



**PERMIT APPLICATION FOR TEMPORARY
IMPROVEMENTS
AND/OR
ACTIVITIES IN THE RIGHT-OF-WAY**

Date Submitted:

**CITY OF BANDON
P.O. BOX 67 - - BANDON, OR 97411 - - 541-347-2437**

**PERMIT #
TROW -**

PRINT OR TYPE ALL INFORMATION

PROPERTY OWNER

PROPERTY OWNER:

DATE:

MAIL ADDRESS:

PHONE:

APPLICANT IF DIFFERENT FROM PROPERTY OWNER

APPLICANT:

DATE:

MAIL ADDRESS:

PHONE:

PROPERTY DESCRIPTION

SUBDIVISION NAME:

BLOCK:

LOT:

MAP #:

TAX LOT #:

ZONE:

DEVELOPMENT INFORMATION

STREET ADDRESS:

NATURE OF PROPOSED ACTIVITY:

<input type="checkbox"/>	Landscaping	<input type="checkbox"/>	Temporary sign
<input type="checkbox"/>	Outdoor display	<input type="checkbox"/>	Fence
<input type="checkbox"/>	Other (please describe in detail)		

Site Plan showing all improvements/activities, to scale, is required.

By signing below I certify to the best of my knowledge the information contained in this application and attachments is true and accurate.

Signature:

Date:

OFFICE USE ONLY

In compliance with zoning regulations?	Yes	No
Maintains required pedestrian clearance: 4' wide, 8' high?	Yes	No
Public Works Permit required?	Yes	No
Liability Insurance required?	Yes	No

Application: **Approved** **Approved with conditions** **Denied**

List Conditions/Reason for denial:

City Manager or Designee: _____ *Date:* _____

***** See attached Resolution for limitations, requirements, and responsibilities *****

Chapter 12.12

REGULATORY CONTROL OF RIGHTS-OF-WAY

Sections:

- 12.12.010 Definitions.
- 12.12.020 Jurisdiction.
- 12.12.030 Scope of regulatory control.
- 12.12.040 City permission requirement.
- 12.12.050 Obligations of the city.
- 12.12.060 Improvements and activities in public rights-of-way.
- 12.12.070 Acceptance of public rights-of-way.

Ordinance history #1379, 1454, 1509

12.12.010 Definitions.

For the purpose of this chapter, the following mean:

"Activities" means the use of the public right-of-way for events which are limited to specific times, including but not limited to sidewalk sales, outdoor commercial displays, food and merchandise vending, and other special events.

"Permanent improvement" means a fixture or construction in the public right-of-way which is intended to become an integral part of the public infrastructure, including but not limited to streets, sidewalks, walkways, bicycle pathways, improved parking areas, driveway approaches, storm drainage facilities, electric power lines and hardware, street lights, water lines, and sanitary sewer lines.

"Person" means individual, corporation, association, firm, partnership, joint stock company, and similar entities.

"Public rights-of-way" mean and include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

"Temporary improvement" means a fixture or construction in the public right-of-way which is not intended to become an integral part of the public infrastructure, including but not limited to landscaping, fences, signs, canopies, irrigation systems, and private or quasi-private parking areas.

"Within the city" means territory over which the city now has or acquires jurisdiction for the exercise of its powers.

12.12.020 Jurisdiction.

The city has jurisdiction and exercises regulatory control over all public rights-of-way within the city under the authority of the City Charter and state law.

12.12.030 Scope of regulatory control.

The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

12.12.040 City permission requirement.

No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits. A public works permit shall be requested and secured from the public works supervisor prior to making any permanent improvements in a right-of-way, in accordance with the provisions of Chapter 12.08 of this

code. A right-of-way permit shall be requested and secured for any temporary improvements or activities in a right-of-way. Such a permit shall be issued only after approval by the city manager, who shall review the request to ensure conformance with the requirements of this chapter and all other applicable rules and regulations as to whether, in his discretion, the public's safety will be compromised.

Once a right-of-way or public works permit has been issued, it may be recorded with the county clerk if in the city's judgment it is necessary. The property owner shall be responsible for all recording costs.

12.12.050 Obligations of the city.

The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right of way, and does not obligate the city to maintain or repair any part of the right-of-way.

12.12.060 Improvements and activities in public rights-of-way.

A. Any person planning to dig or excavate in the right-of-way in order to make permanent improvements, temporary improvements, or conduct activities shall first notify the Oregon Utilities Notification Center to ensure that all underground utilities are located and marked prior to undertaking any such digging or excavation.

B. No improvement or activity will be approved if it does not meet the requirements of the zoning district in which it is located, or any other regulation which may be deemed applicable.

C. Temporary improvements and activities are the responsibility of the property owner, and the city may, at any time, require the removal or modification of any improvement or activity if deemed necessary by the city. Where deemed necessary by the city, persons may be required to maintain liability insurance on their improvement or activity, in an amount specified by the city, naming the city as an additionally insured party.

D. For all improvements and activities in the public rights-of-way, a minimum four-foot wide area of sidewalk or walkway space must be kept clear horizontally and eight feet vertically in order to permit adequate and safe pedestrian circulation and passage.

12.12.070 Acceptance of public rights-of-way.

For a right-of-way to be accepted as a city public right-of-way, the city council shall put forth a written order accepting such public right-of-way, whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.