



AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON REGULAR MEETING

March 12, 2024 – 6:00 P.M.

Warrenton City Commission Chambers
225 South Main Avenue, Warrenton, OR 97146

Public Meetings will also be audio and video live streamed. Go to <https://www.warrentonoregon.us/administration/page/public-meeting-zoom-access> for connection instructions.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSENT CALENDAR

- A. City Commission Meeting Minutes – 2.27.24
- B. Community Center Advisory Committee Annual Meeting Minutes – 1.18.24
- C. Community Center Advisory Committee Regular Meeting Minutes – 1.18.24

Items on the Consent Calendar have previously been discussed and/or are considered routine. Approval of the Consent Calendar requires a motion, a second, and no discussion, unless requested by a member of the City Commission.

4. COMMISSIONER REPORTS

5. PUBLIC COMMENT

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card and submit it to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to the City Recorder, at cityrecorder@warrentonoregon.us, no later than 4:00 p.m. the day of the meeting. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. PUBLIC HEARINGS – None

7. BUSINESS ITEMS

- A. Presentation – Astoria-Warrenton Chamber of Commerce
 - B. Consideration of Ordinance No. 1266; Amending WMC to Establish Criteria for Shipping Containers – First Reading
 - C. Consideration of Ordinance No. 1271; WMC Update for Emergency Work Noise Variances - Second Reading and Adoption
8. **DISCUSSION ITEMS** - None
9. **GOOD OF THE ORDER**
10. **EXECUTIVE SESSION**
11. **ADJOURNMENT**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

MINUTES
 Warrenton City Commission
 February 27, 2024
 6:00 p.m.
 Warrenton City Hall - Commission Chambers
 225 S. Main
 Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:00 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Henry Balensifer, Gerald Poe, Paul Mitchell, Tom Dyer, and Mark Baldwin

Staff Present: City Manager Esther Moberg, Interim Harbormaster Don Beck, Library Director Josh Saranpaa, Deputy City Recorder Hanna Bentley, and City Recorder Dawne Shaw

Mayor Balensifer asked for unanimous consent for changes to make amendments to the agenda; adding a reading of an In Memoriam before public comment, and moving item 7G to the beginning of the agenda. There were no objections.

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 2.13.2024
- B. Police Department Monthly Report – January 2024
- C. Parks Advisory Board Meeting Minutes – 12.11.2023

Commissioner Baldwin made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye; Baldwin - aye

COMMISSIONER REPORTS

Commissioner Mitchell noted an upcoming meeting with Northwest Housing tomorrow.

Mayor Balensifer read the In Memoriam for community member Dennis Faletti. Commissioner Poe noted he enjoyed being on the Urban Renewal Advisory Committee with Mr. Faletti.

PUBLIC COMMENT

Nathan Lail spoke in opposition to the ENA/RV Resort proposal and noted he also submitted written comments for the record.

Tony Falleti thanked the commission for the recognition in memoriam for his father. He also spoke in regard to the ENA, and noted his concern that Measure 141 is followed; he also recognized Officer Wirt for his professionalism in their time of need.

Jim Fowler also spoke regarding the proposed ENA. He noted concerns he has heard from people. He stated that the size and scope are the main concern.

PUBLIC HEARINGS - None

BUSINESS ITEMS

Marina Advisory Committee Chair, Lylla Gaebel discussed the Committee's recommendation regarding the RV Resort proposal. She noted they would still like to move forward with the recommendation, with the caveat that there is a joint work session with the City Commission. She noted the concerns the committee had received. She stated that most concerns were for the Hammond Marina. Mayor Balensifer clarified that the Committee recommendation is to uphold their prior recommendation to continue negotiations; Ms. Gaebel confirmed.

Craig Johnston, Sunset Empire Transportation District Executive Director gave a presentation on the status of the transportation district which reviewed the past economic issues that resulted in a shutdown and their plans moving forward. Discussion followed. Mayor Balensifer asked if the bus shelter on the east side of Hwy 101 is still in the capital improvement plan for Sunset Empire; Mr. Johnston stated it is in the process.

City Manager Esther Moberg and Interim Harbormaster Don Beck discussed the condition of the Marinas. Mr. Beck gave details on the inspection/assessment report of the Warrenton marina. Ms. Moberg gave a presentation on the Hammond and Warrenton Marinas' action plan. She noted that replacing the entire Hammond Marina at once would cost \$20-25 million and noted staff does not recommend replacing the whole marina at once. Ms. Moberg noted the next steps in fixing the Hammond Marina. Ms. Moberg noted the cost to replace the entire Warrenton Marina would be \$30-50 million and that staff does not recommend replacing the entire marina at once. She discussed the next steps in fixing the Warrenton Marina. Mayor Balensifer asked if Warrenton just got a new hoist; Ms. Moberg stated the cost would be replacing everything in one fell swoop. She noted they are recommending a focus on E dock and H dock as time and money permits. She noted the capital improvement projects (CIP), and they are recommending a redesign and starting with repairs on E dock. She stated the Hammond Marina is easy to tackle however the Warrenton Marina has challenges, but it is the money-maker marina. Ms. Moberg stated this is the start to the plan. Brief discussion followed.

Mayor Balensifer noted a letter to Burlington Northern Railroad in regard to erosion issues. Ms. Moberg gave the details on the erosion and the need to reach out to Burlington Northern Railroad. Mayor Balensifer requested revisions to the letter. He noted that there is also erosion next to the viewing pavilion; Ms. Moberg noted she will make changes to the letter.

Commissioner Baldwin made the motion to approve the Mayor's signature on the amended letter to Burlington Northern Railroad. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye; Baldwin - aye

MINUTES

Ms. Moberg discussed Ordinance No. 1271; an update to Warrenton Municipal Code to emergency work noise variances. Mayor Balensifer noted that 48 hours isn't enough time and 72 hours would be better.

Commissioner Baldwin made the motion to amend Section D, to say the City Manager may grant permission to make emergency repairs after hours for a period of, replacing 48 hours to 72 hours, of Ordinance No. 1271.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye; Baldwin - aye

Commissioner Poe made the motion to conduct the first reading of Ordinance No. 1271 as amended, by title only; Amending Warrenton Municipal Code Title 9, Public Peace and Welfare, Chapter 9.04.040; Unnecessary Noise. Motion was seconded and passed unanimously.

Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye; Baldwin - aye

Mayor Balensifer conducted the first reading by title only as amended.

Mayor Balensifer noted Resolution No. 2666, updating the order of business for regular City Commission meetings was tabled at the last meeting and requested to table it indefinitely; there were no objections.

At 7:07 pm, Mayor Balensifer announced the Commission will now meet in executive session, under the authority of ORS 192.660(2)(e); *to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

At 7:44 p.m. Mayor Balensifer reconvened the meeting.

Mayor Balensifer discussed the draft exclusive negotiating agreement (ENA) with MDG that was drafted by city legal counsel. Mayor Balensifer noted the desired amendments to the ENA: the City Manager will negotiate higher levels on number 2 and number 3, the deposit and profit-sharing/lease payments, the City will not be responsible for property taxes, numbers 7 and 8, East of Lake Drive will remain public, the ENA will be 30 days if it expires it will be done and if it is agreed to then there will be a proposal for final approval in a public meeting, and that there will be terms that make it clear that it doesn't abrogate rights of the public to make comments or suggestion related to the property. Ms. Moberg asked for clarification if nothing East of Lake Drive includes the Warrenton Marina; Mayor Balensifer stated that Warrenton Marina is on the table. Commissioner Mitchell noted his concerns with the ENA limiting people coming forward with ideas for the property. Mayor Balensifer summarized the next steps if a motion to approve the ENA moves forward. Ms. Moberg clarified that the commission is asking her to put together the ENA and if it is signed, to bring it back to the commission for approval or to bring back the proposal after the agreement; Mayor Balensifer responded stating if the agreement gets them to a proposal the is mutually agreeable, it will then go to a public process. Ms. Moberg asked for clarification on the timeline; Mayor Balensifer stated 30 days.

Commissioner Baldwin made the motion to approve the City entering into an ENA, as amended with MDG. Motion was seconded and passed.

Poe – aye; Mitchell – nay; Balensifer – aye; Dyer – aye; Baldwin - aye

DISCUSSION ITEMS – None

GOOD OF THE ORDER

There being no further business, Mayor Balensifer adjourned the meeting at 7:58 p.m.

Respectfully prepared and submitted by Hanna Bentley, Deputy City Recorder.

APPROVED:

ATTEST:

Henry A. Balensifer III, Mayor

Dawne Shaw, CMC, City Recorder

WARRENTON COMMUNITY CENTER

Annual Advisory Board Meeting

January 18, 2024

5:00 – 5:15 PM

Call to Order – 5:00 PM

Roll Call: Chairman, Debbie Little, Vice Chair, Penny Morris, Secretary, Carol Snell, Cindy O'Reilly and Jessica, Financial Director for the City of Warrenton. Absent and unexcused: Dennis O'Reilly.

Visitor: Barrett O'Reilly.

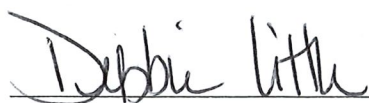
Minutes from the annual meeting in January 2023 were approved in February 2023.

Election of Officers: Open Nominations: Chairman
Vice Chair
Secretary

Carol offered a motion to elect the current slate of officers: Debbie Little, Chairman; Vice Chair, Perry Morris and Secretary, Carol Snell. The motion was seconded by Penny, the motion passed

Next Annual Meeting: January 2025.

The meeting was adjourned at 5:03PM.



Debbie Little, Chairman



Carol Snell, Secretary

WARRENTON COMMUNITY CENTER
Advisory Board Meeting
January 18, 2024
5:00 PM

Meeting Date: January 18, 2024

Call to Order: Chairman, Debbie Little, called the regular meeting to order at approximately 5:04 PM. We met in the Commissioners Chambers at City Hall.

Roll Call: Chairman, Debbie Little; Vice Chair, Penny Morris, Secretary, Carol Snell, Cindy O'Reilly and Jessica, Financial Director for the City of Warrenton. Cindy announced her husband Dennis O'Reilly resigned from the committee. Absent and excused: None

Introduction of Guests: Barrett O'Reilly

Public Comment: None

Penny moved to approve the minutes of the regular meeting dated November 16, 2023. The motion was seconded by Carol, minutes were approved as written.

Financial Report: Jessica did not have a report regarding the Breakfast with Santa. She will have the information at the February meeting. The donation letters will be ready on February 1, 2024.

Old Business: Burt Little was our Santa this year. Thank you Burt.

New Business: Breakfast with the Easter Bunny will be on Sunday March 10, 2024. The City will hire someone to deep clean the

kitchen at the Community Center. There were several complains as to the condition of the kitchen. Debbie is concerned that the Community Center will get a bad reputation and hurt rentals.

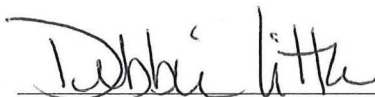
The members of the advisory board were reminded of the upcoming Government Ethics Law class schedule for February 3, 2024 from 1 – 3:30 at the Warrenton Community Center. Members are required to attend.

A discussion was held regarding changing the date of our meeting. Penny moved to change the date to Wednesday, the third week of the month at 4:00PM. Cindy seconded the motion. The motion passed. Jessica will check on the Commissioner's room availability. Our next meeting was scheduled for February 21, 2024.

Correspondence: None

Next Regular Meeting: April 17, 2024 at 4 PM

It was moved and seconded to close the meeting at 5:49 PM



Debbie Little, Chairman



Carol Snell, Secretary

Warrenton City Commission Report

March 12, 2024

**ASTORIA-WARRENTON AREA
CHAMBER OF COMMERCE**



Three Entities

1. Chamber of Commerce

- 501(c)6 Membership Organization
- 100% Funded by membership dues, events income, sponsorships



2. Visitor Center

- Operated 7 days a week year-round by Chamber staff w/ volunteer support
- Funded by TRT contributions by Cities of Warrenton and Astoria



3. Lower Columbia Tourism Committee

- Independent committee comprised of lodging, attraction, visitor-related business, City representatives, and community members.
- Chamber acts as fiduciary body and provides staff time, including bookkeeping, operational support. LCTC pays Chamber no more than \$10k/year for overhead
- Funded by TRT contributions by Cities of Warrenton and Astoria



Chamber of Commerce

- 587 members
- Staff of Seven
- Volunteer board of directors
 - 16 voting members, 13 industries
 - 8 advisory members
 - City Managers
 - Clatsop County Assist. Manager
 - Clatsop Community College President
 - CEDR Director
 - ADHDA Director
 - School Superintendents



Vision Statement:

This should be a place where everyone can find meaningful opportunity in our economy without our community losing its special identity

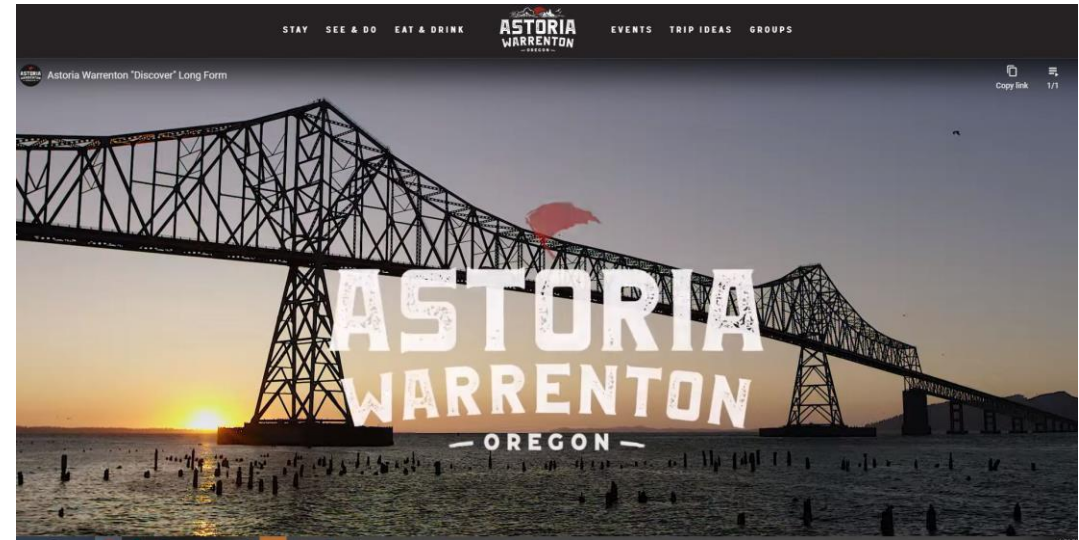
Visitor Center

- Greeted 8,228 people in the center in 2023
- Mailed 1038 visitor guides
- Mailed 54 relocation guides
- Fielded approx. 13,000 phone calls from potential visitors
- Created and distributed local maps, guides, and tours
 - Have capacity to create more local guides based on needs
- Maintained community events calendar with 1033 listings in 2023



Lower Columbia Tourism Committee

- TravelAstoriaWarrenton.com
 - 81,069 Unique Users
 - 2.55 pages per session
 - 1:11 average session duration
- 590 travel articles written about our area
 - 3.8 billion combined circulation
- 917 visitor guides downloaded
- Social Media
 - 19% growth on Instagram
 - 10% growth on facebook



Lower Columbia Tourism Committee (Cont'd)

- Newsletters to visitors
 - 24 emails sent in 2023 to 35,429 active subscribers
 - 40% open rate (industry average 25.4%)
 - 8% click rate average (industry average 0.8%)
- Strategic Planning Process Contracted
 - Whereabout Travel begins public process April, 2024
- Accessibility project completed with grant funding through TravelOregon
 - “Wheel the World” evaluated 40 sites in Warrenton and Astoria. Also worked with 9 other Oregon Coast communities to create a larger destination offering for travelers with disabilities.





AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Scott Fregonese, Interim City Planner
DATE: March 12, 2024
SUBJ: Shipping Container Ordinance NO. 1266

SUMMARY

The City of Warrenton Planning Commission was advised upon by the City of Warrenton Planning Staff regarding municipal code update (previously **Development Code Revision DCR-23-1**) to adopt Ordinance No. 1266 amending Warrenton Municipal Code 16.12.010 and adding 16.180.050 to establish review criteria for shipping containers. A hearing was held on January 11th, 2024, to discuss this proposed ordinance and allow for public testimony.

The proposed code revision would establish a definition, design criteria, and a permit requirement for the use of shipping containers. Placement for shipping containers would be allowed in all zones except residential where they can be placed temporarily. Temporary placement is also allowed in conjunction with an active building permit. The code does not prohibit the use of shipping containers as permanent structures provided the design meets applicable Building Code and other City regulations.

After several discussions and a public hearing, the Warrenton Planning Commission unanimously recommended approval of Ordinance No. 1266 with the recommendation to add language that the permit be non-transferable upon sale of the property, subject to review by the City Attorney.

RECOMMENDATION/SUGGESTED MOTION

"I move to conduct the first reading, by title only, of Ordinance No 1266, AN ORDINANCE AMENDING WARRENTON MUNICIPAL CODE 16.12.010 AND ADDING 16.180.050 TO ESTABLISH REVIEW CRITERIA FOR SHIPPING CONTAINERS.

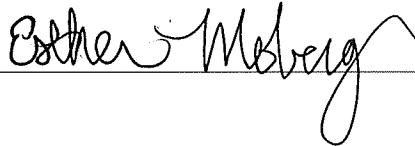
ALTERNATIVE

1) None recommended

FISCAL IMPACT

There are no financial impacts of the proposed code ordinance.

Approved by City Manager:

A handwritten signature in black ink, appearing to read "Esther Moberg", is written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

ORDINANCE NO. 1266
Introduced By All Commissioners

**AN ORDINANCE ADDING A NEW CHAPTER 8.32 TO THE WARRENTON
MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR SHIPPING CONTAINERS**

WHEREAS, the public interest and welfare necessitate that the use of shipping containers on properties within the City of Warrenton be subject to reasonable regulations; and

WHEREAS, the current City code does not provide such regulations, and as such the use of shipping containers in the City has to this point been entirely unregulated;

NOW THEREFORE, the City of Warrenton ordains as follows:

Section 1. A new Chapter 8.32 is hereby added to the Warrenton Municipal Code as follows:

8.32.010 Purpose

The purpose of this chapter is to establish a permitting, regulatory, and enforcement program relating to the use of shipping containers on properties within the City of Warrenton in order to protect the public health, safety, and welfare against unkempt, unsightly, unsafe, and otherwise undesirable uses of shipping containers. The program is intended to protect the community from adverse effects on the value, utility, and habitability of property within the City, and in particular on adjoining and nearby properties. Through this chapter, the City intends to provide regulations that will enhance the character, livability, appearance, and the social, economic, and environmental conditions of the community.

8.32.020 Administration

The program set forth in this chapter shall be administered by the Community Development Director or designee. The Community Developer Director is authorized to adopt such forms and administrative rules as may be necessary or appropriate to implement the program set forth herein.

8.32.030 Definitions

For purpose of this chapter, "shipping container" means a unit originally designed or currently or previously used for the transport, shipping, or hauling of materials or goods by land, sea, or air, capable of being moved or mounted by rail, truck, or boat, or designed to resemble such a unit. This definition includes sea or oceangoing containers marked with the American Bureau of Shipping's emblem or meeting the International Standard Organization's standards, which can be detached from a trailer, chassis, or frame. Shipping containers are also commonly referred to as portable or moving storage unit containers, pods, cargo containers, oceangoing containers, transport containers, and portable moving storage pods.

8.32.040 Permit Required

- A. No person shall place, cause to be placed, allow to be placed, or allow to remain in place, a shipping container on any property within the City of Warrenton without first obtaining a permit therefore and without complying with the regulations set forth in this chapter.

- B. A person seeking to obtain a permit for placement of a shipping container shall submit an application to the Community Development Department, on a form specified by the Community Development Director, and pay an application fee in an amount established by the City Commission by resolution. The application must include at least the following information, in addition to any other information determined by the Community Development Director to be necessary for ensuring compliance with the requirements of City code:
- i. Site plan
 - ii. Elevations with dimensions of the shipping container
 - iii. Proposed use of the shipping container
 - iv. Demonstration of compliance with the requirements of this chapter

8.32.050 Allowable Locations

Shipping containers are prohibited in the R-40, R-10, R-M, and RH zones, and in the CMU zone where the primary use of the property is residential, except as provided in Section 8.32.070. Shipping containers are permitted in the CMU zone where the primary use of the property is commercial and in all other zones subject to the requirements of this chapter.

8.32.060 General Shipping Container Requirements

All shipping containers shall comply with the following requirements:

- A. Shipping containers shall be used only for storage of materials or goods, or temporarily placed as an empty structure, and in any case shall only be appurtenant to the primary use of an enclosed adjoining building located on the same lot.
- B. Shipping containers shall be placed on concrete, asphalt, or a level, compacted, hard surface at all times.
- C. Shipping containers shall be no less than 8 ft high, 8 ft wide, and 10 ft long and no more than 10 ft high, 8 ft wide, and 45 ft long, with no alterations to their original manufactured physical dimensions (width, length, and height).
- D. Shipping containers shall be painted a similar color to the building(s) that they are associated with under subsection (A).
- E. Shipping containers shall be protected from rust and corrosion and kept free from holes, breaks, and any other conditions which might admit rain or dampness to the interior portions of the walls.
- F. Shipping containers shall not be visible from the public right-of-way nor from adjacent properties used for residential purposes, unless the visual impacts of such shipping containers are mitigated by screened fencing or vegetation that meet the standards of WMC 16.124.
- G. Placement of shipping containers shall abide by all setback requirements applicable to the zone in which they are located.
- H. Shipping containers may not be placed within the public right-of-way, and may not be placed in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, and may not be placed in such a manner as to obstruct the view of pedestrians or users of vehicles within the public right of way, or otherwise interfere with the wires, poles or fixtures lawfully maintained thereon.
- I. Shipping containers shall be constructed of metal.

- J. Shipping containers shall not be placed on vacant property, defined for purposes of this subsection as property without any occupied structures.
- K. Shipping containers shall not be stacked.
- L. Only one shipping container shall be permitted on each lot, except that up to two shipping containers may be permitted on a lot that is one acre or greater in size.

8.32.070 Temporary Residential Shipping Container Requirements

In the R-40, R-10, R-M, and RH zones, and in the CMU zone where the primary use of the property is residential, shipping containers shall comply with either the requirements of subsection (A) below or the requirements of subsection (B) below, in both cases in addition to the requirements in Section 8.32.060, except that such shipping containers need not comply with Section 8.32.060(D).

A. Temporary Shipping Containers for Moving or Property Improvement

- i. A permit may be issued only on a temporary basis and only once in a calendar year and shall be effective for a maximum of six consecutive months.
- ii. The shipping container shall be used only for the purposes of temporarily storing or shipping personal property in association with moving or property improvement.
- iii. Shipping containers must be placed on the designated driveway of the lot.
- iv. The shipping container shall be placed at least three feet away from any residential structure and shall allow for at least five feet of clear access between the shipping container and the property line.

B. Temporary Shipping Containers for Construction

- i. A permit may be issued only on a temporary basis and only in conjunction with an active building permit. The permit shall expire upon expiration or final approval of the building permit or 14 days after issuance of certificate of occupancy, whichever occurs first.
- ii. The shipping container must be placed on the same lot for which the building permit was issued.
- iii. The shipping container must be placed a minimum of five feet away from all adjacent property lines and public rights-of-way.

8.32.080 Shipping Containers as Permanent Structures

Nothing in this chapter shall prevent a shipping container from being utilized as a permanent structure, provided that such structure complies with all applicable building codes, City regulations, and City design and development standards.

8.32.070 Transferability

Shipping container permits are issued to a specific person for a specific property and are non-transferable and non-assignable to a different person (such as upon sale of the property) or a different property.

8.32.100 Enforcement

- A. Any person violating any of the provisions of this chapter shall, upon conviction thereof

in the municipal court of the City of Warrenton, be punished by a fine of not less than \$100 and not more than \$1,000.00.

- B. Each day on which such a violation continues shall constitute a separate violation.
- C. In addition to the other remedies in this section, the City may seek an injunction prohibiting a person from further violation of this chapter.
- D. In any action or suit authorized by this section, the City, if it prevails, shall recover reasonable attorney fees, in addition to the City's costs and disbursements.

Section 2. This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

First Reading:

Second Reading:

ADOPTED by the City Commission of the City of Warrenton, Oregon this ____ day of ____, 2024.



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Dawne Shaw, City Recorder
DATE: March 12, 2024
SUBJ: Warrenton Municipal Code Update – Noise Variances for Emergency Work; Ordinance No. 1271 – Second reading & adoption

SUMMARY

At its last meeting, the City Commission conducted the first reading, by title only, of Ordinance No. 1271; and ordinance updating the Warrenton Municipal Code to allow noise variances for emergency work. There have been multiple instances where emergency repair work needed to take place outside of the permitted hours due to in-water work and low-tide timeframes, and the Commission requested an update to allow for these variances without coming to them for permission. The ordinance is presented to you this evening for its second reading and adoption.

RECOMMENDATION/SUGGESTED MOTION

"I move to conduct the second reading, by title only, of Ordinance No. 1271; Amending Warrenton Municipal Code Title 9, Public Peace and Welfare, Chapter 9.04.040; Unnecessary Noise."

"I move to adopt Ordinance No. 1271."

ALTERNATIVE

N/A

FISCAL IMPACT

N/A

Approved by City Manager:

Ordinance No. 1271
Introduced by All Commissioners

An Ordinance Amending Warrenton Municipal Code Title 9, Public Peace and Welfare, Chapter 9.04.040; Unnecessary Noise; and Amending Section 4 of Ordinance No. 851-A

WHEREAS, the Warrenton Municipal Code currently allows a noise variance, outside of the permitted hours, to be granted by special permit;

WHEREAS, the City of Warrenton occasionally has emergency circumstances that require construction work to take place outside of the permitted hours, due to tidal requirements and other variables; and

WHEREAS, per the current language in Chapter 9.04.040 of the WMC, the City must request permission from the City Commission for a variance for emergency work, resulting in potential delays; and

WHEREAS, the City Commission finds it appropriate to amend the Warrenton Municipal Code to update permissions for noise variances for emergency work to meet the City's needs; and

NOW, THEREFORE, the City of Warrenton ordains as follows:

Section 1. Amending Ordinance No. 851-A, Sections 4 – (4) and (5); Amending Warrenton Municipal Code Section 9.04.040, to read as follows:

[new language; deleted language]

9.04.040 Unnecessary noise.

No person shall create or assist in creating or permit the continuance of unreasonable noise in the City. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises.

A. Keeping an animal that, by loud and frequent continued noise, disturbs the comfort and repose of a person in the vicinity.

B. Using an engine, thing or device that is so loaded, out of repair or operated in such a manner as to create a loud or unnecessary grating, grinding, rattling or other noise.

C. Using a mechanical device operated by compressed air, steam or otherwise, unless the noise created by it is effectively muffled.

D. ~~Construction, excavation, demolition, alteration or repair of a building between the hours of 6:00 p.m. and 7:00 a.m., except by special permit granted by the City.~~ Construction, excavation, demolition, alteration or repair of a building or infrastructure, including streets, embankments, sewer and

water lines, between the hours of 6:00 p.m. and 7:00 a.m. that is loud enough to disturb persons in its vicinity or in a manner that makes it a public nuisance. However, in the case of an emergency repair, the City Manager may grant permission to make emergency repairs after hours for a period of 72 hours, in order to assist public safety, maintain public services, or reduce loss to property or life safety. Any scheduled repairs that require work to be done between the hours of 6:00 p.m. and 7:00 a.m. shall be brought to the City Commission for approval.

E. Using or operating ~~an automatic or electric piano, phonograph, loudspeaker or~~ a sound-amplifying device so loudly that it disturbs persons in its vicinity, or in a manner that makes it a public nuisance. However, on application to the City Commission, permits may be granted to broadcast music, news, speeches or general entertainment.

Section 2. This Ordinance shall become effective 30 days after its adoption by the Commission of the City of Warrenton.

First Reading:

Second Reading:

ADOPTED by the City Commission of the City of Warrenton, Oregon this ____ day of _____, 2024.

Approved:

Attest:

Henry A. Balensifer III, Mayor

Dawne Shaw, CMC, City Recorder