

Ordinance No. 57350

AN ORDINANCE amending Sections 10 and 11, of Ordinance 90047 to change the term "cash indemnity fund" to "cash indemnity deposit", and to reduce, from two years to one year, the period certain bonds shall be required to remain in effect.

5-25-67 *mea*

FILE NO. 357294

Council Bill No. 57350

INTRODUCED: MAY 22 1967	BY: Flaherty
REFERRED: MAY 22 1967	TO: Finance
REFERRED:	
REPORTED: MAY 29 1967	SECOND READING: MAY 29 1967
THIRD READING: MAY 29 1967	SIGNED: MAY 29 1967
PRESENTED TO MAYOR: MAY 29 1967	APPROVED: JUN 6 1967
VETOED BY CITY CLERK: JUN 6 1967	PUBLISHED: JUN 8 1967
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL.	PAGE

ORDINANCE 95823

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 10 of Ordinance 90047 is amended to read as follows:

Section 10. INDEMNITY DEPOSIT ON APPROVED APPLICATIONS FOR PERMITS - If the City Engineer and/or the Board of Public Works determines that there is a probability of injury, damage, or expense to the City arising from an applicant's proposed use of any public place, the applicant shall deposit with the City Treasurer in the "Guarantee Deposit Fund", and take his receipt therefor, a Cash Indemnity Deposit. The amount of the cash indemnity deposit shall be determined by the Board of Public Works or the City Engineer at the time of approving the application and shall be governed by the anticipated amount and extent of injury, damage or expense to the City as determined by the Board of Public Works and/or the City Engineer. The applicant shall endorse said receipt to the City of Seattle and deposit the same with the City Engineer before receiving his permit. Such indemnity deposit shall be used to pay the cost plus 15% thereof of inspections, surveys, plans, and other services performed by the City, of restoring the street and removing any earth or other debris from the street, the replacement of any utility interrupted or damaged, or the completion of any work left unfinished, the cost of filing of an indemnity agreement with the City Comptroller, if such an agreement is required with the permit, and any other expense the City may sustain in

surety by the Mayor and as to form by the Corporation Counsel, which said bond shall run for the full period of said permit plus one year after the acceptance of the permitted work by the Board of Public Works or the City Engineer, and shall be in an amount fixed by the City Engineer and conditioned that said applicant shall faithfully complete all portions of the work according to the Standard Plans and Specifications of the City of Seattle, and the Special plans approved by the City Engineer.

Section 2. That Section 11 of Ordinance 90047 is amended to read as follows:

Section 11. INDEMNITY OR CASH DEPOSIT FOR ONE OR MORE PERMITS -

Where it is probable that more than one permit will be desired, in the alternative to making an indemnity deposit for each permit, as provided for in the foregoing section, the applicant may deposit with the City Treasurer in the "Guaranty Deposit Fund," the sum of Five Hundred Dollars (\$500.00). The applicant shall replace said sum from time to time, whenever such sum shall have been reduced to the sum of Three Hundred Dollars (\$300.00) or less, or to a sum smaller than is required for the permit applied for when so notified by the City Engineer, provided that this section shall not apply when the sum required for one or more permits shall exceed Five Hundred Dollars (\$500.00).

If an applicant shall be periodically using public places, the City Engineer and/or the Board of Public Works may require said applicant to post a surety bond of sufficient amount to cover the accumulated cost or risk involved at any certain time in a calendar year for a number of permits outstanding, as determined by the Board

conjunction with the permitted work. The balance of the cash indemnity deposit, if any, after the foregoing deductions shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the City Engineer or the Board of Public Works determines that engineering studies must be made prior to the approval of any application for permit, the cost of such study shall be paid for by the applicant, or deducted from his indemnity deposit.

The applicant in lieu of, or in addition to, said cash indemnity deposit may, as approved or required by the Board of Public Works or the City Engineer, file with the City Comptroller a surety bond approved as to surety by the Mayor, and as to form by the Corporation Counsel, which said bond shall assume all the requirements provided in the above paragraph in relation to a cash indemnity deposit, shall run for the full period of said permit, and shall be in an amount to be fixed by the Board of Public Works or the City Engineer, and conditioned that such applicant shall faithfully comply with all the terms of said permit and all the provisions of this and all other ordinances of the City of Seattle, and indemnify and save the City of Seattle free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any person by reason of the use of any public place, as provided for in said application.

If said application shall be to construct, reconstruct, repair, maintain, or remove any sidewalk, pavement, sewers, watermains, grading, street lighting, or appurtenances thereto, the applicant shall file with the City Comptroller a surety bond approved as to

(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 29 day of May, 1967, and signed by me in open session in authentication of its passage this 29 day of May, 1967.

Clarence F. Massart
President of the City Council.

Approved by me this 6 day of June, 1967.

J. Boraman
Mayor.

Filed by me this 6 day of June, 1967.

C. J. Grandstand
Attest: City Comptroller and City Clerk.

(SEAL)

Published JUN 8 1967

W. A. Perrine
By Deputy Clerk.

of Public Works or the City Engineer, said bond to be in force during the period of all outstanding permits, but in no case for less than one (1) year. Said bond shall be of a form approved by the Corporation Counsel, conditioned to assume all of the requirements provided in the previous sections of this ordinance in relation to a cash indemnity deposit. Licensed side sewer contractors who post such a one-year bond under the provisions of this ordinance shall not be required to post an additional surety bond specifically covering work under separate side sewer ordinances; and the surety bond shall contain all of the requirements of side sewer ordinances in the same manner as provided by bonds posted pursuant to said side sewer ordinances and the License Code.

However, if at any time any applicant shall apply for a permit to use a public place above or below the surface of the same, and in the opinion of the Board of Public Works or City Engineer the work or risk involved in said application shall, together with other permits outstanding in the name of the applicant, exceed the amount of the then presently posted surety bond, the applicant may be required to post an additional or separate surety bond to cover the additional risk or work involved prior to the issuance of any new permits. Said bond shall remain in force during the period of all outstanding permits, but in no case for less than one year. Also, the Board of Public Works may require any permittee to post a surety bond in the calendar year following the period of a permit when the extent of possible damage to a public place has not been completely determined.

ORDINANCE NO. 95823

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 10 of Ordinance 90047 is amended to read as follows:

Section 10. INDEMNITY DEPOSIT ON APPROVED APPLICATIONS FOR PERMITS—If the City Engineer and/or the Board of Public Works determines that there is a probability of injury, damage, or expense to the City arising from an applicant's proposed use of any public place, the applicant shall deposit with the City Treasurer IN THE "GUARANTEE DEPOSIT FUND," and take his receipt therefor, a Cash Indemnity DEPOSIT. The amount of the cash indemnity DEPOSIT shall be determined by the Board of Public Works or the City Engineer at the time of approving the application and shall be governed by the anticipated amount and extent of injury, damage or expense to the City as determined by the Board of Public Works and/or the City Engineer. The applicant shall endorse said receipt to the City of Seattle and deposit the same with the City Engineer before receiving his permit. Such indemnity DEPOSIT shall be used to pay the cost plus 15% thereof of inspections, surveys, plans, and other services performed by the City, of restoring the street and removing any earth or other debris from the street, the replacement of any utility interrupted or damaged, or the completion of any work left unfinished, the cost of filing of an indemnity agreement with the City Comptroller. If such an agreement is required with the permit, and any other expense the City may sustain in conjunction with the permitted work. The balance of the cash indemnity DEPOSIT, if any, after the foregoing deductions shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the City Engineer or the Board of Public Works determines that engineering studies must be made prior to the approval of any application for permit, the cost of such study shall be paid for by the applicant, or deducted from his indemnity deposit.

The applicant in lieu of or in addition to, said cash indemnity DEPOSIT may, as approved or required by the Board of Public Works or the City Engineer file with the City Comptroller a surety bond approved as to surety by the Mayor, and as to form by the Corporation Council, which said bond shall assume all the requirements provided in the above paragraph in relation to a cash indemnity DEPOSIT, shall run for the full period of said permit, and shall be in an amount to be fixed by the Board of Public Works or the City Engineer, and conditioned that such applicant shall faithfully comply with all the terms of said permit and all the provisions of this and all other ordinances of the City of Seattle, and indemnify and save the City of Seattle free and harmless from any and all claims, actions or damages of every kind and description, which may accrue to, or be suffered by, any person by reason of the use of any public place, as provided for in said application.

If said application shall be to construct, reconstruct, repair, maintain, or remove any sidewalk, pavement, sewers, water-mains, grading, street lighting, or appurtenances thereto, the applicant shall file with the City Comptroller

Affidavit of Publication

STATE OF WASHINGTON, KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a.....

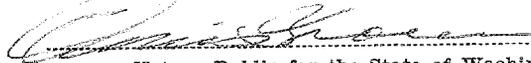
ORDINANCE NO. 95823

was published on June 8, 1967



Subscribed and sworn to before me on

June 8, 1967



Notary Public for the State of Washington,
residing in Seattle.

(Note: RCW 42.28.060 states—"It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal.—")