

BY *AK* ✓ ✓ CODIFIED  
Date *10/24/06*

**ORDINANCE NO. 1878**

(An ordinance amending Section 13.52.040 of the Hood River Municipal Code)

WHEREAS, the City has jurisdiction over public rights-of-way located in City limits;

WHEREAS, Chapter 13.52 codifies the rights the City has over the rights-of-way and specifies that the City may issue franchises, permits and licenses for the use of rights-of-way;

WHEREAS, Chapter 13.52 does not specifically provide for the authority to charge for the grant of permits and licenses;

WHEREAS, the City should charge reasonable fees for the issuance of permits and licenses for the use of rights-of-way in order to recover the costs of issuance and the impact, if any, on the rights-of-way;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 13.52.040 of the Hood River Municipal Code is amended to read as follows:

**CHAPTER 13.52 - CITY'S JURISDICTION OVER PUBLIC RIGHTS-OF-WAY**

Sections:

- 13.52.010 Definitions
- 13.52.020 Jurisdiction
- 13.52.030 Scope of Regulatory Control
- 13.52.040 City Permission Requirement
- 13.52.050 Obligations of the City
- 13.52.060 Severability

13.52.010. Definitions. For the purpose of this ordinance, the following mean (Ord. 1738, 1997):

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.

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.

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.

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. Fees for licenses and permits are set by Council resolution, and the fee may include an amount designed to offset the impact on the use of the right-of-way, if any.

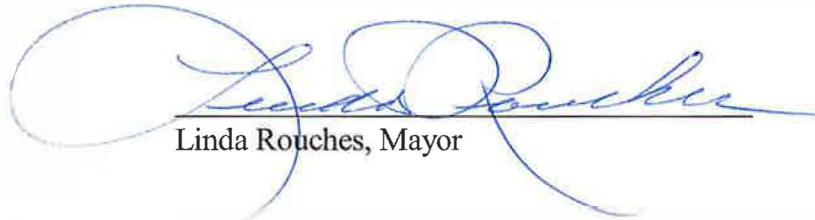
13.52.050. Obligations of the City. The exercise of jurisdiction and regulatory control over a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

13.52.060. Severability. Invalidity 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: August 22, 2005.

Read for the second time and passed: September 12, 2005, to become effective thirty (30) days hence.

Signed September 13, 2005.

  
Linda Rouches, Mayor

ATTEST:  
  
Jean M. Hadley, City Recorder