

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 001685, AS AMENDED

Amending Chapter 64, Code of Ordinances by repealing Sections 64-76, 64-111 through 64-126 and enacting in lieu thereof new sections of like number and subject matter and enacting new Sections 64-127 through 64-131, dealing with excavations.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 64, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 64-76, 64-111 through 64-126 and enacting in lieu thereof new sections of like number and subject matter and enacting new Sections 64-127 through 64-131, to read as follows:

Sec. 64-76. Records of improvements.

(a) The director of public works shall keep permanent records of all city public improvements, and especially of all work the cost of which is to be paid for in special tax bills, setting forth the location and cost of such work and all details connected therewith. The maps, digital maps, plans, books and papers in the director's department or office shall be subject to examination by any person seeking information therefrom under such regulations as the director of public works may prescribe.

(b) If digital maps or drawings are generated in connection with city public improvements, or submitted to the city for another purpose, then those maps shall be CAD (Computer Aided Drafting) drawings based on the Missouri West State Plane Coordinate System, 1983 North American Datum and the North American Vertical Datum 1988 with a positional accuracy of + or - one hundredth of a foot.

Sec. 64-111. Definitions.

As used in this article:

As-built means the actual location and exterior dimension of the facility relative to the Director's GIS coordinate system.

Director means the director of Public Works of Kansas City unless otherwise defined herein.

Excavation means any cut, boring, dig, or disturbance, in, through or under the ground made in property, right-of-way and easements owned by the city.

Restoration Deposit means money deposited with the city pursuant to this article to be used by the city to defray the costs for repairing, refilling, paving or resurfacing any excavation made in property, right-of-way and easements owned by the city, and in repairing any damage to any city owned utility facilities resulting from the excavation in the event the permittee fails to do so.

Right of way means the area on, below or above the present and future city streets, alleys, bridges, bikeways, parkways and sidewalks.

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ROW-user means a person, its successors and assigns, and its contractors that use the right-of-way for purposes of work, excavation, provision of services, or to install, construct, maintain, repair facilities thereon, including, but not limited to, landowners and providers of utility services. A ROW-user shall not include ordinary vehicular or pedestrian traffic.

Sec. 64112. Authority to prescribe rules and regulations for excavations on public property.

The director, with the approval of the city manager, may prescribe rules and regulations to be followed and performed by any persons making or causing to be made any excavation in, through or under any property, right-of-way or easements owned by the city as the director determines necessary for the safety and convenience of the public and the proper handling and dispatch of work in connection with the excavation. The rules and regulations prescribed by the director shall not be contrary to the provisions contained in this article.

Sec. 64-113. Excavation permit required.

(a) Except for an emergency, no person shall make or cause to be made any excavation in, through or under any property, right-of-way or easements owned by the city, unless the person first applies for and the director issues an excavation permit for that excavation.

(b) Except for an emergency, if a person shall make or cause to be made any excavation in, through or under any property, right-of-way or easements owned by the city, without first filing an application for and obtaining an excavation permit from the director for that excavation, then the application fee set forth in this article shall be doubled for that excavation and the charges, therefore, may be imposed on the person making or causing the excavation.

(c) No permit issued under this article shall be assignable, and no person shall allow his name to be used to obtain a permit for any other person.

(d) An excavation permit is required for emergency excavations. The permit shall be obtained the next regular business day after the excavation is started.

(e) Excavation permits shall be conspicuously displayed at all times at the indicated work site and shall be available for inspection by the director, other city employees, and the public.

Sec. 64-114. Permit for excavation in parks, parkways, and boulevards.

No person shall make or cause to be made any excavation in any property, right-of-way or easements owned by the city under the control and supervision of the Board of Parks and Recreation Commissioners, unless the person complies with the requirements contained in this

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article and in addition applies for and obtains a permit for the excavation from the Board of Parks and Recreation Commissioners.

Sec. 64-115. Permits for street closure.

In addition to the excavation permit provided for in this article, the permittee shall obtain all other permits required by applicable sections of this code, including, but not limited to the permit required under the city traffic code, chapter 70, to close any lane or street or to reroute or detour the traffic.

Sec. 64-116. Use of right-of-way.

(a) The use of the right-of-way shall in all matters be subordinate to the city's use or occupation of the right-of-way. Without limitation of its rights, the city expressly reserves the right to exercise its governmental powers now and hereafter vested in or granted to the city.

(b) All facilities shall be located and installed that will not disrupt or interfere with other facilities located in the right-of-way.

(c) ROW-user shall avoid, so far as may be practicable, disrupting or interfering with the lawful use of the right-of-way.

(d) ROW-user shall not commence any work activities in the right-of-way until after the Director has reviewed and approved the location, design, and nature of the ROW-user's use of the right-of-way.

(e) A permit to allow the use of the ROW does not allow for any use, disruption, parking, storage of material, or damage on or to any private property.

(f) Any ROW-user shall adhere to the following standards for use of the right-of-way:

- (1) Before beginning any work in the ROW, all ROW-users shall first provide not less than 24 hours notice to persons residing on property adjacent to the right-of-way site of the excavation in accordance with the policy and procedures established by the director. This notification must include a description of the work, the name, address, telephone number, fax number and electronic mail if available of the owner of the facility and the contractor performing the work.
- (2) If the ROW user damages or interferes with facilities of other parties or services to other parties, the ROW-user shall repair or cause to be repaired those facilities on an emergency basis and shall not discontinue repair work until all damages are completed and all services are restored.

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- (3) A ROW-user must respond within 30 days in writing to any person making a claim against that ROW-user arising out the use of the right-of-way. The response shall include the acceptance or rejection of the claim and the name and address of a representative of the ROW-user. The ROW-user shall furnish a copy of the claim and ROW-user's response to the Director.
- (4) The installation of a new facility and the relocation of an existing facility in the right-of-way shall maintain a minimum horizontal separation of 2 feet and a minimum vertical separation when crossing all other facilities of 1 foot.
- (5) If directional boring methods are used in the installation of facility in the right-of-way, then a minimum horizontal separation of 3 feet and a minimum vertical separation of 3 feet from other facilities in the right-of-way shall be maintained unless the Director approves a variance and the ROW-user field locates all potential facility conflicts by exposing the other facilities.
- (6) Any ROW-user whose facilities are currently in a position at a variance with the minimum separation requirements above shall, no later than at the time of next reconstruction or excavation of the area by the facility owner where its facilities are located, move the facilities to provide the required separation, unless this requirement is waived for good cause by the Director who shall consider the remaining economic life of the facilities, public safety, user service needs, and hardship to the ROW-user, provided that the separation requirements herein shall not apply for routine or emergency repairs.

Sec. 64-117. Application for excavation permits.

(a) All applications for an excavation permit shall be filed with the director in a form approved by the director. Separate applications are required for each excavation unless it can be shown to be part of a contiguous series of related excavations for the same purpose, subject to review by the director. Each application for a permit under the provisions of this article shall be signed by the person who desires to perform the excavation designated in the application, or that person's duly authorized agent.

- (b) The application for the permit shall contain the following information:
 - (1) Applicant name, the person or firm responsible for the excavation.
 - (2) Business address, including a business address in Cass, Clay, Jackson or Platte counties in Missouri or Wyandotte or Johnson counties in Kansas for purposes of receiving official notifications from the city and other persons and service of process.

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- (3) Business phone number.
- (4) Fax number, if available.
- (5) 24 hour emergency contact phone number.
- (6) E-mail address, if available.
- (7) Job superintendent's name and contact number.
- (8) Description of work.
- (9) Sketch or drawing of the portions of the property, right-of-way or easements owned by the city affected by the excavation.
- (10) Address, building or lot number in front of which the proposed cut or excavation is to be made.
- (11) The number, the length and depth of the excavations to be made.
- (12) Schedule for the completion of the work.
- (13) Completed application and pavement degradation fee calculations.
- (14) Any other information relevant to the issuance of the permit.

Sec. 64-118. Excavation permit fees.

(a) *Application fee.* A nonrefundable fee in an amount sufficient to defray the expenses of investigating the application, issuing the permit and inspecting the excavation site shall be charged. The minimum fee for all excavations up to 100 lineal feet shall be \$50 and for each additional 100 lineal feet of excavation or portion thereof an additional \$50 shall be charged.

(b) *Pavement degradation fees.* In addition to the application fee, if the excavation is in a paved portion of property, right-of-way or easements owned by the city that is used as a street or alley, then a degradation fee shall be charged to the applicant to recover the cost of the degradation to the life of the pavement. The fee shall be based on the size of the pavement restoration, the area of influence around the restoration, and the value of the remaining life expectancy of the pavement, and the current value of the pavement. If street pavement is reconstructed curb to curb in association with the excavation permit, no degradation fee will be required.

(c) *Calculation of degradation fee.* Based on the tables of values published by the director, the applicant shall calculate the value of the degradation fee for each restoration and

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shall total all the fees and the round to the nearest dollar. The director will provide information on the ages of the pavement sections and the maintenance history. The completed estimating form and fees shall be submitted with the application for the permit for approval.

(d) *Fees payable to city treasurer.* The application fee and degradation fee, if paid by check, money order, bank draft or other negotiable instrument, shall be made payable to the city treasurer, who shall deposit it to the credit of the general fund. The excavation permit shall not be issued until the fees required by this section are paid.

(e) *Adjustment of fees.* The city manager shall have the authority to adjust the application fees listed above to reflect the change in the consumer price index (all items/all urban consumers/Kansas City, Missouri Kansas) published by the United States Department of Labor, Bureau of Labor Statistics. If the costs of processing the excavation permit falls below the fees being charged, the fees shall be reduced to an amount equal to or less than the costs. The adjustments, if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk. Notwithstanding anything herein to the contrary, the council may modify or waive the imposition of the fees established herein if the council determines that it is in the public interest to do so.

Sec. 64-119. Deposit for restoration expenses.

(a) As a condition for the issuance of an excavation permit, the applicant shall furnish and maintain the restoration deposit(s) under the provisions of this section, to be held by the city treasurer.

(b) For excavations in unpaved portions of property, right-of-way or easements owned by the city less than 1,000 lineal feet in length, the restoration deposit shall be \$500.00, regardless of the number of excavations.

(c) For excavations in paved portions of property, right-of-way or easements owned by the city that are used as a street or alley less than 1,000 lineal feet in length, the restoration deposit shall be \$2,500.00, regardless of the number of excavations. An applicant that maintains the restoration deposit with the city in the amount of \$2,500.00 will be sufficient to meet the restoration deposit requirement for excavations in unpaved portions of property, right-of-way or easements owned by the city less than 1,000 lineal feet.

(d) For each excavation in paved portions of property, right-of-way or easements owned by the city that are used as a street or alley that exceeds 1,000 lineal feet, the amount of the restoration deposit shall be equal to the total cost of the back fill, resurfacing and restoration of the excavation as determined by the director, provided that in lieu of a separate restoration deposit for each excavation exceeding 1,000 feet, an applicant may provide and maintain with the city a restoration deposit in the amount of \$50,000.00. An applicant that maintains a restoration deposit with the city in the amount of \$50,000.00 will be sufficient to meet the other

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restoration deposit requirements in this article.

(e) The period for maintenance of an excavation restoration will extend for three years from the acceptance of restoration performed pursuant to the permit.

(f) If an excavation in property, right-of-way or easement owned by the city is required in connection with a city contract for construction services that includes a performance and maintenance bond, then a restoration deposit is not required for that excavation.

(g) If a utility or a person holding a franchise granted by the city that provides and maintains the restoration deposit required under this section, then a contractor performing work for that utility or franchisee may be issued a permit for that excavation in property, right-of-way or easements owned by the city without maintaining a separate restoration deposit.

(h) The restoration deposit may be in the form of a surety bond or cash deposited with the city treasurer.

(i) If the restoration deposit balance for an applicant falls below the amounts required in this section, then the director shall not issue additional excavation permits to the applicant for excavations until the restoration deposit balance has been restored to the required balance.

(j) Any person desiring to withdraw a restoration deposit shall notify the director, who shall thereupon certify to the director of finance any charges due or to become due to the city resulting from any liability provided for in this article. The director of finance shall thereupon return to the depositor the remaining balance of the restoration deposit after deducting all lawful charges due or to become due. The restoration deposit shall not be withdrawn until all outstanding excavations performed by the person have been satisfactorily completed, all restoration work accepted or the three-year warranty has expired, whichever is later.

Section 61-120. Indemnity agreement.

(a) As a condition for the issuance of each excavation permit, the applicant shall furnish to the director an indemnity agreement in the form approved by the director binding the applicant to defend, indemnify, and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the excavation, including claims arising subsequent to completion of the operation and return of the excavation site to normal use, caused in whole or in part by the permittee, its employees, agents, or subcontractors, or caused by others for whom the permittee is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees. A permittee's obligations under this section with respect to indemnification for acts or omissions of city, its agencies, officials, officers, or employees shall not apply to any claims arising solely out of the city's negligence.

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(b) *Duration.* The obligation for indemnification provided for in this section shall remain in effect for a period of three years from the date of the acceptance of the work covered by the permit.

Sec. 64-121. Insurance.

(a) As a condition for the issuance of each excavation permit, the applicant shall procure and maintain in effect throughout the duration of the three year warrant period for the excavation insurance coverage not less than the types and amounts specified in this section.

- (1) Commercial General Liability Insurance with limits of \$1,000,000.00 per occurrence.
- (2) The policy shall be written or endorsed to include the following provisions:
 - a. Severability of Interests Coverage apply to Additional Insureds.
 - b. Contractual Liability.
 - c. No Contractual Liability Limitation Endorsement.
 - d. Additional Insured Endorsement, ISO form CG20 10, current edition, or its equivalent.

(b) Self-insurance is unacceptable to city unless the excess insurance policy or an endorsement thereto contains drop down provision or cut through endorsement for the retention in the event of insolvency of the applicant, or in the case of utility franchised by the city, if an excess insurance policy covering claims against the applicant arising out of excavations on property, right-of-way or easements owned by the city is maintained by the applicant pursuant to a franchise agreement.

(c) The insurance policy may not be canceled until after thirty (30) days written notice of cancellation to city, ten (10) days in the event of nonpayment of premium. The insurance shall provide that city and its agencies, officials, officers, and employees, while acting within the scope of their authority, will be named as additional insureds.

(d) The applicant shall provide to the city a certificate of insurance showing all required endorsements and additional insureds. The certificate shall be in a form acceptable to the director.

(e) The insurance coverage must be written by companies that have an A.M. Best's rating of "B+V" or better, and are licensed or approved by the State of Missouri to do business in

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Missouri.

(f) Regardless of any approval by the city, or issuance of an excavation permit, it is the responsibility of the permittee to maintain the required insurance coverage in force at all times; its failure to do so will not relieve it of any obligation or responsibility. In the event of permittee's failure to maintain the required insurance in effect, the city may order permittee to immediately stop work until the permittee complies with the insurance requirements set forth in this article.

Sec. 64-122. Issuance, denial or revocation of excavation permits.

(a) In determining whether to issue or deny issuance of an excavation permit, or in determining whether to revoke an existing excavation permit, the director shall consider the following factors:

- (1) Will the public health, safety and welfare be endangered.
- (2) The availability of space within the property, right-of-way or easements owned by the city.
- (3) The availability of other locations in the property, right-of-way or easements owned by the city for excavation and work therein.
- (4) Whether the applicant is in compliance with the terms and conditions of its franchise, this ordinance, and other applicable ordinances and regulations.
- (5) The extent of disruption to adjoining property, right-of-way or easements owned by other public entities, residents and businesses that will result from the excavation.
- (6) Whether the date and duration of the excavation will conflict with an exhibition, celebration, festival, or any other event scheduled to use the property, right-of-way or easements owned by the city.

(b) Notwithstanding the above considerations, the director may issue an excavation permit in any case where the permit is necessary to:

- (1) Prevent substantial economic hardship to a user of the applicant's service.
- (2) Allow such user to materially improve the service provided by the applicant.

(c) An excavation permit issued under this article is a privilege and not a right. The city may revoke an excavation, without refund of the application fee, in the event of a substantial

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breach of the following terms and conditions:

- (1) The violation of any material provision of the excavation permit.
- (2) An evasion or attempt to evade any material requirement of the excavation permit.
- (3) Any material misrepresentation of any fact in the permit application.
- (4) The failure to maintain the required bond or insurance.
- (5) The failure to complete the work within a reasonable time.
- (6) The failure to correct a condition indicate don an order issued by the director pursuant to this ordinance.
- (7) Repeated failure to install and maintain required traffic control devices.
- (8) Failure to repair the property and facilities owned by other parties including the city.

(d) If the director determines that the permittee has committed a substantial breach of any law or condition placed on the excavation permit, the director shall make a written demand upon the permittee to remedy the violation. The demand shall state that the continued violation may be cause for revocation of the permit, or legal action if applicable. A substantial breach shall be grounds for the dierctor to modify conditions placed on the excavation permit in order to cure permittee's breach. Within 5 business days after service of a notice of the breach, permittee shall submit a plan for correction of the breach to the director. The director shall review the plan submitted by the permittee and determine what method of correction and modification of conditions placed on the excavation permit is in the best interests of the public health, safety and welfare. Permittee's failure to submit a plan for correction of the breach shall be cause for immediate revocation of the excavation permit.

(e) If an excavation permit is revoked, the permittee shall reimburse the city for the city's reasonable costs, including administrative costs, restoration costs and the costs of collection incurred in connection with the revocation.

Sec. 64-123. Time limit for commencement of work.

(a) A permit granted under this article shall expire 90 days after the date of issuance unless the applicant has started work during the 90 day period or the applicant has applied for an extension of time to begin work. An application for an extension of time must be submitted to the director within the original 90 day permit period or within an extension period if additional extensions are requested. The time for beginning work shall not exceed 270 days after an

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excavation permit has been issued unless the director determines that there is an emergency. If an excavation permit has expired, then before performing the work, the applicant shall reapply for a permit and pay a new application fee.

(b) The applicant shall notify the inspection office a minimum of 24 hours prior to commencing work.

(c) An excavation permit issued pursuant to this article will be valid as long as the applicant continues to actively work on the project.

Sec. 64-124. Standards for protecting excavations.

(a) After opening an excavation, work shall continue at that excavation until all repairs, including final pavement restoration is complete. Any excavation left more than five (5) days without activity may be refilled and patched by city forces and the cost billed to the applicant as stated in Section 64-127 of this article. Any new excavation of a refilled excavation shall require a new excavation permit.

(b) All excavations shall be back filled and temporarily patched or plated while work is stopped. If circumstances do not allow back filling or plating, then the excavation shall be thoroughly protected with barricades and fencing to prevent entry to excavation.

(c) Any excavation left overnight on any street identified on the Major Street Plan shall be completely covered with a steel plate. The plate shall be securely anchored, and all edges of the plate shall be beveled or ramped with hot mix asphaltic concrete. If weather prohibits the availability hot mix asphaltic concrete, cold mix may be used, provided it is maintained in a smooth and driveable condition. Any excavation left overnight on any residential street shall either be plated or back filled up to the surface of the street. The permittee shall be responsible for placing and maintaining all warning devices, proper barricades and lights required by the Manual of Uniform Traffic Control Devices in force on the date of the excavation until the excavation is back filled and resurfaced.

Sec. 64-125. Standards for back filling excavations and resurfacing.

The director shall have authority to promulgate rules and regulations for back filling and resurfacing consistent with the city's standard specifications for construction of streets, sidewalks and other paved areas of property owned by the city. The back filling of all excavations in, through, or under the paved areas of property, right-of-way and easements owned by the city shall be subject to those standard specifications and the following requirements:

- (1) If the edge of the excavation is within three (3) feet of the edge of the roadway, or joint in the pavement, or edge of an existing repair or street patch, the permittee must extend the repair, including the paving and its aggregate foundations, to the

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edge of the roadway, or joint in the pavement, or edge of an existing repair or street patch street.

- (2) The permittee shall remove all surplus earth, rock or rubbish from the excavation site and clean the excavation site and surrounding area affected by the excavation within 24 hours after the back fill has been completed.

A permittee under this article shall maintain all work performed under the permit for a period of three years and shall make any repairs required within 15 days after the notification of defect.

Sec. 64-127. Performance of work by city when permittee fails to complete work.

If requested by a permittee, or if after 15 days notice from the director a permittee fails to satisfactorily complete the back fill or resurfacing of pavement in connection with an excavation in property, right-of-way or easements owned by the city, the city may perform the work requested by the permittee or correct deficient back fill or resurfacing, including removal of the fill material from the excavation, new back fill, removal of left over material, and cleaning the excavation site and surrounding area affected by the excavation.

Sec. 64-128. Payment of charges for work done by city.

In the event that the director causes such work to be performed at an excavation site, the director shall calculate the cost of the work and materials used. The amount of the charges for the work and materials shall be established and periodically reviewed and adjusted by the director, and shall, as nearly as possible, reflect the actual cost of the work and materials to the city. The director may send a statement of charges directly to the permittee for work performed by the city under this article or may certify the charges to the director of finance who shall send a statement of charges for work done by the city under this article to the permittee. The charges shall be payable within 30 days of the billing date. Charges not paid within 30 days shall be deemed delinquent and will be deducted from the permittee's restoration deposit. All payments and charges provided for in this section shall be remitted to the city treasurer to be placed to the credit of the appropriate account.

Sec. 64-129. Payment for charges for repair to city owned utilities.

The cost of all repairs to city owned utilities damaged by a permittee under this article shall be charged to the permittee by the appropriate city utility. The charges shall be payable within 30 days of the billing date. Charges not paid within 30 days shall be deemed delinquent and will be deducted from the permittee's restoration deposit and remitted to the appropriate fund of the city.

Sec. 64-130. Applicability of article to city departments.

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This article shall apply with equal force and effect to all departments of the city in all cases where the department makes, or seeks to make, any excavation in any property, right-of-way or easements owned by the city that is not under the control of the department making the excavation. City departments shall not be required to furnish an insurance certificate, an indemnification agreement, or maintain a restoration deposit.

Sec. 64-131. Penalty for violation of article.

(a) Any person violating any provision of this article shall be deemed guilty of an ordinance violation. The municipal court shall have the power to hear and determine alleged violations of the provisions of this article. All persons convicted of violations under this article shall be punished by a fine of not less than \$500.00 and not more than \$500.00, or by imprisonment in the municipal correctional institution for a term not to exceed six months, or by both a fine and imprisonment. A person who fails to pay any fine assessed upon conviction under this article may be committed to the municipal correctional institution until the fine is paid at the current per diem rate and the judgment of the court satisfied.

(b) Each day that a violation of this article continues shall be deemed a separate offense and shall be proceeded against as in the first instance. In addition, any violation of any provision of this article shall be grounds for revocation of any permit issued under this article.

Sec. 64-132. Joint applications.

(a) Permittees may apply jointly for permits to excavate in property, right-of-way or easements owned by the city the same time and location.

(b) Permittees who apply jointly for an excavation permit may share in the application fee and restoration deposit.

Sec. 64-133. As-built requirements.

(a) The permittee or applicant shall maintain and provide to the city as-built maps, as defined in Section 64-76, of the new or relocated construction in the right-of-way which are accurate to + or - one (1) foot of the actual location of the new or relocated construction. The + or - 1 foot accuracy applies to the horizontal and vertical position and exterior dimensions of the facility that is permitted as new or relocated construction in the right-of-way. The as-built maps shall be submitted to the city within 30 days after acceptance of the restoration of the excavation. Excavations to repair existing facilities, which do not alter the physical location or dimensions of the facility, do not require submission of as-built records.

(b) The as-built maps shall include a minimum of four (4) annotated registration marks suitable for translating the digital data to the City's Geographical Information System (GIS).

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(c) If non digital maps or drawings are submitted to the city, then in addition to all other fees and deposits required under Sections 64-111 through 64-132 an applicant shall pay to the city a \$100.00 fee for processing non-digital as-built records in connection with each excavation permit. The non digital maps must include four (4) annotated registration mark, the annotation will be in the form of an X / Y coordinate pair base on the Missouri West State Plane Coordinate System and the 1983 North American Datum.

(d) Failure to maintain and timely submit to the city as-built records of the facility, shall be grounds for suspension or revocation of the excavation permit and withholding an excavation permit for other excavations except for good cause shown.

(e) To the extent required by state law, as-built maps and drawings submitted to the city shall be public records.

Section 2. All of the provisions enacted by this ordinance shall take effect 10 days after passage except for the provisions of Section 64-118(b), (c), (d) and (e) which shall take effect on June 1, 2001.

Approved as to form and legality:

Assistant City Attorney