

CITY OF LYNNWOOD

ORDINANCE NO. 734

AN ORDINANCE AMENDING CHAPTER 5.48, CATV SYSTEM, OF THE LYNNWOOD MUNICIPAL CODE BY CHANGING THE REQUIREMENTS FOR A SURETY BOND.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

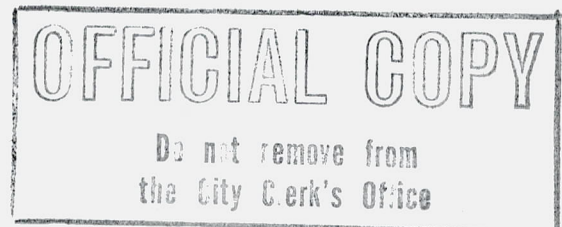
SECTION 1. That Section 5.48.190 of the Lynnwood Municipal Code, which reads as follows:

Surety Bond required. A franchise holder shall post a surety bond in the face amount of one hundred thousand dollars with one or more sufficient sureties satisfactory to the city attorney, which bond may be reduced to twenty-five thousand dollars after completion of the initial construction phase, to wit, when service is available to substantially all residents of the city which request such services. The bond shall remain in effect at all times during the construction period of any franchise issued pursuant to this chapter. This bond shall insure and guarantee the faithful performance by the franchise holder of all the terms, conditions and requirements of this chapter and franchise thereunder, including, but not limited to, any and all construction of franchise holder, its agents or subcontractors, specifically including but not limited in the conditions that the applicant will indemnify and save the city harmless from all claims, actions, or damages of every kind and description which may accrue to, or be suffered by, any person by reason of any construction or any opening in any street, alley, avenue or other public place made by franchise holder and that franchise holder will replace and restore such street, alley, avenue, planting, or other public or private property to as good a state or condition as at the time of the commencement of the work, and providing a recovery on the bond in case of failure to perform any of the terms and conditions of this chapter or franchise granted hereunder.

IS HEREBY REPEALED, and Section 5.48.190 shall hereafter read as follows:

Surety bond required. A franchise holder shall post a surety bond in the face amount of one hundred thousand dollars with one or more sufficient sureties satisfactory to the city attorney, which bond may be reduced to fifteen thousand dollars after completion of the initial construction phase, to wit, when service is available to substantially all residents of the city which request such services. The bond shall remain in effect at all times during the construction period of any franchise issued pursuant to this chapter. This bond shall insure and guarantee the faithful performance by the franchise holder of all the terms, conditions and requirements of this

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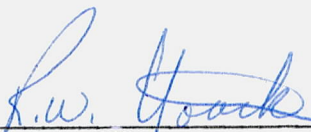
chapter and franchise thereunder, including, but not limited to, any and all construction of franchise holder, its agents or subcontractors, specifically including but not limited in the conditions that the applicant will indemnify and save the city harmless from all claims, actions, or damages of every kind and description which may accrue to, or be suffered by, any person by reason of any construction or any opening in any street, alley, avenue or other public place made by franchise holder and that franchise holder will replace and restore such street, alley, avenue, planting or other public or private property to as good a state or condition as at the time of the commencement of the work, and providing a recovery on the bond in case of failure to perform any of the terms and conditions of this chapter or franchise granted hereunder.

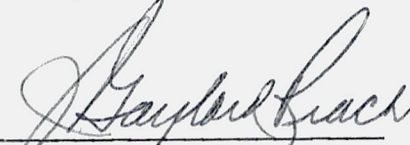
SECTION 2. Severability: In the event that any section, sentence or clause of this ordinance shall be held unconstitutional, such unconstitutionality shall not be deemed to affect any other section, sentence or clause of this ordinance.

SECTION 3. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED THIS 8th day of April, 1974, and signed in authentication of its passage this 8th day of April, 1974.


M. J. Hrdlicka, Mayor

ATTEST: 
R. W. Noack, City Clerk

APPROVED AS TO FORM: 
J. Gaylord Riach,
City Attorney

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