

**ORDINANCE NO. 440**

**AN ORDINANCE CONCERNING PUBLIC RIGHTS-OF-WAY**

The City of Aumsville ordains as follows:

Section 1. DEFINITIONS. For the purpose of this ordinance, the following mean:

City. The city of Aumsville, 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 2. JURISDICTION. The city of Aumsville 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 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, permits, or other written agreement.

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.

Section 7. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

READ first on the 10<sup>th</sup> day of March, 1997. READ a second time on the 14<sup>th</sup> day of April, 1997. ADOPTED AND PASSED by the Aumsville City Council on the 14<sup>th</sup> day of April, 1997.

SIGNED by the recorder this 17<sup>th</sup> day of April, 1997.

Maryann N. Hills  
Maryann N. Hills, City Administrator/ Recorder/Treasurer

SIGNED by the mayor this 17 day of April, 1997.

Harold L. White  
Harold L. White, Mayor

Approved as to form

James L. McGehee  
James L. McGehee, City Attorney