

City of St. Helens
ORDINANCE NO. 3229

**AN ORDINANCE CREATING THE PARKS AND TRAILS COMMISSION,
ADOPTING REGULATIONS THEREFORE AND REPEALING
ST. HELENS MUNICIPAL CODE CHAPTERS 2.16 AND 2.64**

WHEREAS, the Bicycle and Pedestrian Commission has had a difficult time filling vacant positions on their commission, which caused problems with having quorums for meetings, thereby cancelling many of their every other month meetings; and

WHEREAS, the City Council requested that the Parks Commission consider allowing the Bicycle and Pedestrian Commission to merge with the Parks Commission since many of the bicycle and pedestrian paths are located in parks, of which they agreed that it would be a benefit to the City; and

WHEREAS, the City Council was in favor of creating one commission out of the two commissions.

NOW, THEREFORE, THE CITY OF ST. HELENS ORDAINS AS FOLLOWS:

Section 1. There is hereby created within the City of St. Helens a Parks and Trails Commission. Rules and regulations for such commission are hereby enacted and shall read as follows:

Chapter 2.74

PARKS AND TRAILS COMMISSION

Sections:

2.74.010 Creation of commission.

2.74.020 Membership.

2.74.030 Terms of office.

2.74.040 Vacancies.

2.74.050 Removal/resignation.

2.74.060 Officers.

2.74.070 Secretary.

2.74.080 Meetings.

2.74.090 Responsibilities, powers and duties.

2.74.010 Creation of commission.

There is hereby created within the city of St. Helens a parks and trails commission.

2.74.020 Membership.

The parks and trails commission shall consist of ten members, including one council member and nine at-large members. One of the ten members shall be the member of the city council annually designated as parks and trails commissioner and council liaison to the public works (including parks) department by the mayor. The council member shall be an ex officio, nonvoting member of the commission. No less than six of the at-large members shall be residents of the city of St. Helens. At-large members are appointed by the mayor with the consent of the city council. Parks and trails commission membership is an unpaid voluntary appointed position and members shall receive no compensation for their service except for expenses specifically budgeted and authorized by the city council.

2.74.030 Terms of office.

The terms of office of each at-large parks and trails commissioner shall be for a period of four years with no more than two full term commissioners being replaced each year. Appointments are normally made in December with terms of office to commence on January 1st. The provisions of the ordinance amending this section do not alter the terms of office of current commissioners and said positions shall continue in accordance with their terms.

2.74.040 Vacancies.

Any vacancies on the parks and trails commission shall be filled by appointment of the mayor at any time, with the consent of the council. Said appointment shall be for the remainder of the unexpired term of the vacated commissioner position.

2.74.050 Removal/resignation.

An at-large parks and trails commissioner may be removed from the commission, for cause, following a hearing before the city council. A commissioner may resign in lieu of removal following a hearing. Cause for removal includes but is not limited to misconduct in office or nonperformance of official duties, violation of government standards and practices, conviction of a crime, including the crime of official misconduct, as well as any other actions or conduct by the commissioner which is detrimental to the reputation and good will of the city of St. Helens. Notwithstanding the above provisions for removal, a parks and trails commissioner who is absent from three consecutive regular parks and trails commission meetings without an excused absence as approved by the commission shall be deemed to have resigned his/her position on the commission. In the event of such resignation, the council shall be notified, the position declared vacant and reappointment procedures commenced. Nothing herein prohibits a commissioner who has resigned by operation of this section from being reappointed to the commission.

2.74.060 Officers.

At the first meeting of each calendar year, the parks and trails commission shall elect a chairman and a vice-chairman to serve a one-year term.

2.74.070 Secretary.

The city council may provide a secretary to the parks and trails commission and assign such other staff and consultant services as may be appropriate. In the event that the city staff cannot be provided, the parks and trails commission may designate one of its members or a volunteer as secretary to keep an accurate record of meetings of the parks and trails commission. The designated secretary need not be a member of the parks and trails commission.

2.74.080 Meetings.

The parks and trails commission shall meet as often as deemed appropriate by the commission but not less than once every other calendar month or as otherwise directed by the city council. All meetings of the parks and trails commission shall be open to the public and shall in all respects fully comply with Oregon public meetings law. Special meetings of the commission shall require not less than 24 hours' notice to local newspapers and posting of meeting notice in public places reasonably calculated to give notice to interested parties. The parks and trails commission shall have the authority to make and alter written rules for the conduct of its business, including rules of procedure for conduct of public meetings and public hearings. The adoption of bylaws is expressly authorized, subject to the consent of the city council. For purposes of conducting business, a quorum shall require the attendance of a majority of the at-large commissioners that are currently appointed to the parks and trails commission at the time of the meeting. Minutes of parks and trails commission meetings and activities shall be regularly submitted to the city council for review and acceptance.

2.74.090 Responsibilities, powers and duties.

The parks and trails commissioners shall have the responsibilities, obligations and duties of appointed public officers and the parks and trails commission shall have the responsibilities, obligations and duties of an advisory public body as provided for in laws of the state of Oregon and the laws of the city of St. Helens. The parks and trails commission shall have the power to act in an advisory capacity to the city council in all matters pertaining to the operation, planning, development, improvement, beautification, equipment and maintenance of public parks, trails, public bicycle and/or pedestrian ways, vacant park properties, public squares, public recreational facilities and publicly accessible buildings and associated grounds. The parks and trails commission shall have authority:

(1) To review and call to the attention of the city council any deteriorating condition of city public parks, trails, bicycle and/or pedestrian ways, vacant park properties, public squares and publicly accessible buildings and associated grounds, public recreational facilities, and their associated infrastructure improvements including but not limited to access roads, equipment, athletic fields, gardens, landscape areas, open spaces, natural areas, playgrounds, and parking areas.

- (2) To review and call to the attention of the city council the effectiveness, or lack thereof, of parks, trails, public bicycle and/or pedestrian ways, and recreation programs conducted by or for the city of St. Helens.
- (3) To review and make recommendations to the city council on the operation, administration, maintenance and equipment needs of the public works department relative to parks, trails, public bicycle and/or pedestrian ways and recreation and the other public facilities identified in this section.
- (4) To review and make recommendations to the city council on the annual budget of the public works department relative to parks, trails, public bicycle and/or pedestrian ways, and recreation and the other public facilities identified in this section.
- (5) To review and make recommendations to the city council on master plans and capital improvement plans for parks, trails, public bicycle and/or pedestrian ways, and recreation and the other public facilities identified in this section.
- (6) To review and make recommendations to the city council on public park, public bicycle and/or pedestrian ways and recreation facility development plans, construction plans, recreation use or development proposals, and such other park related activities as deemed advisable by the city council.
- (7) To make periodic site visits and inspections, in accordance with public meetings law, and with the approval of the city engineering director, of city park and recreation facilities, public bicycle and/or pedestrian ways and other public facilities identified herein, as are necessary for the parks and trails commission to carry out its assigned duties.
- (8) To request that the city council assign or direct staff to prepare reports and compile information necessary for the parks and trails commission to carry out its assigned duties.

Section 2. Repeal of SHMC Chapters 2.16 and 2.64. Having merged the Parks Commission provided for in SHMC Chapter 2.16 with the Bicycle and Pedestrian Commission provided for in Chapter 2.64 by this ordinance, Chapters 2.16 and 2.64 of the SHMC are no longer needed and are hereby repealed.

Section 3. Amendments. The following amendments to the St. Helens Municipal Code are made to reflect the name of the new commission adopted herein: (new language underlined)

2.36.150 Parks and trails commission.

The standards and procedures in this article are in addition to, not in derogation of, the St. Helens parks and trails commission review responsibilities for projects proposed in city parks or on city trails. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to, land development regulations and building code compliance.

8.24.060 Commercial activity.

- (1) Prior to issuance of any permit for periods of exclusive use over two weeks in duration, the director shall obtain review by the parks and trails commission and approval by the council.

8.24.100 Special use areas.

The director is authorized to set aside, establish, alter, and/or discontinue special use areas in one or more of the parks. These special use areas would include, but not be limited to, activities such as horse or pony riding, junior olympics, bicycle riding, camping activities, motorcycle riding, or any one or more of those activities otherwise prohibited under SHMC 8.24.090. Before establishing, altering or discontinuing such a special use area, the director shall determine, in his or her reasonable discretion, priority of need for such an area and whether the activity may be carried on without unreasonable interference or danger to other persons.

If the director establishes a special use area, the director may designate such hours or days of usage, the particular activity or activities that are permitted, and such conditions as he or she determines to be reasonably required for the safety and convenience of persons and property. He or she shall mark the boundaries of the special use area and post such signs and warnings concerning that special use area as he or she deems reasonably appropriate. No person shall use or injure any special use area, except for the purposes of one or more of the activities permitted in that special use area under any conditions specified by the director.

Prior to issuance of any permit for periods of exclusive use over two weeks in duration, the director shall obtain review by the parks and trails commission and approval by the council.

8.24.210 Trespass.

Any peace officer, or park official or employee may exclude any person who violates any applicable provision of law from any or all city parks for a period not to exceed 120 days. For purposes of this chapter, "applicable provision of law" includes any applicable provision of this chapter, or of any city ordinance, including criminal laws and vehicle codes, or any rule, regulation, order or permit issued by the director of parks or the city council on recommendation of the parks and trails commission, or any applicable federal or state law or regulation.


Section 3. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held to be invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Read the first time: September 5, 2018
Read the second time: September 19, 2018

APPROVED AND ADOPTED this 19th day of September, 2018, by the following vote:

Ayes: Locke, Carlson, Conn, Morten, Scholl

Nays: None


Rick Scholl, Mayor

ATTEST:


Kathy Payne, City Recorder