

ORDINANCE NO. 11-1009

AN ORDINANCE AMENDING CHAPTER 13.24.030 OF THE OREGON CITY MUNICIPAL CODE TO DELETE AN OBSOLETE DEFINITION AND AMEND ANOTHER DEFINITION AND DECLARING AN EMERGENCY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, in 1999, the City of Oregon City (City) enacted Chapter 13.24 of the Oregon City Municipal Code to address the provision of telecommunications services over facilities within the rights of way in the City; and

WHEREAS, technological advances and competitive market forces have significantly impacted the telecommunications industry and the delivery of services to customers; and

WHEREAS, based on these trends, the City has determined the definition of "telecommunications" originally included in Chapter 13.24.030 is obsolete and creates unnecessary confusion in the interpretation of Chapter 13.24, and that the definition of "telecommunications service" should be revised.

NOW THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Oregon City Municipal Code 13.24.030 is hereby amended by deletion of the definition of "telecommunications," which read as follows:

"Telecommunications" means the transmission between and among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received."

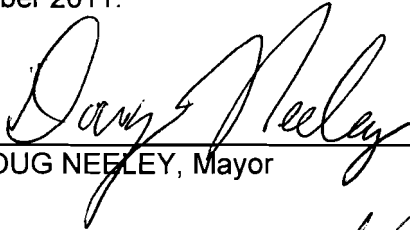
Section 2. Oregon City Municipal Code 13.24.030 is hereby amended by revision of the definition of "telecommunications service," which now reads as follows:

"Telecommunications service" means any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed and whether or not the transmission medium is owned by the provider itself. Telecommunications service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights of way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act; and (6) commercial mobile radio services as defined in 47 C.F.R. 20."

Section 3. All other provisions of Oregon City Municipal Code 13.24.030 remain in full force and effect.


Section 4. This ordinance takes effect immediately.

Read for the first and second time at a regular meeting of the City Commission held the 7th day of September 2011, and the foregoing ordinance was enacted by the unanimous vote of the City Commission on this 7th day of September 2011.



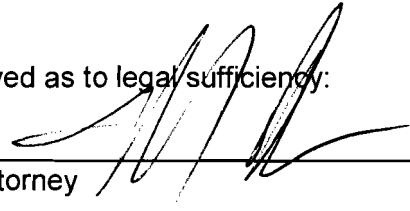
DOUG NEELEY, Mayor

Attested to this 7th day of September 2011:



Nancy Ide, City Recorder

Approved as to legal sufficiency:



City Attorney