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ORDINANCE NO. 1738  
(An Ordinance regarding the City of Hood River's  
Jurisdiction Over Public Rights-of-Way)

The City of Hood River Ordains As Follows:

Chapter 13.52 is hereby added to the Hood River Municipal Code to read as follows:

Section 13.52 .010. Definitions. For the purpose of this ordinance, the following mean:

City. The City of Hood River, Oregon.

Person. Individual, corporation, association, firm, partnership, joint stock company, and similar entities.

Public rights-of-way. Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

Within the City. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

Section 13.52 .020. Jurisdiction. The City has jurisdiction and exercises regulatory control over all public rights-of-way within the City under the authority of the City charter and state law.

Section 13.52 .030. Scope of Regulatory Control. The City has jurisdiction and exercises regulatory control over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

Section 13.52 .040. City Permission Requirement. No person may occupy or encroach on or alter a public right-of-way, or alter any thing in a right-of-way without the permission of the City. The City grants permission to use rights-of-way by ordinance, franchises, licenses and permits.

Section 13.52 .050. Obligations of the City. The exercise of jurisdiction and regulatory control over a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

Section 13.52.060. Severability. Invalidation of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Read for the first time June 23, 1997.

Read for the second time and passed: July 14, 1997, to become effective thirty (30) days hence.

  
Paul Cummings, Mayor

Attest:

  
Anita Smith, City Recorder