

ORDINANCE NO. 4850

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO TITLE 4 "PUBLIC WORKS" AND AMENDING SECTIONS 4.08.020, 4.08.040, 4.08.060 OF THE ELLENSBURG CITY CODE.

WHEREAS, the Public Works Development Standards include a chapter on bonding and insurance requirements for construction being completed in the City of Ellensburg, which is more current than, and duplicated by, Chapter 4.08 of the Ellensburg City Code ("ECC"); and

WHEREAS, the proposed changes delete the bonding and insurance requirements in the Ellensburg City Code and add references to the applicable Public Works Development Standards section;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington, do hereby ordain as follows:

Section 1. Section 4.08.020 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4804, is hereby amended to read as follows:

4.08.020 Bonds required.

A. ~~Surety Bond. Before any permit as hereinbefore provided shall be issued, the person, firm, contractor, or corporation performing such work shall execute in favor of and deliver to the city and file with the city clerk, a bond of at least \$1,000 or equal to that cost of improvement to be done in any street, sidewalk, alley, public thoroughfare, or public easement, whichever is the greater. Such bond shall be valid for at least one year from the date of completion of all work covered by the permit. Sureties shall be approved by the director of public works and utilities and the city attorney, and stipulate that the surety will save harmless the city from all claims, liabilities, judgments, costs, damages, and expenses arising from any acts which he may do under the permit, or which may be done by any acts which he may do under the permit, or which may be done by any of his agents, servants, contractors, or any of them in disturbing the street, sidewalk, alley, pavement, improvement, or other place affected and to place the same in its former condition as near as may be, and within the time specified by the director of public works and utilities, and to include all fees, or other costs to the city as a result of activity by the permittee in the execution of his contract for which the permit is issued.~~

B. ~~Cash Bond. Before any permit as hereinbefore provided shall be issued, which provides for the breaking of any roadway surfacing, the person, firm, contractor, or corporation performing such work shall deliver to the city a cash bond in the amount of \$500.00, which shall be either cash, check, or money order, and shall be made payable to the city. A separate cash bond shall be required for each individual crossing or excavation to be made under the permit issued. The cash bond shall be retained by the city and shall be returned to the person, firm, or contractor~~

~~performing the work upon the satisfactory completion of the work and restoration of the roadway surface.~~

Performance, payment, and maintenance bond requirements for any work performed or permit issued under Title 4 of the Ellensburg City Code shall be in accordance with Section 9 (Bonding Standards) of the Public Works Development Standards.

[Ord. 4804 § 4, 2018; Ord. 3851 § 2, 1993; Ord. 2844, 1970.]

Section 2. Section 4.08.040 of the Ellensburg City Code, as last amended by Ordinance 2844, is hereby amended to read as follows:

4.08.040 Continuous bond.

~~Any contractor normally operating within the city may file with the city clerk a bond with sureties as provided in ECC 4.08.020 in the amount of \$1,000 or more and such filing of a bond will be due evidence of good faith for any permit obtained during the life of the bond. The bond shall continue in force for at least one year following the completion date of the last improvement made under permit in the city. In the event the cost of any and all improvements performed by the respective contractor exceeds in total the value of the bond on file by the permittee, it shall be the permittee's responsibility to increase the value of the bond equal the total cost of the several improvements before further permits will be issued.~~

Continuous right-of-way bond requirements for any work performed or permit issued under Title 4 of the Ellensburg City Code shall be in accordance with Section 9 (Bonding Standards) of the Public Works Development Standards.

[Ord. 2844, 1970.]

Section 3. Section 4.08.060 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 3851, is hereby amended to read as follows:

4.08.060 Liability.

~~The person, firm, contractor, or corporation must also furnish the city a certificate of public liability and property damage insurance with a single limit not less than \$500,000 for bodily injury including death and property damage per occurrence. Property damage coverage shall include but not be limited to: injury to or destruction of any wires, conduits, pipes, mains, sewers, or other similar property, or any apparatus or other appurtenance in connection therewith, below the surface of the ground, if such injury or destruction occurs during the use of mechanical equipment for the purpose of grading the land, paving, excavating or drilling, or injury to or destruction of property at any time resulting therefrom, and keeping the same in force. It will be the contractor's responsibility to keep and save the city harmless from all claims,~~

~~liability, judgments, costs, damages, and expenses arising from any of them in making or constructing the improvements or by reason of a violation of any of the provisions of this title.~~

Liability insurance requirements for any work performed or permit issued under Title 4 of the Ellensburg City Code shall be in accordance with Section 9 (Bonding Standards) of the Public Works Development Standards.

[Ord. 3851 § 3, 1993; Ord. 2844, 1970.]

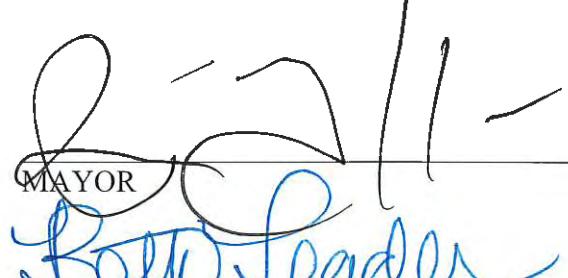
Section 4. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 5. Corrections Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 16th day of March, 2020.

ATTEST:



MAYOR
Betty Leader
CITY CLERK

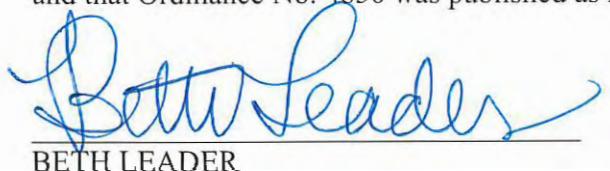
Approved as to form:



[redacted]
CITY ATTORNEY

Publish: 3-19-20

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4850 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4850 was published as required by law.



BETH LEADER