

ORDINANCE NO. 155

AN ORDINANCE RELATING TO PUBLIC RIGHTS-OF-WAY, CITY'S JURISDICTION AND REGULATORY CONTROL OVER PUBLIC RIGHTS-OF-WAY.

DUNES CITY ORDAINS AS FOLLOWS:

SECTION 1 - DEFINITIONS:

For the purpose of this ordinance, the following mean:

City: The City of Dunes City.

Encroach: To trespass, invade, or enter in or into by gradual steps or by stealth an activity or undertaking by unwarranted or unlawful incursion.

Occupy: Take possession of by use or control by use including, but not limited to, installation of utilities (i.e., water lines, power lines, etc.); or uses specifically permitted or conditionally allowed as defined in Dunes City Zoning Ordinances.

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 2 - JURISDICTION:

Dunes City has jurisdiction and exercises regulatory control over all public rights-of-way within the city including but not limited to grading and excavating, tree and vegetation removal, or other city regulatory ordinances under the authority of the city charter and state law.

SECTION 3 - 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 4 - CITY PERMISSION REQUIREMENT:

No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

SECTION 5 - 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 6 - 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.

ADOPTED by the City Council this 8th day of May, 1997.

Ayes 5 Nays 0 Absent 1 Abstain 1

SIGNED:

Robert B. Ward, Jr.
Robert B. Ward, Jr., Mayor

May 8/97
(Date)

ATTEST:

Joyce Phillips
Joyce Phillips, City Recorder