



Staff Report

For City Council Meeting - 1/7/2026

Subject - Ordinances/Resolutions - Ordinance #951 An Ordinance Amending Named Sections of Ordinance #930 Known as the Contractor Work Hour Ordinance

Synopsis: Councilor Gould provided Council with amendment suggestions to the current contractor work hour ordinance following the July City Council meeting, with additional discussion held during a July work session. Councilor Cockrum subsequently requested a redline version of the existing ordinance (#930) reflecting those suggestions. That redline version of #930 and draft Ordinance #951 are included for Council consideration.

Also following Council direction, staff obtained legal review of the proposed amendments. After legal counsel reviewed draft #951 in September, counsel advised during the meeting the item be tabled. Interim Attorney Jacobs felt the ordinance was overly broad as drafted, and unintentionally regulates activities not meant to be restricted. His team is available to provide a comprehensive revision for Council to consider at a later date, repealing previous ordinances. Until then, Council can review, discuss, and vote tonight on these amendments previously proposed back in September.

Council may proceed with adoption of Ordinance #951 as presented and provide direction regarding any future comprehensive updates.

Council Options:

- 1) Motion to approve the attached draft Ordinance #951 reading once by title only;
- 2) Make changes and motion to approve as amended;
- 3) Take other action as desired by Council.

Recommended Motion: This is a Councilor-based suggestion and Council decision.

Legal Analysis: Interim Attorney Chad Jacobs is present for further explanation and questions as needed. Staff and legal counsel reviewed the proposed amendments to Ordinance #930. Counsel advised that the ordinance, as amended by Ordinance #951, addresses specific enforcement and clarity concerns raised during prior Council discussions, including the scope of "noise polluting equipment" and Sunday work limitations.

Legal counsel further noted that broader policy considerations may warrant future Council discussion, including:

- Adjustments for winter or wet-weather conditions, particularly during emergency situations;
- Exemptions for garbage collection on Sundays;
- Restrictions related to holidays;
- Coordination with Noise Ordinance #877, including provisions related to amplified music or sound.

Again, these broader topics are not addressed in Ordinance #951 and may be considered separately at Council's discretion.

Financial Analysis: Staff reports that the majority of enforcement time related to contractor work hours involves Sunday complaints. Common issues raised include claims that work being performed is quiet, that Sunday is the only available workday for a specific contractor, or that weather conditions created a limited window for work on a Sunday. The proposed clarifications are intended to reduce ambiguity and improve consistency in enforcement.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'CHAD', written in a cursive style.

Chad



AN ORDINANCE AMENDING NAMED SECTIONS OF ORDINANCE #930 KNOWN AS
THE CONTRACTOR WORK HOUR ORDINANCE

The City of Gearhart ordains as follows:

DEFINITIONS of Ordinance #930 shall be amended to read the following:

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

DEFINITIONS of Ordinance #930 shall be amended to include the following:

"Noise polluting equipment" means tools and machinery utilized by a contractor, commercial contractor, commercial developer, general contractor, or their employees, that rely on a power source, like an engine or motor, to perform tasks that would otherwise require manual labor, or which can be heard beyond an owner's property line. Specific examples of noise polluting equipment may include, but not be limited to power washers, leaf blowers, power driven saws, lawn mowers, and impact tools such as hammers.

GENERAL PROHIBITION of Ordinance #930 shall be amended to read the following:

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

GENERAL PROHIBITION of Ordinance #930 shall be amended to include the following:

- 3) Contractors, commercial contractors, commercial developers, general contractors, landscape construction professionals, landscape care contractors, or employees of such entities may only perform work within the city limits of Gearhart on Sundays between the hours of 9am and 5pm. No entity identified in this section shall perform work using tools meeting the definition under this ordinance of noise polluting equipment on Sundays.

Passed by the City Council of Gearhart this ____ day of _____, 2025.

Yeas: ____

Nays: ____

Absent: ____

Abstain: ____

Approved and signed by the Mayor of Gearhart this ____ day of _____, 2025.

Mayor Kerry Smith

ATTEST:

City Administrator, Chad Sweet



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;
 - o 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:
 - o (a) Commercial general contractor level 1;
 - o (b) Commercial specialty contractor level 1;
 - o (c) Commercial general contractor level 2;
 - o (d) Commercial specialty contractor level 2; or
 - o (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;
 - o (a) Plan or install lawns, shrubs, vines, trees or nursery stock;
 - o (b) Prepare property on which lawns, shrubs, vines, trees or nursery stock is to be installed;
 - o (c) Maintenance on lawns, shrubs, vines, trees or nursery stock.
 - o (d) Construct, repair or maintenance on ornamental water features, drainage systems or irrigations systems;
 - o (e) Plan or install fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining wall
 - o "Lawn care contractor" means an individual who for compensation or with the

intent to be compensated performs or supervises activities **related to yard or plant care and** requiring the use of mowers, edging tools, blowers, hand shovels, rakes, brooms **and or** other lawn maintenance equipment.

- "Employee" means an individual who for compensation or with intent to be compensated performs labor activities for a contractor.
- **"Noise polluting equipment" means tools and machinery utilized by a contractor, commercial contractor, commercial developer, general contractor, or their employees, that rely on a power source, like an engine or motor, to perform tasks that would otherwise require manual labor, or which can be heard beyond an owner's property line. Specific examples of noise polluting equipment may include, but not be limited to power washers, leaf blowers, power driven saws, lawn mowers, and impact tools such as hammers.**

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 **of such entities** 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 **of such entities** between the hours of 7pm and 7am the next day, Monday-Saturday. **~~No work shall be performed on Sundays.~~**
- 3) **Contractors, commercial contractors, commercial developers, general contractors, landscape construction professionals, landscape care contractors, or employees of such entities may only perform work within the city limits of Gearhart on Sundays between the hours of 9am and 5pm. No entity identified in this section shall perform work using tools meeting the definition under this ordinance of noise polluting equipment 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 3rd day of November, 2021.

Yeas: _____

Nays: _____

Absent: _____

Abstain: _____

Approved and signed by the Mayor of Gearhart this 3rd day of November, 2021.

Mayor Paulina Cockrum

ATTEST: City Administrator, Chad Sweet