

RESOLUTION NO. 20-18

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE OREGON CITY DEPARTMENT OF PUBLIC WORKS FROM THE PROHIBITION AGAINST UNLAWFUL NOISES ON A TEMPORARY BASIS

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines “emergencies” to include “utility or transportation emergencies”; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency to “order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency”; and

WHEREAS, the City has set aside funds to construct certain roadway improvements, including Molalla Avenue Streetscape Project (the “Project”); and

WHEREAS, transportation in the vicinity of the Project is vital to the community and interfering with transportation use during the day will cause significant disruption to the economic life of the City; and

WHEREAS, the Project also includes work on electrical lines owned by Portland General Electric that will likely result in the loss of power to some businesses and residents in the vicinity of the Project; and

WHEREAS, the Project includes work done in the vicinity of Clackamas County Fire District #1's Station 16, which may temporarily impede traffic to or from the Station; and

WHEREAS, the method that allows the City to best effectuate the Project requires that work be done at night to minimize impacts on the City's residents, businesses, transportation facilities, electrical system, and emergency services; and

WHEREAS, OCMC 9.12.023(E) declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially-zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday to be a violation.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby declares an emergency, limited to the Project Area as shown in the diagram attached to this Resolution as Exhibit 1. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an intermittent emergency as Molalla Avenue Streetscape Project is under construction for one year beginning June 28, 2020.

Section 2. Based on the emergency identified above, the City Commission grants the Oregon City Department of Public Works an exemption from Section 9.12.020 of the Oregon City Municipal Code for excavation and paving in the Project Area for intermittent night work

for up to 1 year beginning June 28, 2020 during the period identified above in Section 1 of this resolution.

Section 3. This resolution shall take effect immediately upon its adoption by the City Commission.

Section 4. The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

Section 5. The City Commission adopts the following procedures to prevent, minimize, respond to, or recover from the emergency consistent with OCMC 2.52.040:

D. Barricade streets and prohibit vehicular or pedestrian traffic or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances.

Approved and adopted at a regular meeting of the City Commission held on the 17th day of June 2020.

DAN HOLLADAY, Mayor

Attested to this 17th Day of June 2020

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney