

CHARTER

PREAMBLE

We, the voters of the City of St. Helens, Oregon, exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter. (Approved by voters in general election held November 6, 2012)

CHAPTER I

Names and Boundaries

Section 1. Title.

This charter shall be referred to as the 2012 City of St. Helens Charter. (Approved by voters in general election held November 6, 2012)

Section 2. Name.

The City of St. Helens, Oregon, continues as a municipal corporation with the name City of St. Helens. (Approved by voters in general election held November 6, 2012)

Section 3. Boundaries.

The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of the voters. Unless mandated by State Law, annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate. The city custodian of records shall keep in the recorder's office at the city hall at least two copies of this charter in each of which the custodian of records shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the recorder. (Approved by voters in general election held November 6, 2012)

CHAPTER II

Powers

Section 4. Powers.

The city has all powers which the constitutions, statutes, and common laws of the United States and of Oregon expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers. (Approved by voters in general election held November 6, 2012)

Section 5. Construction.

The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under the United States and Oregon law. (Approved by voters in general election held November 6, 2012)

Section 6. Distribution.

The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. (Approved by voters in general election held November 6, 2012)

CHAPTER III Form of Government

Section 7. Where Powers Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the council. (Approved by voters in general election held November 6, 2012)

Section 8. Council.

The council shall be composed of a mayor and four councilors elected from the city at large. (Approved by voters in general election held November 6, 2012)

Section 9. Councilors.

The councilors in office at the time this charter is adopted shall continue in office, each until the end of their term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, two councilors shall be elected, each for a term of four years. (Approved by voters in general election held November 6, 2012)

Section 10. Mayor.

The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under the council rules. The mayor is a voting member of the council and has no veto authority. With the consent of the council, and following the procedures of the council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

At each biennial general election, a mayor shall be elected for a term of two years. (Approved by voters in general election held November 6, 2012)

Section 11. Council President.

At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by written ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of this office, the president shall act as mayor. (Approved by voters in general election held November 6, 2012)

Section 12. Qualification of Officers.

No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the 12 months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members. (Approved by voters in general election held November 6, 2012)

Section 13. Rules.

The council must by resolution adopt rules to govern its meetings. (Approved by voters in general election held November 6, 2012)

Section 14. Meetings.

The council must meet at least once each month at a time and place designated by its rules, and may meet at other times in accordance with the rules. (Approved by voters in general election held November 6, 2012)

Section 15. Quorum.

A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules. (Approved by voters in general election held November 6, 2012)

Section 16. Vote Required.

The express approval of a majority of the Council members, present at any meeting requiring a quorum, is necessary for any Council decision, except when this charter requires approval by a majority of the members of the Council. (Approved by voters in general election held November 6, 2012)

Section 17. Record.

A record of council meetings must be kept in a manner prescribed by the council rules. (Approved

by voters in general election held November 6, 2012)

CHAPTER IV

Legislative Authority

Section 18. Ordinances.

The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of St. Helens ordains as follows:”. (Approved by voters in general election held November 6, 2012)

Section 19. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires a reading of the ordinance by title at two meetings at least two weeks apart and approval by a majority of the members of the Council.

(b) The Council may adopt an ordinance after one reading at a single meeting by the unanimous approval of the council, a quorum being present, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(c) After adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian’s name and title. (Approved by voters in general election held November 6, 2012)

Section 20. Effective Date of Ordinances.

Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if an emergency is declared to exist. (Approved by voters in general election held November 6, 2012)

CHAPTER V

Administrative Authority

Section 21. Resolutions.

The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions shall state “The City of St. Helens resolves as follows:”. (Approved

by voters in general election held November 6, 2012)

Section 22. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval of the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title. (Approved by voters in general election held November 6, 2012)

Section 23. Effective Date of Resolutions.

Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution. (Approved by voters in general election held November 6, 2012)

CHAPTER VI Elections

Section 24. Councilors.

The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, two councilors will be elected for four-year terms. (Approved by voters in general election held November 6, 2012)

Section 25. Mayor.

The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every general election after adoption, a mayor will be elected for a two-year term. (Approved by voters in general election held November 6, 2012)

Section 26. State Law.

City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan. (Approved by voters in general election held November 6, 2012)

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor nor a councilor may be employed by the city.

(d) The council is the final judge of election and qualifications of its members. (Approved by voters in general election held November 6, 2012)

Section 28. Nominations.

The council may adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position. If no ordinance is adopted, state election law applies. (Approved by voters in general election held November 6, 2012)

Section 29. Terms.

The term of an officer elected at a general election begins at the first council meeting of the following year immediately after the election and continues until the successor qualifies and assumes the office. (Approved by voters in general election held November 6, 2012)

Section 30. Oath.

The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon. (Approved by voters in general election held November 6, 2012)

Section 31. Vacancies.

The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

i. Death,

ii. Adjudicated incompetence, or

iii. Recall from the office.

(b) Upon declaration by the council after the incumbent's:

- i. Failure to qualify for the office within 10 days of the time the term of office is to begin,
- ii. Absence from the city for 30 days without the mayor or council consent, or from all council meetings within a 60-day period,
- iii. Ceasing to reside in the city,
- iv. Ceasing to be a qualified elector under state law,
- v. Conviction of a public offense punishable by loss of liberty,
- vi. Resignation from the office. (Approved by voters in general election held November 6, 2012)

Section 32. Filling Vacancies.

(a) A vacancy in the position of mayor shall be assumed by the council president until the mayor's term of office expires. Once the council president assumes the position of mayor, the council president's council position shall be deemed vacant and the council shall elect a new council president.

(b) When a vacancy in the position of councilor occurs, the city council, at the next regularly scheduled council meeting, shall begin the process of filling the vacancy as follows:

- i. If two years or more remain on the term of a council position when such position is declared vacant, the council may appoint, by majority vote of the remaining councilors and mayor, a qualified elector to serve until the next scheduled election that is at least sixty days after the appointment is made. Any qualified elector under this charter may make the proper nominating procedures as outlined in Section 28, Nominations, and seek election for the remaining term of the council position that was declared vacant at that scheduled election.
- ii. If there is less than two years remaining in a council position declared vacant, the remaining councilors and mayor shall appoint a qualified elector to serve the remaining term of the vacant council position.
- iii. In either case, if the council appoints a qualified elector to a vacant council position, the council shall hold a public meeting to interview potential candidates. The council may use whatever methods it determines are necessary to obtain qualified electors to serve on the council. (Approved by voters in general election held November 6, 2012)

CHAPTER VII

Appointive Officers

Section 33. Other Officers.

The council has authority to appoint officers as they deem necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions. (Approved by voters in general election held November 6, 2012)

Section 34. City Attorney.

The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint, supervise and may remove any City Attorney office employees. (Approved by voters in general election held November 6, 2012)

Section 35. Municipal Court and Judge.

(a) Subject to any applicable municipal code, a majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the St. Helens Municipal Court.

(b) All proceedings of this court will conform to the state laws governing municipal courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has original jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction over state laws unless limited by city ordinances.

(e) The municipal judge may:

- i. Render judgments and impose sanctions on persons and property;
- ii. Order the arrest of anyone accused of an offense against the city;
- iii. Commit to jail or admit to bail anyone accused of a city offense;
- iv. Issue and compel obedience to subpoenas;

v. Compel witnesses to appear and testify and jurors to serve for trials before the court;

vi. Penalize contempt of court;

vii. Issue processes necessary to enforce judgments and orders of the court;

viii. Issue search warrants;

ix. Perform other judicial and quasi-judicial functions assigned by ordinances and/or state statutes;

x. When not governed by this charter or city ordinances, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing state courts.

xi. The municipal court judge shall have the jurisdiction and authority of a state court judge within the limits of the City of St. Helens, in both civil and criminal matters; and when exercising such jurisdiction and authority, shall be subject to all of the general laws of the state prescribing the duties of a judge and the mode of performing same.

(f) The council may appoint and may remove municipal court judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court. (Approved by voters in general election held November 6, 2012)

CHAPTER VIII

Personnel

Section 36. Compensation.

The council must authorize the compensation of city elected and appointed officers and employees as part of its approval of the annual budget. (Approved by voters in general election held November 6, 2012)

Section 37. Merit Systems.

The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness. (Approved by voters in general election held November 6, 2012)

CHAPTER IX

Public Improvements

Section 38. Improvements.

The procedures for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance by two-thirds of the owners of real property to be specially assessed. In this section, "owner" shall mean the record holder of legal title, or, where land is being purchased under a land sales contract recorded or verified to the recorder in writing, the contract purchaser shall be deemed the "owner." (Approved by voters in general election held November 6, 2012)

Section 39. Special Assessments.

The procedure for levying, collecting, and enforcing special assessments for public improvements or other services to be charged against real property will be governed by ordinance. (Approved by voters in general election held November 6, 2012)

CHAPTER X Environmental and Health Provisions

Section 40. Garbage Burners.

It is prohibited in the City of St. Helens to construct or operate an incinerator that burns garbage within three miles of a public school, hospital or retirement home. (Approved by voters in general election held November 6, 2012)

CHAPTER XI Miscellaneous Provisions

Section 41. Debt.

City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness. (Approved by voters in general election held November 6, 2012)

Section 42. Ordinance Continuation.

All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed. (Approved by voters in general election held November 6, 2012)

Section 43. Repeal.

All charter provisions adopted before this charter takes effect are hereby repealed. (Approved by voters in general election held November 6, 2012)

Section 44. Severability.

The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter. (Approved by voters in general election held November 6, 2012)

Section 45. Time of Effect.

This charter shall take effect January 1, 2013. (Approved by voters in general election held November 6, 2012)

Section 46. Keeping Groceries Tax Free In St. Helens.

(a) The City of St. Helens or any political subdivision or public corporation created by the City of St. Helens may not adopt, collect, enact, or impose a tax, fee, or other assessment upon the sale of groceries or for the privilege of selling groceries.

DEFINITIONS

(b) As used in this section:

(i) "Groceries" means any raw or processed food or beverage intended for human consumption except alcoholic beverages, marijuana products, and tobacco products.

(ii) "Sale of groceries" means any transaction for the sale or purchase of groceries with any individual or entity that:

(A) Is licensed, registered, or inspected under the Food Safety Modernization Act, U.S. Food and Drug Administration, U.S. Department of Agriculture Federal Grain Inspection Service, or any successor agency or program that provides for the safety of groceries; or

(B) Is licensed and inspected by the State Department of Agriculture's Food Safety Program or Commodity Inspection Program or any successor agency or program that provides for the safety of groceries; or

(C) Operates as a farm stand, farmers market, or food bank.

(D) Is appointed by the Oregon Liquor Control Commission under ORS [471.750](#).

(iii) “Tax, fee, or other assessment” includes, but is not limited to, a sales tax, gross receipts tax, commercial activity tax, value-added tax, excise tax, privilege tax, and any other similar tax on the sale of groceries.

(iv) “Alcoholic beverage” means any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being.

(v) “Marijuana product” means a product made from any part of the plant Cannabis family Cannabaceae or the seeds of the plant Cannabis family Cannabaceae.

(vi) “Tobacco products” means cigars, cigarettes, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, moist snuff, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

IMPLEMENTATION

(c) The prohibition on the imposition and collection of a tax, fee, or other assessment on the sale of groceries by subsection (a) of this section applies to taxes adopted, approved, collected, or imposed on or after September 1, 2017.

(d) It is the intent of the people that all parts of this amendment are independent and that if any part of this amendment is held unconstitutional, all remaining parts shall remain in force. (Approved by voters in primary election held May 15, 2018)

The St. Helens Municipal Code is current through Ordinance 3287, passed November 2, 2022.

Disclaimer: The city recorder’s office has the official version of the St. Helens Municipal Code. Users should contact the city recorder’s office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.sthelensoregon.gov/>

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