

**CITY ORDINANCE NO. 251
AN ORDINANCE OF THE CITY
OF MALAD CITY, IDAHO, PRO-
VIDING FOR THE CONSTRU-
TION, REPAIR OF SIDEWALKS
WITHIN SAID CITY, PROVIDED
THAT GRADES AND LIN-
ES FOR SAID SIDEWALKS
ARE TO BE FURNISHED BY
THE CITY ENGINEER, SIDE-
WALKS TO BE CONSTRUCTED
ON ORDER OF THE COUNCIL
AT THE COST OF THE ABUT-
TING PROPERTY OWNERS,
PROVIDING FOR THE PRO-
CEDURE TO BE FOLLOWED
IN ORDERING THE CON-
STRUCTION OF NEW SIDE-
WALKS.**

CHAPTER I

Section I
No sidewalk shall hereafter be constructed or repaired by any person or persons within the City of Malad City without there first having been obtained from the City Council a permit for such construction or repair. Such permit to be obtained upon applica- tion therefore made upon forms to be provided by the City.

Section II

No sidewalks shall be constructed or repaired along the streets or alleys of the City of Malad City until lines and grades therefore shall have been furnished by the City Engineer and all sidewalks shall be so constructed as to conform to the lines and grades so furnished and established, and it shall be the duty of the City Engineer to supply to any person holding a permit for the construction or repair of sidewalks the grades and lines therefore upon request by such person.

Section III

It shall be the duty of the City Council of the City of Malad City, when in the judgement of the Council the necessity exists there- fore, to order the construction of any new sidewalk and the repair or reconstruction of existing side- walks in the said City at the cost of the owner or owners of the property in front of which or im- mediately adjacent to which the said sidewalk or sidewalks are ordered to be constructed or re- paired.

Section IV

Whenever the City Council shall determine that an existing sidewalk is in need of repair, or that new sidewalk is necessary in front of or adjacent to any property in said City, it shall adopt, at a general or special meeting called for that purpose, a resolution setting forth the ex- istence of the necessity for such reconstruction, repair or con- struction, and declaring the inten- tion of the Council to order such construction or repair. Such reso- lution shall specify and describe the property in front of which such repair or new construction is to be directed to be made; shall state the general character of the improvement directed to

be made and an estimate of the cost thereof, and that the cost of such improvement is to be as- sessed against the property in front of or adjacent to which the same is directed to be made un- less the owners of the said prop- erty shall cause and procure the same to be done. Said resolution shall further provide and specify a time within which protests a- gainst the said improvement may be filed with the City, which shall be not less than five nor more than fifteen days after the date of the adoption of such resolu- tion, and shall likewise specify the date upon which such pro- tests will be heard and consid- ered by the City Council.

Section V

Upon the adoption of the City Council of the resolution as spe- cified for herein, the City Clerk shall cause said resolution to be published in one (1) issue of a newspaper published in the City of Malad City before the time fixed in such resolution as the limit for the filing of protests against said improvement, and an affidavit of such publication shall be filed in the office of the City Clerk.

Section VI

Any person owning or having any interest in the property in front of or adjacent to which the construction, repair or recon- struction of sidewalk or side- walks shall have been proposed by the resolution of the City Council, as above provided, shall have the right to file in the of- fice of the City Clerk within the time specified in said resolution, a protest in writing specifying the interest of the protesting per- son and the nature and grounds of his objection to the proposed im- provement. At the time fixed for the hearing of protests, the same shall be considered by the City Council, and any person who shall have filed a protest may ap- pear before the Council at such time and present such evidence as he may desire in support of his said protest. When said hear- ing shall have been completed the City Council shall vote upon the question of ordering work to pro- ceed in whole, or in part, and upon a majority of the members present voting to proceed there- with, the Council shall, by reso- lution entered into its minutes, direct that the proposed im- provement or improvements, or a portion thereof describing the same, shall be made. The Coun- cil may, at its discretion, order that any portion of the proposed improvements shall not be made, and such resolution shall be en- tered on the minutes of the meet- ing together with a statement of the reasons therefor.

Section VII

In the event that, at the expi- ration of the time specified in the notice for the commencement of work therein specified at wh- ich time the same shall not have been commenced by the owner of the property abutting front- ing or adjacent to the same, then the City of Malad City shall pro- ceed as soon as practicable to do the said work or cause the same to be done under contract and in accordance with plans and speci- fications therefore prepared by the City Engineer. The Council may, if it deems it necessary or proper, direct the calling of writ- ten bids for the doing of the said work; said bids to be considered at a regular or special meeting of the City Council as may be specified in said call. Notice of the call for bids shall be prepared and signed by the City Clerk, and

the same shall be published for at least ten (10) days from the date of the last publication there- of within which bids may be sub- mitted by bidders. Each bid sub- mitted shall be accompanied by a certified check payable to the order of the City of Malad City in an amount equal to ten (10) per cent of the sum bid, the same to be held and not cashed until the acceptance of one of the said bids.

conditioned for the faithful per- formance by him of the terms of the said contract and the pay- ment by him of all laborers, ma- terial men or other persons to whom he may become indebted on his contract, the amount of said bond shall not be less than seventy-five per cent (75%) of the amount of the price to be paid by the City for the doing of the said work as specified in the said contract, and the surety or sureties thereon shall be subject to the approval by the City Coun- cil.

Section IX

All work done in accordance with the terms and provisions of this ordinance, whether done by the owner or owners of property, the City of Malad City or a con- tractor, shall be done and per- formed under and subject to in- spection by and the approval of the City Engineer, and shall be as set forth and contained in the Idaho Standard Specifications for Road and Bridge Construc- tion, 1950 Edition, on file in the office of the City Clerk.

PASSED AND APPROVED by the Mayor and City Council this 29th day of July, 1955.

ATTEST:
W. W. THOMAS
City Clerk

CLAUDE KIANT
Mayor

first duly sworn on
Principal Clerk
of general circulation
weekly at Malad, in
as been published in
continuously for over
or to the first publi-
vertisement:

at all of the times
per of general circula-
at least five columns
ereotyped forms of at
ches depth, and said
of publication aforesaid
bonafide subscribers thereto living
in the county of Oneida in which said newspaper was
shed at regular intervals not less frequently than once

at the annexed notice was published as per clipping
shed in the regular and entire edition of said news-

and not in any supplement thereof for . . . successive

ly issues thereof the date of the first publication being

A . . . day of *Aug.* 195*.5* . . . the date of the last
ation being the day of *Aug.*

Sybil A. Stratton

scribed and sworn to before me this day of

Notary Public, residing at Malad, Idaho

ommission expires the day of , 195

267 lines at *135* per line first insertion \$ *24.71*

6c per line each subsequent insertion \$

TOTAL \$ *24.71*

of Malad City, Idaho, and shall not
less than five (5) days from the
date of the last publication there-
of which bids may be sub-
mitted by bidders. Each bid sub-
mitted shall be accompanied by a
certified check payable to the
order of the City of Malad City,
in an amount equal to ten (10)
per cent of the sum bid, the same
to be held and not cashed until
the acceptance of one of the said
bids. When all checks of unsuc-
cessful bidders shall be returned
hereto. The check submitted by
the successful bidder shall, on the
acceptance of his bid, be cashed,
and the amount thereof held by
the City Treasurer as a guaran-
tee that he will enter into a writ-
ten contract with the City to do
the work specified in his bid
within five (5) days from the
date of the acceptance of his bid
by the City Council.

Section VIII
Each contract for the perfor-
mance of work as hereinabove
specified, shall be in writing ex-
ecuted by the successful bidder
and by the City through its Mayor
or and the City Clerk. At the
time of the execution of such con-
tract, the successful bidder shall
deposit with the City Clerk a
contractor's bond as required by
the laws of the State of Idaho.