

ORIGINAL

ORDINANCE NO.

195

An Ordinance providing for the time and manner of improving Portland Avenue from the East line of Wheeler Street to a point sixty feet West of the West line of Arthur Street, all in the First Extension of East Warrenton in the City of Warrenton, Clatsop County, Oregon, adopting, approving and confirming the Resolution heretofore adopted, declaring intentions to improve said street, and adopting, confirming and approving plans and specifications prepared and filed for making the said improvement, and repealing all Ordinances or parts of Ordinances heretofore passed in conflict herewith, and declaring an emergency.

184 WHEREAS, the Common Council of the City of Warrenton, on the day of June, 1917, adopted a Resolution declaring its intention to improve Portland Avenue from the East line of Wheeler Street to a point sixty feet West of the West line of Arthur Street, all in the First Extension of East Warrenton in the City of Warrenton, and

WHEREAS, due and legal notice of the intention and determination of the Common Council to make said improvement already mentioned has been given, as appears from the proof of publication filed with the Auditor and Police Judge, and plans and specifications has been made and filed for the construction of said improvement and estimates of the costs and expenses thereof, said Resolution and proof of publication and said plans and specifications and estimates of the costs and expenses of making said improvement are hereby referred to and made a part hereof as though set out in haec verba herein, and

WHEREAS, no remonstrance has been filed against the said improvement, therefore

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. That Portland Avenue from the East line of Wheeler Street to a point sixty feet West of the West line of Arthur Street, all in the First Extension of East Warrenton, in the City of Warrenton, Clatsop County, State of Oregon, be and the same is hereby ordered improved, by grading said street through the center thereof to the established grade and to a width of Eight



feet, and by planking said street to a width of nine feet through the center thereof with 3" x 12" planks laid upon 4" x 12" x 4' x 6" stringers, and to bridge such portions of said street as may be necessary, sufficiently strong to hold the general public traffic as provided by plans and specifications.

Said improvement shall be made and constructed according to plans and specifications as made and filed for constructing the same and Resolution adopted on the 10th day of June, 1917, declaring the intention to make said improvement, and in accordance with notice of intention and determination of the Common Council to construct said improvement, proof of publication of which is on file with the Auditor and Police Judge of the City of Warrenton, and said Resolution, proof of publication and plans and specifications and estimates of the costs and expenses of making said improvement are hereby referred to, approved, adopted and confirmed and made a part hereof as though set out in full herein.

Section 2. The Committee on Streets and Public Improvements of the Common Council of the City of Warrenton be and the <sup>same</sup> /is hereby authorized and directed to advertise for bids for the construction of said improvement and report the same to the Common Council and upon the acceptance of the lowest and best responsible bid, 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 Public Improvements and other officers of the City of Warrenton whose duties it may be to accept street improvement work, and that the work shall be completed on or before the 2nd day of September 1917, and for each day's delay in the completion of the said improvement as above provided, 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 shall have full charge of the work and shall be responsible for all accidents and injuries occurring upon said improvement while in the course of construction and during the



progress of the work and until said improvement shall be accepted by the Common Council of the City of Warrenton, and shall save the City of Warrenton 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 is 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 is completed and accepted by the Common Council of the City of Warrenton.

That 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 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 or fulfillment of the terms of said contract with the said City of Warrenton and as provided for by said Resolution and said plans and specifications hereinbefore referred to and made a part of this ordinance.

The said contract shall provide that during the performance of said contract, no person or persons 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 required it, and in such event, the person or persons so employed for excessive hours shall receive double pay for the over-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 who is not a citizen of the United States of America or who



has not declared his intention to become such.

That payments shall be made in warrants of the City of Warrenton upon the special fund constituted to defray the costs and expenses of the improvement, and that payments shall be made within ninety (90) days from the time the improvement shall be accepted.

The contractor shall be required to give a 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 (75) per cent of the contract price, conditioned for the faithful performance of the contract.

Section 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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 people 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 2nd day of July, 1917.

Submitted to the Mayor this 2nd day of July, 1917.

Attest:

John Evenden  
Auditor and Police Judge.

Approved this \_\_\_\_\_ day of July,  
1917.

J. M. Hansen  
Mayor.