

ORDINANCE NO. 18

AN ORDINANCE RELATING TO THE IMPROVEMENT OF STREETS,
ALLEYS AND PUBLIC HIGHWAYS WITHIN THE CORPORATE LIMITS
OF THE TOWN OF GRANITE FALLS, WASHINGTON.

BE IT ORDAINED by the council of the town of Granite
Falls, Washington.

Section 1: The council shall have the power to order
the improving or repairing or removing obstructions
therefrom, of streets, sidewalks, alleys, squares, and
other highways and public places within the corporate
limits of the Town of Granite Falls, and may order the
grading, clearing, paving, planking, macadamizing,
graveling and curbing the same and constructing gutters,
culverts and sidewalks therein whenever in their judg-
ment the same may be for the best interest of the town,
its citizens or trade and commerce.

Section 2: The cost and expense of improving and
repairing any street, sidewalk, alley, square and other
public highway and place within the town of Granite
Falls, removing the obstructions therefrom, grading,
clearing, paving, planking, macadamizing, graveling and
curbing the same and constructing gutters, culverts and
sidewalks therein, shall be assessed upon the lot, and
lands fronting thereon, each lot or portion of lot, or
plot of ground being separately assessed for the full
depth thereof in proportion to the benefits upon the
property to be benefited, sufficient to cover the total
expense of the work to the center of the street on which
it fronts: provided that the council may expend from
the general fund for said purpose a sum which, in their
judgment, may be necessary. The expense of all improvements
in the space formed by the junction of two or more
streets, or where one main street terminates in or
crosses another main street, and also all necessary
street and alley crossing or cross ways at corners of
intersection of streets and the expense of establishing
building and repairing bridges within the corporate
limits of the town of Granite Falls shall be paid out
of the general fund of said town.

Section 3: No contract for any such work shall be
given except to the lowest responsible bidder and in the

manner provided by the laws of the State of Washington.

Section 4: Whenever any work or improvement mentioned in this ordinance is done exclusively on one side of the center line of any street, alley, square or public highway, within the town of Granite Falls, the lots or portions of lots fronting on that side shall be assessed to cover the expense of said works according to provisions of this ordinance.

Section 5: Whenever any expense of work shall have been assessed on any lands, under the provisions of this ordinance, the amount of said expense shall become a lien upon said lands, which shall take precedence of all other liens and may be foreclosed in accordance with the provisions of the code of procedure of the State of Washington. Such suit shall be in the name of the town of Granite Falls, Washington, as plaintiff. Upon the filing of a complaint in the Superior Court to enforce a lien of any kind hereon, the plaintiff shall be entitled if recovery is had or the money is paid, to include as costs the sum of twenty-five dollars as attorneys fees.

Section 6: Whenever the council by majority vote shall upon good cause shown, by petition or upon their own motion, order any street or alley, square or other public highway, or any portion thereof, to be improved under the provisions of this ordinance by clearing the same of obstructions, or by building sidewalks or grading to the established grade, or to less than said grade, or having or making any other improvements authorized by this ordinance. The clerk shall enter said order upon the minutes of said council and within ten (10) days thereafter the council shall cause to be prepared and filed in the office of the town clerk, plans and specifications for the improvements ordered made.

Section 7: Within ten days after the making of any such order, the clerk shall make and certify and deliver to the marshal, for service upon the owners of all lots, tracts and parcels of land fronting upon the street or portion of street or alley or other public highway to be improved, a sufficient number of copies of said order, which the marshal shall forthwith serve by delivering one of said copies to each person, firm or corporation owning any platted lots or parcels of land fronting upon the street, alley or other public highway or part thereof ordered to be improved, and in case personal service can not be made upon any person, firm or corporation interested, service thereof shall be made

by publishing a certified copy of said order, in some weekly newspaper published in the town, if there be such a newspaper, and if not then in some weekly newspaper of general circulation published in the county of Snohomish, State of Washington, for two (2) successive weeks.

Section 8: The owner or owners of any lot or tract of land fronting upon the street, alley or other highway or part thereof ordered improved may make such improvement if he or they shall within five (5) days after service of said order upon him or them, or within ten days after the date of the first publication of said order, if there be no personal service, commence the said improvement in front of the land owned by him and to the center of the street, alley or public highway in front thereof and complete it within thirty (30) days after commencement, according to plans and specifications on file in the office of the town Clerk: And if he or they shall commence the same and fail to complete the same in a good workmanlike manner in accordance with said plans and specifications, within thirty days, the council shall have said work finished and the expense of so completing the same, shall be a lien upon the abutting property. Provided however, that the council may at its discretion suspend the operation of this section of this ordinance whenever the character of the improvement ordered done is such that in their judgment it ought not to be completed except as a whole. In which event the notice of order of Improvement shall state that owners of lots will not be permitted to do any part of the same.

Section 9: At the expiration of ten days from the service of said notice of order for improvements, when served personally, and from the first publication thereof, if published, the council shall cause to be published in some weekly newspaper published in said town, if there be any such, for two consecutive weekly issues, a notice inviting bids for the making of such improvements, (or so much thereof as the abutting property owners have not commenced to make if permitted so to do,) said notice shall specify the street, alley or public highway or part thereof to be improved, the character of proposed improvement, the date of the order for such improvement, the time of letting bids, that the council reserves the right to reject any and all bids at their discretion, and the amount of bond or deposit which must accompany each bid.

Section 10: The council may require that bids must specify the price per cubic yard for grading or excavating as well as the lump sum for which said improvements will be made.

Section 11: The council shall require that each bid must be accompanied by a cash deposit or a good bond of at least twenty (\$20.00) dollars, or such greater amount as said council may see fit to require, conditioned that if a contract be awarded to such bidder, he will, within five (5) days after receiving notice of such award, enter into the contract and properly execute and deliver, with two good and sufficient sureties, a bond in double the amount of his bid, or in such greater sum as the council may require conditioned that he will fulfill his said contract, said bond shall be approved by the mayor and filed in the office of the town clerk.

Section 12: As soon after the time fixed for receiving bids as practicable, the council shall open the same and award the contract to the lowest responsible bidder, if, in their judgment such bid be not unreasonable, and the council shall, upon awarding any contract, for the amount of bond to be given by such contractor, but said bond shall in no case be fixed at less than double the amount of said contractors bid.

Section 13: Immediately upon the completion of any improvement made under the provisions of this ordinance, the council shall by order accept the work, if done properly according to the plans and specifications thereof, and shall then ascertain and determine the portion of the benefit accruing to each lot or tract of land abutting upon said street, alley or other public highway so improved, (excepting therefrom the portion of the same improved by the owners thereof, if any part of said improvement has been made by them with the consent of the council under the provisions of this ordinance). The council may then order paid from the general fund such part of the entire cost of improvement, (after deducting the costs of improving all street intersections) which in their judgment may be right and proper in consideration of the benefits accruing to the entire town by reason of such improvement. The balance of the cost of said improvements, after all of the above authorized deductions have been made, shall be apportioned against each lot or tract of land found liable to such assessment according to the benefit found accruing to each, as aforesaid, and the council shall thereupon make an order to be entered in its minutes, levying an assessment upon the several tracts of abutting land, found liable thereof, in the amount of said apportioned expense found due against each lot or tract of land, which amounts so assessed shall be a lien upon said abutting property.

Section 14: Upon the making of said order of assessment, the Town Clerk shall cause to be published

for two successive weeks in some weekly newspaper published in said town, (and if there be none, then in some newspaper of general circulation in Snohomish County, Washington). A notice, reciting the date of the order for the improvement, the completion of the same, the street alley or public highway or portion thereof which has been improved, the portion of the total cost thereof paid by the town out of the general fund, the amount assessed against each tract for such improvement, the date of the order making such assessment, that the same is a lien against the said tracts and that if said assessments are not paid in full within thirty days after the date of said order of assessment that the lien thereof will be foreclosed according to law. Said order shall be signed by the town Clerk and attested with the corporate seal.

Section 15: Whenever any assessment against any lot or tract of ground shall remain unpaid for a period of thirty (30) days after the date of the order making the same, the lien thereof shall be foreclosed as a lien upon the abutting property therewith in the manner provided by law.

Section 16: Upon completion of any improvement made under the provisions of this ordinance and when the same has been accepted by the council, the council shall order the issuance of a warrant or warrants to pay for the same. Said warrants shall be drawn against the general fund for such portion as to be paid by the town and the balance against the fund created by the assessments against the lots or tracts of land covered by the improvement.

Section 17: This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed by the council in open session the 17th day of May .D. 1904.

B. E. CHAPPELL, Mayor

ATTEST:
CHAS. T. SMITH,
Town Clerk