

ORDINANCE NO. 235**AN ORDINANCE REGULATING PUBLIC RIGHTS-OF-WAY IN THE CITY OF COOS BAY**

The City of Coos Bay ordains as follows:

Section 1. Definitions.

City. The City of Coos Bay, Oregon.

Person. An individual; a partnership, corporation, association, or other form of legal entity or agents or employees thereof; any entity in fact.

Public Rights-of-Way. Any land owned by the City that is used for the free and unimpeded passage of the public; any lesser interest in land held by the City which contains a grant to the public for free and unimpeded passage across such property. As used in this Ordinance, “public rights-of-way” include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, public trails and paths, and all other easements which provide the public any right of access. “Public rights-of-way” includes not only the land itself, but all subsurface and air space over the property.

Section 2. Jurisdiction. Except as otherwise provided by state or federal law, the City has jurisdiction and may exercise regulatory control over all public rights-of-way owned by or otherwise vested in the City and located within City limits.

Section 3. Encroachments. No person may occupy or otherwise encroach upon a public right-of-way subject to the jurisdiction of the City without first obtaining a franchise, license, or permit from the City for such occupation or encroachment.

Section 4. Obligations of the City. The exercise of jurisdiction and regulatory control pursuant to this Section 2 of this Ordinance does not in any way create an obligation or obligate the City to maintain or repair any part of the right-of-way.

Section 5. Severability. Invalidity of a section of this ordinance or any part thereof shall not affect the validity of the remaining sections.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 4th day of February 1997.