

A BILL FOR AN ORDINANCE PROVIDING)
FOR OPERATION AND MAINTENANCE OF)
THE CITY OF LEBANON RAILROAD, PRO-)
VIDING FOR THE ESTABLISHMENT OF)
CHARGES, STANDARDS AND RULES)
GOVERNING SERVICE, AND DECLARING)
AN EMERGENCY.)

ORDINANCE BILL NO. 12
for 1986

ORDINANCE NO. 1996

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Definitions.

A. Applicant. The person, corporation, association or agent applying for rail service use.

B. City. The City of Lebanon, a municipal corporation of the State of Oregon.

C. Railroad. A railroad presently owned and operated by the City as a municipal public utility under ORS Chapter 225.

D. Property owner. That person, corporation, association, company or organization which is defined on the tax rolls as owning the real property.

E. Switching. The act of hauling, moving or relocating railroad rolling stock.

F. Use. Shall include receiving or shipping rail cars and shall also include storage of rolling stock.

G. User. Shall refer to a person, corporation, association or company who shall receive service by railroad.

Section 2. Creation and Administration. There is hereby created a Municipal Railroad Utility for the City of Lebanon.

Administration of said Utility is under the direction of the City Administrator or his designated agent except as may otherwise be provided.

Section 3. Application for Service/Use. Prior to making any use of the railroad each user shall be required to complete an application form as may be provided by the Community and Economic Development Department.

Section 4. Denial of Application. The Community and Economic Development Director may deny or suspend use of the railroad under the following circumstances:

- A. The user fails to keep a current account with the City for use of the facility.
- B. The user proposes to carry freight that, because of its weight, may cause potential damage to the system.
- C. The user proposes to carry hazardous materials that could cause potential health or safety problems for the community.
- D. The City may suspend operational use if and when it may be necessary to make repairs to the railroad.

Section 5. Appeals. Any user aggrieved by refusal of service may appeal that denial to the Lebanon City Council within fifteen (15) days following notice of service denial.

Section 6. Liability. The user shall be liable for any damage done to any railroad equipment which is caused by an act of the user or his agent. The City shall not be responsible for

any interruption of service or any loss or damage if caused by repair, accident, act of God, strike, riot, war or any other cause not within its control.

Section 7. Rates, Fees and Charges. All rates, fees and charges shall be set by City Council Resolution.

Section 8. Weight Limitation. No freight, locomotive or other rolling stock shall be permitted to cross the Canal tressel when the weight of such apparatus exceeds 360,000 pounds.

Section 9. User Access. No user or other person shall park a rail car or other vehicle that would restrict access to the rail system by any other user or the City. Any rail user shall immediately move any vehicle or car parked in such a way as to restrict access when so called upon by the City or other rail user.

Section 10. Violations. No person shall violate any of the provisions of this ordinance. Any person violating this ordinance shall be fined a sum not to exceed fifty (50) dollars upon first violation and one hundred (100) dollars for each subsequent violation.

Section 11. Severability. Each sentence, paragraph and section of this Ordinance shall be deemed severable. Any declaration by a competent court that any provisions of this Ordinance is invalid shall have no effect upon any other remaining portions.

Section 12. Emergency Clause. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation

of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the City Council by a vote of 4 for and 0 against and approved by the Mayor this 25th day of June, 1986.

Robert Smith
Mayor

ATTEST:

Allen L. Henderson
City Administrator