



STAFF REPORT

Meeting Type: City Council
Meeting Date: September 21, 2026
From: Kelly O'Neill Jr., Development Services Director
Subject: Civil Infractions Code Discussion

DECISION TO BE MADE:

Discuss proposed code amendments related to civil infractions in the Sandy Municipal Code.

APPLICABLE COUNCIL GOAL:

- **Goal 6.10:** Continue to improve and refine code language, policies, and practices related to code enforcement.

BACKGROUND / CONTEXT:

At the City Council Work Session on October 7, 2024, staff outlined several chapters within the Sandy Municipal Code (SMC) that would be brought forth for modification as recommended by the Code Enforcement Task Force. On December 2, 2024, the City Council adopted Ordinance No. 2024-23 (Exhibit C.), which removed Chapter 1.16 and modified Chapter 1.18. The modifications to Chapter 1.18 included infraction classifications consistent with other municipalities and a fine escalation clause for repeat offenders.

At the time of adoption of Ordinance No. 2024-23, staff had stated that a future code modification process would identify outdated code references to Chapter 1.16 and would also standardize violation references to a Class A, B, or C, as permissible.

While the Planning Commission will not be part of the public hearing process for these code amendments as they are outside of Title 17, staff sought input from the Commission at a work session on March 30, 2026. The only input that the Commission provided was to modify Section 8.28.010. to have nuisance penalties in Chapters 8.04 through 8.24 be a Class B Civil Infraction at \$500 instead of the existing violation of a Class A Civil Infraction at \$1,000.

KEY CONSIDERATIONS / ANALYSIS:

The infraction table in Exhibit A. identifies all violation references in the Sandy Municipal Code, except for Title 17. The table defines current code language and proposed code language, highlighting the dollar amount of each proposed infraction classification.

A few proposed modifications of note:

- Staff have removed references that each day constitutes a separate violation as Section [1.18.050](#) states, “Each day a violation continues or occurs shall constitute a separate infraction.”
- Staff have mirrored the infraction classification to the dollar amount in the existing code when possible. For example, if a code section currently states the violation is \$500 then the proposed infraction classification is a Class B which is currently set at \$500.
- Staff have set new infraction classifications as close to the dollar amount in the existing code, as possible. For example, if a code section currently states the violation is \$100 then the proposed infraction classification is a Class C which is currently set at \$250.
- Staff are recommending removal of Chapter [1.20](#) as the City does not hold jury trials.
- Staff have removed ‘imprisonment’ as a potential penalty as the City does not have jury trials nor a defense counsel.
- Staff are recommending removal of references to ORS in Chapters [8.34](#) and [8.35](#) for violations as the City Attorney recommends referring to the City’s violation schedule instead of ORS. The only limitation is that the City’s fines cannot be higher than they would be under state law, which they are not proposed to exceed.
- Staff are recommending removal of Section [8.34.080.E](#), as the minimum fine language in this subsection establishes a floor for the fine the court can impose, while the amounts in Chapter 1.18 provide a ceiling (“not exceeding...”). Establishing a floor is not common as it’s generally just left to the discretion of the court.

Staff have also included a jurisdictional violation matrix (Exhibit B.) which identifies violation amounts for different violations by jurisdiction. *Note: This matrix only identifies violation amounts for code enforcement violations that are enforced by the Development Services Department.*

BUDGET IMPACT:

Staff and City Attorney expenses that have already been incurred.

RECOMMENDATION:

Staff recommend that the City Council discuss the proposed code modifications and provide staff with suggested edits prior to holding a public hearing for adoption of code edits. The following are the primary items to discuss:

1. Do you agree with removing Chapter 1.20 as the City does not hold jury trials?
2. Do you agree with removal of the minimum fine language in Section 8.34.080.E. (unlawful application of graffiti) and allowing the discretion to the judge?
3. Do you agree with the Planning Commission on modifying Section 8.28.010. to have nuisance penalties in Chapters 8.04 through 8.24 be a Class B Civil Infraction at \$500 instead of the existing violation of a Class A Civil Infraction at \$1,000?
4. Are there any proposed violation references that should be a different class (Class A, B, or C)?

LIST OF ATTACHMENTS / EXHIBITS:

- Exhibit A. Infraction Table
- Exhibit B. Jurisdictional Violation Matrix (SMC chapters/sections enforced by the Development Services Department)
- Exhibit C. Ordinance No. 2024-23
- Exhibit D. Track Change Code Modifications