

2014-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By B. Johnson and Glidden

Amending Title 17, Chapter 430 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Right-of-Way Permits.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 430 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 430.175 to read as follows:

430.175. Liability for obstruction and excavation of streets. All persons who shall, by means of any excavations in or obstructions upon any street of said city, not authorized by law or the ordinances of said city, render such street unsafe for travel, or who shall by negligence in the management of any such excavation or obstructions as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages unless such person or persons shall be joined as party defendants; and in case of judgment against the defendants in such action execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the city shall pay such judgment it shall become the owner of the same and may enforce payment of the same from the other defendant and shall be entitled to execution therein against the other defendant, and to take such other proceedings as judgment creditors are entitled to take.

Section 2. That this ordinance shall take effect on January 2, 2015.