

## RESOLUTION NO. 22-34

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### **A RESOLUTION DECLARING AN EMERGENCY AND TEMPORARILY EXEMPTING THE CONSTRUCTION ACTIVITIES IN LINN AVENUE RIGHT-OF-WAY AND TRAVEL LANES ASSOCIATED WITH THE SANITARY SEWER I/I REHABILITATION – RIVERCREST BASIN PROJECT: PHASE 3 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 sewer work within the Linn Avenue travel lanes required of the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (“Project”); 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 utility installation within Linn Avenue associated with the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (“Project”) as shown in the Exhibit A – Site Map attached to this resolution. Consistent with OCMC 2.52.070 and by this resolution, the Commission declares an emergency from November 3, 2022, at 8:00 PM to December 30, 2022, at 7:00 AM.

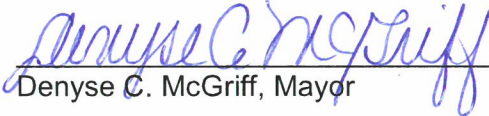
**Section 2.** Based on the emergency identified above, the City Commission grants the construction activities in the Linn Avenue rights-of-way exemption from Section 9.12.020 of the Oregon City Municipal Code for construction activities associated with constructing the sanitary sewer in the Project area and affecting the Linn Avenue traffic, during the period identified above in Section 1 of this resolution.

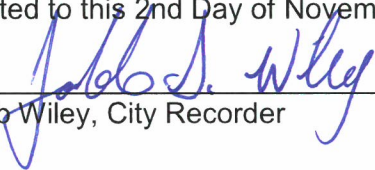
**Section 3.** This resolution shall take effect immediately upon its adoption by the City Commission.


**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 2nd day of November 2022.

  
Denyse C. McGriff, Mayor

Attested to this 2nd Day of November 2022  
  
Jakob Wiley, City Recorder

Approved as to legal sufficiency:  
  
City Attorney

Attachment:  
Exhibit A – Site Map