ENCROACHMENT PERMIT
INSURANCE REQUIREMENTS

I. 13-04.070 LIABILITY AND INSURANCE

A. The permitted shall be responsible for all liability imposed by law for personal injury or property damage proximately caused by: (1) work done by permitted under the permit, including work beyond the scope of the permit; (2) failure on permitted’s part to perform obligations under the permit in respects to maintenance; or (3) the existence of any permitted encroachment. If any claim of such liability is made against the City, its officers or employees, permitted shall defend, indemnify and hold them, and each of them, harmless from such claim and liability insofar as permitted by law.

B. Before a permit is issued, the applicant, or the contractor who is performing the work, shall secure, at its expense, a policy of broad form commercial general liability insurance, on an “occurrence” basis issued by an insurer acceptable to the City. If the work to be performed involves any excavation, the policy shall include an endorsement that affords coverage for explosion, collapse and underground hazards. If the work to be performed involves vehicles or vehicular equipment, the insurance must cover any automobile for bodily injury and property damage. The policy shall by endorsement name the City and its officers, employees and agents as additional insured and shall protect them from claims for personal injury, death or property damage suffered by the third persons and arising out of the work performed pursuant to the permit or the manner of installation or construction. The insurance coverage afforded by this policy shall be primary. The policy shall include a cancellation clause requiring the issuing company or its authorized agent to provide a 30-day written notice of cancellation, suspension or modification, to the named certificate holder.

C. The amount of liability insurance coverage shall be a minimum of $1,000,000 per occurrence and $2,000,000 aggregate or $1,000,000 aggregate if the policy separately applies to the permitted project.

D. Workers’ Compensation shall be maintained to meet minimum state requirements

E. A certificate or certificates of the insurance shall be filed with the Engineering division prior to commencement of any work. The insurance shall be in effect on the date that the work is commenced and shall be maintained in effect until the work has been completed and the work has been accepted by the City Engineer, pursuant to Section 13-04.110

F. The City Risk Manager may increase, decrease or waive the insurance limits set forth above in those cases in which he/she determines that special circumstances justify such an increase, decrease or waiver.

G. An applicant seeking to do work himself or herself on the City street or in the public easement immediately adjacent to premises containing only one single family dwelling or two authorized units, one of which is owned and occupied by the applicant, shall not be required to file with the City evidencing general liability, property damage coverage, or worker’s compensation insurance. (Ord. 3783 § 1 (part), (2006)