

## O R D I N A N C E N O. 128.

AN ORDINANCE PROVIDING FOR THE SAFETY OF PEDESTRIANS: ESTABLISHING A SYSTEM OF STREET GRADES; PROVIDING FOR THE REPAIR, SIZE, LOCATION AND MANNER OF CONSTRUCTION OF SIDEWALKS AND CURBS: SPECIFICATIONS THEREFOR: PROVIDING FOR THE PAYMENT THEREOF: REPEALING ORDINANCES NUMBERED 79, 82, 88½, 81, 96, 119, and 127 and CREATING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

SECTION 1. Whenever any sidewalk is in an unsafe condition for pedestrians, it shall be the duty of the Street Commissioner to place a suitable obstruction on either side of that part of the sidewalk which is in unsafe condition, and notify the owner or occupant of the abutting property that such sidewalk must be repaired, or if the abutting property be unoccupied and the owner cannot be found within the city, then the Street Commissioner shall post a notice on such property requiring such walk to be repaired. If such walk be not properly repaired within twenty-four hours of the giving of the notice, as herein provided, then the Street Commissioner shall report the facts to the Mayor, and the mayor may cause such sidewalks to be repaired or removed by the City.

SECTION 2. All repairs to sidewalks made by the city shall be paid for out of the special fund, and the city clerk shall keep a separate account of the cost of such repairs and charge the abutting property therewith, and between the first and tenth day of October of each year, shall certify to the city treasurer a list of all property chargeable with repair of all sidewalks for the year ending September thirtieth of such year, with the amount of the cost of repairs for which each separate parcel is chargeable, to which cost of repair he shall add interest at the rate of six per cent per annum from the date of the incurring of such charges by the city, and ten per cent additional to cover cost and charges of administration, and such items shall constitute a tax against the property, affected thereby, and such tax shall be collected by the city treasurer, and if not paid on or before November thirtieth of the year certified, the property, affected thereby, shall be sold by the city treasurer for delinquent taxes, after being advertised for sale by him, as in the case of property sold for delinquent special improvement assessments, and all taxes collected under the provisions of this ordinance shall be placed in the special fund of the city.

SECTION 3. Where a sidewalk is removed by order of the Mayor, as herein provided, unless the owner of the abutting property shall take away from the street or avenue the material of which such sidewalk is constructed, the same is removed by the City, then the street commissioner shall dispose of such material to the best advantage and the cost of the removal of the sidewalk and disposition of the material, less any amount realized out of the sale of the material, if sold, shall be a tax against the abutting property and shall be certified and collected, as herein provided for repairs made to sidewalks of the city, together with interest and charges of administration, as hereinbefore provided.

SECTION 4. The words Street Commissioner, as used in the ordinance, shall be construed to include any officer or employee of the city, whose duty it may be, for the time being, to inspect or supervise the inspection of the sidewalks of the city.

SECTION 5. The Mayor may, at any time, cause to be removed any crossing that in his judgment is unsafe for pedestrians.

SECTION 6. Any person who takes down or removes, or in any manner interferes with any obstruction placed on any sidewalk, as provided for in Section one of this ordinance, shall commit the offense of obstructing the administration of the City, and upon conviction thereof shall be punished by a fine of not less than five dollars and not more than one hundred dollars.



SECTION 7. The Street Commissioner or City Engineer may at his discretion permit existing wooden sidewalks now within the City of Polson, to be repaired to conform to the following specifications.

SECTION 8. That all sills shall be laid not more than two feet apart and where sills are clear of the ground there shall be blocking or posts not more than six feet apart under each sill. All sills shall not be less than 1 3/4 of an inch thick and shall not be less than six inches wide. Blocks or posts must be sound and not less than 1 3/4 x 6 inches; or if square timber is used not less than 3 3/4 x 3 3/4, and all planks used in floor of walks shall be 2 x 6 inches and all material must be sound without any loose knots. All sidewalks shall be so constructed that no crack in the walk will exceed 3/4 of an inch in width and planks to be laid crossways of the street, the floor of all walks to be of sized lumber and nailed with two nails in each sill.

SECTION 9. All sidewalks and curbing which may hereafter be constructed within the City of Polson shall be under the supervision of the Street Commissioner or the City Engineer and to the satisfaction of the City Council. Said sidewalks and curbing to be constructed of concrete according to the following Standard Specifications:

THESE SPECIFICATIONS shall govern the construction of all work which may be ordered in under the provisions of Ordinance No. 128 at any time.

THESE SPECIFICATIONS do not apply to Special Improvement Districts but cover only work ordered in by the City Council under the provisions of said Ordinance No. 128.

APPROXIMATE LIST OF QUANTITIES:

The following items may be required in doing the work but given solely as a basis upon which the proposals will be computed in the awarding of the seasons's contract. The City is not, in any measure, to be bound thereby and the bidders must understand that said quantities are given solely as a basis for comparing bids.

- Item 1 - - - - - cubic yards of excavation.
- Item 2 - - - - - cubic yards of compact gravel fill in place
- Item 3 - - - - - square feet of residence walks.
- Item 4 - - - - - lineal feet of concrete residence curb,
- Item 5 - - - - - square feet of business walk,
- Item 6 - - - - - lineal feet of concrete curb.

FORM OF PROPOSAL

The undersigned, having examined the plans and specifications and acquainted \_\_\_\_\_ with the conditions existing in this city do hereby agree to perform all work mentioned in the approximate list of quantities and to enter into contract with and give bond to the City of Polson for the proper performance and completion of the above work, or any portion thereof, or any additional work ordered in, by the City Council, for the following prices, to wit:

- Item 1 - - - - - cubic yards of excavation at \_\_\_\_\_ Dollars  
Cents per cubic yard.
- Item 2 - - - - - cubic yards compact gravel fill in place at \_\_\_\_\_ Dollars  
Cents per cubic yard.
- Item 3 - - - - - square feet residence walk at \_\_\_\_\_ Dollars  
Cents per square foot.

Item 4 - - - - - lineal feet of concrete curb at \_\_\_\_\_

Dollars  
Cents per lineal foot.

Item 5 - - - - - square feet of business walks at \_\_\_\_\_

Dollars  
Cents per square foot.

Item 6 - - - - - lineal feet of concrete business curb at \_\_\_\_\_

Dollars,  
Cents per lineal foot.

*Item 7 wood curbing*

We understand that our price per square foot of residence or business walk covers the actual concrete work and that no gravel fill or not free excavation or fill is included in the unit prices for the concrete work. This applies to curb as well as the sidewalk.

We understand that the City must be reimbursed for all expenditures made by reason of the ordering of this work and we agree to pay the City in case such a sum as shall be actually represent the expenditures of the City, made by reason of the ordering of this work providing the City Engineer shall include in our estimates such expenditures plus 7% of such expenditures for organization expenses.

Enclosed find certified check in the sum of ten per cent of this amount of our proposal, which certified check we agree shall be forfeited to the City of Polson in case we fail to enter into contract and furnish the necessary bond within fifteen days after notice of the awarding of the contract to us shall have been served upon us in writing by the Clerk of the said City of Polson, Montana.

Signed \_\_\_\_\_

Bidder.

Signed \_\_\_\_\_

Bidder.

Signed \_\_\_\_\_

Bidder.

- 1. GENERAL SPECIFICATIONS.
- 1. PROPOSED WORK.

The work proposed to be done under these specifications is the building of concrete sidewalks and curbs at any place within the limits of the City of Polson where the City Council, by reason of the dangerous character of existing wooden or walks of other character or by reason of the absence of any walks, shall deem it necessary that new walks of concrete be constructed in the interests of public safety and convenience.

The specifications shall not govern the construction of walks and curbs within Special Improvement Districts regularly created according to law. In the construction of the walks the necessary approaches to the curb line shall be included at each block corner.

2. PREPARATION OF SITE:

The contractor shall remove all old sidewalks, posts, poles, hydrants, or other obstructing objects, within the limits of this improvement. In tearing up old sidewalks, the old material shall be placed where directed by the owner of the abutting property, except that said owner shall not have the authority to direct the placing of said old material on any other than his own property. The street Commissioners of the City of Polson will take charge of and cart away any material from old wooden curbs or sidewalks which the contractor may have torn up and the property owner does not want.

3. FOUNDATION COURSE:

The contractor shall excavate the earth, clay or gravel

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as the case may be, to a plane eight (8) inches below the surface of the proposed sidewalk in case of residence walks, or nine (9) inches in the case of business walks. For such excavation he will be paid in accordance with bid per cubic yard in his proposal, or as stated in his contract; provided, however, that in making said excavation, he shall use his judgment as to the amount by which said earth, clay or gravel will compress in order that when he has thoroughly compacted with said sub-grade with heavy iron rammers, the finished surface of the grade will be just eight (8) inches in the case of residence walks, or nine (9) inches in the case of business walks, below the upper surface of the proposed finished sidewalk. This ramming will be insisted upon the the contractor shall take due notice thereof. In determining whether or not the excavation has been carried to the required depth the engineer shall check same by template or level. The contractor must not deposit gravel for the foundation course upon said sub-grade until the engineer has assured himself that the excavation has been carried to the required depth. After the subgrade has been thoroughly compacted to the required depth, there shall be placed thereon sufficient gravel so that after the same has been thoroughly wet and rammed with heavy iron rammer, the finished gravel course shall be four (4) inches in thickness.

After the gravel fill has been deposited and thoroughly tamped, the contractor will then place forms having a vertical depth of four inches on both sides in the case of residence walks, or five (5) inches in the case of business walks. These forms shall be held firmly in place by means of large stakes, or other suitable device which will prevent the forms from spreading or from moving up or down during the process of pouring the concrete. These forms shall be free from large bows or bends due to warping and shall be placed to the line and grade given by the engineer. The engineer or his inspector, will examine all forms before they are used and any pieces having bows or bends, which, in his judgment, will not permit the making of a first class job, shall be removed from the work within twenty-four hours.

A template furnished by the City, so cut and made that when both ends are resting upon the longitudinal forms, the center portion of said template will be four inches, in the case of residence walks, and five inches in the case of business walks, below the upper edges of the forms, will be pushed along on said forms and any spots on the gravel course which appear high must be cut down and the low parts filled in. This template must be used in this work well in advance of the pouring of the concrete and its use will be insisted upon throughout the performance of the contract. In no case shall concrete be poured in the construction of the walks, unless the template shall have been used to test the gravel course at least fifty (50) feet in advance of concreting.

After the concrete base course of the sidewalk shall have been poured and thoroughly tamped, the surface of said base course shall be struck off by means of another template so made that when its extremities rest upon the longitudinal forms, its central portion will form a plane three-fourths  $\frac{3}{4}$  of an inch below the top of a finished walk in the case of residence walks, or one (1) inch in the case of business walks, when said template is pushed along on said forms.

#### DETAILED

#### SPECIFICATIONS.

##### 1. SIDEWALKS:

(a) CONCRETE BASE COURSE: The concrete base course of residence walks shall be three and one-fourth ( $3\frac{1}{4}$ ) inches in thickness and in the case of business walks shall be four (4) inches in thickness and shall be made of concrete mixed in the following proportions: the quantities of material are herein given in order to inform the contractor of the amount of material necessary to make one cubic yard of rammed concrete. This base course by parts shall be made of one part cement, two and one-half ( $2\frac{1}{2}$ ) parts sand and five (5) parts of gravel, corresponding to one (1) barrel of cement, nine and one-half ( $9\frac{1}{2}$ ) cubic feet of loose sand and nineteen (19) cubic feet of loose gravel. In

the making of a cubic yard of rammed concrete there will be required one and twenty-four hundredths (1.24) barrels, or five (5) sacks of cement to forty-four hundredths (.44) of a cubic yard of screened sand. In the making of a cubic yard of rammed concrete there will be required one and twenty-four hundredths (1.24) barrels, or five (5) sacks of cement, to forty-four (.44) hundredths, of a cubic yard of screened sand and eighty-seven hundredths (.87) of a cubic yard gravel, said gravel to be clean and free from dirt, sticks, or vegetable matter and to be graded so that it will pass through a two (2) inch mesh screen and be retained on a quarter inch mesh screen. The sand must be clean, free from dirt, as in case of gravel, and shall pass through a one-fourth ( $\frac{1}{4}$ ) inch mesh screen. Said sand shall be a mixture of coarse and fine grains and must meet the approval of the engineer before it is used on the work. If, in the judgment of the engineer, the sand and gravel are so dirty as to require washing, the contractor will be required to so do. The manner and amount of said washing is to meet the approval of the engineer. The use of unclean gravel and sand will not be allowed under any circumstances in this work, except the gravel fill of the foundation course. In mixing the concrete for the base course of the walk, preference will be given hand mixing as follows:

A platform built of ship lap lumber not less than sixteen feet square will be constructed absolutely level, near the site of the proposed work. Upon this platform there shall have been previously measured by means of a measuring box placed upon said platform, eighty-seven hundredths (.87) of a cubic yard of screened gravel measured in its loose state. The dimensions of said box will be four (4) feet in width by five (5) feet by ten and one-half ( $10\frac{1}{2}$ ) inches in length and twelve (12) inches deep. After said box has been filled with gravel, the box shall be removed allowing the gravel to remain upon the platform. Said gravel shall then be spread to a depth of not to exceed six (6) inches. Upon one end of the platform there shall be measured sand in an amount of forty-four hundredths (.44) of a cubic yard. A ten per cent (10%) excess of sand will be allowed but no excess of gravel will be permitted under any circumstances. The dimensions of the box used for measuring sand shall be three (3) feet wide, three (3) feet eleven and one-half ( $11\frac{1}{2}$ ) inches long and one (1) foot deep. The sand shall then be spread uniformly upon the gravel and thereupon one and twenty-four hundredths (1.24) barrels of cement and (each barrel being based upon a capacity of three and eight-tenths (3.8) cubic feet of packed cement) shall be spread evenly over the sand and gravel upon the mixing platform. The materials upon the board shall then be carefully turned twice in a dry state by men using square pointed shovels. The manner of said turning and mixing to be indicated by the engineer or inspector. After the materials have been twice turned so that the mass appears to have a uniform color, sufficient water shall then be added so that when the concrete shall have again been turned twice after the addition of water, the result will be a wet slushy mixture of concrete. After the concrete shall have been thoroughly turned in a wet state, (said concrete to be wet enough to form a slush on top when tamped in forms) and its appearance is satisfactory to the engineer or the inspector. It shall be deposited upon the gravel foundation course by means of metal wheelbarrows and so spread that when it has been thoroughly rammed with heavy iron rammers, it will form a course three and one-half ( $3\frac{1}{2}$ ) inches thick in the case of residence walks, or four (4) inches thick in the case of business walks. The upper surface of the base course shall then be struck off by means of a template furnished by the Engineer.

#### B. Wearing COURSE:

In the construction of sidewalks the pouring of concrete for the base course shall never, under any circumstances, be carried on more than twenty-five (25) feet in advance of the depositing of the top coat. The contractor, shall take due notice of this provision and so arrange his crews to make this possible. In case the contractor shall fail to place the top or wearing coat upon the base course within thirty (30) minutes from the time of pouring said base course, then it shall be the duty of the engineer or the inspector to condemn such piece of work, order it removed and replaced in

strict accordance with these specifications.

The top coats of residence and business walks shall be mixed in the following proportions: Three and thirty-two hundredths (3.32) barrels of cement to ninety-three hundredths (.93) cubic yards of sand, the cement to be packed as it comes in sacks from the cement mills and the sand to be loose. These quantities are sufficient to make one cubic yard of compact plastic mortar of a one (1) to two (2) mixture and the contractor must so accept them. The mortar shall be of a wet consistency before being spread upon the concrete base course that it may be readily forced into such coarse spots as may appear in the base course due to the absence of sufficient fine material to make a dense concrete. The wearing course shall be three-fourths ( $3/4$ ) of an inch in thickness, in the case of business walks and one (1) inch in thickness in case of residence walks when finished flush with the upper edge of the longitudinal forms.

In the construction of sidewalks under the specifications the following quantities of material will be required for each one hundred (100) square feet of sidewalk. These proportions are based upon a barrel of three and eight tenths (3.8) cubic feet of packed cement.

In constructing the base course of residence walks there will be required one and twenty-four hundredths (1.24) barrels of cement forty-four hundredths (.44) of a cubic yard of sand and eighty-seven hundredths (.87) of a cubic yard of gravel.

In the case of business walks, there will be required for each one hundred square feet of base course one and fifty-two hundredths (1.52) barrels of cement, fifty-four hundredths (.54) cubic yards of sand and one and seven hundredths (1.07) cubic yards of gravel.

In constructing the wearing surface of residence walks there will be required for each one hundred (100) square feet eighty-five (.85) hundredths of a barrel of cement and twenty-four hundredths (.24) of a cubic yard of sand. In the construction of one hundred square feet of wearing surface for business walks, there will be required one and thirteen hundredths (1.13) barrels of cement to thirty-two hundredths (.32) cubic yards of sand.

#### C. FLAG MARKING.

After the wearing surface shall have attained its initial set "The Finisher" shall then trowel the walk by means of a wooden float and then mark the surface of the walks into blocks of not to exceed twenty-five (.25) square feet per block. These marks shall be made on the surface of the wearing coat by means of a groover generally used for sidewalk work. The outside edge of the walk shall have its corners rounded off by means of an edging trowel made for that purpose.

In the pouring of the concrete ~~(base course)~~ sand joints shall be cut clear through the concrete by means of placing a piece of beveled siding or metal strip made for that purpose. In filling the crevice or mark with sand care must be taken that the sand will not spread over the surface of ~~(the base course)~~ <sup>the concrete</sup> but that it be confined to the crevice itself.

In marking the flag ~~(after the top coat has been placed and floated,)~~ extreme care must be taken to see that the flag marks are directly over the sand joints ~~(in the base course)~~ in order that a cleavage line may thereby be formed.

Immediately after the wearing <sup>surface</sup> course shall have been floated, flag marked and the names of the streets and avenues, as well as the name of the contractor and the date of the current year, stamped upon the approaches of the block corners, the contractor shall cover the concrete walk with tar paper or canvas, to protect it from too rapid drying from extreme heat of the sun or wind. Twice daily for six days thereafter the contractor shall thoroughly wet down the sidewalk

by means of a garden hose, or other suitable method. In case the contractor neglect to water said sidewalk, the City Engineer will order employees to sprinkle same and the cost of such wetting or sprinkling shall be deducted from the contract price in making final settlement with the contractor. It shall be the duty of the inspector to notify ~~to notify~~ the City Engineer daily as to whether or not the contractor is properly sprinkling the walks.

## 2 CONCRETE CURBS.

### (a) RESIDENCE CURBS:

Residence curbs shall have to be constructed of concrete as follows: The dimension of residence curbs shall be five (5) inches across the top and seven (7) inches at the bottom. The inside face shall be vertical, while the outside face, or that facing the street or avenue, shall have a batter of two (2) inches. The height of the curb shall be eighteen inches.

In preparing the site for the curbs, trenches shall be dug six inches wider than the bottom width of the curb on each side of said curb. Such excavation will be carried to a depth of twenty-four (24) inches below the grade of the top of the curb. Gravel is then to be deposited in said trench to the full width of the excavation and to such depth that after thoroughly ramming with a heavy iron rammer, it will have a thickness of six (6) inches.

Forms made of a two (2) inch by twelve (12) inch planking shall then be constructed to the line and grade given by the engineer. Concrete mixed in the following proportions shall be deposited in the forms: one and one-half ( $1\frac{1}{2}$ ) barrels of cement, forty-eight hundredths (.48) of a cubic yard of sand, and eighty-four hundredths (.84) of a cubic yard of gravel. The specifications for sand and gravel will be the same as for the sidewalks.

In mixing the concrete the contractor will be required to produce a wet slushy mixture which can be thoroughly spaded on the faces of the curb and floated on the upper surface to produce a smooth well appearing job. After the concrete has attained its initial set the contractor will be required to finish the edges of the top of the curb by means of an edging trowel curved on a radius of two (2) inches.

The curb must be constructed in sections of fifty (50) lineal feet. Proper provisions for expanse must be made by allowing a space of three-fourths ( $\frac{3}{4}$ ) of an inch between adjoining sections.

The materials required for one hundred (100) lineal feet of concrete curb are as follows: four and eighty-six hundredths (4.86) barrels of cement, one and fifty-six hundredths (1.56) cubic yards of sand and two and seventy-three (2.73) cubic yards of gravel. The above figures do not include the gravel for the foundation course.

### B. BUSINESS CURBS:

Business curbs will be six inches in width at the top and nine (9) inches in width at the bottom and twenty-four (24) inches in depth. The inner face of the curb will be vertical, while the outer face will have a batter of three (3) inches. In constructing forms for business curbs the inner vertical form will be carried upwards to within eight (8) inches of the upper surface of the curb or sidewalk; the outer form will be carried up to grade of the top of the curb.

In excavating for business curbs the trench shall be excavated in additional width from both inner and outer faces, of the curb at the bottom, making a total of twenty-one inches in width. The trench shall also be excavated six inches below the upper of finished surface of the curb. This space will then be filled with gravel and thoroughly tamped to the proper subgrade prior to the erecting of forms and the depositing of concrete.

In concreting the business curb such curb shall be constructed monolithic with the sidewalk itself, ~~the concrete being carried up to within one inch of the upper surface in order that when the top coat, or wearing surface, is spread over the curb, facing the outer face of the curb with mortar will not be required in business curbs the same as in residence curbs.~~

The inner forms which it will be necessary to place must remain in place for it will not be possible under this form of construction to allow the concrete in the curb to attain sufficient set to permit the removing of the forms, ~~before the top coat and base course of the walk is poured.~~

In constructing the concrete curbs in residence districts the contractor must so plan his work that he may readily change from the making of concrete of one mixture to concrete of another mixture, as the concrete in the base course of the sidewalk is a leaner mixture than that of the curb itself.

It must be understood that no longitudinal joints will be permitted at any point between the gravel foundation course and the top of the curb.

After the removal of the outer forms from the curbs, should rough spots show, the same must be plastered in a smooth and workman-like manner by the contractor.

The material required for one hundred (100) lineal feet of business curb is as follows: Six and ninety-five (6.95) barrels of cement, two and twenty-two hundredths (2.22) cubic yards of sand and three and eighty-nine (3.89) cubic yards of gravel. Specifications for sand and gravel to conform with the specifications for sidewalks.

In paying for curbs and sidewalks in business districts sidewalks shall be considered as running to the inner face of the curb. No allowance will be made by the contractor for that portion of the sidewalk extending over the curb. Under these specifications curb shall be paid for by the lineal foot and shall be measured from a point twenty-four (24) inches below the upper grade of the finished curb and sidewalk to such upper grade of finished curb or walk.

### 3. ~~EMBANKMENT:~~

In case it is necessary at any point along the line of this construction to make a fill, such fill shall be constructed of gravel providing it will not necessitate the use of more than six (6) inches of compacted gravel fill inclusive of the four (4) inches required for general sidewalk construction. Such gravel fill will be paid for at the prices bid in the proposal. No allowance will be made the contractor for earth fill if such is necessary. Earth fills shall be made by filling said earth to a depth of not to exceed six (6) inches at a time. The six inch course shall then be wet down with water and thoroughly rammed with iron rammers until it is compacted to as firm a degree as the sub-grade in excavation.

### 4. PAYMENTS FOR WORK PERFORMED:

The contractor will be paid at the price bid per cubic yard for the excavation of excavated earth work. The contractor must bid two prices for excavation, one price to be based upon the disposing of materials upon nearby lots and the other upon the excavation and carrying the excavated material to Payments for sidewalk will be based upon unit prices per square foot.

Payments will be made the contractor in bonds running five years and drawing six per cent (6) interest per annum. Those bonds the contractor will receive at par value, without discount, and will be issued upon monthly estimates given by the engineer. The estimate will not be given the contractor at any time than that stated, monthly periods. On the last day of each month the engineer will make an estimate of the completed work covering only such work as shall

have been satisfactorily performed and the contractor will receive payment on the above estimates on or about the tenth day of the following month.

#### 5. TIME OF COMMENCEMENT AND COMPLETION OF WORK:

Within ten days after notice shall have been served upon the contractor by the Street Commissioner of the City Engineer, that it is the desire of the Council, that a certain piece of work be constructed, the said contractor shall commence work with such a force of men as shall insure the completion of the work within a reasonable length of time.

#### 6. BOND.

The contractor will be required to give bond in the amount of Five Thousand Dollars (\$5,000) conditioned upon the faithful performance of the contract and indemnifying the City from any detriment, damage or loss to persons, employecs, or property growing out of said work. Such bond may be executed with two or more sureties and the sureties shall justify, before any person competent to administer an oath; tin dougle the amount mentioned in said bond over and above all statutory exemptions; the City of Polson may, at its option, require a bond to be furnished by a surety company authorized to transact business in teh State of Montana.

#### 7. INSPECTION.

The City Engineer of the City of Polson shall have supervision on behalf of the City of Polson of all work in this proposed improvement. He shall have the right to appoint inspectors who shall represent him in the field, provided, however, that no action of the inspector shall set aside any of the provisions of these specifications, or the contract, or any order which may have been given by the Engineer, unless said inspector shall furnish a written statement from said engineer directing him so to do. In the enforcement of the provisions of these specifications the orders of the inspector shall have been given by the engineer.

Should the contractor fail to live up to these specifications and the contract, in the judgment of the inspector, said inspector may order the work halted until the City Engineer has settled the point at issue. No work performed by the Contractor, after he has been ordered to halt the work shall be paid for unless a subsequent order to resume work shall have been issued in writing by the engineer. Such work performed after the contractor shall have been ordered to stop work and before the order to resume work shall have been issued in writing by the engineer may not be paid for according to the option of the City Council upon recommendation from the City Engineer.

#### 8. CONTRACTOR:

The contractor shall be the person, persons, firm or corporation to whom the contract shall have been awarded. The contractor shall at all times, keep upon the work some person in authority who shall receive orders from the inspector or from the engineer as though he himself the foreman were the contractor.

#### 9. DANGER SIGNALS.

The contractor will be required to erect danger signals, in the form of guard fences, barricades and red lanterns in order to insure the safety of public in general. Said contractor will be held responsible under this bond, for any accidents caused by neglect or improperly protecting and guarding his work.

#### 10. DELAYS:

Should delays arise which are beyond the ability of the contractor to prevent, such as are occasioned by strikes, storms or any other fortutious events, the contractor may be granted an extension of

time equal to the amount of time lost by such delay, provided however, that should delays arise, the contractor will be required to begin work, immediately upon orders from the City Engineer, if he deems conditions favorable.

11. PENALTY FOR FAILURE TO USE PROPER AMOUNT OF CEMENT:

In the construction of the sidewalks and curbs, under these specifications it shall be the aim of all parties to secure the performance of this contract in accordance with the detailed plans and specifications herein stated or on file in the office of the City Engineer. In the detailed specifications for sidewalks and curbs, the City Engineer has computed the amount of cement necessary for the proper performance and completion of a given quantity of each class of work therein stated.

In case the contractor shall have used a less amount of cement than above indicated for the number of square feet of each class of work stated, the City Engineer will deduct from the contract price such a sum of money as shall represent the value of the cement which the contractor has failed to use.

It shall be the duty of the contractor to furnish the City Engineer with a certified statement and invoice of the amount of cement delivered and it shall be the duty of the inspector to check up the same amount of cement used daily for the whole work and present the same to the City Engineer at the end of (the) each days' work.

The City Engineer shall refuse to pay to said contractor more than fifty per cent (50%) of the amount of any work under these specifications unless the contractor shall have furnished said affidavit or invoice.

It shall be the duty of the Inspector to check the amount of cement at the beginning and close of each day's work and submit the same to the contractor for his written approval at the time of each day's work. In case of dispute the inspector shall halt the work and permit no further work until he and the contractor can agree. It must be clearly understood that the contractor must not go back more than twenty-four hours in questioning the accuracy of the inspector's check, unless all disputes have been settled up to that time.

12. PAYMENT OF ORGANIZATION EXPENSES, ETC.

The contractor for this improvement will be required to reimburse the City for all expenses for organization including Engineering inspection, legal, printing and clerical work of making up assessment rolls. To this end the estimates for work will be increased by by such amount of organization expenses from time to time; the contractor paying the city in cash for such expenses and taking warrants or bonds in exchange.

The contractor must understand that their bids must not cover these organization expenses, but that they will be required to pay the City in cash in full amount of such expense to which the City has been put up to the time of each estimate and in addition thereto per cent of such amount to cover the discounts necessary for the contractor to handle the warrants in the amount of such organization expenditures.

At each estimate given the contractor the City may demand such money as is then due it. The balance for clerical work to be closely estimated at final settlement. This requirement will be enforced.

SECTION 10.

STREET	ON WHAT SIDE	WIDTH OF SIDEWALK	DISTANCE PROPERTY LINE TO CURB CENTER.
5th Street, end to end	both	5 feet	17 feet
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4th street; from G to E E to northern end	Both "	5 feet 12 feet	12 feet 12 feet
3rd Street; from G to E	"	5 feet	12 feet
3rd Street; from H to B from B to end	" West	12 feet 12 feet	12 feet 12 feet
2nd Street: end to end	Both	5 feet	17 feet
1st Street, end to end	Both	5 feet	13 feet
G Street, end to end	North	5 feet	15 feet
5th to east end 5th to west end	Both "	5 feet 5 feet	25 feet 17 feet
F Street	Both	5 feet	17 feet
H Street; 1st to 2nd	Both	5 feet	25 feet
E Street: 2nd to 4th 4th to east end	Both North South	5 feet 5 feet 5 feet	12 feet 17 feet 17 feet
D Street; 1st to 2nd 2nd to alley between 2nd and 3rd, <i>From</i> 3rd alley be- tween 2nd and 3rd to 4th, <del>2nd</del> , 4th, to 5th 2nd, 5th to east end	Both " " North South North South	5 feet 5 feet 12 feet 5 feet 5 feet 5 feet	17 feet 13 feet 12 feet 12 feet 12 feet 17 feet 17 feet
C street: 2nd to center line of alley between 2nd and 3rd From center line of alley between 2nd and 3rd to 4th 4th to 5th 5th to end	Both " " "	5 feet 12 feet 5 feet 5 feet	13 feet 12 feet 12 feet 17 feet
B Street: from center line of alley in Block 11 extended across B to 4th 5th to east end 4th to 5th	Both " "	12 feet 5 feet 5 feet	12 feet 17 feet 17 feet
A Street: 4th to 5th	"	5 feet	12 feet

A Street: 4th to 5th	Both	5 feet	12 feet
5th to east end	"	5 feet	17 feet

Kootenai Avenue from 4th along the northern boundary of Block 2 and northeastern boundary of Block 1 to the intersection of Kootenai and A Street,

South	5 feet	17 feet
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Along northwestern sides of Lots 1 and 2 block 3

	12 feet	<u>12 feet</u>
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Along northwestern side of Lots 7, 8 and 9 Block 5

	12 feet	12 feet
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Riverside Addition: all streets running east and west

Both	5 feet	17 feet
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All streets running north and south

"	5 feet	17 feet
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Cramer: Lewis: Central: Pend de O'Ruille: Center: Elevation: Polson Heights: Grandview Additions: *only 4* *11*

All Streets running east and west	Both	5 feet	17 feet
<i>Third</i> All streets running north and south	"	5 feet	17 feet

SECTION 11. Hereafter all sidewalks to be constructed within the limits of the City of Polson, shall be constructed in the following manner, to-wit:

On all streets where a five foot sidewalk is required, by the ~~preceeding section of this Ordinance~~, a grass plat of three feet shall be reserved between the property line and the sidewalk, and the sidewalk on all other streets shall abut the property. *(ref where 4 ft walk)*

SECTION 12. That the Bench Mark established by the U. S. Geological Survey be, and the same is hereby designated as the official Bench Mark of the City of Polson and to which all elevations and grades are hereby referred. The location and description of said Bench Mark is as follows: An iron pipe set in the ground near the intersection of Third Street with Kootenai Avenue, on top of the pipe being a brass plate on which is marked the following:

U. S. Geological Survey , B. M.  
Elevation above sea  
2908 feet.

SECTION 13. That the grades of the streets and avenues at the points designated are hereby established as the official grades of said streets and avenues. Said points being the block corners respectively at streets and avenues herein named. Curb grades at all points shall be at an elevation determined by a fall of  $\frac{1}{4}$  of an inch per foot from the property line grade to the top of curb. Sidewalk grades in the business districts, and in improved residence districts, shall be determined in the following manner; Viz: a rate of  $\frac{1}{4}$  of an inch per foot inclination from the established grade at the property line to curb grade shall determine the elevation and inclination of all sidewalks. *(See Ord # 135)*

FIRST STREET:

Block corners at the

North line of D Street	2909.30
South " " "	2909.30
North line of E Street	2913.60
South line of E Street	2913.60
North line of F Street	2920.00
South " " "	2920.00

North line of G Street	2921.20
South " " "	2921.20
North line of H Street	2922.68
South " " "	2922.68
North line of I Street	2923.56
South " " "	2923.68
North line of J Street	2924.44
South " " "	2924.44
North line of K Street	2928.28
South " " "	2928.28

*am* —

SECOND STREET

Block corners on the

North line of C Street	2910.00
South " " "	2910.00
North line of D Street	2913.00
South " " "	2913.00
North line of E Street	2914.80
South " " "	2914.80
North line of F Street	2917.50
South " " "	2917.50
North line of G Street	2919.60
South " " "	2919.60

✓

THIRD STREET

At the North corner of Lot 1 Block 4 Original townsite	2903.70
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Block corners at the

South line of A Street	2901.00
North line of B Street	2910.00
South " " "	2910.00
North line of C Street	2913.00
South " " "	2913.00
North line of D Street	2915.40
South " " "	2915.40
North line of E Street	2917.50
South " " "	2917.50
North line of F Street	2918.70
South " " "	2918.70
North line of G Street	2921.70
South " " "	2921.70

✓

FOURTH STREET

AT THE northwest corner of Lot 15 Block 2 Original Townsite	2903.00
At the northeast corner of the Public Reserve	2906.00
At the corner of Lot 1 Block 3	2907.65

Block corners on the

North line of A Street	2910.00
South " " "	2910.00
North line of B Street	2914.50
South " " "	2914.50
North line of C Street	2919.00
South " " "	2919.00
North line of D Street	2917.80
South " " "	2917.80
North line of E Street	2918.70
South " " "	2918.70
North line of F Street	2919.60
South " " "	2919.60
North line of G Street	2920.50
South " " "	2920.50

FIFTH STREET

At the northeast corner of Lot 1 Block 2  
Original townsite 2918.52

At the northwest corner of Lot 6 Block 1  
Original townsite 2918.40

Block corners at the

North line of A Street	2916.50
South " " "	2916.50
North line of B Street	<del>2918.40</del>
South " " "	<del>2918.40</del>
North line of C Street	2919.90
South " " "	2919.90
North line of D Street	2918.70
South " " "	2918.70
North line of E Street	2919.60
South " " "	2919.60
North line of F Street	2920.50
South " " "	2920.50
North line of G Street	2921.40
South " " "	2921.40

2917.8  
2917.8

← Amended by Ord # 154  
2917.8

SIXTH STREET

Block corners at the

South line of A Street	2900.90
North line of B Street	2911.20
South " " "	<del>2911.20</del>
North line of C Street	2918.70
South " " "	2918.70
North line of D Street	2919.60
South " " "	2919.60
North line of E Street	2920.50
South " " "	2920.50

← Amended by Ord # 154

North line of F Street	2921.40
South " " "	2921.40
North line of G Street	2922.30
South " " "	2922.30

} 2921.20  
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HAWTHORNE AVENUE

BLOCK corners at the

NORTH line of E Street	2912.70
South " " "	2912.70
North line of F Street	2919.10
South " " "	2919.10
North line of G Street	2920.00
South " " "	2920.00
North line of H Street	2920.88
South " " "	2920.88
North line of I Street	2921.76
South " " "	2921.76
North line of J Street	2922.64
South " " "	2922.64
North line of K Street	2926.78
South " " "	2926.78

MAPLE AVENUE

Block corners at the

South line of E Street	2911.80
North line of F Street	2918.20
South " " "	2918.20
North line of G Street	2919.10
South " " "	2919.10
North line of H Street	2919.99
South " " "	2919.99
North line of I Street	2922.65
South " " "	2922.65
North line of J Street	2923.54
South " " "	2923.54
North line of K Street	2925.31
South " " "	2925.31

CEDAR AVENUE

Block corners at the

North line of F Street	2919.10
South " " "	2919.10
North line of G Street	2920.00
South " " "	2920.00
North line of H Street	2920.88
South " " "	2920.88
North line of I Street	2921.76
South " " "	2921.76

North line of J Street 2922.64  
 South " " " 2922.64

North line of K Street 2924.41  
 South " " " 2924.41

BIRCH AVENUE

Block corners at the

North line of F Street 2919.73  
 South " " " 2919.73

North line of G Street 2920.63  
 South " " " 2920.63

North line of H Street 2921.51  
 South " " " 2921.51

North line of I Street 2922.39  
 South " " " 2922.39

North line of J Street 2923.27  
 South " " " 2923.27

North line of K Street 2926.52  
 South " " " 2926.52

LAKE STREET

At the northwest corner of Lot 9, Block 1  
 Original Townsite 2906.00

At the southwest corner of Lot 3, Block 4,  
 Original Townsite 2906.54

At the north corner of Lot 1, Block 4  
 Original Townsite 2903.70

At the south line of A Street 2910.00

BLOCK CORNERS AT THE	SEVENTH STREET	EIGHTH STREET	NINTH STREET
South line of Lake Street	2888.4	2886.0	2884.8
North and South line of C Street	2910.7	2903.0	2884.8
North and South line of D Street	2918.6	2916.0	2914.6
North and South line of E Street	2921.0	2918.0	2920.0
North and South line of F Street	2922.0	2919.5	2921.0
North line of G Street	2923.0	2921.0	2922.5

SECTION 14. The City Council may order sidewalks or curbs or both constructed in front of any lot or parcel of land without the formation of a special Improvement District and whenever the Council desires to so construct such sidewalks or curbs or both, an order to that effect shall be entered into the minutes of the Council and shall name the street along which said sidewalk or curb or both is to be constructed, shall give the character of the material of said work and description of the abutting property.

SECTION 15. That immediately thereafter the City Clerk shall publish a notice in one issue of the paper published in the City of Polson which said notice shall embody therein the order of the Council as entered upon the minutes of the same. The said notice shall also state that if the owners or agents of owners of such lots or parcels of land as shall abut upon said proposed sidewalk, shall fail or neglect for a period of thirty (30) days after the date of the first publication of

said notice, to construct or cause to be constructed such sidewalk or curb or both, and shall assess the cost thereof against the property in front of which the same are constructed. On or before the date following the publication of said notice the City Clerk shall mail a copy of said notice to each owner or agent of each owner of the property to be affected thereby.

SECTION 16. The Council shall annually let to the lowest responsible bidder the contract for the construction of all sidewalks and curbs which may be constructed under the provisions of this ordinance with the specifications prepared therefor by the City Engineer, the said contractor will be required to deliver to the City a good and sufficient bond in the sum of not less than \$5,000.00 which bond shall be conditioned for the good and faithful performance of all work by him done under the provisions of this ordinance and shall also guarantee the maintenance and durability of said work for a period of not less than three years.

SECTION 17. That after the expiration of thirty days from the date of the first publication of notice aforesaid the City Treasurer, and Engineer shall notify the City Contractor above mentioned to build such portion of sidewalk or curb or both within five days from the date thereof construct same in accordance with this ordinance and his contract with the City.

SECTION 18. That the total cost of all of said sidewalk or curb or both constructed by the said City Contractor above mentioned in accordance with the said orders of the City Council, which cost shall also include the publication of notice engineering and inspection fees, shall be assessed the property in front of or adjacent to which such sidewalk or curb be constructed. The property occupying street corners shall be assessed for that part of such sidewalk or curb thereon which is within the City street intersection. That all the work done under the provisions of this ordinance shall be paid for by special warrants in the manner and form herein provided for, drawn against a fund which is hereby created to be known as Special Sidewalk and Curb fund.

SECTION 19. That all the cost and expense of building and construction of any or all sidewalk or curb or both under the provisions of this ordinance shall be defrayed by special Assessment for the purpose of retiring the aforesaid warrants which Special Assessment shall be payable in installments extending over a period of five years, which Special Assessment shall be a lien upon the property to be affected thereby. When one of the payments of such Special Assessment becomes delinquent the property shall be sold the same as other property is sold for Special Assessment.

SECTION 20. The City Council shall make a levy on or before the first Monday in October of each year for all work done under this ordinance during the prior years. Which said assessment shall be made by resolution duly entered upon the minutes and payable in the same manner as other similar resolutions and Special Improvement Districts. The City Treasurer shall collect the said Special Assessment with simple interest at the rate of 5 per cent per annum from the date of registry of each warrant and shall receive therefor the entire special assessment on all property with interest to the date of payment at any time the same may be tendered by the owner or agent.

SECTION 21. This ordinance is hereby declared to be an emergency ordinance, for the reason that the preservation of the safety of the inhabitants of the City demands that it go into effect immediately, due to the unsafe condition of the sidewalks of the City.

SECTION 22. Ordinances numbered 38<sup>1</sup>/<sub>2</sub>, 79, 81, 82, 96, 119, and 127 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 23. This ordinance shall take effect immediately upon its passage and approval.

Passed by the City Council this the First day of July, A.D. 1918.

Approved by the Mayor this the First day of July, A. D. 1918.

*[Signature]*  
MAYOR

Attest: *[Signature]*  
CITY CLERK.

STATE OF MONTANA, \*  
COUNTY OF FLATHEAD, \* SS  
CITY OF POLSON. \*  
\*

H. S. Hanson, being first duly sworn, upon his oath deposes and says: I am a citizen of the United States, over the age of 21 years, and am, and was at the time mentioned in this affidavit the City Clerk of the City of Polson, in said County and State, that on the *Eight* day of July, 1918, in accordance with the order of the City Council of the City of Polson, requiring all Resolutions and Ordinances of said City to be posed in three of the most public places in said city, I posted a copy of the foregoing Ordinance No. 128 at the following places, to wit: One copy in the office of the Mayor, one copy in the office of the City Treasurer and one copy in the office of the Police Judge; that each of said copies so posted by me was a full, true and correct copy of the Ordinance No. 128 and the whole thereof.

*[Signature]*

Subscribed and sworn to before me this *8th* day of *July*, A. D. 1918.

*[Signature]*  
Notary Public for the State of Montana, Residing at Polson, My Commission Expires \_\_\_\_\_

*June 1 - 1921.*

