

Chapter 12.12

PUBLIC RIGHTS-OF-WAY

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12.12.010 Definitions. For the purpose of this chapter, the following definitions apply:

"City" means the city of Scappoose, Oregon.

"Person" means individual, corporation, association, firm, partnership, joint stock company, and similar entities.

"Public rights-of-way" means and includes, but is 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" means territory over which the city now has or acquires jurisdiction for the exercise of its powers. (Ord. 652 §1, 1997)

12.12.020 Jurisdiction. The city has jurisdiction and shall exercise regulatory control over all public rights-of-way within the city under the authority of the city Charter and state law. (Ord. 652 §2, 1997)

12.12.030 Scope of regulatory control. The city has jurisdiction and shall exercise regulatory control over all public rights-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. (Ord. 652 §3, 1997)

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12.12.040 City permission requirement. Other than public vehicular and pedestrian traffic, no person may use, occupy or encroach on or in 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. (Ord. 652 §4, 1997)

12.12.050 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. (Ord. 652 §5, 1997)

12.12.060 Authority to revoke permit and assess fine. The City Manager or authorized designee may revoke or suspend the right-of-way permit for failure to comply with the approved conditions of the permit. The Police Chief may also assess a fine of up to \$1500 per violation of the permit conditions. (Ord. 884, 2019)