

## RESOLUTION NO. 24-02

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### A RESOLUTION DECLARING AN EMERGENCY AND TEMPORARILY EXEMPTING THE CONSTRUCTION ACTIVITIES IN MOLALLA AVENUE RIGHT-OF-WAY AND TRAVEL LANES ASSOCIATED WITH THE 701 MOLALLA AVENUE DEVELOPMENT PROJECT FROM THE PROHIBITION AGAINST UNLAWFUL NOISES

**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 would be acting in the best public interest by facilitating the completion of the fire service line serving the 701 Molalla Avenue Development (“Project”) and within the Molalla Avenue travel lanes; and

**WHEREAS**, transportation in the vicinity of the Project is vital to the community, and completing the needed work at night is vital to the economic and mobility interests of the City; 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 10:00 PM and 7:00 AM, Monday through Saturday; and between 8:00 PM and 9:00 AM on Sunday to be a violation.

#### **NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** The City Commission declares an emergency, limited to the fire service line construction within the Molalla Avenue travel lanes associated with the 701 Molalla Avenue Development (“Project”) as shown in the map attached as Exhibit A to this resolution. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an emergency from January 23, 2024 at 8:00 PM to January 26, 2024 at 7:00 AM.

**Section 2.** Based on the emergency identified above, the City Commission grants the construction activities in Molalla Avenue rights-of-way exemption from Section 9.12.020 of the Oregon City Municipal Code for construction activities associated with constructing the fire service line in the Project area and affecting the Molalla Avenue traffic, 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.

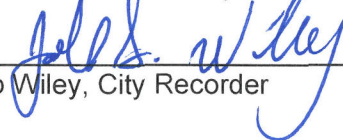
**Section 4.** The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

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

Approved and adopted at a regular meeting of the City Commission held on the 17th day of January 2024.

  
Denyse C. McGriff, Mayor

Attested to this 17th Day of January 2024

  
Jakob Wiley, City Recorder

Approved as to legal sufficiency:

  
City Attorney

Attachment:  
Exhibit A – Site Map