor whose bid is accepted shall fail to enter into a contract

with the City of Warrenton to construct said improvement within ten (10) days from the date of mailing notice of such acceptance. The contractor whose bid shall be accepted shall furnish bond in the amount of seventy-five per cent of the total amount bid, and that said improvement shall be made strictly as provided by the plans and specifications hereinbefore referred to and this ordinance, and that the contractor shall have full charge of the work and shall be responsible for all accidents and injuries occurring upon said improvement during the progress of the work and until said improvement shall be completed and accepted by the City of Warrenton, and shall save the City harmless on account of any injury to any person or persons happening upon said improvement while in the course of construction and until said improvement shall be completed and accepted by the City of Warrenton, and shall save the City harmless from all damages to private property caused by or on account of the construction of said improvement while in the course of construction, and until said improvement shall be completed and accepted by the City of Warrenton.

That the said contract entered into by and between the City of Warrenton and the contractor for the improvement of the street as aforesaid shall provide that the contractor shall promptly, as due, make payments to all persons supplying the said contractor with labor, services and material for the construction or completion of the said work provided for in said contract, and that the said contractor shall not permit any lien or claim to be filed or prosecuted against the City of Warrenton for or on account of any labor or material furnished him in the prosecution and fulfillment of the terms of said contract with the City of Warrenton and as provided for by said resolution, said report of Committee on Estimates and plans and specifications hereinbefore

referred to and made a part of this Ordinance.

The said contract shall further provide that during the performance of said contract no person shall be permitted or required to labor more than eight (8) hours in any one calendar day or more than forty-eight (48) hours in any calendar week, except in cases of necessity, emergency or where public policy absolutely requires it, and in such event the person or persons so employed for excessive hours shall receive double pay for the overtime so employed, and no emergency or public policy shall be presumed to exist when other labor of like skill and efficiency which has not been employed full time is available, and no person shall be employed by the said contract- or in the performance of said contract who is not a citizen of the United States of America and who has not declared his intention to become such.

The contract shall provide that if the contractor shall fail to carry out the terms of the contract in accordance with the conditions contained therein and shall remain in default for a period of 10 days after written notice of such default and request to make the same good, the City of Warrenton shall have the right to ~~object~~, to declare the contract forfeited and to advertise for bids for the completion of said contract and to enter into a contract with the lowest responsible bidder for the completion of the same and to charge the difference in the contract price, if any, to the original contractor and his bondsmen.

That payments for the work shall be made on monthly estimate of the Engineer, taken about the end of each calendar month, and payable on the 10th day of the month succeeding the month in which the work was done, less fifteen per cent to be

retained by the City to insure completion of the work. Thirty days after the work is fully completed and a certificate to this effect is given by the Engineer for the City and upon acceptance of the said improvement by the Commission of the City of Warrenton, the retained percentage will be paid to the contractor unless the contractor has failed to complete the contract within the time specified, or has been deficient or defaulted in the completion or full performance of his contract. Payments will be made in special fund warrants upon the district created for making the said improvement.

Section 4:- The contractor shall be required to give bond, either a surety bond or a personal bond, and in the event of a personal bond with two or more sufficient sureties in the penal sum of seventy-five per cent of the contract price, conditioned for the faithful performance of the contract.

Section 5:- Inasmuch as the objects to be obtained by this Ordinance will be of great benefit to the people of the City of Warrenton and there exists and is an urgent necessity that this Ordinance should take effect as soon as possible, so that the health, peace and safety of the City of Warrenton may be preserved, an emergency is hereby declared to exist, and this section therefore shall take effect when approved by the affirmative vote of all the Commissioners of the City of Warrenton, and this Ordinance shall then be in full force and effect and operative immediately after its passage and approval by the Mayor of the City of Warrenton.

Passed by the Commissioners of the City of Warrenton this 20th day of February, 1923.

Approved this 20 day of February, 1923.

ATTEST:

Sidney Campbell

AUDITOR AND POLICE JUDGE.

W. J. Francis
MAYOR.