

RESOLUTION 1177

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON,
SETTING FEES FOR TELECOMMUNICATIONS PROVIDERS UNDER CANBY
MUNICIPAL CODE CHAPTER 12.36**

The Council of the City of Canby, Clackamas County, does hereby resolve that:

WHEREAS, the proposed registration application fees are meant to cover costs of administering and processing registration applications; and

WHEREAS, the proposed annual registration fees are meant to assure the compliance of telecommunications providers in the following of ordinances, rules, regulations, along with providing accurate and current information concerning business conducted in the City of Canby as well as aiding in the implementation and advancement of service quality and consumer protection; and

WHEREAS, the newly amended Chapter 12.36 requires the following to be set by resolution: a registration application fee, an annual registration fee, a franchise fee, and a right-of-way use fee; and

WHEREAS, the Canby City Council held a public hearing on November 20, 2013, to receive public testimony regarding the proposed fees.

NOW, THEREFORE, BE IT RESOLVED by the Canby City Council as follows:

Section 1: City of Canby fees and charges are revised to include the following:


- Registration Application Fee: **\$100**
Annual Registration Fee: **4% of gross revenues*** earned in Canby, Oregon
- Right-of-Way Use Fee: **7% of gross revenues*** earned in Canby, Oregon
Under the Right-of-Way Use Fee, if no revenues are earned in the City of Canby by a telecommunications provider who occupies the public Right-of-Way, then a fee of two dollars per linear foot occupied in the City of Canby shall be charged and collected.
- Franchise Fee: **7% of gross revenues*** earned in Canby, Oregon
Under the Franchise Fee, if no revenues are earned in the City of Canby by a telecommunications provider who occupies the public Right-of-Way, then a fee of two dollars per linear foot occupied in the City of Canby shall be charged and collected.

***Gross Revenues** are defined as any and all revenue of any kind, nature, or form, without deduction for expense, earned in the City of Canby, minus any net uncollectibles, subject to all applicable limitations imposed by federal or state law.

Section 2: The Canby City Council hereby classifies the fees imposed herein as not being subject to the limitations imposed by Section 11 (b), Article XI of the Oregon Constitution and that the City Recorder is hereby directed to publish notice in accordance with ORS 310.145.

This resolution shall take effect on November 20, 2013.

ADOPTED this 20th November, 2013 by the Canby City Council.



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafel, MMC
City Recorder