

D R A F T

SUMMARY

Digest: Allows a county to charge a permit fee to build, move or change a line, fixture or facility that is in the right of way of a county public road. There are exceptions. Sunsets on January 1, 2031. (Flesch Readability Score: 68.5).

Authorizes a county governing body to charge a fee for the administration and issuance of a permit to construct, alter, relocate, maintain or repair a water, gas, electric or communication service line, fixture or facility within the right of way of a public road under the jurisdiction of the county, subject to specified exceptions.

Sunsets January 1, 2031.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to county permitting; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1)(a) A county governing body may require a permit**
5 **for the construction, alteration, relocation, maintenance or repair of**
6 **a water, gas, electric or communication service line, fixture or other**
7 **facility within the right of way of a public road under the jurisdiction**
8 **of the county.**

9 **(b) A county shall issue or deny a permit required under this sec-**
10 **tion within 15 business days after a complete application for the permit**
11 **is filed with the county. The requirement under this paragraph does**
12 **not apply to an application for a permit for relocation of a line, fixture**
13 **or other facility when the relocation is required by the county.**

14 **(2) Notwithstanding ORS 758.010 (1) and except as provided in sub-**
15 **section (3) of this section, a county governing body may charge a fee,**

1 as described in subsection (4) of this section, for the administration
2 and issuance of a permit required under this section for the con-
3 struction or alteration of a line, fixture or other facility. Any fee
4 charged under this section must be carried out on a competitively
5 neutral and nondiscriminatory basis.

6 (3) A county governing body may not charge a fee for a permit
7 under this section if:

8 (a) The permit is for vegetation management or vegetation clear-
9 ance maintenance, and the vegetation management or vegetation
10 clearance maintenance is required by the Public Utility Commission
11 under ORS 757.035;

12 (b) The permit is for routine replacement or maintenance of a line,
13 fixture or other facility, and the replacement or maintenance is re-
14 quired by the Public Utility Commission under ORS 757.035;

15 (c) The permit is for maintenance of a line, fixture or other facility
16 related to a water or wastewater system, including an air relief valve,
17 pressure valve or fire hydrant, and the maintenance is essential for
18 the safe operation of a pumping facility that is within the right of way;

19 (d) The permit is for relocation of a line, fixture or other facility,
20 and the relocation is required by the county; or

21 (e) The permit is for emergency or urgent work, regardless of the
22 duration of time of the work, to restore or maintain services, and the
23 emergency or urgent work is necessary to protect public health or
24 safety. A county may not delay emergency or urgent work under this
25 paragraph to process an application for a permit under this section.

26 (4)(a) Subject to paragraph (b) of this subsection, the maximum fee
27 that may be charged for the administration and issuance of a permit
28 under this section is \$500.

29 (b) The maximum fee that may be charged shall be increased an-
30 nually on July 1 by the lesser of:

31 (A) The percentage increase, if any, in the cost of living for the

1 previous calendar year, based on changes in the Consumer Price Index
2 for All Urban Consumers, West Region (All Items), as published by the
3 Bureau of Labor Statistics of the United States Department of Labor.

4 (B) Five percent.

5 (c) An amount determined under paragraph (b) of this subsection
6 shall be rounded up to the nearest dollar.

7 (5) To exercise a power granted by this section, a county governing
8 body must first authorize the exercise of that power by county ordi-
9 nance.

10 SECTION 2. (1) This 2024 Act becomes operative on January 1, 2025.

11 (2) A county governing body may take any action before the oper-
12 ative date specified in subsection (1) of this section that is necessary
13 to enable the county governing body to exercise, on and after the op-
14 erative date specified in subsection (1) of this section, the powers of
15 the county governing body under section 1 of this 2024 Act.

16 SECTION 3. Section 1 of this 2024 Act is repealed on January 1, 2031.

17 SECTION 4. This 2024 Act being necessary for the immediate pres-
18 ervation of the public peace, health and safety, an emergency is de-
19 clared to exist, and this 2024 Act takes effect on its passage.

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