



# STAFF REPORT

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**Meeting Type:** City Council  
**Meeting Date:** December 2, 2024  
**From:** Kelly O'Neill Jr., Development Services Director  
**Subject:** PUBLIC HEARING – Ordinance 2024-23: SMC Chapters 1.16 and 1.18 Code Modifications

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## DECISION TO BE MADE:

Hold a legislative public hearing for Ordinance 2024-23 to adopt code modifications to Chapters 1.16 and 1.18 of the Sandy Municipal Code.

## BACKGROUND / CONTEXT:

At the City Council Work Session on October 7, 2024, staff outlined several chapters within the Sandy Municipal Code (SMC) that will be brought forth for modification as recommended by the Code Enforcement Task Force. As a reminder, these code modifications seek compliance, not revenue. However, increased citation amounts are needed as an additional deterrent for violating the SMC.

Title 1, Chapter 1.16, and Chapter 1.18 are being proposed for revision at the onset of this project because they guide most of the chapters in the SMC. As explained further along in this staff report, Chapter 1.16 is proposed for repeal as recommended by the City Attorney. Along with some minor edits to Chapter 1.18, staff recommends that Section 1.18.050 is modified to include infraction classifications consistent with other municipalities and a fine escalation clause for repeat offenders.

## KEY CONSIDERATIONS / ANALYSIS:

The following information outlines the primary proposed code modifications:

**Chapter 1.16** – This chapter was last revised in 1975 and provides that the default is to treat violations of the City code as a criminal offense (misdemeanor) and Chapter 1.18 provides an alternative path to treat violations as a civil infraction. With the removal of Chapter 1.16 as recommended by the City Attorney, staff is recommending that the default instead be a civil infraction and that the criminal offense approach be removed. There are several reasons for this. For one, as a practical matter, the City's municipal court (like most municipal courts in Oregon) is simply not set up to process criminal cases (e.g. appointing defense counsel for indigent defendants, holding jury trials, etc.), and it would not be practicable or cost-effective to change that, so all offenses must be treated as a civil infraction already. Additionally, there are legal questions and policy questions about whether it would be appropriate to treat many of the municipal code violations as criminal offenses (e.g. incarceration is not an appropriate punishment for these types of violations).

**Chapter 1.18** – This chapter was last revised in 1985, with some sections not being revised since 1979. Our City Attorney made a number of edits to this chapter, including his recommendation to change ‘forfeiture’ to ‘penalties’ and ‘fines’. Staff incorporated an infraction schedule with corresponding fine amounts similar to the City of Bend and City of Gladstone, and an escalation clause for repeat offenders consistent with the recommendation from the Code Enforcement Task Force.

**Section 1.18.010** – The City Attorney modified this section with industry standard language.

**Section 1.18.020** – The City Attorney modified the definition for ‘civil infractions’ and recommends deletion of the definitions of ‘forfeiture schedule’ and ‘person’. In regard to the definition of ‘person’ the City Attorney recommends deferring to the broader definition in Chapter 1.04.

**Section 1.18.030** – The City Attorney recommends removal of Subsection A. Reporting as the clause is meaningless. Staff and the City Attorney believe that the reference in Subsection B. 3. c. was probably meant to refer to the person issuing the citation, so this clause was reworded. The City Attorney also added a new subsection regarding service of summons.

**Section 1.18.050** – Staff added an infraction schedule with different fine amounts consistent with what was presented at the City Council Work Session on October 7, 2024. A clause was also added that a violation of the Sandy Municipal Code where no class of infraction is specified shall be treated as a Class B infraction. Staff will bring other code chapters forward for modification specifying infraction classes, but in the meantime the clause in Section 1.18.050(C) will be sufficient. Staff has also added an escalation clause for repeat offenders which would double the amount set forth in the infraction schedule.

It should be noted that City staff will bring forth Chapter 17.06 for amendment in 2025. Chapter 17.06 is the enforcement chapter for Title 17. This modification process will have to follow the code amendment process for land use regulations including a notice to DLCD and a public hearing before the Planning Commission. The amendments to Chapter 17.06 will be rewritten to largely defer to the processes in Chapter 1.18.

#### **RECOMMENDATION:**

Staff recommends that the City Council hold a legislative hearing and adopt Ordinance No. 2024-23.

#### **LIST OF ATTACHMENTS / EXHIBITS:**

- Ordinance 2024-23
  - Exhibit A. Chapters 1.16 and 1.18 modifications