

City of St. Helens  
**ORDINANCE NO. 3316**

AN ORDINANCE AMENDING THE ST. HELENS MUNICIPAL CODE  
CHAPTER 13.32, REQUIRING VOTER APPROVAL BEFORE THE  
ESTABLISHMENT OF NEW FEES ON UTILITY BILLS UNRELATED  
TO UTILITY SERVICES

**WHEREAS**, pursuant to the Oregon Constitution, the laws of the State of Oregon, and its Charter, the St. Helens City Council has the power to exercise its legislative and administrative authority through the adoption of Ordinances and Resolutions; and

**WHEREAS**, municipal service fees are fees based on the direct or indirect use of or benefit from the provision of general city services, such as public safety, library, parks, or another general service and are collected through the utility bill; and

**WHEREAS**, municipal service fees do not include (1) fees charged to persons or property based on use or consumption of utilities, such as water, sewer, or stormwater; (2) fees that arise based on the cost of specific services or activities, such as land use or building permit fees, local improvement districts, and other fees on the Universal Fee Schedule, or (3) impact fees such as System Development Charges (SDCs); and

**WHEREAS**, public comment at the City's Budget Committee meetings, City Council Work Session meetings, and City Council meetings, supported requiring voter approval prior to the City establishing new or increased city fees collected through the utility bill, if those fees are unrelated to utility services; and

**WHEREAS**, City Council solicited public comment and testimony at the August 1, 2025, Special Meeting and August 20, 2025, City Council Work Session and City Council meeting regarding adding a voter requirement to city code prior to the establishment of new fees unrelated to utility services and collected through the utility bill; and

**WHEREAS**, public comment testified in favor requiring voter approval prior to the establishment of new fees unrelated to utility services that are collected through the utility bill and the City Council concurs.

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

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

**Section 2. Amendment.** The City of St. Helens Municipal Code Chapter 13, Public Services is amended to add Chapter 13.32, Municipal Service Fees, as set out in **Attachment A**, attached hereto, and incorporated herein by this reference.

**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 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 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. Effective Date.** 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:	August 20, 2025
Read the second time:	September 3, 2025

**Approved and adopted** on September 3, 2025 by the following vote:

Ayes:  
Nays:  
Abstain:

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Jennifer Massey, Mayor

ATTEST:

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Kathy Payne, City Recorder

**ATTACHMENT A  
CITY OF ST. HELENS  
ORDINANCE NO. 3316**

**CHAPTER 13.32 MUNICIPAL SERVICE FEES**

**13.32.010 PURPOSE**

The purpose of a Municipal Service Fee is to provide funding for the direct or indirect use of or benefit from the provision of city services, such as public safety, library, parks, or another specific purpose. Municipal Service Fees are not a property tax, nor subject to the limitation of article XI, section 11, of the Oregon Constitution. The obligation to pay a Municipal Service Fee arises when a person receives the direct or indirect benefit of the city service. It is presumed that the benefit of city services is received when a person owns or uses developed property. Municipal Service Fees are separately identified and collected through utility bills.

**13.32.020 Definitions**

**Municipal Service Fees.** A Municipal Service Fee provides funding for the direct or indirect use of or benefit from the provision of city services, including but not limited to public safety, library, parks, or another specific purpose and collected on the utility bill. A Municipal Service Fee does not include (1) fees charged to persons or property based on the use or consumption of utilities, such as water, sewer, or stormwater fees established through utility rates, (2) fees imposed for a specific service or activity, such as building permit fees, land use permit fees, local improvement districts, or those adopted in the Universal Fee Schedule, or (3) impact fees such as System Development Charges.

**13.32.030 Voter Approval Required for a Municipal Service Fee Unrelated to Utility Services.**

- (1) Voter approval by a majority of the votes cast at a city-wide election shall be required before a Municipal Service Fee unrelated to utility services is established, increased, or purpose modified.
- (2) The reduction or repeal of Municipal Service Fee shall not require voter approval.
- (3) Any proposal to establish or increase a Municipal Service Fee shall:
  - a. Specify the maximum amount of the fee or rate;
  - b. Include an expiration date unless reauthorized by the voters; and
  - c. State the specific purpose for which the revenue is to be used.
- (4) A Municipal Service Fee approved by the City prior to the effective date of this Ordinance, shall not be subject to the voter approval requirement unless the Municipal Service Fee is increased or its purpose modified.