

## GENERAL ORDINANCE NO 97-1217

AN ORDINANCE PROVIDING FOR REGULATION OF PUBLIC RIGHTS-OF-WAY, AND FOR CONSTRUCTION PERMITS WITHIN THE PUBLIC RIGHTS-OF-WAY, AND REPEALING GENERAL ORDINANCE NO. 362

THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

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

- A. City. The City of The Dalles, Oregon.
- B. Director. The duly appointed Director of the Department of Public Works, or his or her authorized designee.
- C. Person. Individual, corporation, association, firm, partnership, joint stock company, and similar entities.
- D. 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.
- E. 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 The Dalles 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. Right of Way Construction Permit; Street/Sidewalk Closure Permit; Sidewalk/Approach Permit. All construction activity of any kind where work is to be performed in a City right-of-way requires a right-of-way construction permit. Any person performing construction within a public right-of-way is required to obtain a permit. In the event the proposed construction activity will necessitate the closure of a sidewalk or public street, the person seeking to perform the construction work shall also apply for a Street/Sidewalk Closure Permit from the City, and a Sidewalk/Approach Permit when necessary. [Section 6 amended by General Ordinance No. 08-1297, adopted by City Council December 8, 2008.]

- A. Application for Permit. The application shall be filed with the Public Works Department, which application shall include a set of plans which comply with the requirements set forth in this subsection. The plans shall show, at a minimum, the location of all existing utilities and the proposed location of any new utilities being constructed under the permit, and shall provide enough detail and resolution so as to be legible and scalable. Construction of new underground utilities shall comply with the required minimum horizontal separation of five (5) feet from existing City-owned utilities; provided that this separation requirement may be reduced to three (3) feet on a case by case basis with the approval of the City Engineer. The application shall also include a proposed Traffic Control Plan, which shall be reviewed and approved by the City Engineer or his or her authorized designee, to be utilized during construction activities covered by the permit. Where application for a Street/Sidewalk Closure Permit and a Sidewalk/Approach Permit is also required in conjunction with an application for a Right of Way Construction Permit, the application for a Street/Sidewalk Closure Permit and a Sidewalk/Approach Permit shall be filed with the Public Works Department, which shall submit the application for the Street/Sidewalk Closure Permit and Sidewalk/Approach Permit for processing and approval by the City. The City shall have seven (7) business days to review and process an application for a Right of Way Construction Permit.
- B. Fee. The City Council shall have the option to establish by resolution, a fee for the review and processing of an application for a Construction Right of Way Permit.
- C. Materials. Only materials and methods approved by the Director shall be used, and permit holders shall comply with all laws, rules, regulations, and ordinances that apply to such work.
- D. Exemptions. A permit is not required for any work done by the City. The provisions of Section 6 (A) of this Ordinance shall not apply to an application for a Construction Right of Way Permit to repair or replace an existing sidewalk or an existing curb.

- E. Inspection of Work. All work must be inspected and a minimum of 24 hours notice shall be provided to the City for inspection of any approved project. Where an emergency arises and work must be performed on a weekend or day that City staff is unavailable, work may be performed without prior authorization. However, an application for a Right of Way Construction Permit must be submitted to the City by 5:00 p.m. of the next working day.

Section 7. Violations. A violation of this ordinance is punishable by a stop work order as issued by the Public Works Director, and/or a fine not to exceed the sum of one thousand dollars (\$1,000.00). A separate offense shall be deemed committed on each day during or on which a violation occurs. [as amended by General Ordinance No. 08-1297 adopted by City Council December 8, 2008.]

Section 8. Severability. The 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 9. Repeal. General Ordinance No. 362, as amended by General Ordinance No. 1007, is hereby repealed.

Passed by the City Council and approved by the Mayor December 8, 1997.