

ORDINANCE NO. 2052

An Ordinance Amending the Hood River Municipal Charter by adding a new Chapter (Chapter 11), Protection of City Parks, and Declaring an Effective Date

The Hood River City Council adopts the following findings:

WHEREAS, the City of Hood River is an Oregon home-rule charter municipal corporation with a City Charter that grants it all the powers and authority that the constitution, statutes and common law of the United States and this State expressly or impliedly grant or allow as though each such power was specifically enumerated; and

WHEREAS, in May 2019 an initiative measure was filed to amend the Hood River Municipal Charter to add a new chapter – Chapter 11 – entitled Protection of City Parks, which provided certain limitations on City authority to dispose of city park property without a vote of the City’s electorate (the “Charter Initiative”) and is set forth in Exhibit A, attached hereto; and

WHEREAS, the Charter Initiative proceeded through the procedures required by ORS 250.255 through 250.355 and came before the City’s electorate as Ballot Measure 14-67 at the November 2019 general election; and

WHEREAS, in the November 5, 2019 special election, a majority of the registered voters of the City of Hood River voted to approve adoption of the Charter Initiative to amend the Hood River Municipal Charter as set forth in Exhibit A.

WHEREAS, the Hood River Elections Official has declared the official results of the November 5, 2019 special election and declared Ballot Measure 14-67 as passing.

NOW THEREFORE, the City Council for the City of Hood River ordains as follows:

Section 1. Incorporation of Recitals: The foregoing recitals are adopted and incorporated herein by this reference and made a part hereof as findings in support of the City Council’s action taken herein.

Section 2. Amendment. The Hood River Municipal Charter is amended by the addition of Chapter 11 (Protection of City Parks) set forth in Exhibit A, attached hereto and incorporated herein by this reference.

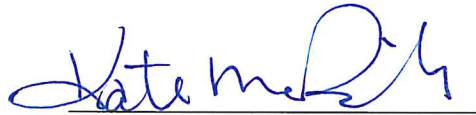
Section 3. Effective Date. Pursuant to Section 50 (Declaration of Emergency) as adopted by the City’s electorate, the Council declares an emergency to exist and that this ordinance shall take effect immediately upon passage and final reading.

Section 4. Severability. If any provision, paragraph, word, section, or article of this Ordinance, or the Hood River Municipal Charter Chapter 11 set forth in Exhibit A, is invalidated by any court of competent jurisdiction, the remaining provisions,

paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

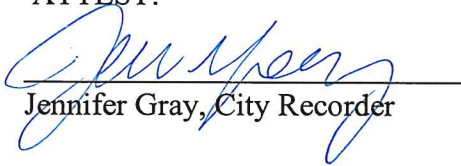
READ FOR THE FIRST TIME on November 25, 2019.

READ FOR THE SECOND TIME and adopted on November 25, 2019. This Ordinance shall take effect immediately upon the second reading.



Kate McBride, Mayor

ATTEST:


Jennifer Gray, City Recorder

APPROVED AS TO FORM:


Daniel Kearns, City Attorney

EXHIBIT A

Chapter 11 Protection of City Parks

Section 45 Finding of public need.

The City finds that its public parks promote the health and welfare of residents through recreation; serve an essential governmental function; and therefore further finds that protection of City parks is needed and necessary in the public interest.

Section 46 Popular vote required to dispose of parks.

The City shall not dispose of City parks unless specifically authorized in a public vote by a majority of City voters.

Section 47 Definitions.

The word “shall” is mandatory. Words of common usage are to be given their natural, ordinary meaning. For purposes of this Chapter the following definitions shall apply:

“City parks” means the collection of City properties (1) designated, dedicated, or otherwise recognized as public parks by any City ordinance or resolution as of January 1, 2019, and (2) any other properties subsequently so designated, dedicated or otherwise recognized as public parks.

“Dispose of” means sale or transfer of any property rights, by lease or other means, of all or part of the collection of City parks for any purpose other than promoting or enhancing recreational enjoyment by the general public.

Section 48 Enforcement.

Any citizen of the City may bring an action in the manner provided by law to appeal, restrain or prevent any of the prohibited acts listed in this Chapter.

Section 49 Relationship to other regulations.

Where this Chapter conflicts with other regulations, the provisions of this Chapter shall govern.

Section 50 Declaration of Emergency.

This Chapter being necessary for the immediate preservation of all City parks and for the health and welfare of City residents, an emergency is declared to exist, and this Charter amendment takes effect immediately upon its passage.