



## Legislation Details (With Text)

**File #:** 080754 **Version:** 0  
**Type:** Ordinance **Status:** Passed  
**File created:** 9/16/2008 **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:** **Final action:** 10/7/2008  
**Effective date:**  
**Title:** An ordinance relating to exceptions to bonding requirements for special privileges.  
**Sponsors:** ALD. BAUMAN  
**Indexes:** BONDS, SPECIAL PRIVILEGE PERMITS  
**Attachments:** 1. 080754 Hearing notice list, 2. Fiscal note, 3. Notice Published on 10-23-08

Date	Ver.	Action By	Action	Result	Tally
9/16/2008	0	COMMON COUNCIL	ASSIGNED TO		
9/18/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/24/2008	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/7/2008	0	COMMON COUNCIL	PASSED	Pass	14:0
10/9/2008	0	MAYOR	SIGNED		
10/23/2008	0	CITY CLERK	PUBLISHED		

080754  
ORIGINAL

ALD. BAUMAN

An ordinance relating to exceptions to bonding requirements for special privileges.

245-12-3-b am

This ordinance provides a new exception to the requirement that parties seeking a special privilege for obstruction or excavation obtain a bond and maintain liability insurance. The exception applies to colleges and universities.

Currently, the exceptions provided for bonds and insurance policies apply only to public service corporations or cooperative associations organized under ch. 185, Wis. Stats., which are required to file proof of financial responsibility subject to approval by the city attorney. This ordinance treats colleges and universities in the same manner as public service corporations or cooperative associations.

The ordinance also requires the city attorney to consult with the city comptroller when reviewing the sufficiency of proof of financial responsibility when offered in lieu of a bond.

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 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 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. In lieu of the bond and 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,>>or colleges and universities<< 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>> upon consultation with the city comptroller<<.

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: \_\_\_\_\_

LRB08453-1  
RLW  
9/5/2008