

ORDINANCE NO. 1336

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 12.36 REGARDING TELECOMMUNICATION FACILITIES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby provides regulation of Telecommunication Facilities that operate within the City rights-of-way as set forth in Canby Municipal Code (CMC) Chapter 12.34; and

WHEREAS, certain sections of the current Code need to be amended due to changes in telecommunication technology; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

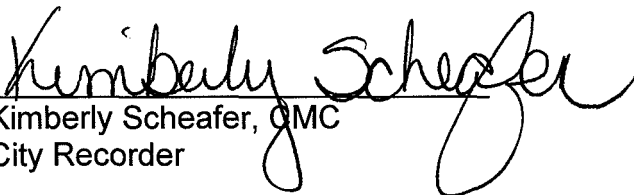
Section 1. Section 12.36.030 **Definitions** is amended to read as follows;

1. “Telecommunications means the transmission between and among points specified by the user of information of the user’s choosing, without change in the form or content of the information as sent and received.” is hereby deleted from the definitional section.
2. “Telecommunication Service” is hereby amended to read:

“Telecommunication Service means any service provided for the purpose of the transmission of information, including, but not limited to voice, video or data, regardless of the transmission medium and whether or not the transmission medium is owned by the provider itself. Telecommunication service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights of way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act; and (6) commercial mobile radio services as defined in 47 C.F.R. 20”.

Section 2. Emergency Declared. In order to better promote the safety, health and welfare of the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon final reading.


SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 15, 2010 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, November 3, 2010, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.


Kimberly Scheafer, CMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on November 3, 2010, by the following vote:

YEAS 4

NAYS 0


Melody Thompson, Mayor

ATTEST:


Kimberly Scheafer, CMC
City Recorder