

**§ 278-57. Surety bond. [Amended 3-23-2023 by Ord. No. 23-02]**

Before an excavation permit is issued pursuant to this article, each applicant, except public utility companies, shall deposit with the Clerk a surety bond in the amount as set by resolution of the City Council, payable to the City.

- A. The required surety bond must be:
- (1) With good and sufficient surety;
  - (2) By a surety company authorized to transact business in the state;
  - (3) Satisfactory in form and substance to the City Attorney;
  - (4) Conditioned upon the permittee's compliance with this article and to secure and hold the City and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to maintain any street where excavation is made in as good condition for the period of four years after said work shall have been done, usual wear and tear excepted, as it was in before the work shall have been done.
- B. Any settlement of the surface within said four-year period shall be deemed prima facie evidence of defective backfilling by the permittee. Nothing in this article shall be construed to require the permittee to maintain any repairs to pavement made by the City if such repairs should prove defective. Any owner of real estate, repairing or engaging another to repair his or her own sidewalk, shall not be required to give such bond. Recovery on such bond for any injury or accident shall not exhaust the bond but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the City by reason of the negligence or default of the permittee, upon the City's giving written notice to the permittee of such suit or claim, any final judgment against the City requiring it to pay for such damage shall be conclusive upon the permittee and the permittee's surety. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified above and in other respects as specified above but applicable as to all excavation work in streets by the principal in such bond during the term of one year from the date.

**§ 278-80. Insurance. [Amended 3-23-2023 by Ord. No. 23-02]**

A permittee, prior to the commencement of excavation work pursuant to this article, shall furnish satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and duration of the permit, insurance in the amount as set by resolution of the City Council, duly issued by an insurance company authorized to do business in the State of Iowa. Owners of real estate repairing their own sidewalks shall be required to furnish satisfactory evidence that the owner has in effect personal liability coverage in an amount as set by resolution of the City Council. This provision shall not apply to public utility companies.