

RESOLUTION NO. 18-33

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 effectuate certain road repairs that must be completed prior to the end of the construction season, including a repair in the vicinity of the intersection of S 2nd Street and High Street (the “Project Area”); and

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

WHEREAS, the method that allows the City to best effectuate the necessary repairs requires the City to perform the road repairs in the Project Area for no more than three (3) nights; 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. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from October 21, 2018 to October 30, 2018.

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 up to three (3) nights.

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

Section 4. 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 October 2018.

DAN HOLLADAY, Mayor

Attested to this 17th day of October 2018:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney