

ORDINANCE NO. 767

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING SECTION 3.410 OF THE WILSONVILLE CITY CODE

WHEREAS, the City of Wilsonville seeks to clarify its authority to regulate the use of City owned rights of way; and

WHEREAS, the City retains authority to administer the rights of way in the manner allowed by state and federal law; and

WHEREAS, the City recognizes that users affect rights of way to varying degrees and do not uniformly impact City infrastructure;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Section 3.410 Franchise Required is amended and replaced to read as follow:

“Section 3.410 Franchise Required

“(1) Unless exempted by state or federal law, User shall enter into a non-exclusive Franchise agreement with the City for cable services and other services as specifically set forth in City Code. To the extent allowed by law, the requirements of this chapter may be varied or waived by the provisions of a franchise agreement to account for the different impact of various user’s facilities on the City’s rights of way; provided, however, that no such franchise or similar authorization shall contain material terms which are substantially more favorable or less burdensome than the material terms and conditions of other franchise agreement users with the same impacts.

“(2) To the extent that this Ordinance is not in conflict with, and can be implemented with, User’s existing Franchise agreements, this Ordinance shall apply to all such Franchise agreements for use of the public rights of way or public easements.

“(3) Severability. In the event any provisions of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.”

2. The City Recorder is directed to amend Wilsonville Code Chapter 3, as approved above, and to make such format, style, and conforming changes to match the format and style of the Right-of-Way and Public Easement Management section of the Wilsonville Code.
3. Except as set forth above, Chapter 3 of the Wilsonville City Code remains in full force and effect, as written.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 2nd day of February, 2015, and scheduled for second reading on February 19, 2015, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 19th day of February, 2015, by the following votes: Yes: -4- No: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of _____, 2015.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Fitzgerald	Yes
Councilor Stevens	Excused
Councilor Lehan	Yes