

CHAPTER NO. 1087

AN ORDINANCE OF THE CITY OF WASECA, MINNESOTA, AMENDING CITY CODE CHAPTER 94, SECTION 94.42 TO CLARIFY THE RESPONSIBILITY OF A RIGHT-OF-WAY USER TO PAY FOR THE COST OF REPAIRING DAMAGE TO OTHER FACILITIES

The City Council of the City of Waseca, Minnesota does hereby ordain:

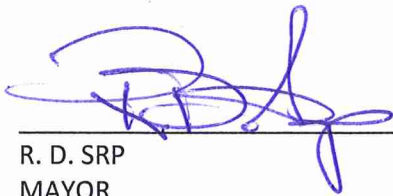
Section 1. AMENDMENT OF MUNICIPAL CODE, TITLE IX, GENERAL REGULATIONS, CHAPTER 94, STREETS AND SIDEWALKS, SECTION 94.42, DAMAGE TO OTHER FACILITIES. Section 94.42 of the Waseca Municipal Code is hereby amended, as follows (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; section which are only proposed to be re-numbered are only set forth below as to their number and title):

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(B) Each registrant who causes or whose facilities cause damage to facilities in the right-of-way owned by another party shall be responsible for the all costs incurred by the owner of such damaged facilities in repairing any such damaged facilities in the right-of-way which it or its facilities damages. ~~If a registrant or its facilities damages a facility that it does not own or operate, it shall reimburse the owner of the damaged facility for the actual cost of repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.~~ Each registrant shall be responsible for the actual cost of repairing any damage to the facilities of another registrant caused during the city's response to an situation deemed an emergency by the city and occasioned by that registrant or its facilities. The actual cost of repairs to be reimbursed to the owner of damaged facilities under this paragraph shall include, but shall not be limited to, the actual cost, if any, of equipment, materials, transportation, employee/contractor wages, employee or equipment mobilization/demobilization, and billing or processing costs incurred by the owner or operator of the damaged facility in completing the repairs. Notwithstanding the forgoing, reimbursement shall not be required of a registrant if damage to a facility in the right-of-way is caused by the sole negligence of the owner or operator of the facility, or if the owner or operator of the damaged facility failed to comply with Minn. Stat. § 216D.04, subd. 3, as the same may be amended from time to time.

Section 2. This Ordinance shall take effect 10 days after its passage and publication.

Adopted this 4th day of May, 2021.



R. D. SRP
MAYOR

Attest:


Mike Anderson
Assistant to the City Manager