

ORDINANCE NO. 556

AN ORDINANCE CLARIFYING THE CITY OF MADRAS' MANAGEMENT RESPONSIBILITIES FOR ITS RIGHTS-OF-WAY.

WHEREAS, the City of Madras has a desire to clarify the City's control of, and management responsibilities for, its rights-of-way.

NOW, THEREFORE, the City of Madras ordains as follows:

SECTION 1: DEFINITIONS

- a. City. The City of Madras, Oregon.
- b. Person. Individual, corporation, association, firm, partnership, joint stock company, and similar entities.
- c. 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.
- d. 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 Madras 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.

PASSED by the Council and approved by the Mayor March 25, 1997.