

Chapter 9

FRANCHISES

ACQUISITION , LICENSE OR PERMIT TO CONSTRUCT OR PLACE ANY IMPROVEMENT IN RIGHTS-OF-WAY

9.005 Definitions.

Person. Individual, corporation, association firm, partnership, joint stock company, and similar entities.

Public Rights-of-way. 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.

Within the City. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

9.010 Jurisdiction. The city of Lafayette has jurisdiction and exercises regulatory control over all public rights-of-way within the city under the authority of the city charter and state laws.

9.015 Scope of Regulatory Control. The city has jurisdiction and exercises regulatory control over 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.

9.020 City Permission Requirement. No person may occupy or encroach on a public

right-of-way without the express permission of the city received in writing.

(1) Permission to use rights-of-way shall be obtained solely through the city administrator's office.

(2) The city administrator may impose such standards as are necessary to maintain the condition of city rights-of-way as are necessary in the circumstances.

(3) Franchises granted to the purveyors of electrical energy, telephone, solid waste recovery, natural gas, television or other telecommunications system shall be negotiated and approved by the city council and maintained on file in the city administrator's office.

9.025 Obligations of the City. The exercise of jurisdiction and regulatory control over 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.

9.030 Severability. Invalidity of a subsection or part of a section of the section of the code shall not affect the validity of the remaining sections or subsections or parts of sections.