

**ORDINANCE NUMBER 1197 SUPPLEMENTAL
AMENDING SECTION 214-30 OF THE CODE OF ORDINANCES,
EXCAVATION BOND REQUIREMENTS**

WHEREAS, Section 214-30 of the City Code concerns excavation bond requirements; and

WHEREAS, Section 214-30 of the City Code currently requires a one year bond; and

WHEREAS, the City's Engineering Department currently requires a two year bond; and

WHEREAS, it is in the best interest of the City of Stamford to amend Section 214-30 to require a two year bond, which is necessary to adequately protect the City's interests.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 214, Article II, Encroachments and Excavations, Section 214-30, Excavation Bond Requirements, of the City of Stamford Code of Ordinances is hereby amended, as follows:

Sec. 214-30. Excavation bond requirements.

- A. No permit issued pursuant to this Article shall be issued until the person applying therefor shall have filed with the City Engineer a bond in the following form and in the penal sum set forth therein:

STREET OPENING AND/OR EXCAVATION BOND

KNOW ALL, BY THESE PRESENTS that we _____ as principals and _____ as surety, are held and firmly bound unto the City of Stamford in the penal sum equal to one hundred percent (100%) of the estimated cost of the work to be performed. All work to be performed within any consecutive twelve-month period, said penal sum to be paid to the said City of Stamford, its agents or assigns, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors and assigns, firmly by these presents. Signed with our hands and sealed with our seals this _____ day of _____ 19____.

Now the condition of this obligation is such that whereas said principal has applied for and received a construction permit for work in public streets, public alleys or public grounds in the City of Stamford.

Now, if said principal shall well and faithfully perform all work for which the City of Stamford has issued said permit or permits, in accordance with specifications for such work as set forth by the City Engineer of the City of Stamford, and if the principal shall, for a period of ~~one (1)~~ two (2) years after the approval and acceptance of said work by the City Engineer of the City of Stamford perform any and all repairs required to be made to any public street, public alley or public ground as a result of negligent or improper methods or materials or any other fault, defect or omission in the performance and/or restoration of said street opening(s) and/or excavation(s), said repair(s) to be performed as directed by and within the time limits specified by and subject to the approval of the City Engineer of the City of Stamford, and if the principal shall indemnify said City of Stamford for all damages to any city property resulting from his work operations, regardless of whether such damage is done by himself, his agents, employees or subcontractors, then this obligation shall be void, otherwise it shall remain in full force and effect.

This bond may be canceled as to future liability by surety, effective thirty (30) days after service of notice by registered mail on the principal and said City of Stamford. Nothing herein contained shall relieve the principal and surety of the obligation to perform any and all repairs of this above-mentioned period of ~~one (1)~~ two (2) years.

Signed, sealed and delivered in the presence of

(Principal)

By _____
(Witness)

(Surety)

By _____
(Witness)

AFFIDAVIT

STATE OF CONNECTICUT)

) ss.

COUNTY OF FAIRFIELD)

_____ being first duly sworn, on oath deposes and says that he is an attorney-in-fact of the
_____ Company, surety on the attached bond, executed by _____.

(Contractor)

Affiant further deposes and says that no officer, official or employee of the City of Stamford has any interest, directly or indirectly, or is receiving any premium, commission, fee or other thing of value on account of the sale or furnishing of the policy, bond, undertaking or contract of indemnity, guaranty or suretyship in connection with the above-mentioned contract.

Subscribed and sworn to me

this _____ day of _____ 19_____.

(Notary Public)

- B. For the purpose of this section, any public-service company may submit the certificate issued by the Secretary of State pursuant to Section 16-230 of the General Statutes of the state in lieu of the bond prescribed herein.

Randall M. Skigen, President, and Annie M. Summerville, Clerk, do hereby certify that the foregoing Ordinance was approved on the Consent Agenda by the 29th Board of Representatives at the Regular Board Meeting held on August 4, 2015.
³



Randall M. Skigen, President

Dated this 10th day of August, 2015



Annie M. Summerville, Clerk

Dated this 10th day of August, 2015



David R. Martin, Mayor, City of Stamford

Dated this 11th day of August, 2015

EFFECTIVE DATE: August 21, 2015

cc: Mayor David R. Martin
Michael Handler, Director of Administration
Lee Berta, Assistant Director of OPM
Ernie Orgera, Director of Operations
Thomas Madden, Director of Economic Development
Kathryn Emmett, Esq., Law Department
Ted Jankowski, Director of Public Safety, Health & Welfare
Donna Loglisci, Town Clerk