

ORDINANCE NO. 02-01

**AN ORDINANCE REGULATING PUBLIC RIGHTS-OF-WAY IN THE
CITY OF MANZANITA, TILLAMOOK COUNTY, OREGON**

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1. Definitions. For the purpose of this ordinance, the following shall mean:

City. The City of Manzanita, Tillamook County, 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 Manzanita 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.

The City reserves the right to remove any object in or above any public right-of-way or any City property.

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: Obligation 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. The invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections.

Ordinance passed November 6, 2002.