

AN ORDINANCE PROVIDING FOR THE TIME AND MANNER OF IMPROVING MADISON AVENUE, FROM THE EAST LINE OF THE RIGHT OF WAY OF THE SPOKANE, PORTLAND & SEATTLE RAILWAY COMPANY TO THE WEST LINE OF THE PROPERTY OF THE WARRENTON CLAY COMPANY, AND DECLARING AN EMERGENCY.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. That Madison Avenue, from the East line of the right of way of the Spokane, Portland & Seattle Railway Company to the West line of the property of the Warrenton Clay Company, in the City of Warrenton, Oregon, be and the same is hereby ordered improved by grading said street <sup>on the South Side of the Railroad track</sup> ~~to a width of~~ <sup>to a width of</sup> eight feet and by planking said street to a width of eight feet ~~with~~ <sup>with</sup> 3" x 12" planks laid upon four ~~4"~~ x 6" stringers.

In matters of detail, said improvement shall be constructed in accordance with plans and specifications therefore prepared and any matter of construction and drainage found necessary to make the improvement safe or substantial shall be done by the contractor, whether specified or not, without extra charge.

Section 2. That the Committee on Streets and Highways of the Common Council of the City of Warrenton, be and they are herewith authorized and directed to advertise for bids for the construction of said improvement, and to report the same to the Council, and upon the acceptance of the lowest and best responsible bid by the said Council, to enter into 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 Committee on Streets and Highways of the City of Warrenton, and that the contract shall be completed on or before the 4<sup>th</sup> day of June 1917, and for each day's delay in the completion of said improvement, unless the time shall be extended by ordinance, the contractor shall forfeit and pay to the City of Warrenton, as stipulated damages, the sum of \$500.

The contractor submitting a bid for the aforesaid improvement shall, with his proposal, submit a certified check for an amount equal to five per cent of the total amount bid, which check shall be made payable to the City of Warrenton, and shall be forfeited and become the property of the City of Warrenton, if the contractor whose bid is accepted shall fail to enter into contract with the City of Warrenton to construct said improvement within Five days from the date of such acceptance, and each proposal must be accompanied by the guarantee of responsible sureties to furnish bond in the amount of seventy-five per cent of the total amount bid, if the proposal is accepted, and that said improvement shall be made strictly as provided by the plans and specifications hereinbefore referred to, adopted, confirmed and approved and made a part of 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 Common Council, and shall save the City harmless ~~from all damages~~ 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 Common Council of said City, 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 Common Council of 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 or material for the prosecution or completion of said work, provided for in said contract, and that said contractor shall not permit any lien or claim to be filed or prosecuted against the City of Warrenton for or on account of labor or material furnished him in the prosecution or fulfillment of the terms of said contract with the said City of Warrenton, and as provided for in said plans and specifications 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 one 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 time so employed, and no necessity, 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 contractor in the performance of said contract who is not a citizen of the United States of America, or 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 ten days after written notice of such default and request to make the same good, the City of Warrenton shall have the right at its option to declare the contract forfeited and to advertise for bids for the completion of the 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 shall be made in warrants of the City of Warrenton upon the general fund and that payments shall be made within thirty days from the time that said improvement shall be accepted.

Section 3. The contractor shall be required to give bond, either a surety company 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 4. 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 two-thirds of all the members of the Common Council, and this ordinance shall then be in full force and operative immediately after its approval by the Mayor of the City of Warrenton.

Passed the Common Council this 20th day of April 1917.

Submitted to the Mayor this 20th day of April 1917.

Attest:

John Evenden  
Auditor and Police Judge.

Approved this 20th day of April 1917.

J. M. Hamon  
Mayor.