

ORDINANCE NO. 2436.6

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 34-70(I) OF
THE CITY OF CUDAHY CITY CODE CONCERNING SPECIAL EVENT
INSURANCE REQUIREMENTS**

WHEREAS, business owners and others in the City wishing to conduct special events during the COVID-19 pandemic have complained that the City's insurance requirements are unduly restrictive and costly; and

WHEREAS, the City of Cudahy City Clerk has recommended that the insurance requirements be reduced to accommodate these concerns; and

WHEREAS, the City of Cudahy Common Council finds that it is in the best interests of the health, safety and welfare of the City that those using City property for special events provide sufficient insurance to cover the risks of their event, though the amounts can be reduced as requested and still satisfy the intent, as described herein.

NOW, THEREFORE, the Common Council of the City of Cudahy, Milwaukee County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 34 of the City of Cudahy Code of Ordinances entitled, "Streets, Sidewalks and Rights-of-Way," Section 38-70 entitled, "Special Event Ordinance," Subsection (l) entitled, "Insurance" is hereby repealed and re-created follows:

- (l) *Insurance.* An applicant for a special event permit, except neighborhood event permit applicants per subsection (k), above, shall be required to furnish the city clerk with proof of insurance, which shall be placed with an insurance company approved by the State of Wisconsin and rated "A-" or better per Best's Key Rating Guide. Specialty lines and surplus lines carriers, risk retention groups and purchasing groups cannot be reviewed on this basis, therefore, full disclosure of the type of carrier with appropriate information on the financial structure and solvency of the group must be submitted in lieu of rating. Insurance documentation shall be approved by the city attorney prior to the special event, such insurance covering any and all liability or obligations that may result from the special event, including any and all activities and operations by the applicant and the applicant's employees, agents, or contractors. The policy of insurance shall provide the following coverages and amounts:

Coverage	Amounts
General liability	\$1,000,000.00 each occurrence
Damage to lot used	100,000.00 each occurrence
Medical expense (1 person)	5,000.00

Personal and adv injury	1,000,000.00
General aggregate	2,000,000.00
Products - comp/op agg	2,000,000.00

The certificate of insurance and the endorsement shall name the City of Cudahy as an additional insured and must be submitted to the city clerk at least seven days before the special event is to occur. The certificate and endorsement shall be written in comprehensive form and shall protect the applicant and the city against all claims arising out of the special event, including, but not limited to, any act or omission of the applicant and the applicant's employees, agents, or contractors. The City may require additional coverage, higher amounts, and excess or umbrella coverage as the City determines is appropriate for particular uses that the City in its discretion determines may give rise to additional risk.

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting and/or publication as provided by law.

PASSED AND ADOPTED by the Common Council of the City of Cudahy on this _____ day of _____, 2020.

Thomas Pavlic, Mayor

Attest:

DENNIS BRODERICK, City Clerk

ADOPTED _____

APPROVED _____

PUBLISHED _____

Approved as to form: Eric Larson, City Attorney
WI. State Bar No. 1023297