

RESOLUTION No. 2015-3178

**A RESOLUTION ADOPTING A UTILITY LICENSE APPLICATION FEE,
A UTILITY TRANSMISSION LINE FEE (PER FOOT FEE), PURSUANT TO
NEWBERG MUNICIPAL CODE §12.05.370(B), EFFECTIVE JANUARY
20, 2015**

RECITALS:

1. The city of Newberg has authority to manage the public rights-of-way. The articulated purposes and intent of the city right-of-way code are set forth in NMC 12.05.270 are to:
 - A. Permit and manage reasonable access to the public rights-of-way of the city for utility purposes and conserve the limited physical capacity of those public rights-of-way held in trust by the city, consistent with applicable state and federal law;
 - B. Assure that the city's current and ongoing costs of granting and regulating access to and the use of the public rights-of-way are fully compensated by the persons seeking such access and causing such costs;
 - C. Secure fair and reasonable compensation to the city and its residents for permitting use of the public rights-of-way;
 - D. Assure that all utility companies, persons and other entities owning or operating facilities and/or providing services within the city register and comply with the ordinances, rules and regulations of the city;
 - E. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;
 - F. Encourage the provision of advanced and competitive utility services on the widest possible basis to businesses and residents of the city; and
 - G. Comply with applicable provisions of state and federal law.
2. Under Newberg Municipal Code §12.05.370 (B), a utility operator that does not earn gross revenues from the provision of utility service to customers within Newberg shall pay a transmission line fee set by city council resolution or set forth in the license granted by the city.
3. The council has not yet set such fee by resolution.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

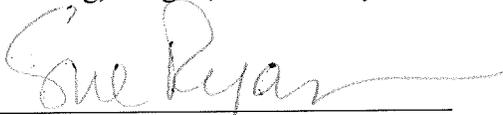
1. Pursuant to Newberg Municipal Code §12.05.370 (B), the utility transmission line license fee is hereby set at \$3.00 per linear foot, paid annually. The amount of this fee shall be adjusted on July 1, 2016 and annually thereafter, and shall increase or decrease in a percentage amount equivalent to the Portland CPI-U for the prior calendar year, as published by the U.S. Bureau of Labor Statistics.

////

cont. on next page

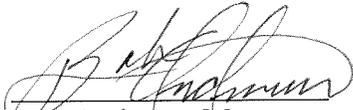
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: January 20, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 20th day of January 2015.



Sue Ryan, City Recorder

ATTEST by the Mayor this 22nd day of January, 2015.



Bob Andrews, Mayor