

RESOLUTION NO. 18-37

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE SOUTH FORK WATER BOARD AND 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, on July 19, 2018, a low pressure/low volume leak was discovered in the 30-inch water supply line located near the unimproved Hiram Avenue right-of-way on the west side of the Hunter Hills subdivision. This pipeline requires repairs; and

WHEREAS, the leaking 30-inch pipe is owned and maintained by the South Fork Water Board (SFWB) and supplies drinking water to Oregon City, West Linn, and parts of the Clackamas River Water District service area. In addition to repairing this leak, a new 42-inch transmission main is being installed by the SFWB in coordination with the City of Oregon City to provide a bypass in Cleveland Street around the section of 30-inch pipe that is leaking which will allow for isolation of the leak after the 42-inch bypass is constructed and in operation; and

WHEREAS, the sensitive nature of this project requires nighttime work to allow the shutdown of the 30-inch water supply line and final connection of the new 42-inch pipe to the existing 30-inch pipe at the intersection of Cleveland Street and Hiram Avenue to complete the 42-inch bypass main in Cleveland Street. The contractor on this project is Emery and Sons, and the nighttime work is scheduled to be completed November 14, 15, and 16, 2018. Additional time may be required to complete this work if weather or other circumstances does not permit the work to be done; and

WHEREAS, while this connection work is being completed, the community is being asked to restrict water use November 14, 15, and 16, 2018, since pump stations will be shut down and the available water will be used from water storage in existing reservoirs; 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; and

WHEREAS, the method that allows the shortest shutdown of the SFWB 30-inch water supply line and to best effectuate the necessary completion of the 42-inch bypass line requires nighttime construction operations within the project limits for a period of time of no more than three (3) consecutive nights anticipated; and

WHEREAS, if weather or other circumstances do not permit the work to be accomplished during the three (3) nights anticipated, then the work shall be rescheduled for a

period of time including three (3) consecutive nights, when the weather and other project-related circumstances allow for the work to be accomplished.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby declares an emergency, limited to the area of the project limits. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency for a seven (7) consecutive day period anticipated to be from November 12 through November 18, and allowing the exact dates of the seven (7) day period to be changed if the weather or other project circumstances do not allow for the work to be completed during the anticipated dates.

Section 2. Based on the emergency identified above, the City Commission grants the South Fork Water Board, it's agents and representatives, in coordination with the Oregon City Department of Public Works, an exemption from Section 9.12.020 of the Oregon City Municipal Code for the work related to the shutdown of the 30-inch supply line, completion of the 42-inch bypass line and placing into operation.

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 7th day of November 2018.

DAN HOLLADAY, Mayor

Attested to this 7th day of November 2018:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney