

ORDINANCE NO. 3301

AN ORDINANCE AMENDING ST. HELENS MUNICIPAL CODE CHAPTER 8.24.120 AND 8.24.200 REGARDING ALCOHOL IN CITY PARKS, SPECIFICALLY IN MCCORMICK PARK, AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 2430 as amended by Ordinance No. 2957, prohibits possession or consumption of intoxicating liquor in City Parks except Columbia View Park by concessions agreement, with the exception of Sand Island; and

WHEREAS, Ordinance No. 2942 authorizes concession agreements for use of City facilities by for-profit businesses and not-for-profit organizations, provided such negotiated agreements are in the public interest and revenues are shared with the City; and

WHEREAS, St. Helens Municipal Code Chapter 8.24.190 (f) states no person shall consume or have in their possession any intoxicating beverage or narcotics while in or upon the property of a city park, and

WHEREAS, St. Helens Municipal Code Chapter 8.24.200 (2) prohibits the drinking of alcoholic beverages in McCormick Park; and

WHEREAS, the City Council desires to amend St. Helens Municipal Code Chapter 8.24 to authorize alcohol sales, possession and use in specified areas in City Parks including McCormick Park.

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

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

Section 2. **Amendments.**

A. St. Helens Municipal Code Chapter 8.24.120(4) is hereby amended to read as follows:

(4) No corporation, organization or person shall bring, possess, consume, or permit any person to bring, possess or consume any intoxicating liquor, beverage or substance on City park premises, except in Columbia View Park and McCormick Park as authorized in a negotiated Park Concession Agreement or if it is a City-sponsored event, and only in strict compliance with the terms and conditions of that Agreement. At a minimum, the concessionaire shall strictly abide by all parks rules and regulations, including specifically permit requirements for exclusive use and commercial activity. All required OLCC licenses and permits shall also be obtained by the concessionaire. A valid Park

Concession Agreement serves as the exclusive use/commercial activity permit. No corporation, organization or person shall violate the terms and conditions of the approved Parks Concession Agreement. The alcohol possession and consumption prohibitions of this Section do not apply to Sand Island.

B. St. Helens Municipal Code Chapter 8.24.200(2) is hereby amended to read as follows:

(2) No drinking of alcoholic beverages allowed in McCormick Park **except as permitted in Section 8.24.120(4)**.

Section 3. **Severability.** If any section, provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other sections, provisions, clauses or paragraphs of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. **Savings Clause.** Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

Section 5. **Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", or another word, and the sections of this Ordinance may be renumbered, or relettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

Section 6. **Emergency.** Conditions in the City of St. Helens are such that this Ordinance is necessary for the immediate preservation of the public health, peace, and safety. A fiscal emergency exists because delaying the passage of this ordinance by using standard ordinance adoption procedures would result in the loss of valuable City revenues. An emergency is hereby declared to exist by unanimous vote of the Council, and this ordinance shall be in full force and effect after its passage and approval by the Mayor.

Read the first time: June 5, 2024

Must pass by unanimous vote to declare an emergency:

Ayes:

Nays:

APPROVED, ADOPTED, AND EFFECTIVE this 5th day of June 2024.

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder