



## OREGON CITY PUBLIC WORKS POLICIES & PROCEDURES

**City Code and Public Works Standards References:** Oregon City Municipal Code 9.12.020, Oregon City Public Works Typical Preconstruction Agenda Items

**Subject:** *Noise Variances* - Standard Operating Policy (SOP)

<b>Effective Date:</b> 04/30/2020	<b>Prepared By:</b> Josh Wheeler, P.E.	<b>Approved:</b> DW
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### Purpose

Establishes a policy that provides guidance on noise policy, noise restrictions, and process to seek an exception to Oregon City Municipal Code and established Public Works Right-of-Way construction hour policy.

This policy only refers to policy, restrictions, and processes with respect to Right-of-Way Construction.

### City Code

Oregon City Municipal Code 9.12.020 provides guidelines on “Disturbing the Peace” and details prohibited noises and hours that noises are allowed.

#### Noises that are restricted as it relates to construction areas:

Operation of mechanically powered domestic tools, lawn equipment, garden tools, chainsaws, blowers or similar devices, in a *residentially zoned neighborhood* between the hours of ten p.m. and seven a.m.

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.

These working hours generally relate to Building Construction although are applicable to the public right-of-way.

## **Public Works Standards**

Construction Hours for the public right-of-way are defined to reduce the impact to the traveling public as well as create a time period during normal business hours where City representatives are available for questions.

The Oregon City Public Works Typical Preconstruction Agenda Items as well as the Public Works website provides the allowable working hours within the public right-of-way.

### **Stated Construction Hours:**

Monday through Friday: 7:00 AM – 6:00 PM

Saturday: 9:00AM – 6:00 PM

Sundays and Holidays: No Work Allowed.

Public Works construction standards apply only to the public right-of-way.

Work may be restricted further in public rights-of-way if the City believes the construction will cause unreasonable delays to the flow of traffic. The City has the right to restrict the hours for a specific project, as well as after a project has begun, if the City feels it is in the best interest of the public.

Holidays are defined as those days where City Hall is closed due to observance of a national or state holiday.

## **Policy**

### ***Public Right-of-Way***

Construction Hours for the Public Right-of-Way are stated in the Pre-Construction Meeting Agenda as well as the City Website at <https://www.orcity.org/894/Construction-Work-Hours>

Exceptions to loud noises are discussed in OCMC 9.12.024. Exemptions relating to construction are:

- a. Sounds caused by the performance of emergency work or training thereof, or by the ordinary and accepted use of emergency apparatus and equipment.
- b. Blasting, under permit.
- c. Sounds caused by power tools during the hours of seven a.m. and ten p.m.

To receive an exception to these hours, the request must be made to the Public Works Department, Construction Services Division.

The request must state the following:

1. Desired Construction Hours
2. Location of Work
3. Regional Map showing zoning of all properties within 300 feet
4. Type of Work being performed
5. Reason Work should be permitted outside of the stated working hours

The request will be reviewed by the Public Works Department.

**Scenario 1:**

If the request is for work that is located beyond 300 feet of a residentially zoned property, the Public Works Department shall use the following criteria:

- A. Is the work an emergency?
  - a. If so, the work will be allowed
- B. Will the work substantially disrupt daytime traffic?
  - a. If not, the work will be allowed.
- C. Will the work substantially increase the risk of the contractor or City employees by working regular business hours?
  - a. If not, the work will be allowed.

The answer to these questions will be solely by the engineering judgment of the Public Works Department. The Public Works Department shall use the above criteria to provide a recommendation to the City Manager. If the City Manager supports the request, a letter authorizing night work will be issued. Any requests of this type must provide a minimum one-week notice for review and processing.

**Scenario 2:**

If the request is for work that is located within 300 feet of a residentially zoned property, the Public Works Department shall use the above criteria to provide a recommendation to the City Manager. If the City Manager supports the request, the Public Works Department shall seek approval from the City Commission. Only the City Commission may provide approval for alternate construction hours when near residential property. The project will need to be classified as an emergency to receive an exemption as stated in OCMC 9.12.024.

Section 21 of Chapter V of the City Charter designates the City Manager to be responsible to see that all ordinances are enforced. The City Code is adopted by ordinance.

However, OCMC 2.52.030 designates the City Commission as the authority to declare emergencies unless it is reasonably practical for the Commission to not do so. Processing of overnight work outside of normal working hours shall not be deemed an immediate emergency and, therefore, shall follow the process of seeking City Commission approval.

Any requests of this type must provide a minimum four-week notice for review and processing.

\*Extreme emergencies will be handled on a case by case basis.

## ***Private Property***

Generally, work is allowed between the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday, and 8:00 a.m. to 9:00 p.m. on Sundays.

Any work outside of these time frames requires approval of the City Manager. Requests should be made to the Building Department who issued the permit.