

ORDINANCE NO. 1943

(An ordinance amending Chapter 13.52 of the Hood River Municipal Code delegating authority to the City Manager to grant permits for the temporary use of City owned right of way)

WHEREAS, Chapter 13.52 of the Hood River Municipal Code states that the City has jurisdiction and exercises regulatory control over public rights of way located within the City;

WHEREAS, Chapters 13.28 and 13.36 delegate authority to the City Engineer to allow temporary use of City right of way for driveways and construction-related work;

WHEREAS, in all other cases for temporary use of City right of way, permission from the City Council is required;

WHEREAS, temporary use permits for City rights of way are revocable at any time at no cost to the City when the City determines that it needs full use of the right of way; and

WHEREAS, the City Manager should be delegated the authority to approve temporary use of City rights of way for those situations not covered by Chapter 13.28 and 13.36 because the City Manager has the particular knowledge and experience to determine when it would be or would not be in the City's best interests to allow temporary use of City rights of way.

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

Chapter 13.52 of the Hood River Municipal Code is amended to read as follows: [deletions in ~~strike-out~~ and additions in underline]

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:

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.

A. The City Manager has the authority to grant permits for the temporary use of the public right-of-way under the exclusive jurisdiction of the City. Permits for the temporary use of the City public right-of-way are revocable at any time for any reason at the discretion of the City Manager or the City Council. A permit for the temporary use of the City public right-of-way shall provide that the City will incur no liability for revocation of the permit and that the permit holder's temporary use of the right-of-way is made at the permit holder's sole risk.

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: December 17th, 2007.

Read for the second time and passed: January 14th, 2008, to become effective thirty (30) days hence.

Signed 1/15/08, 2008.


Linda Streich, Mayor

ATTEST:


Jennifer McKenzie, City Recorder