

ORDINANCE NO. 551

AN ORDINANCE REGARDING CITY OF WILSONVILLE JURISDICTION AND REGULATORY CONTROL OVER ITS RIGHTS-OF-WAY.

WHEREAS, the City of Wilsonville has jurisdiction and regulatory control over its rights-of-way under its City Charter and state law; for ease of administration and communication in this regard, adoption of this ordinance has been recommended by staff;

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

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

City. The City of Wilsonville, 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 Wilsonville 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 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.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 4th day of November, 2002, at 7:00 P.M. at the Wilsonville Community Center, and scheduled for a second reading at a regular meeting of the Council on the 18th day of November, 2002, commencing at the hour of 7:00 P.M. at the Wilsonville Community Center.


Sandra King, CMC, City Recorder

ENACTED by the City Council on the 18th day of November, 2002, by the following votes.

YEAS: 3

NAYS: -0-


Sandra King, CMC, City Recorder

DATED and signed by the City Council President this 20th day of November, 2002.


JOHN HELSER, City Council President

SUMMARY OF VOTES:

Mayor Lehan	Excused
Council President Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Excused
Councilor Holt	Yes