

**CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 287**

AN ORDINANCE AMENDING CHAPTER 5 OF THE WESTWOOD HILLS MUNICIPAL CODE BY AMENDING SECTION 5-716 TO MODIFY INSURANCE AND PERFORMANCE AND MAINTENANCE BOND REQUIREMENTS FOR RIGHT-OF-WAY PERMITS.

WHEREAS, the Governing Body of Westwood Hills, Kansas has determined that it is advisable to amend the Municipal Code of the City to modify the requirements for insurance and performance and maintenance bonds in connection with the issuance of right-of-way permits.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS, as follows:

Section 1. AMENDMENT OF SECTION 5-716 OF THE CITY'S MUNICIPAL CODE. Section 5-716 of Chapter 5 of the Code of the City of Westwood Hills, Kansas, is hereby amended to read as follows:

5-716. Liability Insurance, Performance and Maintenance Bond Requirement.

a. The permittee shall file with the City evidence of commercial general liability and automobile liability insurance with an insurance company licensed to do business in Kansas. The general liability limit will be not less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in aggregate. The automobile liability limit will not be less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in aggregate. The insurance will protect the City from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent or wrongful acts or omissions of the permittee. The City shall be an additional insured on all policies of permittee, to the extent permitted by law, unless waived in writing by the City. If the permittee is self-insured, it shall provide the City proof of compliance regarding its ability to self-insure and proof of its ability to provide coverage in the above amounts and shall also agree to indemnify and hold the City harmless for any losses associated with the permittee's activities in the right-of-way. All contractors actually performing work for any permittee hereunder shall be subject to the same insurance requirements set forth herein.

b. The permittee shall at all times during the term of the permit, and for two (2) years thereafter, maintain a performance and maintenance bond in a form approved by the City Attorney. The amount of the bond will be \$5,000 or the value of the restoration of the right-of-way, whichever is greater, for a term consistent with the term of the permit plus two (2) additional years, conditioned upon the permittee's faithful performance of the provisions, terms and conditions set forth in this Article. Alternatively, an annual bond in an amount of \$50,000 automatically renewed yearly during this period shall satisfy the requirement of this section.

In the event the City shall exercise its right to revoke the permit as granted herein, then the City shall be entitled to recover under the terms of said bond the full amount of any loss occasioned.

c. A copy of the Liability Insurance Certificate and Performance and Maintenance Bond must be on file with the City Clerk.

d. No performance and maintenance bond will be required for permits issued for driveway replacement or landscaping work such as irrigation systems and tree planting. No performance and maintenance bond will be required of any governmental entity. No performance and maintenance bond or liability insurance will be required of any residential property owner working in the right-of-way adjacent to his/her residence, who does not utilize a contractor to perform the excavation. For contractors or other persons doing work on such residential property owner's behalf, general liability insurance, automobile liability insurance, and performance and maintenance bonds will be required as set forth in Sec. 5-716 (a), (b), and (c), unless such requirements are modified or waived in writing by the City's Public Works Director.


Section 2. INTERPRETATION. The provisions of this Ordinance shall be liberally construed to carry out effectively their purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval by the Mayor, and publication once in the official city newspaper.

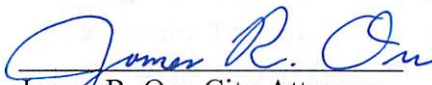
PASSED by the Governing Body, and APPROVED by the Mayor this 14th day of June, 2021.


Paula Schwach, Mayor

Attest:


Beth O'Bryan, City Clerk

Approved As To Form:


James R. Orr, City Attorney

