



*This meeting is being recorded for public review on the City of Millersburg website.*

#### Rules of Conduct for Public Meetings

No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Microphones will be muted and webcams will be turned off for remote participants unless called upon to speak or during public comment period.

Persons shall not comment or testify without first receiving recognition from the presiding officer and stating their full name and city of residence.

During public hearings no person shall present irrelevant, immaterial, or repetitious testimony or evidence.

There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting. If online participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off. If disruption continues, the participant(s) will be removed from the meeting.

## CITY COUNCIL SPECIAL WORK SESSION

**In-Person Meeting with Remote Access Available**

Millersburg City Hall  
4222 NE Old Salem Road, Millersburg OR 97321  
September 6, 2022 @ 5:00 p.m.

### Agenda

Remote access for the meeting is available. Instructions for joining the meeting can be found at <https://www.cityofmillersburg.org/citycouncil/page/city-council-regular-meeting>. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, August 22.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/11597014359>

Phone number to join meeting: 503-212-9900

Meeting ID: 115 9701 4359

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. NEW BUSINESS
  - 1) Review of City Actions Regarding Haunted House on Sedona Drive
- E. PUBLIC COMMENT
- F. ADJOURNMENT

#### Upcoming Meetings & Events:

For a schedule of meetings and events, visit the City's website calendar at <https://www.cityofmillersburg.org/meetings>

*The meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.*



TO: Millersburg City Council  
FROM: Kevin Kreitman, City Manager  
DATE: August 31, 2022, for the September 6, 2022, Special Work Session  
SUBJECT: City Actions Regarding Haunted House located on Sedona Drive

Action Requested: None – information regarding Haunted House.

Discussion:

Regarding the haunted house on Sedona Drive, we would like to provide information and clarity on what has occurred. First, the City has not shut down the event.

The City has previously received complaints regarding the construction and associated noise during the setup and operation of the Haunted House. In each case we determined there was no code violation and owners were in compliance with the City's noise ordinance.

Last year the City became aware the Haunted House was being advertised regionally with a \$5.00 admission fee. The advertising of the event with the associated charge for admission significantly changed how the City had previously viewed the event from that of a free "neighborhood/community event" to the operation of a business, as described in the attached letters to the owners.

The concerns associated with that change prompted a visit to the site with the owners by City and Fire Department staff last October. During that visit, staff made the owners aware they could not charge for the event and continue to operate the Haunted House in a residential zone. Additionally, the fire marshal required some safety modifications to the Haunted House, but the event was allowed to continue, because it was not possible to address all safety concerns prior to the opening of the event. The owners were advised at that time that a permit from the Fire Department would be required for the Haunted House moving forward and must be in compliance with, the Oregon Fire Code.

During the visit one of the owners shared with staff that the 2021 event was to be the last year for the Haunted House. The owners also confirmed they would abide by the City Code requirement and would only ask for donations, instead of charging for admission, which the City agreed met the requirements. Subsequently however, the City was made aware by numerous residents and non-residents that even though the owners assured staff they would not charge an admission, a \$5.00 admission fee was in fact charged and collected.

On July 24<sup>th</sup> of this year staff became aware the owners were advertising for actors and help with building the Haunted House for 2022. This prompted City staff, with input from Fire, to draft a letter reminding the owners of the requirements they were made aware of last year, should the event continue. That letter was sent to the owners on July 29<sup>th</sup>, with the intent to remind the

owners of the requirements for the Haunted House while there was still plenty of time to meet those requirements.

Two weeks after the letter was sent, neither the City nor the Fire Department had received contact from the owners regarding the letter so a second follow up letter was sent via certified mail on August 15<sup>th</sup>, to ensure they received the letter regarding requirements.

The purpose of the letter was not to close the event down, but to ensure the safety of those attending the event and to remind the owners that they cannot charge for the event if it is continued at its current residential location. The temporary nature of construction for the Haunted House, with extensive use of flammable materials that can produce heavy fire and smoke conditions, and which have been built to the property lines without adequate provisions for emergency egress and access, creates an extremely hazardous situation that is very concerning should a fire or other emergency occur, especially given the large numbers of people the event is now attracting.

The City does not have an interest in seeing the Haunted House discontinued and has no issue with the Haunted House remaining in the current location, as long as safety and setback requirements as required by the Oregon Fire Code (Appendix Q - Protection Guidelines for Haunted Houses and Similar Temporary Installations) and land use code are met and the event does not charge an admission fee.

Ultimately, we have a responsibility to ensure that the event is conducted safely and is not in violation of applicable codes. The City's sole purpose with our letters was to ensure a timely reminder of the requirements as shared with the owners last year and provide plenty of time for them to work with the City and Fire Department to ensure the safety of those attending, as well as properties adjacent to the event, prior to the beginning of construction.

Budget Impact:

None.

Recommendation:

None – information only.

Attachment(s):

- Letter dated July 29, 2022
- Follow-up letter dated August 15, 2022

**Forrest Reid**  
City Attorney  
Millersburg, Oregon

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July 29, 2022

[REDACTED]  
[REDACTED] NE Sedona Road  
Millersburg, OR 97321

**RE: Land Use and Fire requirements for Halloween Event at [REDACTED] NE Sedona Road**

[REDACTED]

The City has seen a recent posting on Facebook looking for building and staffing assistance for a planned Halloween event at your residence. We wanted to touch base with you earlier this year to go over some concerns. Last year we did not become aware of the event until the building for the event was almost completed. We were also told last year that the 2021 event was the last to be held at the Sedona residential address. If the event is to be held again this year, we want to be clear as early as we can about what steps must occur to hold the event in a residential area.

**No admission fee allowed**

First, your home is in a residential zone. Home based businesses are allowed in residential zones, but they must not be visible to neighbors and cannot change the character of the residential area. An 'event' does not have the same restrictions as a home-based business, which is why an event is allowed at your residential property, but a business such as a Halloween maze with admission fees, is not. More specifically, a Halloween maze does not meet the standards and requirements for a home-based business listed in Chapter 3.13 of the Millersburg Development Code. Therefore, as explained last year, your event cannot require an admission fee or charge people to walk through the property. Making money at the event through admissions, mandatory donations, or event fees causes this to become a home-based business. We are particularly concerned about the admission fee because last year, despite notifying you of this requirement, we received several reports that a mandatory admission fee was required even though it was made clear by the City that any such mandatory admission fee was not allowed.

**Fire Review of Plans**

You must apply for a special event permit with the Albany Fire Department. This application must include carefully drawn plans that show the path of the pedestrians, the materials used in each room of the maze, and show all emergency exits planned for the use. These plans must be submitted, reviewed, and approved prior to any construction on the site. Additionally, the Albany Fire Department will need to inspect the facility in final complete form no later than 10 days prior to the opening of the Halloween maze to the public. The event will not be allowed to operate if the final inspection is not completed at least 10 days prior to the event.

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Millersburg City Hall  
4222 NE Old Salem Rd.  
Albany, OR 97321

reidrf@icloud.com  
Ph: (541) 979.3838

**Monitoring**

Albany Fire and Millersburg Community Development will have monitors onsite this year to assure all requirements are met.

**Setbacks**

All temporary structures, props, and anything related to the event must maintain a 5-foot setback to all property lines; this is required in the residential zone. Setbacks are also required for emergency ingress, egress, and hose pull requirements for the Albany Fire Department.

**Construction hours**

The City received several complaints last year about the construction noise through the months of September and October. The City Municipal Code does not permit construction between the hours of 10:00 p.m. and 7:00 a.m.

**Operating Hours**

Due to the nature of the event, the operating hours of the event must conclude at 10:00 p.m. nightly.

**Signs**

As a reminder, temporary signs are not permitted within the City right-of-way which extends several feet beyond the edge of the pavement and sidewalks throughout the City. Any signs placed within the right-of-way will be removed. Temporary signs are allowed on private property, outside the right-of-way, and with the owner's consent.

To be clear, the event does not require any permits from the City, with the exception of a noise permit if you plan to have anything amplified playing during operation of the event. Again, a special event permit is required through the Albany Fire Department. Be aware that fines can be imposed upon you for any violations of these requirements in addition to injunctive relief from the courts.

Sincerely,



Forrest Reid  
Millersburg City Attorney

**Forrest Reid**  
City Attorney  
Millersburg, Oregon

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August 15, 2022

████████████████████  
██████ NE Sedona Road  
Millersburg, OR 97321

Sent via certified US Mail

**RE: Land Use and Fire requirements for Halloween Event at ██████ NE Sedona Road**

Mr. and Mrs. ██████

Nobody from the City has heard from you regarding my recent letter of July 29, 2022. I don't know whether this means you have no questions or that you didn't receive the letter. Therefore, I'm mailing this letter to you, containing the same information as my July 29 letter, via certified mail

The City has seen a recent posting on Facebook looking for building and staffing assistance for a planned Halloween event at your residence. We wanted to touch base with you earlier this year to go over some concerns. Last year we did not become aware of the event until the building for the event was almost completed. We were also told last year that the 2021 event was the last to be held at the Sedona residential address. If the event is to be held again this year, we want to be clear as early as we can about what steps must occur to hold the event in a residential area.

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Sincerely,

  
Forrest Reid  
Millersburg City Attorney

E mail: City staff