

ORDINANCE NO. 445-0

AN ORDINANCE AMENDING THE CITY'S CODIFIED RIGHT-OF-WAY CONSTRUCTION AND ACCESS CODE UNDER TITLE 6 OF THE PUBLIC WORKS CODE AND SETTING FORTH UTILITY LOCATIONAL RESTRICTIONS FOR NEW AND RECONSTRUCTION PROJECTS

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Intent and Scope of Authority.

Pursuant to the statutes of the State of Oregon and the powers granted in the Charter of the City of Troutdale, the City does hereby declare and reaffirm its intention to:

- a. Control excavation, installations, and construction within City rights-of-way, easements or upon other municipal property as may be deemed proper by the Common Council of the City of Troutdale.
- b. All City divisions and departments together with all persons, companies, or corporations referenced by this Ordinance or associated codes, whether inside or outside the City limits, shall be bound by this Ordinance.

Section 2. Adoption.

The following change(s) to the right-of-way construction and access code is adopted individually and is considered a section in the Chapter of the Public Works Code.

- 6.X2.350 Power, Telephone and Other Cable. Shall be located in a zone between the curb and abutting the property line as provided in applicable City standards or as directed on the application, and shall be joint occupancy whenever possible. ALL OVERHEAD CABLE SUPPORTS, POLES, GUYS, OR OTHER ABOVE GROUND CABLE SUPPORT STRUCTURES SHALL BE LOCATED A MINIMUM OF TWO (2) FEET AS MEASURED FROM THE FACE OF THE CURB TO THE FACE OF THE POLE OR SUPPORTING STRUCTURE AND THERE SHALL BE AN ADDITIONAL MINIMUM CLEARANCE OF FOUR (4) FEET OF SIDEWALK SPACE BEHIND THE POLE AS MEASURED FROM THE BACK EDGE OF THE POLE OR STRUCTURE.

Section 3. Severability.

It is hereby declared to be the intention of the Common Council that the Sections, subsections, paragraphs, provisions, clauses, phrases, and words of this code are severable; and if any Section, subsection, paragraph, provision, clause, phrase or word of this code is adjudged or declared by any Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Code; and it is hereby expressly declared that every other Section, subsection, paragraph, provision, clause, phrase or word of this code enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid is valid.

Section 4. Repeal of Ordinance.

All ordinances enacted prior to this ordinance that contain discrepancies,, or are deemed to be in conflict with this ordinance, are hereby repealed either in total or part. The repeal of previous ordinances is limited only to those specific Sections, subsections, paragraphs, provisions, clauses, phrases or words, that conflict with or are superceded by this ordinance.

Section 5. Effective Repeal.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repeal took effect. The repeal of an ordinance shall not affect a punishment or penalty incurring before the repeal took effect nor a suit, prosecution or proceeding pending at the time of the repeal for an offence committed under the repealed ordinance.

Section 6. Franchise Agreement Conflicts.

This Ordinance is not intended to replace specific provisions of any franchise or other agreement. In case of conflict the provisions of the franchise shall prevail unless jointly executed waivers are substituted. The City may execute additional agreements with franchised utilities and the provisions of those agreements shall prevail in case of conflict.

Section 7. Appeals.

This Ordinance shall in no way be a substitute for, or eliminate the necessity for, complying with any and all state laws and rules and other laws which are now or may be in the future in effect which relate to activities regulated under this title.


Section 8. Nonexclusive Effect.

The codification and enactment of this title shall not be interpreted or deemed to be exclusive. Ordinances not codified shall remain in force and effect.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS
fourteenth DAY OF May, 1985.

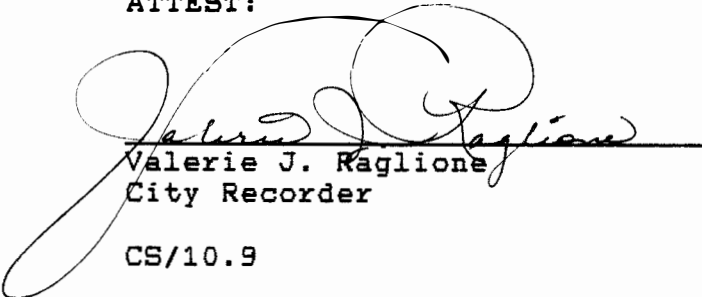
YEAS 5

NAYS 0



Sam K. Cox, MAYOR
Date Signed: 5/14/85

ATTEST:



Valerie J. Raglione
City Recorder

CS/10.9