

ORDINANCE NO. 905

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HUDSON, IOWA, BY REPEALING PROVISIONS PERTAINING TO EXCAVATIONS

Be It Enacted by the City Council of the City of Hudson, Iowa:

SECTION 1. SECTIONS MODIFIED. Sections 135.09 Item 4 of the Code of Ordinances of the City of Hudson, Iowa, are repealed and the following adopted in lieu thereof:

135.09 EXCAVATIONS.

4. Requirements for Issuance of a License. An annual license shall be issued by the designated City staff only upon the contractor furnishing the City with all of the following:

A. Proof satisfactory to the City that the licensee will indemnify, defend and hold the City harmless from any and all claims for losses and damages sustained by any claimant as a consequence of an alleged or proven act of omission or commission on the part of such licensee, or the licensee's subcontractors, agents, employees, or assigns while engaged in excavation or construction in the right-of-way as defined above.

B. Proof satisfactory to the City that the licensee will reimburse the City for all costs, including (but not limited to) attorney fees incurred by the City in enforcing the terms of the bond.

C. A Certificate of Insurance showing insurance coverage in accordance with the following requirements, or such other requirements as may from time to time be established by the City Council by resolution:

(1) Public liability insurance covering all operations, for the duration of the license, performed by licensee's agents, persons directly employed by the licensee, subcontractors or their employees, or independent contractors, in the following amounts: \$1,000,000.00 each occurrence; \$1,000,000.00 aggregate.

(2) Automobile liability insurance on all self-propelled vehicles in the following amounts: \$1,000,000.00 each occurrence; \$1,000,000.00 aggregate.

(3) Worker's compensation and employer's liability, if required by the *Code of Iowa*, at such policy limits as are required by the *Code of Iowa*.

(4) In lieu of the limits established by the sub-paragraphs set forth immediately above, the licensee may show proof of comprehensive excess liability coverage in conjunction with lower limits for public liability and automobile liability insurance, which taken together provide insurance coverage to a limit of \$1,000,000.00 each for public liability and automobile liability.

(5) Coverage shall be provided for Explosion ("X") Collapse ("C"), and Underground ("U") Hazards. All insurance policies and their respective coverage provisions shall be reviewed and approved by the City's liability insurance provider. The City shall be designated as an additional insured on all insurance policies required by this section.

(6) Every permit must require a performance bond in an amount sufficient to cover completion of project.

Upon approval of the application, compliance with all of the above requirements and payment of any required fees, the license shall be issued.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council on the ____ day of _____ 2024 and approved this ____ day of _____ 2024.

Gail Bunz, Mayor

date of signature

ATTEST:

Chrissi Wiersma, City Administrator/City Clerk, MPA/IaCMC/IaCMFO

date of signature

First Reading:

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance No. 905 on the ____ day of _____, 2024.

Chrissi Wiersma, City Administrator/City Clerk, MPA/IaCMC/IaCMFO

RESOLUTION NO 3225


A RESOLUTION SETTING PUBLIC HEARING TO AMEND THE HUDSON CITY CODE, 2017, CHAPTER 135 STREET USE AND MAINTENANCE, SECTION 135.09, AMENDING THE FOLLOWING LANGUAGE: EXCAVATION.

WHEREAS, the Mayor, City Administrator/City Clerk, City Attorney, and City Council have identified a need to amend the language of section 135.09 Excavations;

WHEREAS, the determination requires the City Council to hold a public hearing and notice to be published; and


THEREFORE, BE IT RESOLVED by the City Council of the City of Hudson, Iowa, that a Public Hearing shall be held Tuesday, May 28, 2024, at 6:00 p.m. by the Hudson City Council to gather public comments.

Passed and adopted this 13th day of May 2024.


Gail Bunz, Mayor

5-15-24
date of signature

ATTEST:


Chrissi Wiersma, City Administrator/City Clerk, MPA/IaCMC/IaCMFO

5/15/24
date of signature

PUBLIC HEARING

Notice is hereby given that the Hudson City Council will hold a Public Hearing on the 28th of May 2024 at 6:00 P.M. in the Council Chambers at City Hall, 525 Jefferson Street, Hudson, Iowa.

The Public Hearing will be to consider amended Chapter 135.09 paragraph 4(C), adding Item 6.

(6) Every permit must require a performance bond in an amount sufficient to cover completion of project.

THEREFORE, under the provisions of the Hudson City Code, any interested person may appear and be heard for or against the said proposal. Written comments must be received before the 6:00 P.M. hearing in the City Clerk's Office.

Chrissi Wiersma

City Administrator/City Clerk, MPA/IaCMC/IaCMFO