

ORDINANCE No. 249

AN ORDINANCE providing for the time and manner of constructing gridirons, hoists, docking facilities and mooring places for fishermen on the Skipanon River in the City of Warrenton, and prescribing the time and manner of making the same, approving and confirming plans and specifications and estimates of the costs and expenses of making said improvements filed by the engineer on the 26 day of May, 1919, with the Auditor and Police Judge and declaring a emergency.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. That the Common Council of the City of Warrenton declares it necessary in order to provide the general public with docking facilities, gridirons and mooring places for fisherman and in general for the Citizens of the City of Warrenton, to construct docks and the aforesaid improvements, for the reason that there is not now any such provisions within the corporate limits of the City of Warrenton and that the same be paid for out of the general funds of the City.

Section 2. That said improvements be made on the following described property belonging to the City of Warrenton, to-wit; at such place on the Skipanon as may be selected by the Committee on streets and highways

Section 3. That in matters of detail said improvements shall be made according to the plans and specifications now on file in the office of the Auditor and Police Judge.

Section 4. That the Committee on Streets and Public ^{Highways} ~~improvements~~ of the Common Council of the City of Warrenton be and the same is hereby authorized and directed to advertise for bids for the making of said improvements by advertisement published in the Warrenton News, a news paper printed and published in the City of Warrenton, Clatsop County, Oregon, for two issues thereof and report the same to the Common Council of the City of Warrenton for its action, and upon accepting the lowest responsible bid by the Common Council, the Common Council to enter into contract with such bidder or bidders for the construction of said im-

improvements; and that said improvement shall be completed on or before the 1st day of August, 1919, unless the time for the completion of the same be extended by ordinance.

Section 5. The contractor submitting a bid for the construction of the aforesaid improvements shall with his proposal submit a certified check for an amount equal to 5% of his bid, which check shall be made payable to the City of Warrenton, Oregon, 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 improvements within ten days from the date of mailing of notices of such acceptance, and each proposal must be accompanied by the guarantee of responsible sureties to furnish bond in the amount of 75% of the total amount bid of the proposal if accepted, and that said improvement shall be made strictly as provided by the plans and specifications hereinbefore referred to and this ordinance; and the contractor shall have full charge of the work and shall be responsible for all accidents and injuries occurring upon said improvements during the progress of the work and until said improvements shall be completed and accepted by the common council of 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 Common Council of 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 the said improvements while in the course of construction and until said improvements 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 construction of said improvement as aforesaid, shall provide that the contractor shall promptly make payments due all persons supplying 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 claims to be filed or prosecuted against the City of Warrenton for or on account of any labor or material furnished him in the prosecution of said work and the fulfillment of the terms of said contract with the City of Warrenton and as provided for in this ordinance.

That said contract shall further provide that during the performance of said contract no person shall be permitted or required to labor more than eight hours in any one callendar day or more than forty eight hours in any one calendar week, except in cases of necessity, or emergency or where public policy 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 necessity, emergency or public policy shall be presumed to exist when other labor of like skill and efficiency shall have not been employed full time is eavailable, 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 contractor shall remove all obstructions necessary in order to make said improvements, at his own expense.

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 said contract and to enter into 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.

Section 6. That payment for the construction of said improvements shall be made at the rate of 85% of the work in place on the engineers estimate and 25% shall be paid when satisfactory evidence is given by the contractor that all claims are paid for the making of said improvements, in making up percentage of improvements, only material actually placed and labor performed in placing such material shall be considered.

When the terms of the contract shall have been fully completed to the satisfaction of the engineer and committee on streets and public ^{Highways} improvements of the City of Warrenton, and release of all claims against the City of Warrenton under and by virtue of the contract shall have been

executed by the contractor and the work has been accepted by the Committee on Streets and Public ^{Highways} Improvements and the Common Council, final payment shall be made, if any balance due, including any percentage with-held.

Section 7. The contractor shall be required to give bond, either a surity 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 75% of the contract price, conditioned for the faithful performance of the contract.

Section 8. The City of Warrenton shall reserve the right to reject any and all bids and said advertisement shall so state.

Section 9. In as much 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, an emergency is hereby declared to exist, and this section shall therefore take effect when approved by the affirmative 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 June, 1919.

Submitted to the Mayor this 2nd day of June, 1919.

Attest

John Evenden

Auditor and Police Judge.

Approved this 2nd day of June, 1919.

J. M. Wilson

MAYOR.

