



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE #3798 - CODE - AMEND BVTN CODE 9.05.070, TO CLARIFY

REQUIREMENT FOR MAINT BOND ON PUBLIC IMPROVEMENTS

NUMBER OF PAGES 3

CODE

ORDINANCE NO. 3798

AN ORDINANCE AMENDING THE BEAVERTON CODE,
BC 9.05.070, TO CLARIFY THE REQUIREMENT
FOR A MAINTENANCE BOND ON PUBLIC IMPROVEMENTS.

WHEREAS, BC 9.05.070 provides for the requirements for a security bond to secure completion of public improvements in a timely fashion; and

WHEREAS, ORS 279.029 requires the City to obtain a good and sufficient bond for each public improvement contracted for within the City to secure performance of the contract, and the standards of the construction industry typically require maintenance against defects in the work for one year from written acceptance; and

WHEREAS, the City Engineer has the authority pursuant to state law to require a maintenance bond to assure the workmanship and materials employed in public improvements are not defective; and

WHEREAS, it is prudent to codify the City's practice in this regard; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 9.05.070 is amended to add a new subsection "B", as follows:

"B. In addition to the surety bond specified in section A herein, the applicant shall submit a cash bond, surety bond or other security in a form satisfactory to the City Engineer and approved by the City Attorney, in the sum of 25 percent of the estimated cost of the development governed by this ordinance, conditioned on the quality of workmanship and materials used to complete the work, for the period specified in subsection C below."

Section 2. BC 9.05.070 is amended to renumber subsection B to subsection "C", and that section is hereby amended to read as follows:

"C. A surety bond shall obligate the principal, the principal's executors, administrators, successors and assigns, jointly and severally, with the surety, and shall inure to the benefit of the City, its officers, employees and to any person aggrieved by the principal's failure to comply with the conditions of it, and shall further provide that it will not be cancelled or terminated:

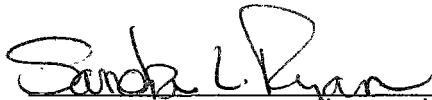
(1) In the case of a performance bond, until the City has approved the work in writing;

(2) In the case of a maintenance bond, until a period of one year or longer if the City Engineer determines that exceptional circumstances warrant, has elapsed from the City's written approval of the work.

Section 3. The remaining subsections of BC 9.05.070 are renumbered to conform with this ordinance.

First reading this 13th day of January, 1992.
Passed by the Council this 27th day of January, 1992.
Approved by the Mayor this 30th day of JANUARY, 1992.

Attest:



SANDY RYAN, Acting City Recorder

Approved:



LARRY D. COLE, Mayor