

RESOLUTION NO. 719
A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF CANBY
ESTABLISHING FEES FOR TELECOMMUNICATIONS CARRIERS
OCCUPYING CITY RIGHTS OF WAY

WHEREAS, the City has by Ordinance No. 1036 adopted a master telecommunications infrastructure ordinance to regulate telecommunications carriers who desire to occupy city rights of way; and

WHEREAS, that Ordinance grants to the City Council the authority to establish fees for the use of City rights of way by resolution; and

WHEREAS, the City Council recognizes that the City's ownership and management of rights of way constitutes a public trust and that those rights of way are valuable real property, use of which should be subject to fair and reasonable compensation; and

WHEREAS, the City Council is desirous of adopting a fee structure which treats similarly situated telecommunications service providers in a consistent manner; now, therefore,

THE CANBY CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. The fees to be charged to telecommunications carriers occupying the City's rights of way shall be as follows:

a. Carriers receiving a franchise to operate throughout the geographic limits of the City shall be subject to a fee of five percent (5 percent) of their gross revenues for the provision of telecommunications services within the City. This section shall not apply to Telecommunications Utilities as defined in ORS 759.005.

b. Telecommunications Utilities, as defined in ORS 759.005, are subject to a fee of seven percent (7 percent) of the utility's gross revenues derived from the provision of services within the boundaries of the City.


b. A carrier receiving a franchise to operate on limited, designated City rights of way within the City, and not providing service to City residents, shall be subject to a fee of \$1.50 per linear foot per year of the carrier's facilities located within City rights of way. This fee, for example, generally applies to long distance carriers and private networks occupying the right of way.

PASSED by the City Council and APPROVED by the Mayor this 20th day of Oct, 1999.

ATTEST



Mark Adcock, City Administrator



Scott Taylor, Mayor