

ORDINANCE NO. 733

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING PORTIONS OF TITLES 10, 13 AND 14 OF THE UNIVERSITY PLACE MUNICIPAL CODE; RELATING TO INSURANCE AND INDEMNITY REQUIREMENTS FOR CERTAIN PERMITS

WHEREAS, the City requires certain indemnification and insurance requirements for certain permits, which are set forth in the University Place Municipal Code; and

WHEREAS, from time to time the University Place Municipal Code is reviewed by the City and its insurer, Washington Cities Insurance Authority (WCIA); and

WHEREAS, in its most recent review, WCIA is recommending amendments to Titles 10, 13 and 14 of the Code in order to ensure adequate security to protect the City in the event a permit holder fails to perform its obligations; and

WHEREAS, it is in the City's best interests to adopt the recommended amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of Section 10.45.100 UPMC. Section 10.45.100 of the University Place Municipal Code, entitled, "Transportation permits – Oversized Load – Liability insurance and/or bond required" is amended to read as follows:

10.45.100 Transportation permits – Oversized Load – Liability insurance and/or bond required.

A. Every person applying for a transportation permit, in addition to the requirements contained in this chapter, shall submit to the permits center evidence of adequate general liability ~~and property damage~~ insurance coverage, which shall not be less than ~~\$100,000~~\$2,000,000 per ~~person~~occurrence and ~~\$300,000~~\$2,000,000 general aggregate, naming the City of University Place as an additional insured using ISO endorsement form CG 20 12 or coverage at least as broad, and auto liability insurance which shall not be less than \$2,000,000 combined single limit, per accident and not less than \$400,000 for property damage, which insurance coverage shall adequately protect the city of University Place against any loss to property or bodily injury, or other damages sustained or claimed by any person, or sustained or claimed by the city of University Place, arising out of the granting or use of this permit or any acts or omissions done or performed under or in connection with such moving activities.

B. In addition to the foregoing insurance coverage, the applicant shall submit with this application a cash bond with a lawful corporate surety, the form to be approved by the city attorney, in the amount of \$10,000, conditioned upon the applicant's compliance with all the provisions of this chapter and agreeing to pay and hold blameless and harmless and indemnify the city of University Place, its officers, agents, and employees against any accident, liability, loss, injury, action and the costs thereof arising from the conduct or operations of the permittee in connection with this permit.

C. The Permittee shall be required to defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with activities or operations performed by the Permittee or on the Permittee's behalf out of issuance of the Permit.

Section 2. Amendment of Section 13.05.670 UPMC. Section 13.05.670 of the University Place Municipal Code, entitled, "Insurance Required" is amended to read as follows:

13.05.670 Insurance Required.

A. The applicant shall procure and maintain for the duration of the permit insurance against claims for injuries to persons or damage to property which may arise from or in connection with operations or activities performed by or on the applicant's behalf with the issuance of this permit.

B. No Limitation. Applicant's maintenance of insurance as required by the permit shall not be construed to limit the liability of the applicant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance. The applicant shall obtain insurance of the type described below:

1. Commercial general liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover products liability. The City shall be named as an insured under the applicant's commercial general liability insurance policy using ISO Additional Insured-State or Political Subdivisions – Permits CG 20 12 or a substitute endorsement providing equivalent coverage.

2. Automobile liability insurance covering all owned, nonowned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. ~~If necessary, the policy shall be endorsed to provide contractual liability coverage.~~

D. Minimum Amounts of Insurance. Applicant shall maintain the following insurance limits:

1. Commercial general liability insurance shall be written with limits no less than \$~~21~~2,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit.

2. Automobile liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

E. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for commercial general liability insurance:

1. The applicant's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the applicant's insurance and shall not contribute to it.

2. ~~The Applicant shall provide the City with written notice of any policy cancellation, within two business days of their receipt of such notice. The applicant's insurance shall be endorsed to state that coverage shall not be canceled by either party, except after 30 days' prior written notice by certified mail, return receipt requested, has been given to the City.~~

F. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Verification of Coverage. Applicant shall furnish the City with original certificates and a copy of the amendatory endorsements, including the additional insured endorsement, evidencing the insurance requirements of the applicant before issuance of the permit.

Section 3. Amendment of Section 14.10.050 UPMC. Section 14.10.050 of the University Place Municipal Code, entitled, "Application, Deposits and Fees" is amended to read as follows:

14.10.050 Application, Deposits and Fees.

A. Every applicant before being granted a permit shall pay an application filing fee as shall be established from time to time by the City.

B. For any application for a Class I or II move herein provided for, there shall be charged and collected an inspection fee in an amount established from time to time by the City.

C. An application hereunder shall be accompanied by:

1. A cash deposit or corporate surety bond in the sum of \$1,000 or such greater amount as the Building Official determines necessary as indemnity for any damage which the City may sustain by reason or damage or injury to any highway, street or alley, sidewalk, or other property of the City which may be caused by or be incidental to the removal of any building over, along or across any street in the City and to indemnify the City against any claim of damages to persons or private property;

~~2. A public liability insurance policy, naming the city as an additional assured and providing \$100,000 or such greater amount the building official determines necessary to satisfy any claim by private individuals, firm, or corporations arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the city; and~~

~~23.~~ 23. A cash deposit or a corporate surety bond in the sum of \$500.00 or such greater amount as the building official determines necessary conditioned upon the permittee, within six months from the date of the issuance of such permit (a) completing the construction, painting and finishing of the exterior of the building and (b) faithfully complying with all requirements of this chapter, the building code, UPMC Title 19, Zoning, the other ordinances then in effect within the City including but not limited to permittee completing such work within six months of the date of the issuance of such permit. In the event the provisions of this subsection are not complied with within the time specified, the sum of \$500.00 shall be forfeited to the City

as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply within the terms of this chapter.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

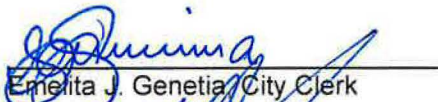
Section 5. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other.

Section 6. Effective Date. This Ordinance shall be in full force and effect five (5) days after final passage.

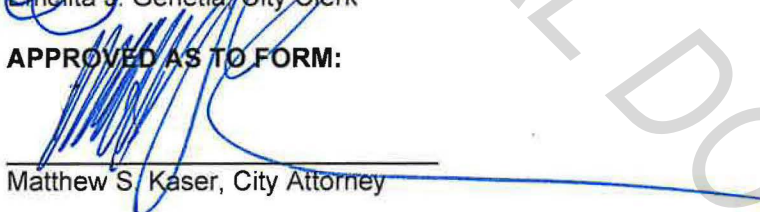
PASSED BY THE CITY COUNCIL ON AUGUST 17, 2020.


Caroline Belleci, Mayor

ATTEST:


Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:


Matthew S. Kaser, City Attorney

Publication Date: 08/19/20
Effective Date: 08/24/20