



STAFF REPORT

Meeting Type: City Council Work Session
Meeting Date: October 7, 2024
From: Kelly O'Neill Jr., Development Services Director
Chris Relyea, Code Enforcement Specialist
Subject: Development Services Department Code Enforcement Work Session

PURPOSE / OBJECTIVE:

The purpose of this code enforcement work session is to provide the City Council with some background information on what City staff are trying to accomplish with revisions to the Sandy Municipal Code. This code enforcement project is for code provisions that are enforced by the Development Services Department, not the Police Department, except for outdoor burning. No decisions from the City Council are being requested at this time.

BACKGROUND / CONTEXT:

In the past, the City Council has requested changes to the Sandy Municipal Code (SMC) to standardize code enforcement processes. This request largely stemmed from tree removal and impacts to tree protection areas. Some of the primary reasons to revise the SMC include:

- Current code enforcement procedures vary across the chapters and sections of the SMC. Some code chapters have not been modified in decades.
- Remove outdated fine amounts from some chapters and instead refer to Title 1.
- Align penalty/fine amounts with regional averages for similar infractions.
- Standardize enforcement procedures to ensure equality in practice.
- Define procedures for repeat offenses, fine escalation, and irreversible infractions.
- The Business License code has not been revised since 1974. The Model Business License Ordinance provided by the League of Oregon Cities is being proposed.
- The Sign Code has First Amendment violations.

Staff has researched other municipalities statewide to gather and evaluate how to update the SMC to align with other municipalities and to standardize our code to increase deterrents for various violations. A code enforcement task force was formed by Mayor Pulliam. The Code Enforcement Task Force held a meeting on September 6, 2024. The task force focused on priorities, timelines for adoption, and wanted staff to make the following points clear:

- We want compliance, not money. The increased citation amounts are not being completed for the generation of revenue, but as an additional deterrent to violating the SMC.
- Larger fine amounts should be tied to violations of land use decisions rather than more basic homeowner violations.
- Ongoing citations are also a pathway for judicial foreclosure for properties with egregious violations that are not being resolved by the property owner.

The SMC contains all the laws ("ordinances") enacted by the City Council. Though a civil penalty (a fine) may be assessed for a civil infraction, it is not a criminal offense. Typical civil infractions include neighborhood nuisances such as noxious vegetation (weeds and grass), street tree mutilation, accumulation of rubbish or junk, obstructed sidewalks, and derelict structures. Other common civil infractions include illegal signs, business license violations, building code violations, and zoning violations. As a reminder, here is the division of responsibilities between the Development Services Department and the Police Department:

Municipal Code Enforcement Responsibilities - City of Sandy

Community Service Officer Sandy Police	Code Enforcement Specialist Development Services
Contact: Kevin Moody Email: kmood@ci.sandy.or.us Phone: (503) 489-2184	Contact: Chris Relyea Email: crelyea@ci.sandy.or.us Phone: (503) 783-2587
Homeless issues & residential camping	Weeds & junk accumulation
Noise complaints	Mud & debris on streets
Animal issues	Residential property issues ¹
Graffiti	Street trees/hazard trees
Parking issues	Streets, sidewalks & public property
Abandoned vehicles	Land use issues
Outdoor burning	Commercial property & business issues ²
Illegal dumping	Dangerous & derelict buildings
Violations of park rules	Signs & sign code

¹ - includes property line issues, fences, trash cans, etc.

² - includes business license issues, transit tax issues, "dark sky" & other lighting issues, etc.

KEY CONSIDERATIONS / ANALYSIS:

Our aspiration is to bring the following code chapters before the City Council by the end of 2024 or by the first quarter of 2025, including Chapter 1.16 General Penalty, Chapter 1.18 Civil Infraction Procedure, Chapter 5.04 Occupations, Professions and Business Tax, Chapter 8.22 Chronic Nuisance Properties, Chapter 8.36 Outdoor Burning, and Chapter 15.32 Sign Code. Other code chapters will have to come forward at another point in the future.

Here are some ideas that the task force wants staff to explore:

- Research other sanctions in addition to typical citations, such as a deposit equal to a percentage of the total project cost. This will require a discussion with our attorney.
- Research how to define and differentiate between homeowner violations and 'developer' violations. The task force wanted different citation schedules for the two. This will also require a discussion with our attorney.
- In the business license municipal code revisions make sure to provide an exception for vendors that only do business in Sandy at community events, such as Mountain Festival, Winterfest, and the Mt. Hood Farmers Market.
- In Chapter 8.22 of the SMC, add that the City Manager can declare properties as a chronic nuisance for violations that are in Title 8, 12, 15, 17, and so on.
- The City Manager wants staff to address outdoor burning regulations as Chapter 8.36 is not comprehensive and doesn't have specificity on violations or enforcement.

Title 1, Chapter 1.16 and Chapter 1.18 should be updated near the onset of this project as they should guide the majority of the chapters in the SMC. The sign code and business license chapters also need to be revised near the onset of this project as they currently have a penalty of \$100 referenced instead of what will be amended in Title 1.

BUDGET IMPACT:

None identified except for staff salary and attorney compensation. As stated above, increased fine amounts are not intended as a source of revenue; rather, compliance is the goal.

LIST OF ATTACHMENTS / EXHIBITS:

Exhibit A. Presentation