



## **Staff Report**

For Special City Council Meeting - 10/12/2021

### ***Subject - Ordinances/Resolutions - Ordinance #930 An Ordinance Regulating Contractor Work Hours in the City of Gearhart***

**Synopsis:** The City has received correspondence over the last few months regarding noise associated with contractor and landscaper work. Council discussed the topic in a worksession with Chief Bowman. Public testimony on the topic was taken at the August City Council meeting where two draft ordinances regarding Contractor Work hours were presented: one excluding work on Sundays, one excluding work on Saturdays and Sundays. Attached is the draft chosen by Council motion at that meeting, which excludes work on Sundays. Further testimony was also received earlier in tonight's meeting during the public hearing.

#### ***Council Options:***

- 1) Motion to approve the attached ordinance reading once by title only;
- 2) Make changes and motion to approve as amended;
- 3) Do nothing. (table for further discussion)

**Recommended Motion:** Staff has no recommendation; this is the Council's decision. If a motion passes, Ordinance #930 will be read by title only again next month, taking effect 30 days later in December.

**Legal Analysis:** N/A

**Financial Analysis:** N/A

Respectfully Submitted,

A handwritten signature in black ink, appearing to be the name "Chad", written in a cursive style.

Chad



AN ORDINANCE REGULATING CONTRACTOR WORK HOURS IN THE CITY OF GEARHART.

The City of Gearhart does ordain as follows:

**Definitions:**

The following terms and definitions shall apply in this chapter unless the context requires otherwise;

- "Contractor" means any of the following;
  - A person that, for compensation or with the intent to sell, arrange or undertakes or offers to undertake or submits a bid to construct, alter, repair, add to, subtract from, improve, inspect, move wreck or demolish for another, a building, highway, road, railroad, excavation or other structure, project, development or improvement attached to real estate or to do any part thereof.
  
- "Commercial Contractor" means a licensed contractor that holds an endorsement as a:
  - (a) Commercial general contractor level 1;
  - (b) Commercial specialty contractor level 1;
  - (c) Commercial general contractor level 2;
  - (d) Commercial specialty contractor level 2; or
  - (e) Commercial developer.
  
- "Commercial developer" means a developer of property that is zoned for or intended for use compatible with a small commercial or large commercial structure.
  
- "General contractor" means a contractor whose business requires the use of more than two unrelated building trades or crafts that the contractor supervises or performs in whole or part, whenever the sum of all contracts on any single property, including materials and labor.
  
- "Landscape construction professional" means an individual who for compensation or with the intent to be compensated performs or supervises activities requiring the art, ability, experience, knowledge, science and skill to;
  - (a) Plan or install lawns, shrubs, vines, trees or nursery stock;
  - (b) Prepare property on which lawns, shrubs, vines, trees or nursery stock is to be installed;
  - (c) Maintenance on lawns, shrubs, vines, trees or nursery stock.
  - (d) Construct, repair or maintenance on ornamental water features, drainage systems or irrigations systems;
  - (e) Plan or install fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining wall

- "Lawn care contractor" means an individual who for compensation or with the intent to be compensated performs or supervises activities requiring the use of mowers, edging tools, blowers, hand shovels, rakes, brooms and other lawn maintenance equipment.
- "Employee" means an individual who for compensation or with intent to be compensated performs labor activities for a contractor.

**General Prohibition.**

- 1) No work shall be performed within the city limits of Gearhart by any Contractor, Commercial contractor, Commercial developer, General contractor or employees between the hours of 6pm and 8am the next day, Monday-Saturday. No work shall be performed on Sundays.
- 2) No work shall be performed within the city limits of Gearhart by any Landscape construction professional, Lawn care contractor or employees between the hours of 7pm and 7am the next day, Monday-Saturday. No work shall be performed on Sundays.

**Exemptions:**

- 1) Repairs or excavations of bridges, streets, or highways by or on behalf of the City, State or the federal government is exempt from General Prohibition (1) & (2).
- 2) Gearhart Golf Course maintenance may only use lawn mowers in good repair outside the working hours in General Prohibition (1) & (2).
- 3) In cases of emergencies contractors or employees are exempt from General Prohibition (1) & (2).
- 4) In cases of non-emergencies, the City Administrator may issue a permit, upon application, if the City Administrator determines that the public health and safety will not be impaired. The City Administrator may issue a permit for (5) five working days. The permit may be revoked if complaints arise by working outside of the permit parameters.

**Enforcement:**

- 1) The following individuals shall enforce this subchapter; The police will have primary responsibility for the enforcement of the Contractor Work Hours regulations contained in this subchapter. Nothing in this subchapter shall prevent the City Administrator or Police Chief from obtaining voluntary compliance by way of warning, notice or education.

**Penalty:**

- 1) General. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to 10.99.
- 2) Contractor Work Hours
  - a) Any person who violates a provision of this chapter shall be fined up to \$500.
  - b) Each occurrence of a violation, or in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offence and may be punished separately.

Passed by the City Council of Gearhart this \_\_\_\_ day of October, 2021.

Yeas: \_\_\_\_

Nays: \_\_\_\_

Absent: \_\_\_\_

Abstain: \_\_\_\_

Approved and signed by the Mayor of Gearhart this \_\_\_\_ day of October, 2021.

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Mayor Paulina Cockrum

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ATTEST: City Administrator, Chad Sweet