

City of St. Helens  
**ORDINANCE NO. 3287**

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE CHAPTER 12.04  
REGARDING SIDEWALK MAINTENANCE AND LIABILITY

**WHEREAS**, In January of this year Citycounty Insurance Services (CIS) of Oregon conducted a best practices review with City staff; and

**WHEREAS**, CIS of Oregon recommended changes to the St. Helens Municipal Code as it pertains to its sidewalk ordinance for risk management purposes; and

**WHEREAS**, staff reviewed these recommendations and the applicable sections of the St. Helens Municipal Code and drafted the appropriate code amendments.

**NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 12.04 of the St. Helens Municipal Code ("SHMC") is hereby amended, attached hereto as **Attachment "A"**, and made part of this reference.

**Section 2. 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 servable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**Section 3.** Provisions of this Ordinance shall be incorporated in the St. Helens Municipal 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 re-lettered, provided however that Whereas clauses and boilerplate provisions need not be codified.

**Section 4.** The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: October 19, 2022

Read the second time: November 2, 2022

**APPROVED AND ADOPTED** this 2<sup>nd</sup> day of November 2022 by the following vote:

Ayes:

Nays:

\_\_\_\_\_  
Rick Scholl, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Payne, City Recorder

## **ATTACHMENT "A"**

underlined words are added

~~words-stricken~~ are deleted

[...] means skipping text as it reads in the code (e.g., to focus on text being edited in this document)

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### **CHAPTER 12.04 SIDEWALK CONSTRUCTION AND REPAIR**

[...]

#### **12.04.020 Duty to repair and clear sidewalks.**

It is the duty of an owner or occupant of land adjoining a street to maintain in good repair and remove obstructions and hazards to safe travel from the adjacent sidewalk.

#### **12.04.030 Liability for sidewalk injuries.**

(1) The owner of real property responsible for maintaining the adjacent sidewalk shall be ~~primarily~~ liable to any person injured because of any negligence of such owner in failing to maintain the sidewalk in good condition, remove obstructions, and/or remove hazards to safe travel.

(2) If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty, which this section imposes, the person shall compensate the city for the amount of the damages thus paid. The city may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.