



Legislation Details (With Text)

**File #:** 990132      **Version:** 0  
**Type:** Ordinance      **Status:** Placed On File  
**File created:** 4/20/1999      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 6/3/2003

**Effective date:**

**Title:** An ordinance relating to the conditions for granting of special privileges for obstruction or excavation beyond the street line.

**Sponsors:** ALD. HENNINGSSEN

**Indexes:** BONDS, INSURANCE, SPECIAL PRIVILEGE PERMITS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
4/20/1999	0	COMMON COUNCIL	ASSIGNED TO		
4/22/1999	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/28/1999	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
5/6/1999	0	CITY ATTORNEY	DISAPPROVED		
5/16/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/16/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/20/2003	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	3:0
6/3/2003	0	COMMON COUNCIL	PLACED ON FILE	Pass	16:0

990132  
ORIGINAL

ALD. HENNINGSSEN

An ordinance relating to the conditions for granting of special privileges for obstruction or excavation beyond the street line.

245-12-3-b am

- Analysis -

Currently, the code provides that, as a condition for granting a special privilege for an obstruction or excavation beyond the street line, the grantee shall file with the city clerk a surety bond in an amount determined by the common council (but not to exceed \$10,000), subject to the approval of the city attorney. This ordinance provides that, in lieu of the surety bond, the grantee may submit a cash deposit in the same amount.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 245-12-3-b of the code is amended to read:

245-12. Special Privileges.

3. PROVISIONS.

b. File with the city clerk >>a cash deposit or<< a bond of a surety company duly incorporated in the state of Wisconsin or duly licensed to do business in this state, in such sum as the common council may require but not exceeding \$10,000, such >>deposit or<< bond to be approved by the city attorney. Individual sureties shall not be deemed in compliance with this section. The applicant shall also file with the city clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person, and \$50,000 covering bodily injury to more than one person in any one accident, and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege, and naming the city of Milwaukee as an insured. Both bond and insurance policy shall

provide that they shall not be cancelled until after at least 30 days' notice in writing to the city clerk. >>Similarly, the city clerk shall not be obligated to return a cash deposit until at least 30 days have elapsed since the special privilege grantee has notified the city clerk that the special privilege is no longer desired and that all obstruction and excavations have been removed.<< In lieu of the >>cash deposit or<< bond >>requirement<< and >>the<< insurance policy coverage, a public service corporation, or a cooperative association organized under ch. 185, Wis. Stats., to render or furnish telephone, gas, light, heat or power, may file with the city clerk proof of financial responsibility containing the conditions and giving the protection required in the public liability policy. Acceptance of such proof of financial responsibility shall be subject to approval by the city attorney.  
APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

99104-1

JDO

4/12/99

- 2 -