



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: December 1, 2025		Subject: Public Safety Project Update – Updating Wilsonville Code Enforcement Provisions	
		Staff Member: Amanda Guile-Hinman, City Attorney Hannah Young, Law Clerk	
		Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
☐ Motion ☐ Public Hearing Date: ☐ Ordinance 1 st Reading Date: ☐ Ordinance 2 nd Reading Date: ☐ Resolution ☒ Information or Direction ☐ Information Only ☐ Council Direction ☐ Consent Agenda		☐ Approval ☐ Denial ☐ None Forwarded ☒ Not Applicable	
		Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
☒ Council Goals/Priorities: 2025-27 Council Goal No. 2: Public Safety; Strategy 2.2	☐ Adopted Master Plan(s):	☐ Not Applicable	

ISSUE BEFORE COUNCIL:

Council discussion and input on (1) code enforcement provisions within the Wilsonville Code, including review of separate enforcement processes throughout the Wilsonville Code; and (2) an alternatives analysis comparing other jurisdictions' code enforcement processes and recommendations for future Code updates.

EXECUTIVE SUMMARY:

As part of its 2025-27 Council Goals, the City Council adopted Goal 2: Public Safety. The first outcome identified in Goal 2 is to “streamline response to code enforcement challenges.” To achieve this outcome, Strategies 2.2 calls for the City to “update Chapter 1 code enforcement process and penalties” and to “investigate the potential implementation of an administrative process.” Prior to addressing each of these topics, this staff report provides background information on the identified issues and provides potential solutions. From the information provided herein, during the December 1, 2025 work session, staff seeks the following feedback from Council:

1. At this time, does Council have any questions or feedback regarding the alternatives analysis of the relevant code provisions staff is performing concerning code enforcement?
 - a. Is Council prepared to move forward with reviewing draft code language for an updated enforcement process?

I. BACKGROUND

Based on the implementation timeline identified in the approved Council Goals, staff began working on the first outcome of Goal 2 in May 2025. An interdepartmental team consisting of employees from Legal, Code Compliance, Planning, Building, Administration, Police and Community Development met to discuss the strategies identified for the outcome of streamlining response to code enforcement challenges. A chart of each subgroup for the five (5) strategies is provided below:

Strategy	Subgroup Members
2.1 – Investigate enforcement solutions for RVs (and examine abandoned vehicle definition in code)	Legal, Code Compliance, Police, Administration
2.2 – Update Chapter 1 code enforcement process and penalties (incl. admin process instead of police citation)	Legal, Code Compliance, Planning, Building, Administration, Police (optional)
2.3 – Update Nuisance code provisions, with particular review of noxious vegetation, property appearance, noise, and other chronic nuisances	Legal, Code Compliance, Planning (optional), Building (optional), Natural Resources (stormwater), TVF&R (fire season)
2.4 – Investigate developing a graffiti enforcement/reward program	Legal, Code Compliance, Police, Administration, Public Works (optional)
2.5 – Review Clackamas County administrative warrant process and consider whether City should adopt a similar local process	Legal, Code Compliance, Police, Administration, Building, Planning

A. Issues Identified

The Strategy 2.2 Subgroup discussed concerns regarding current efficacy and application of the Code Enforcement provisions in Chapter 1. Staff noted the following while discussing the concerns.

- Currently, Chapter 1 has a singular violation fee not exceeding \$500 per violation per day, regardless of circumstances warranting heightened fines, such as knowledge, intent, repetitiveness, and severity of violation.
- Despite misdemeanor language within the Code, the City does not currently have a streamlined process for moving code violations into Circuit or Justice Court.
- Currently, separate procedures for enforcement exist in Chapters 4, 5, 6, 8, 9, 10 and 11. **See Attachments 2 and 3.** While some may be sufficiently handled through an updated Chapter 1 process, others have outside authority (DEQ requirements for Chapter 8, etc.) that require them to remain separate.
- Clear, consistent and appropriate application is of top priority in any upcoming updates to the enforcement provisions.
- There needs to be appropriate discretion for police and code enforcing authorities in the City built into the language of the provisions — ensuring that the level of authority to enforce is specified for each provision.
- Surrounding jurisdictions, such as Beaverton and McMinnville, provide a clear administrative and quasi-judicial process with graduated fines and appeals process. **See Attachment 4.**
- The City must have the capacity to enforce any new regulations, so administration and cost burden must be considered.

Sections II and III below discuss possible new updates in response to Strategy 2.2. Section II provides an overview of existing enforcement procedures in the Wilsonville Code (WC). Section III discusses an analysis on comparable jurisdictions that have implemented an administrative code enforcement process.

II. CURRENT CODE ENFORCEMENT IN WILSONVILLE

The Strategy 2.2 Subgroup met and analyzed the enforcement procedures outlined in Chapter 1 of Wilsonville Code (WC [1.011](#) & [1.012](#)) and all existing references to Chapter 1 throughout Wilsonville Code. An overview of Chapter 1 code language and the references throughout the Wilsonville Code are detailed in **Attachment 1**. The Strategy 2.2 Subgroup also discussed enforcement provisions in the Wilsonville Code that do not follow the procedures outlined in Chapter 1. **Attachment 2** details these provisions in Chapters 5, 6, 8, 9, 10, and 11. **Attachment 3** explains the various enforcement provisions in Chapter 4 – the City’s Development and Land Use Code.

In this section (Section II), staff examines the existing code enforcement process in Chapter 1 as it pertains particularly to code enforcement and the additional chapters of Wilsonville Code that reference Chapter 1 for enforcement, as well as the other enforcement provisions found in the Wilsonville Code.

The gap in Wilsonville Code exists in the lack of a cohesive administrative process that can be consistently applied across various City departments without necessarily involving law enforcement. WC 1.012 assigns a fine “not exceeding \$500” for any pertinent code violation – without any consideration for the severity, intent, or repetitiveness of the violation. WC 1.011 establishes both fines up to \$2,500 and imprisonment up to one year for misdemeanors. However, the misdemeanor classification leaves staff without actionable enforcement technique because Wilsonville’s Municipal Court does not prosecute misdemeanors. Chapter 1 also does not have any removal process for code violations to Clackamas Circuit Court or other relevant Justice Court. Furthermore, state law (ORS 30.315) only allows a civil proceeding, not criminal proceedings, to be brought in Circuit Court by a city to enforce requirements or prohibitions of its ordinances and resolutions. Ultimately, the City is limited in the scope of enforcement of local code violations – both in the fine amount for violations and the lack of process to enforce misdemeanor punishments.

A. Chapter 1 Overview and References

Wilsonville’s current overarching enforcement provisions are located in Chapter 1, Section 1.011 and Section 1.012. Section 1.011 states the fines and imprisonment terms for misdemeanors. Pursuant to Section 1.012, violations receive a fine not exceeding \$500. Pertinent language is included below:

1.011. Fines and Prison Terms for Misdemeanors.

- (1) Any person convicted of a misdemeanor shall be punished by a fine or by imprisonment or by both such fine and imprisonment subject to the limitations in sub-paragraphs (2) and (3) below:
- (2) A sentence to pay a fine for a misdemeanor shall be a sentence to pay an amount, fixed by the court, not exceeding:
 - (a) \$2,500.00 for a Class A Misdemeanor;
 - (b) \$1,000.00 for a Class B Misdemeanor;
 - (c) \$500.00 for a Class C Misdemeanor;
- (3) A sentence for a misdemeanor shall be for a definite term. The Court shall fix the term of imprisonment within the following maximum limitations:
 - (a) One year for a Class A Misdemeanor;
 - (b) Six months for a Class B Misdemeanor;
 - (c) Thirty days for a Class C Misdemeanor.

1.012. Fines for Violation.

- (1) Any person sentenced to pay a fine for a violation, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine, fixed by the Court, not exceeding \$500.00. However, no greater penalty shall be imposed than the penalty prescribed by the Oregon statute for the same act or omission. Each

such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and may be punished accordingly.

Additionally, the provision immediately following, [WC 1.013](#), grants enforcement authority per Oregon Revised Statute sections that have since been repealed and are no longer codified under the same sub-chapters, leaving the City with irrelevant code language and no actionable enforcement avenues. Staff recommends updating the enforcement provisions in WC Chapter 1 and removing references to specific ORS sections from future code updates to ensure minimal needs for changing and updates once a procedure is in place.

Throughout Wilsonville Code, several chapters reference Chapter 1 enforcement structure in application of their own sections. A comprehensive list of these processes is included in **Attachment 1**.

B. Separate Processes in Wilsonville Code

Although the ultimate goal is to update Chapter 1 to accurately encompass and apply to most sections of Wilsonville Code for a consistent and streamlined enforcement procedure, there are some enforcement processes that must remain separate.

Namely, the Industrial Pretreatment Wastewater program must be approved by Oregon Department of Environmental Quality (DEQ), with specific requirements for cities to enforce, and any potential updates to those local code provisions must be approved by DEQ. Similarly, the Oregon State Building Code has specific regulations regarding enforcement of building codes that are codified in Chapter 9 of the Wilsonville Code. See **Attachment 2** for references to these provisions. Therefore, staff recommends that these processes and other enforcement processes dictated by state and/or federal laws and regulations be left as they are, or, if amended, only be amended to address any changes in applicable state or federal laws. To address any discrepancies, Chapter 1 can include a provision detailing which chapters that its enforcement procedures apply to and which chapters that they do not.

C. Wilsonville Code Chapter 4 Enforcement Processes

As discussed in **Attachment 3**, Wilsonville Code Chapter 4 contains numerous enforcement processes dispersed throughout multiple subsections. These processes range from broad administrative enforcement authority to highly specialized procedures. Because enforcement responsibilities are not currently centralized, staff conducted a comprehensive review of each section where enforcement is expressly granted.

The administrative enforcement sections listed in Sections 4.025 and 4.026 serve as the foundation of enforcement authority in Chapter 4, granting broad administrative enforcement responsibility to the Planning Director. Because these sections establish general enforcement procedures, staff recommends that future updates consolidate these under an updated Chapter 1 framework where then Chapter 4 could reference back to Chapter 1 instead of continuing duplicative procedures.

In the Land Divisions Sections 4.280 and 4.290, enforcement relies on previous provisions in Chapter 4—where appeals are handled through Section 4.022 and penalties for violations are governed by 4.026.

Tree Preservation and Protection in Section 4.600 *et seq.* includes a comprehensive and independent enforcement structure within that Section.

Based on staff’s review of the enforcement authorities and processes detailed throughout the Chapter, several targeted updates are recommended to align with proposed updates to Chapter 1. The intent of these updates is to ensure consistency, eliminate redundancy and clarify each department’s enforcement authority. Sections 4.025 and 4.026 contain the general enforcement authority in Chapter 4. Chapter 4 would instead rely on Chapter 1 for overarching enforcement procedures, while retaining any specialized tools still needed for planning- and development-specific actions.

D. Implementation Steps to Identify Authority

There are several enforcement processes designated to various department authorities throughout Chapter 4 and the Wilsonville Code more generally. Staff recommends the code enforcement update include an implementation action to appropriately align enforcement authority by utilizing and revamping existing internal documents detailing ownership of various procedures within the City.

Staff recommends updating the existing internal document that maps departmental responsibility for each enforcement procedure. This document can serve as an operational counterpart to code enforcement within the Wilsonville Code and ensure cross-department consistency, particularly where enforcement authority is shared (e.g., between Planning, Building, Engineering, and the City Attorney).

III. CODE ENFORCEMENT PROCESSES IN OTHER JURISDICTIONS

Other cities have employed a range of administrative and quasi-judicial processes to address code enforcement. Similar jurisdictions such as McMinnville, Tualatin, Tigard, West Linn, Woodburn, and Beaverton, and their code enforcement procedures, are detailed in **Attachment 4**.

Beaverton, for example, employs an administrative model that complements a graduated fine scale. A notable feature of Beaverton’s model is a Voluntary Compliance Agreement (VCA). This mechanism allows residents to correct violations. Followed by a designated period for correction, if the violator has not corrected, the City may issue a fine or escalate to the Municipal Court if necessary.

A. Recommended Updates

In addition to recommending an administrative model to enforce most Wilsonville Code provisions, staff also recommend that the code enforcement update include the following:

i. Graduated Fine Structure

Instead of a flat fee for code violations and unclear classification of subsequent violations, staff recommends implementing a similar graduated fine scale as seen in Woodburn, provided below:

Infractions classified Class 1–5 with maximum forfeitures: Class 1: \$750 |
Class 2: \$500 | Class 3: \$250 | Class 4: \$125 | Class 5: \$100

Specific Woodburn ordinance infractions are classified accordingly.
Unclassified infractions default to Class 1.

Similarly, as seen in Wilsonville’s [building code enforcement](#), staff recommends a matrix that provides for fine enhancements based on knowledge, intent, repeat offenses, and severity of the violation.

An alternative process would be to classify violations differently based on type of violation. For example, a first-time violator of the “dogs on leash” rule will not be subject to the same first-time violator of the Stormwater code provisions.

McMinnville applies a graduated fine schedule for code infractions similar to the differentials described above. This model could provide Wilsonville with greater flexibility and discretion to tailor penalties to the seriousness and recurrence of violations. The graduated structure enhances fairness by ensuring that consequences escalate only when subsequent infractions arise.

ii. Voluntary Compliance Agreement and Appeals Process

Similar to Beaverton’s enforcement process, establishing a Voluntary Compliance Agreement as means to correcting code violations without being subjected to a fine provides an alternative for violators. City staff currently do this in practice, but a code enforcement update can formalize the process. Additionally, following the VCA process, Beaverton Code creates timelines for compliance to be met. Creating standard compliance deadlines and offering a mechanism for responsible parties to address and correct violations before fines accrue can reduce administrative burden and support cooperative compliance.

iii. Clear Chain of Authority

As an implementation measure for updated code processes, it will be critical to include a clear chain of authority for each of the separate processes and Chapter 1. Staff has previously put together an internal document detailing each department’s responsibilities over certain procedures within the City. By establishing an internal policy assigning responsibilities for

enforcement of the Wilsonville Code, code enforcement and updated processes will be streamlined and efficiently tracked, without confusion over responsibility to process particular code violations.

STAFF RECOMMENDATION:

Staff recommends that Chapter 1 is updated to include an overarching code enforcement administrative process, including references to each Chapter that falls under its purview. Additionally, staff recommends that other references in Wilsonville Code are updated to reflect any new Chapter 1 processes and that Chapter 1 includes language that specifies which Chapters of the Code it does NOT apply to.

EXPECTED RESULTS:

Streamlined, efficient, and clear code enforcement procedures for any violations of Wilsonville Code provisions.

TIMELINE:

Staff anticipates that a draft code update for Chapter 1 can be provided to Council in 2026. Staff will present to Council the drafted code updates and can discuss next steps for implementation and application.

CURRENT YEAR BUDGET IMPACTS:

Staff do not anticipate current year budget impacts. This project is currently being managed in-house by City staff.

Staff anticipates that, as Council continues to discuss the strategies under the outcome to streamline responses to code enforcement issues, a larger discussion regarding funding of code enforcement will need to occur. While any one proposed change regarding code enforcement may not indicate a need for a dedicated funding source, the potential combination of multiple new programs (administrative warrants, graffiti mitigation, RV towing) will be cost-prohibitive without a revenue source. While staff is not proposing a funding source at this time, Council should be aware that multiple new public safety programs may require discussions about how to fund the programs.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Council's Public Safety Goal aims to ensure that City staff and community members have the tools necessary to address different public safety and livability concerns. An administrative code enforcement process to streamline responses to code violations within the City and ensuring that there is fair and equal application of penalties to violators overall will ensure that any future issues are clearly resolved to benefit the overall community.

ALTERNATIVES:

Council could determine not to pursue code enforcement updates or to exclusively rely on the Municipal Court as the venue for prosecuting violations of the Wilsonville Code.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

Attachment 1: Chart of References to Chapter 1 in Wilsonville Code

Attachment 2: Chart of Current Separate Processes for Enforcement in Wilsonville Code

Attachment 3: Chapter 4 Code Processes & References to Authority Chart

Attachment 4: Jurisdictional Comparison Chart