

AN ORDINANCE PROVIDING FOR ISSUANCE OF A REVOCABLE LICENSE TO OCCUPY LIMITED SPACE IN PUBLIC RIGHTS-OF-WAY, IMPOSING CONDITIONS UPON THE LICENSEES, PROVIDING FOR TERMS FOR CANCELLATION OF LICENSE, PROVIDING FOR THE REMOVAL OF ENCROACHING STRUCTURES UPON TERMINATION OF LICENSE AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: CONDITIONS OF LICENSE

The City Council of the City of Albany shall have authority to issue license to occupy public property, including rights-of-way, subject to the following conditions:

- a) The Council shall find that the occupation of the public property or right-of-way shall not constitute unreasonable obstruction for public use at the time the license is granted.
- b) A property owner receiving the license shall assume all liability arising from use of the public rights-of-way or public properties.
- c) All licenses issued under this Ordinance shall be subject to revocation without cause after ninety (90) days notice by the City of Albany to the licensee.
- d) All licenses issued under this Ordinance may be revoked for failure to comply with the terms of the license, after the City of Albany shall have given the licensee ten (10) days notice of revocation.

Section 2: LIMITATIONS

Any license issued under this Ordinance shall include any terms or conditions deemed to be in the public interest within the following limits:

- a) No encroachment onto an existing public sidewalk shall exceed five (5) inches.
- b) In areas where no sidewalks are existing at the time the license shall be granted, the encroachment shall not extend over the established curb line of the street.
- c) No encroachment into a public alley shall exceed four (4) feet.

Section 3: NOTICES

All notices provided to be given in this Ordinance shall be in writing addressed to the licensees as his address shall appear at the assessor's records of the county in which the property is located. For the purpose of this Ordinance only, a license issued hereunder shall be to the owner of the property abutting the proposed encroachment upon public way and the license shall be one that runs with the land and the obligations of this Ordinance and the conditions of license shall attach to the land and succeed to each owner of the land abutting the encroachment.

Section 4: LIENS

Upon notice to remove an encroaching structure from public rights-of-way or public property, the licensee shall remove the encroachment within ten (10) days after receipt of notice. In the event the licensee shall fail to remove the encroachment within ten (10) days after receipt of notice, the city shall have the authority to remove said encroachment and the cost of removal shall become a lien against the real property abutting the encroachment. The lien so created shall be subject to foreclosure pursuant to the foreclosure laws of the State of Oregon in the same manner as foreclosure of mechanic's liens.

Section 5: EMERGENCY CLAUSE

Whereas, the peace, health and safety of the people of the City of Albany requires that this Ordinance become immediately effective, therefore, an emergency is hereby declared to exist and this Ordinance shall become effective immediately upon its final passage by the Council and approval by the Mayor.

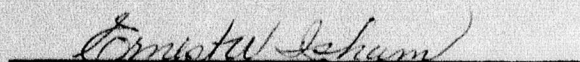
Passed by the Council: September 25, 1963

Approved by the Mayor: September 25, 1963

  
Mayor

Effective Date: September 25, 1963

ATTEST:

  
City Recorder