



COUNCIL WORK SESSION

Wednesday, May 17, 2023 at 2:00 PM

COUNCIL MEMBERS:

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Patrick Birkle
Councilor Mark Gundersen
Councilor Brandon Sundeen

LOCATION & CONTACT:

HYBRID: Council Chambers & Zoom (details below)
Website | www.sthelensoregon.gov
Email | kpayne@sthelensoregon.gov
Phone | 503-397-6272
Fax | 503-397-4016

AGENDA

CALL WORK SESSION TO ORDER

VISITOR COMMENTS - *Limited to three (3) minutes per speaker*

DISCUSSION TOPICS - *The Council will take a break around 4:00PM*

- [1.](#) Annual Report from Library Board - *Library Board Chair Rob Dunn*
- [2.](#) Semi-Annual Report on Recreation Program - *Recreation Manager Shanna Duggan*
- [3.](#) Public Works Department Semi-Annual Report - *Public Works Director Mouhamad Zaher*
- [4.](#) Review Amendments to Proposed HB3115 Code Changes - *City Planner Jacob Graichen*
5. City Appointment to Columbia Learning Center Foundation Board of Directors - Councilor Birkle's term expires 5/31/23
6. Report from City Administrator John Walsh

ADJOURN

EXECUTIVE SESSION

Following the conclusion of the Council Work Session, an Executive Session is scheduled to take place to discuss:

- *Real Property Transactions, under ORS 192.660(2)(e); and*
- *Consult with Counsel/Potential Litigation, under ORS 192.660(2)(h).*

Representatives of the news media, staff and other persons as approved, shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the Council Chambers.

FOR YOUR INFORMATION

Upcoming Dates to Remember:

- May 17, 2:00PM, Council Work Session, Council Chambers/Zoom
- May 17, 6:30PM, Council Public Hearings, Council Chambers/Zoom
- May 17, 7:00PM, Council Regular Session, Council Chambers/Zoom
- May 29, MEMORIAL DAY, City Offices Closed

Future Public Hearing(s)/Forum(s):

- PH: May 17, 6:30PM, Annexation of 35046 Maple Street (May)
- PH: May 17, 6:40PM, Annexation of 35082 Maple Street (Jenkins)
- PH: May 17, 6:50PM, Annexation of 58927 Firlok Park Street (Loveland)
- PH: June 7, 6:45PM, Fiscal Year 2023/2024 State Revenue Sharing & Budget Adoption

VIRTUAL MEETING DETAILS

Join: <https://us02web.zoom.us/j/85329859754?pwd=TERnWWFnR2RSc2NFNXd0SUFyQkE2UT09>

Meeting ID: 853 2985 9754

Passcode: 848977

Dial: 669-900-9128

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at 503-397-6272.

Be a part of the vision and get involved...volunteer for a City Board or Commission! For more information or for an application, go to www.sthelensoregon.gov or call 503-366-8217.

St. Helen's Library Board

City Council Presentation

Current Library Board Members

- Rob Dunn - Chair
- Jana Mann - Vice Chair
- Melisa Gaelrun-Maggi
- Ellen Jacobson
- Aaron Martin
- Lynne Pettit
- Jessica Sturdivant
- Diana Wiener
- Patrick Birkle - City Council Liasson

Strategic Plan : Community Feedback

Patron Surveys

Community Partner Interviews

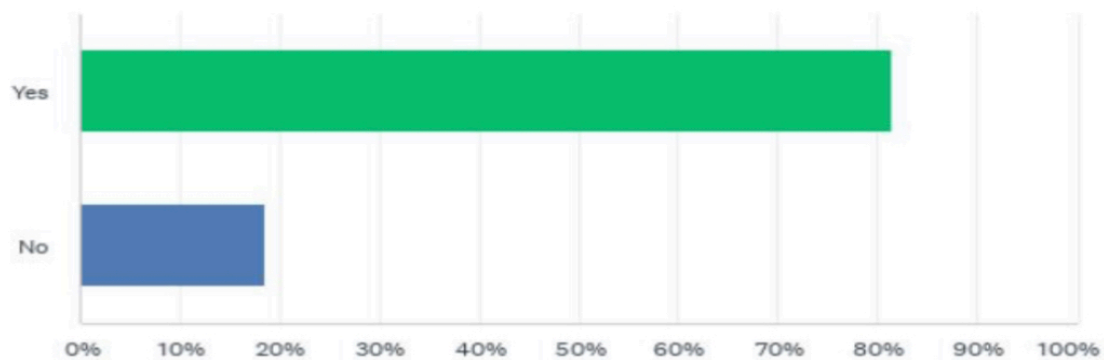
Community Engagement

Survey Monkey QR Code

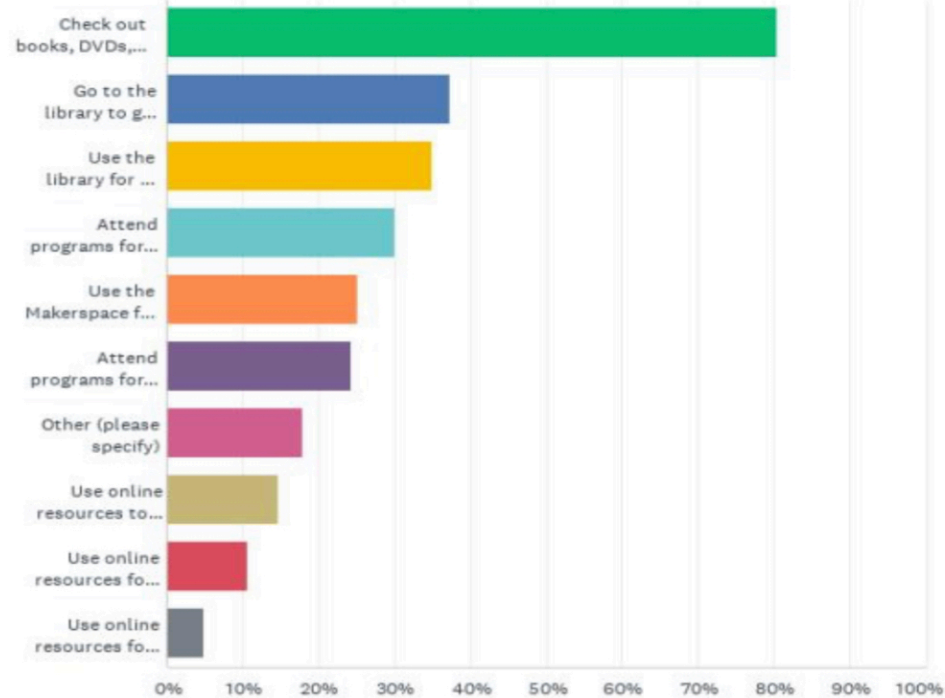


Strategic Plan : Survey Results

Q2 Do you have a library card?



Q5 What do you look to our library for? Choose all that apply.



Strategic Plan : Use The Data

- Update strategic plan
- Update offered programs
- Inform and update Library content
- Drive community outreach



Statistics : Library July 01, 2022 - April 30, 2023

- Library visits - 22,705
- Hallway visits - 7,541
- Total Columbia Center usage - 30,246
- Items added - 2,129



Statistics : Makerspace July 01, 2022 - April 30,2023

- Workshops/Classes held - 39
- Workshop/Class attendance - 236
- Open Hours held - 35
- Open Hours attendance - 224
- Scheduled appointments - 88
- Scheduled appointment attendance - 224
- Off-site Visits - 3
- Total events - 165
- Total attendance 684



Programs: Makerspace STEAM & Crafting

- Multisided dice
- Resin 3D printing 101
- Cardboard crane construction
- Sewing 101
- Cricut 101
- Beginning crochet

Programs: Youth

- Baby Storytime
- Preschool Storytime
- Toddler Storytime
- LEGO Free Play
- Homeschool Hangout



Programs: Adult

- St. Helens Public Library Ukulele Orchestra
- St. Helens Writers Guild
- St. Helens Public Library Book Club
- Genial Genealogists

Community Outreach & Services

- Internet Access
- Information Hub
- Education
- CCMH
- Senior Center



Budget

- Seek additional grant funding
- Explore other funding mechanisms

Special Thanks

- Dan Davis, previous board member and chair
- Allen Hansen, Makerspace technician
- Dan Dieter, Library Secretary
- All board members and Library staff

St. Helens Recreation Program Semi-Annual Report to Council May 17, 2023

Item #2.

“Building Community Through Activity”



Recreation by the Numbers

110

Registered Programs

50

Drop-in/Free Programs

4012

Profiles in the Rec Desk Data Base

2800

Facebook Followers



577

Afterschool Hours 22/23 School Year

2023

Projects and Goals

- Providing a safe, comfortable atmosphere for all our participants.
- Having information available for more resources in the community.
- Building programs and partnerships.
- Balancing free programming with programs that have a fee.
- Continue to offer services considering our staff capacity.
- Being a good partner and community resource for other agencies.
- Provide more life skills programs for tweens and teens.
- Intergenerational programming.
- Afterschool program expansion.
- Explore possibility of establishing a before-school care program.
- Facility rentals for the Recreation Center and Community Center.
- Support entrepreneurs with a space to hold classes.

Board and Committee Work

Time spent building networks, creating funding opportunities, shared resources, and partnerships.

St. Helens School District Strategic Plan

Columbia County Trauma Informed Network

Early Learning

Columbia County Health Coalition

NW Parenting HUB/ESD

Columbia County Childcare Task Force

Current Programing Partnerships:

St. Helens School District

OSU Extension Office

St. Helens Main Street Alliance

NW Parenting HUB

Columbia Arts Guild

MOM of Columbia County

Columbia Community Mental Health

Griffin's Place

St. Helens Police Department

St. Helens Library

Columbia County



Snapshot of last 60 days:

Organization Activity From 3/6/2023 to 5/5/2023						
	Registrations	Reservations	Memberships	Check-Ins	Profiles Created	POS Transactions
All	336	80	0	0	163	64
Resident	215	44	0	0	93	
Non-Resident	121	36	0	0	70	
No Residency Set	0	0	0	0	0	
Demographics						
< 18	246	0	0	0	47	
18 - 65	60	68	0	0	85	
65+	11	5	0	0	11	
Male	139	24	0	0	47	
Female	196	56	0	0	115	
Other Genders	1	0	0	0	1	
Online vs In-House						
Online	255	65	0	N/A	162	
In-Person	81	15	0	N/A	1	

Up Next

- Continue strengthening partnerships to help provide a safe and inclusive environment for all ages.
- Work with some new partners and businesses on programming.
- Focus on what we “can do” to provide the best possible services to our community.
- Continue to explore grants, sponsorships, and other funding opportunities.
- Expand our teaching and contract services.
- Create customer surveys to explore programming our community would like to see.

- Questions?



May 2023 Semi-Annual Report

PUBLIC WORKS DEPARTMENT

Mouhamad Zaher
Public works director



KEY PRESENTATION POINTS



1.

PUBLIC WORKS OPERATIONS

The mission of the Public Works Operations Division is to enhance and sustain the livability and quality of life for citizens in the community of St. Helens, and to work efficiently and effectively to fulfill the goals as set by the City Council and Public Works Director.

PW Operations Projects

N 9th St Water Line Replacement (100 Block)

Replaced existing old water line with a new mainline. Team has switched from using copper to using PEX piping because it is more cost effective. The cost of copper ranges from \$8 to \$26 per foot where as PEX pipe costs \$1 to \$10 per foot!

S 1st St Water Line Replacement (200 Block)

Replaced a 40-year-old water main located in the alley feeding multiple businesses. Cost savings will be experienced through the reduction of water loss from the old pipe and reduced staff time spent on leak repairs.

Sunset and Shore Drive

PW team has been installing new stormwater catch basins along Shore Drive to help alleviate drainage issues.

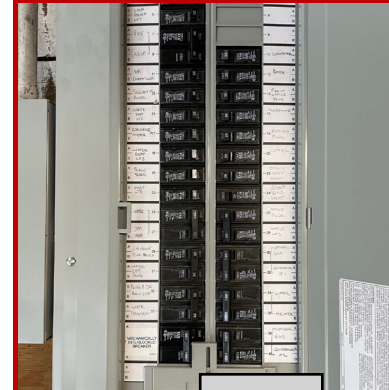


PW Operations

Emergency Preparedness

- PW Operations has been without emergency backup power for years. This year the team was able to find a very cost effective way to supply emergency power in the event of a power outage.
- The PW Operations Team produced a plan for portable emergency power to keep the PW Operations building up and running.
- The entire PW Shops electrical panel was replaced with a new transfer switch. A portable generator can be moved into place when needed.
- The work was budgeted for \$100,000 and was installed for just under \$20,000!

Item #3.



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PW Operations

Efficiency

Ranney Well #3

- Public Works Ops team worked with Cascade Water Works to install and upgrade the well pump to make it more efficient at supplying water to the City.
- The project will help the Well site to run more efficiently and cost effectively .



Item #3.

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PW Operations Solutions



Wastewater Treatment Plant Flow Meter

- PW Operations team provided the groundwork for installing the flow meter at the WWTP. Saving the City thousands of dollars doing the construction ourselves instead of hiring a contractor.!



2.

PUBLIC WORKS ENGINEERING

The mission of the Public Works Engineering Division is to provide the highest quality engineering, construction project management, and technical support and services to citizens, developers, builders, other City departments and consulting engineers and surveyors..

PW Engineering Projects

Sherman Place Water Line Replacement

Replaced an existing 2inch diameter old water line which was falling apart with a new 4-inch water main. The new replacement has eliminated the large amount of PW staff time spent responding to callouts to repair the line.

Salmonberry Water Rights Renewal

The City's Permit/Claim of Beneficial Use (COBU) for the Salmonberry Reservoir is past due. Currently the Engineering Team is working AKS Engineers to perform a hydrographic and topographical survey of the reservoir to renew the COBU in accordance with the Oregon Dept. of Water Resources

Columbia Blvd Sidewalks from Gable to Sykes Rd

Construction of new sidewalks along Columbia Blvd from Gable Rd to Sykes Rd begins in July. In addition to sidewalks, a new Rapid Flashing Beacon will be installed near McBride Elementary School. The project is being funded by a Safe Routes to School Grant, Columbia County funds, and City Street Fund.

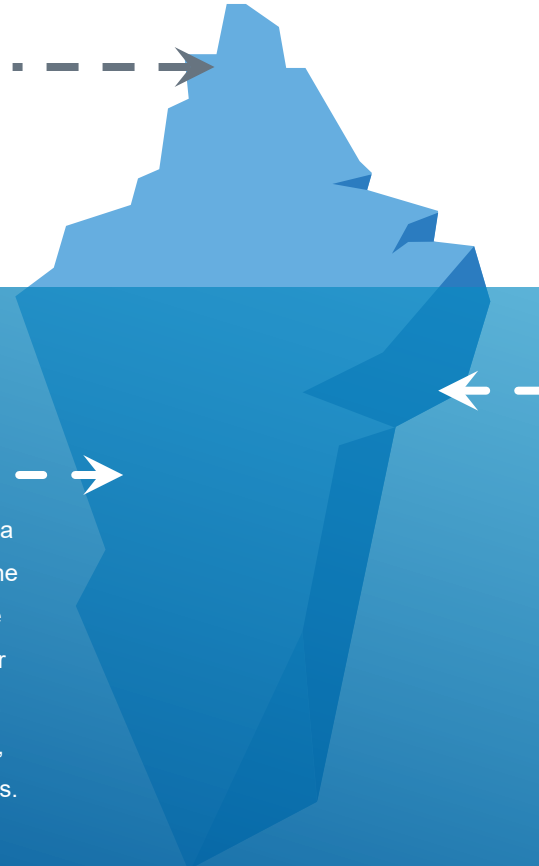


PW Engineering – Expanding Boundaries

Item #3.

Design -Bid -Build

Traditional construction project delivery method that involves the completion of three distinct phases in sequence. Design the Project. Bid the Project. Build the Project. There is no overlap between design and construction.



Design Build

Project delivery in which the City manages one contract with a entity single point of responsibility - the Design-Builder. The engineer and the contractor work together under a single contract to provide design and construction services. Major benefits are streamlined communication between the engineer, contractor, subcontractors and City, faster project completion, increased collaboration, and cost savings.

Construction Manager/ General Contractor (CM/GC)

Project delivery method allows the City, designer, and contractor to collaboratively develop project scope, optimize design, improve quality, manage costs, and share risks. With this method, the City can maintain control of the design process and reducing or eliminate any unexpected setbacks during the construction phase, reducing project costs..

PW Engineering

Cost Savings/Cost Recovery

Sanitary Sewer Capacity - \$16M Clean Water State Revolving Fund (SRF) Loan

- The SRF Loan will be split into three smaller loans which will result in a loan forgiveness of \$4.5M. The Community Block Development Grant (CBDG) will cover the Engineering and Design for an estimated \$2.5M

TOTAL ANTICIPATED COST SAVINGS IS \$7M!

2.0 MG Reservoir Replacement

- State Grant Funding of \$1M is anticipated in June. The anticipated project costs is \$2.5M. The grant funds will result in a savings of 40% in the City's water fund.

Sherman Waterline Replacement

- Project budgeted at \$200,000. Signed contract with Advanced Excavating for \$83,500, and completed Contract under budget at \$83,113



3.

PUBLIC WORKS PARKS, FACILITIES, & MAINTENANCE

The mission of the Public Works Parks, Facilities, & Maintenance is to...

PW PARKS, FACILITIES, & MAINTENANCE

2023 Accomplishments

Item #3.

1. McCormick Park

Installed curb stops at McCormick Park

2. Mowing

Removal of mowing obstacles.

3. Japanese Garden

Japanese garden improvements

4. Ball Fields

Working with leagues to improve ballfields.

5. Training

Pesticide training for all park employees w/Chip Bubl.

6. Egress Window

Egress window installation in children's area of learning center.

7. Building Project

Recreation building remodel creating 4 offices, and a conference room

8. Tree Stumps

Stump grinding through parks.

9. New Hire Assistance

Assisted in preparing work spaces for new hires in Finance, Engineering, and Parks.

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By moving rocks, logs and other items used as barriers we are now able to mow cleaner lines in less time and eliminate lots of weed eating. A good example is the use of curb stops as shown.

Item #3.



Removing Mowing Obstacles

McCormick Park

Removing Mowing Obstacles, Cont'd

Item #3.



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PW PARKS, FACILITIES, & MAINTENANCE COST SAVINGS AT RECREATION CENTER

Item #3.

- Recreation building remodel est. savings of \$50,000 by doing work in house
- Removal of dumpster from county parking lot \$1,500 dollars annually
- Removal of unnecessary power service at Walnut Tree Park \$500 dollars annually

Cost Savings at Recreation Center, Cont'd

Item #3.



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Cost Savings at Recreation Center, Cont'd

Item #3.



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4.

PUBLIC WORKS WATER QUALITY

The mission of the Public Works Water Quality is to...

PW Water Quality Caustic System Update

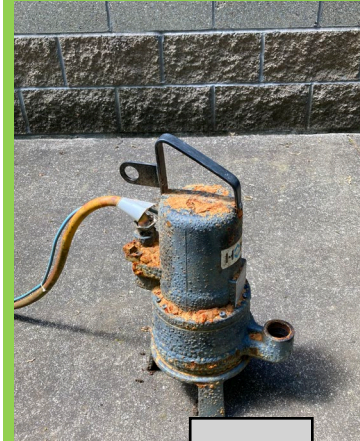
- Installed smaller, more efficient pump
- Rerouted the injection line to pump into a pressure of 10psi instead of 85psi
- Same pump as the chlorination system to improve redundancy
- The project is the focus of a case study done by blue white



PW Water Quality

Grinder Pump Replacement

- One pump failed with no backup to install
- Replaced the pump and now are looking into options for a more appropriate pump station



PW Water Quality

Upcoming Projects

Headworks Screen #1 Rebuild

- Screens are 12 years old, and this should extend their useful life by 78 more years
- The other screen is scheduled to be rebuilt next year

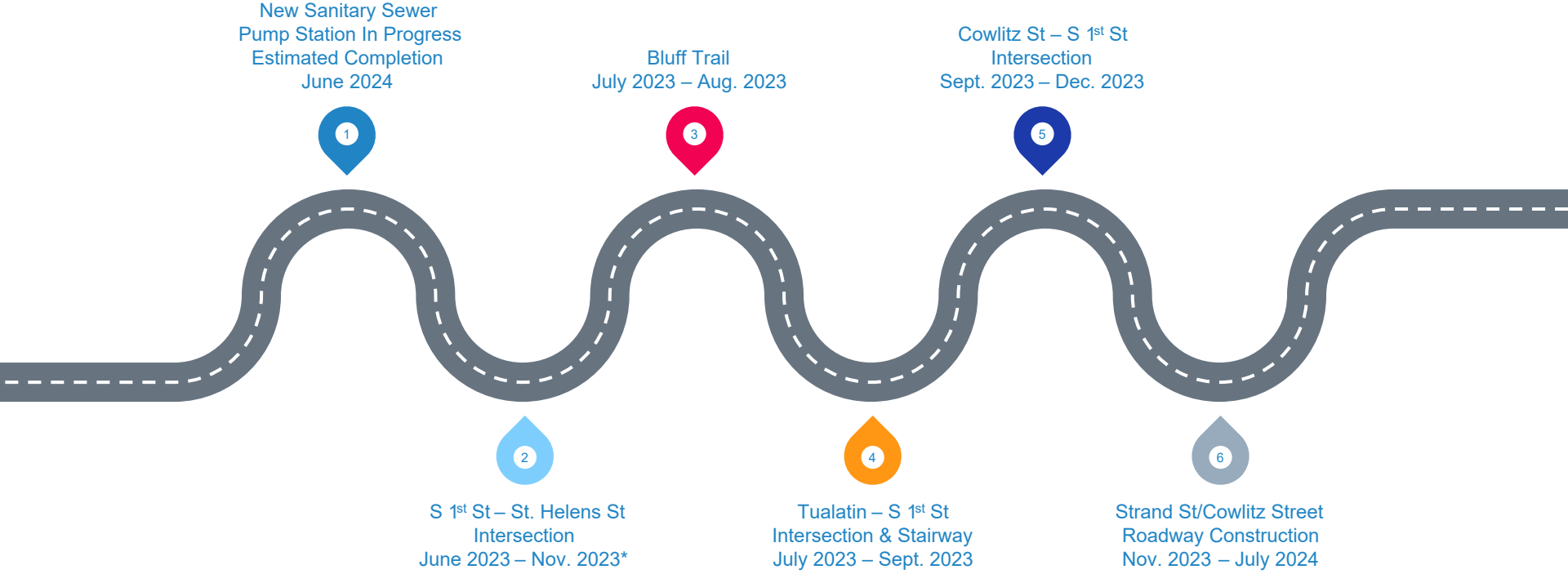
NPDES permit renewal

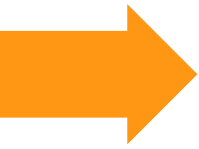
- Previous permit expired in 2008
- DEQ has provided us with the 90% completed permit for comments

5.

WATERFRONT ROAD AND UTILITIES EXTENSION PROJECT UPDATE

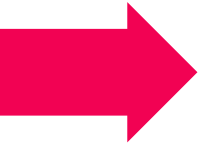
Project Roadmap & Timeline





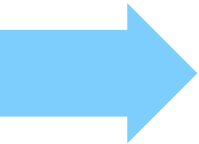
2,500 ft Sewer & Storm Pipe

And much more to go



20 New Manholes

And a lot of users



**76,000 Gallons of
Contaminated Groundwater**

And Disposed of over 2,300 Tons of Contaminated Soil!

Project Cost Saving Measures

All Hands On Deck

With the PW Director at the helm, Engineering Staff is responsible for inspections, submittals, verifying pay quantities, reviewing pay requests, change orders, and managing project meetings. The Communications officer manages project website, newsletters, and other project information to the public. The City Administrator and Assoc. Planner manage the Business Oregon Loan process.

Erosion Control Inspections

Because all the Engineering Staff are certified Erosion and Sediment Control Inspectors, the PW Director opted to use internal staff to conduct all required Erosion and Sediment Control inspections instead of using a third party. This measure has saved the City \$XXX,XXX.



Compacting After Manhole Installation



Rock Removal & Shoring Installation on S 1st Street

Item #3.



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February 2023 Site Drone Video



Thank You!
Any questions?



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: City Council
FROM: Jacob A. Graichen, AICP, City Planner
RE: HB3115, et. al. – Revised Planning Commission recommendations
DATE: May 10, 2023

The Planning Commission provided a recommended draft law for this matter at their April meeting. Staff and the Planning Commission Chair presented this to the Council at your April 19, work session.

Since then, our legal counsel, Planning Commission chair and myself (more-or-less in that order) have revised the draft. The Planning Commission also discussed the matter again and received input at their May 9th meeting. The revised draft resulting from these efforts is attached.

At your May 17th work session, both Planning Commission Chair Toschi and myself will present the latest draft with the hope of council consensus so we can proceed with the formal ordinance.

I intend to have some presentation slides to aid in that.

* * *

Planning Commission Chair Toschi wanted to share the following message:

Jacob, per your request, this is a very brief memo why the Rainier camping statute is not going to work. The Planning Commission specifically rejected the Rainier statute as a model for St. Helens. As Charlie Castner said, "it is going to be a disaster."

First, the public will be against people, camping and sleeping on their streets, and in the parks. If given the choice, I am sure the public would rather have 15 people maximum in places near 1810 Old Portland Rd., than strangers in camped within their neighborhoods.

The Planning Commission study found that there is no data that supports a positive outcome when homeless or unsheltered, or people who simply want to camp within the neighborhoods or parks. The neighborhoods end up becoming unsafe. The people end up feeling unsafe. Strangers within neighborhoods cause conflicts. The Planning Commission specifically found in the study that all temporary sheltering and camping should be done at least 400 feet away from any residence or business.

One more thing. The rule that a person experiencing homelessness needs to move every 24 hours was something that was specifically rejected by the Planning Commission, as being not reasonably objective from the perspective of the homeless. Therefore, to adopt such a statute would immediately go against the findings of the Planning Commission, and probably not be upheld by a judge. Furthermore, nobody in the Planning Commission meeting could state why forcing somebody to move every 24 hours would be reasonable.

I attached an example of the City of Rainier statutes referenced by Chair Toschi.

Attached: Revised Planning Commission recommended code amendments for St. Helens

City of Rainier example

[Editor's note: Chapter 12.20 SHMC will need to be updated to remove most or all of the current camping on public property content. Sleeping/Camping on public property is best as its own chapter.

The following is all proposed new text for a new Chapter under Title 12 of the St. Helens Municipal Code.]

Title 12 Chapter 12.22

SLEEPING AND CAMPING ON PUBLIC PROPERTY

12.22.010 Findings and Purpose.

(1) The City of St. Helens hereby adopts the provisions of this Chapter regulating sleeping, lying, camping and keeping warm and dry on public property. Pursuant to ORS 195.530, and ORS 195.500, the City of St. Helens recognizes the social nature of the problem of homeless individuals camping on public property and implements the following laws as part of its policies to ensure the most humane treatment for removal of homeless individuals from camping sites on public property per ORS 195.500, 195.505, and 195.530.

(2) The City of St. Helens finds as follows:

(a) The use of public property for sleeping, keeping warm and dry that is within 400 feet of any privately owned or rented property that is not in conformance with places, manners, and time described herein necessarily affects the health and safety of the public, the quiet enjoyment of the persons owning or renting property, whether it be for residential or business purposes.

[Council consideration: 400' is based on one of the "affected area" provisions of right-of-way vacations per ORS Chapter 271. Other distance basis possible. 400' does not directly relate to any proposed provision herein.]

(b) Public places, roads, parks, trails, rights of way, the waterfront and public property being clean, and safe are vital for the health, safety, and wellbeing of the public.

(c) The dangers of unlawful use of public property to the public health, safety and welfare are the same regardless of the economic circumstances of the persons violating the law.

(d) Persons experiencing homelessness are homeless for wide a variety of reasons that include, but are not limited to:

- (i) Insufficient funds to afford stable housing;
- (ii) Mental illness;
- (iii) Addiction to drugs and/or alcohol;
- (iv) Personal preferences and lifestyle choices; and
- (v) Any and all of the above.

(e) The City of St. Helens cannot reasonably supply areas of public property for people to sleep and keep warm and dry who are experiencing homelessness other than on a temporary basis.

12.22.020 Definitions.

For the purpose of this chapter, the following mean:

(1) “Campsite” means any place where there is a tent, or any structure or assembly of materials consisting of a top or roof or any other upper covering and enclosed on one or more sides, that is of sufficient size for a person to fit underneath or inside. Resting or sleeping in a vehicle is not a campsite. Resting or sleeping in a vessel in a waterway pursuant to Chapter 8.28 SHMC is not a campsite.

[Note: The last two sentences above separates camping in vehicles and waterborne boats from this chapter, so management of such would fall under vehicle, parking and waterway usage codes.]

(2) “To camp” means to set up, or to remain in or at, a campsite.

(3) “Established campsite” means an area on public property where one or more persons have kept their belongings, erected a shelter, tent, or other structure which has remained for more than 72 hours in any 30 days.

[Council consideration – the original Planning Commission recommendation version had 7 days in any 30 days instead of 72-hours. Legal counsel (a former police officer) was concerned that “7 days in a 30-day period” suggests that days would not need to be contiguous and creates potential enforcement complications. 72-hours is closer to the more typically used 12, 24 or 48-hours.]

This is important because an “established campsite” is not defined by the statutes and ORS 195.505(3) requires posted 72-hour notice before removal of an “established campsite.”]

12.22.030 Where Sleeping and Camping on Public Property is Not Allowed.

(1) It is unlawful for any person to sleep in a time, place and manner or camp in or on public property or public rights-of-way within the City of St. Helens anywhere that is not a place described in (2) of this section:

(2) The places where sleeping, keeping warm and dry and camping may occur, and are an exception to (1) of this section, shall be:

(a) ~~To-be-determined pre-selected site...~~;

[Council consideration – based on feedback from legal counsel we must designate a site in the ordinance. The Commission is steadfast with their recommendation that it be a site on Kaster Road in proximity to 1810 Old Portland Road and/or the proposed police station. This is a key part of the discussion because this recommendation from the Planning Commission is moot without a pre-selected site or sites.]

Note that at the May 9, 2022 Planning Commission meeting, there was public testimony against using the old “Boise park” area on the St. Helens Industrial Business Park. There was also testimony about avoiding camas meadows in the area. The Planning Commission also noted concerns about staying away from waterways and wetlands.

Note that though the ordinance may identify whole properties as sites for sleeping/camping, the sleeping/camping areas are not intended to encompass the entire property. This is one reason the Commission proposes a cap on the number of individuals who camp.

We will probably need to include a depicting exhibit in the ordinance of the pre-selected

site(s).]

(b) City Parks per Chapter 8.24 SHMC, which is intended for recreation purposes and based on permits and fees to allow;

[Note: SHMC 8.24.120 includes existing provisions for parks but is subject to the discretion of the Parks Director or equivalent position. Per SHMC 8.24.190(1)(i) and 8.24.200(1) no overnight camping is allowed without a permit. SHMC 8.24.200 also includes maximum stay provisions for McCormick Park and Sand Island and is limited to May through October. There is also a provision for a camping fee. The city can prohibit camping in parks simply by not issuing permits. This has been the case for McCormick Parks for years.]

(c) Places allowed by the City Administrator, but only following the City Administrator's or the Mayor's public declaration of an emergency, and only for a maximum of 30 days. The express approval of the City Council is required to extend the time allowed to camp in areas due to a declaration of emergency beyond 30 days and/or to allow more than the normal maximum persons allowed per SHMC 12.22.040(2).

[Council consideration – This is not only a mechanism to create additional camping for free sites if needed but could also be used to allow more than the maximum days at the preselected site(s).]

At the April 19, 2023 work session, the Council expressed concern about who can extend time and hoped law enforcement would have some power in this regard. This concern was conveyed to legal counsel, who only added "beyond 30 days". When it comes down to it, law enforcement is not the rule-maker, they are the rule enforcer. I think the Council will need to accept its power and authority on this.]

12.22.040 Manner.

(1) Any person camping or sleeping pursuant to this Chapter shall:

(a) Follow the rules and regulations of the particular camping site where they are located, other portions of the St. Helens Municipal Code, and State and Federal law in addition to these rules. If there are no such rules or regulations applicable to a particular area, these rules, the St. Helens Municipal Code, and State and Federal laws shall apply;

(b) Not use an open fire or flame;

(c) Not occupy more than a 12-foot by 12-foot area;

(d) Not place a campsite closer than 100' to a waterway, water body or wetland;

(e) Not remove or clear vegetation;

(f) Not exceed the time allowance per this Chapter;

(g) Maintain the site in a clean, sanitary and nonpolluting condition during use of and upon vacating the site;

(h) Register with the City Administrator or their designee; and

(i) Identify themselves to law enforcement or other authorized personnel if requested.

(2) There shall be no cost to register per (1)(h) of this Section and the maximum persons that can camp or sleep on public property for no fee in the City of St. Helens at any one time is limited to fifteen, except as allowed by a declaration of an emergency pursuant to SHMC 12.22.030(2)(c).

(3) Any dumping of wastewater, or grey water other than in an approved receptacle is punishable under applicable laws and regulations for unlawfully dumping such waste.

(4) Established campsites and campsites created by a declaration of emergency under SHMC 12.22.030(2)(c) shall be removed per ORS 195.500 and 195.505 and after a declaration that the emergency no longer exists. All other campsites or sleeping areas which violate this Chapter may be removed by law enforcement or other authorized personnel immediately.

12.22.050 Time.

Except per SHMC 12.22.030(2)(c), camping, where allowed per this Chapter, may occur for a maximum of 3 continuous days, or 3 total days within any 30 days. Afterwards, people, whether sheltered or not, may not camp within the City of St. Helens until 60 days have elapsed from the last date the person camped in the city.

[Council consideration – The original Planning Commission draft had 5 days instead of 3. In addition, having requirements for people to leave the city may be subject legal challenge, but the declaration of emergency provision per 12.22.030(2)(c) is a mechanism to allow a longer duration. Also, the posted notice requirements to vacate an established camp site per ORS 195.505 can add an additional 72 hours.]

12.22.060 Removal.

Property seized during removal of persons sleeping and camping in violation of this ordinance shall be disposed of pursuant to ORS 195.500 and ORS 195.505.

12.22.070 Violation.

(1) Upon encountering a person who seeks to sleep, camp, or keep warm and dry upon public property or right-of-way in a place, manner, or time that is inconsistent with this Chapter, law enforcement personnel and/or public services personnel shall use their best judgment concerning the individual circumstances of such person and direct them to available city services, county services, state services, or non-profit service agencies, and locations within and/or outside the City of St. Helens where a person may find services to help them.

(2) A first violation of this Chapter shall be an infraction punishable by a fine of a documented warning.

(3) A second violation of this Chapter within one year of the first violation shall be an infraction punishable by a fine of up to \$25.00.

(4) A third violation of this Chapter within one year of the first violation shall be considered a misdemeanor punishable by confinement in the County Jail for up to 30 days, civil forfeiture to the City of St. Helens of property facilitating the offence, and payment of a fine of up to \$500

[Council consideration – Per legal counsel, ramping up the violation amount is fine, but the current state of the law doesn't necessarily allow ramping up to a misdemeanor. Based on recent case law, this issue is criminalizing homelessness, which this third tier does. The Planning Commission's argument for keeping this is 1) it is unlikely that someone would get beyond the tier 2 violation, and this sends a message that St. Helens takes this matter seriously.]

Tiers 1 and 2 are gracious. Legal counsel suggests additional grace such as including language such as this example:

“If the City refers a service provider to an individual who is cited for a violation of this Section and the individual demonstrates they meaningfully engaged with that or another similar service provider after receiving the citation and before the hearing, the fine is eligible to be reduced or eliminated at the discretion of the judge.”]

DRAFT

The following is an example from the City of Rainier as an example for comparison purposes.

Rainier is going with the lawful except where prohibited approach as opposed to the City of St. Helens Planning Commission recommendation which is the prohibited except where permitted approach.

ORDINANCE NO. 1089
AN ORDINANCE OF THE CITY OF RAINIER PROHIBITING CAMPING AT CERTAIN PUBLIC PROPERTIES

Section 1. Definitions.

For purposes of this section, the following words and phrases shall mean:

- a. To “Camp” means to occupy a Campsite for over 24 hours.
- b. “Campsite” means a location upon City Property where Camping Materials are placed.
- c. “Camping Materials” include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps, collections of personal property and/or similar items that are, or reasonably appear to be, arranged and/or used as camping accommodations.
- d. “City Property” includes, but is not limited to, parks, rights of way, parking lots, easements, or other land owned, leased, controlled, or managed by the City.
- e. “Personal Property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.
- f. “Relocate” means to move off of City Property or to a different City Property. This definition does not include moving to another portion of the same City Property.

Section 2. Camping Prohibited Upon City Property

1. It is unlawful for any person to Camp upon City Property unless otherwise authorized by law or by declaration of the City Administrator.
2. Unless otherwise authorized by law or by declaration of the City Administrator, it is unlawful to establish a Campsite for any period of time at the following locations:
 - a. City Hall and adjacent sidewalks, 106 W B Street;
 - b. Senior Center and adjacent sidewalks, 48 W 7th Street;
 - c. City of Rainier Marina and adjacent parking lot, 107 W C. Street;
 - d. Riverfront Park and Trail;
 - e. Sewer Treatment Plant, 690 W A Street; and
 - f. Water Treatment Plant, 650 E Rainier Blvd.
3. At least once every 24 hours an individual that has placed a Campsite, Camping Materials or Personal Property on City Property must Relocate.

3. The City shall only remove individuals and unclaimed Personal Property from a Campsite as provided by ORS 195.505.
4. Violation of this section is punishable by a fine of not more than \$125. The amount imposed shall be at the discretion of the judge.
5. If the City refers a service provider to an individual who is cited for a violation of this Section and the individual demonstrates they meaningfully engaged with that or another similar service provider after receiving the citation and before the hearing, the fine is eligible to be reduced or eliminated at the discretion of the judge.

SAMPLE