

City of St. Helens
ORDINANCE NO. 3266

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE
TO CREATE CHAPTER 13.30 RELATING TO A PUBLIC SAFETY FEE

WHEREAS, the City Council has determined additional funds are necessary for maintaining and operating the City's Police Department; and

WHEREAS, the City Council desires to acquire, improve, replace and/or construct one or more public safety facilities to benefit the residents, businesses, and visitors of the City; and

WHEREAS, the City Council has determined that the creation of a public safety fee on all utility accounts within the City would provide the necessary funding of expenses relating to the City's public safety facilities.

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

Section 1. The above recitations are true and correct and are incorporated herein by this reference.

Section 2. Chapter 13.30, as set forth on Exhibit A, attached hereto and incorporated herein, is hereby added to the St. Helens Municipal Code.

Section 3. Effective Date. This ordinance shall take effect 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: May 5, 2021
Read the second time: May 19, 2021

APPROVED AND ADOPTED this 19th day of May 2021, by the following vote:

Ayes: Morten, Topaz, Chilton, Birkle, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder

EXHIBIT A

Chapter 13.30 St. Helens Public Safety Fee

Sections:

13.30.010	Short Title
13.30.020	Purpose and Intent
13.30.030	Definitions
13.30.040	Creation and Imposition of Public Safety Fee
13.30.050	Collection of Fee
13.30.060	Administration
13.30.070	Use of Funds
13.30.080	Appeal Process
13.30.090	Enforcement

Sections:

13.30.010	Short Title
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The provisions of this Chapter shall be known and may be cited as the “City of St. Helens Public Safety Fee Ordinance”.

13.30.020 Purpose and Intent

1) The purpose of the public safety fee is to provide additional funding to safeguard, facilitate and encourage the health, safety and welfare of the residents, businesses and visitors of the City as well as maintaining and operating the City of St. Helens police department.

2) The intent of the public safety fee is to provide a funding mechanism to pay for the benefits conferred on residents, businesses and visitors of the City, including expenditures related to the acquisition, improvement, replacement and/or construction of public safety facilities.

13.30.030 Definitions

1) "Developed Property" means a lot, parcel or tract of real property that is used for as a dwelling unit (as defined by Title 17 of the St. Helens Municipal Code), business or other activity in the city.

2) “Person” means a natural person, unincorporated association, tenancy in common, partnership, corporation, limited liability company, cooperative, trust, governmental agency (including the state of Oregon but excluding the city of St. Helens), or other entity in law or in fact.

3) "Public Safety Facility" means site improvements, parking lots, green space, sidewalks and buildings associated with a new or existing public safety building.

4) “Responsible Party” means the person owing the public safety fee. Unless another responsible party has agreed in writing to pay the public safety fee, and a copy of that writing is filed with the city, the person paying the city’s utility charges is the responsible party. If there is no service to or billing for the developed property, or if service or billing has been discontinued, the responsible party is the person(s) having the right to occupy the property.

13.30.040 Creation and Imposition of Public Safety Fee

1) The City Council hereby establishes and imposes a Public Safety Fee to be paid by the Responsible Party of any Developed Property within the corporate limits of the City.

2) The Public Safety Fee shall be set at a uniform rate and applied to Developed Property.

3) Rates, fees and other charges for the Public Safety Fee, including, but not limited to, delinquent fees, shall be set or amended by City Council in a public forum after considering a staff report to provide an overview and allowing for public comments and testimony. City Council shall pass a rate resolution after the forum.

4) The City Council shall review the amount of the Public Safety Fee annually prior to the adoption of the City’s annual budget.

13.30.050 Collection of Fee

1) The Public Safety Fee is independent of and in addition to existing fees and charges imposed as part of the City’s standard utility rates. The Public Safety Fee will be included with the City’s utility bill as a separate and distinct charge.

2) The Public Safety Fee shall be due and payable at the same time and in the same manner and method as the City’s utility bill and associated charges, as provided for under SHMC 13.02.060.

3) Vacant and undeveloped property within the City are exempt from the Public Safety Fee until such time that the City receives a request for utility services or issues a building permit.

13.30.060 Administration

The City Administrator shall be responsible for the administration of the Public Safety Fee, including the development of administrative procedures, administration of fees, and all other activities related to the purpose of the Public Safety Fee.

13.30.070 Use of Funds

All funds collected by the City from the Public Safety Fee shall be deposited into a separate and distinct account for the purpose of funding the acquisition, improvement, replacement and/or construction of public safety facilities. The fees paid and collected by virtue of this chapter shall not be used for general or other governmental or proprietary purposes of the City, except to pay

for the equitable share of the cost of accounting, management and government which is attributable to the public safety fee.

13.30.080 Appeal Process

1) A Responsible Party aggrieved by a decision required or permitted to be made by the City Administrator under this chapter may appeal the decision to the City Council in accordance with this section.

2) To initiate an appeal, the aggrieved Responsible Party shall file with the City Recorder a written notice of appeal together with a written statement listing how the City erred, including any supporting documentation to justify the appeal.

3) The City Council shall make all reasonable attempts to resolve appeals utilizing available existing information, including supporting documentation filed with the appeal, within 30 days of the date the appeal was filed. If, however, more detailed site-specific information is necessary, the City Council may request the Responsible Party provide additional information.

4) The City Council shall file a report within 90 days of the date the appeal was filed explaining the disposition of the appeal, along with the rationale and supporting documentation for the decision reached.

5) When a Responsible Party disputes an interpretation given by the City as to a property's classification or the Responsible Party's liability for the fee, if the appeal is successful, relief will be reassignment to a more appropriate billing category. In such instances, a refund of fees to the Responsible Party will be limited to any overpayment, retroactive to the filing date of the appeal. In deciding such an appeal, factors to be taken into consideration include, but are not limited to: availability of more accurate information; equity relative to billing classifications assigned to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.

13.30.090 Enforcement

1) In the event funds received for payments on a city monthly utility service bill are inadequate to satisfy in full all of the water, sewer, and public safety charges, credit shall be given first to the public safety fee, second to the sewer service charges, and third to the charges for water service.

2) In addition to other lawful enforcement procedures, using the procedures under SHMC 13.02.090, the City may enforce the collection of charges required by this chapter by withholding delivery of water to any premises where the Public Safety Fee is delinquent.

3) Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this chapter, including but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative. If the City commences any legal proceedings to enforce the provisions of this Chapter, and the City prevails, the City is entitled to all fees and costs it incurred, as well as any sum that a court, including any appellate court, may deem reasonable as attorney's fees.