



Legislation Text

File #: 980848, Version: 1

980848 SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to approval by the city attorney of certain bonds and insurance.

75-15-11-a-1 am

95-14-5-c am

115-35-2-b am

116-19-1 am

207-3-2-d-3 rp

222-11-11-b am

225-2-2-a am

This ordinance deletes a requirement that the city attorney approve the bonds or insurance that are required from applicants for some city permits and licenses. The ordinance deletes city attorney approval for surety and performance bonds and liability and bodily injury insurance required for ambulance providers, home improvement contractors, wholesale food distributors, building movers, explosive users, electricians and plumbers. The ordinance makes no change in the bonding or insurance requirements themselves.

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

Part 1. Section 75-15-11-a-1 of the code is amended to read:

75-15. Ambulance Certificate Regulations.

11. FINANCIAL RESPONSIBILITY.

a. Surety Bond or Insurance Policy Required.

a-1. A bond with a responsible surety company or association authorized to do business under the laws of the state of Wisconsin in the sum of \$100,000, conditioned that the provider will pay any final judgment rendered against the provider within the limits provided in this subdivision, irrespective of the financial responsibility or any act of omission of the provider for loss or damages that may result to any person or property from the negligent operation or defective condition or construction of the service, or which may arise or result from any violation of any of the provisions of this section or the laws of the state of Wisconsin. The recovery upon such bond shall be limited to \$50,000 for the injury or death of one person and to the extent of \$100,000 for the death or injury of 2 or more persons injured or killed in the same accident and to the extent of \$5,000 for the injury or destruction of property. Such bond shall be given to the city of Milwaukee and shall inure to the benefit of any and all persons suffering loss or damage either to person or property as herein provided, and suit may be brought in any court of competent jurisdiction upon the bond by and person or corporation suffering any loss or damage as herein provided. ~~[[Such bonds shall be approved by the city attorney as to form and execution.]]~~ The bond shall be a continual liability notwithstanding any recovery thereon and, if at any time, in the judgment of the mayor, the bond is not sufficient for any cause, the mayor may require the party to whom the license is issued as herein provided to replace the bond with another bond, satisfactory to the mayor, and in default thereof the provider's certificate issued under

this section may be revoked.

Part 2. Section 95-14-5-c of the code is amended to read:

95-14. Home Improvement Contractor and Salesperson Licenses.

5. BONDS AND INSURANCE.

c. Cancellation or Nonrenewal. In the event of a cancellation or nonrenewal of either the performance bond or the certificate of insurance, the contractor's license shall be automatically suspended. The suspension shall terminate upon presentation of a certificate of insurance or performance bond that evidences that the policies required under this section have been issued or reissued to the contractor. All bonds and certificates shall be executed by a corporate surety or insurance company licensed to do business in the state of Wisconsin and shall have affixed thereto an affidavit of no interest. ~~[[All such bonds and certificates shall be approved as to form and execution by the office of the city attorney before the same shall be accepted by the city clerk.]]~~

Part 3. Section 115-35-2-b of the code is amended to read:

115-35. Special Privilege Permit for Food Distributors, Wholesale, Commission Row.

2. FEE, APPLICATION AND BOND.

b. Such applications shall be accompanied by a bond in the sum of \$1,000 of a surety company duly incorporated in the state of Wisconsin or duly licensed to do business in this state, ~~[[such bond to be approved by the city attorney]]~~ conditioned upon the full and proper performance of and compliance with all the provisions of this section; and further, that permittee shall be primarily liable for damages to persons or property by reason of the granting of this special privilege. Such applications shall also be accompanied by a certificate of insurance indicating applicant holds a public liability policy in the amount of at least \$25,000 covering bodily injury to any one person, and \$50,000 covering bodily injury in the aggregate in any one accident, and \$5,000 covering property damage to any one owner, and \$10,000 covering property damage in the aggregate in any one accident on the licensed premises 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.

Part 4. Section 116-19-1 of the code is amended to read:

116-19. Moving Buildings on Streets.

1. LICENSE REQUIRED. No person, firm or corporation may remove or cause or permit to be removed or may aid or assist in removing any building into, along or across any street in the city without first obtaining the license therefor. Licenses shall be obtained from the commissioner of public works. No license shall be granted until the person applying shall be given a bond in the sum of \$10,000 with good sufficient sureties, ~~[[to be approved by the city attorney,]]~~ which shall run to the city of Milwaukee for the use and benefit of any person or persons intended to be protected thereby, and which shall be conditioned, among other things, that the person shall pay any and all damages which may happen to any tree, pavement, street or sidewalk or to any telephone pole or to any other public or private property, whether the damage shall be caused or inflicted by the person or by the person's employees or workers, and conditioned also that the person shall save and indemnify and keep harmless the city against all liabilities, judgments, damages, costs and expenses which may in any wise accrue against the city in consequence of the granting of the license or any permit hereunder. The licensee will comply with the conditions of any permit which may be issued. Upon execution of the bond and ~~[[its approval by the city attorney and]]~~ payment of the license fee provided

for in s. 81-14 to the city treasurer, a license shall be issued.

Part 5. Section 207-3-2-d-3 of the code is repealed.

(Note: The provisions being repealed read as follows:

207-3. Explosives.

2. PERMITS.

d-3. At the request of the commissioner, the city attorney shall review any certificate of insurance submitted to the department for purposes of determining whether the certificate complies with the requirements prescribed in this paragraph.)

Part 6. Section 222-11-11-b of the code is amended to read:

222-11. Electrical Licenses.

11. INSURANCE.

b. The certificate of insurance shall be in the form designated by the commissioner and shall be approved by the commissioner as to the sufficiency of surety ~~[[, with the form and execution to be approved by the city attorney]].~~

Part 7. Section 225-2-2-a of the code is amended to read:

225-2. Registration of Plumbing Businesses.

2. BONDS.

a. No person may engage in or work at plumbing without first having executed and deposited with the department a performance bond in the penal sum of \$10,000 and an indemnity bond in the penal sum of \$50,000 for each person injured or the property of any person damaged. No person may engage in or work at drainlaying without first having executed and deposited with the department an indemnity bond in the penal sum of \$50,000 for each person injured or the property of any person damaged, or in lieu of the indemnity bond a certificate of insurance in the sum of \$50,000 for each person injured or the property of any person damaged. The bonds of the performance bond and certificate of insurance shall be in the form designated by the commissioner in accordance with the specifications set forth in pars. b and c, and be approved by the commissioner as to the sufficiency of sureties ~~[[and by the city attorney as to form and execution]].~~ Any person intending to engage in or work at both plumbing and drainlaying need file only one indemnity bond or certificate of insurance covering both operations and one performance bond.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB06454-2
TWM:mbh
9/6/2006