



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: November 3, 2025		Subject: Public Safety Council Goal Update: Draft Administrative Warrant Code Provisions Staff Member: Amanda Guile-Hinman, City Attorney Tobin Montalbo, Legal Intern 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 2.5	☐ Adopted Master Plan(s):	☐ Not Applicable	

ISSUE BEFORE COUNCIL:

Consider draft code provisions regarding administrative warrants (proposed Wilsonville Code Sections 1.100 through 1.180).

EXECUTIVE SUMMARY:

The draft Ordinance provided in Attachment 1 and proposed Wilsonville Code provisions in Attachment 2 would create a process for staff to seek, obtain, and execute administrative warrants in Municipal Court.

An administrative warrant would grant City employees right of entry to private property for purposes such as engineering, public works, building inspections, and general nuisance inspection, investigation, removal, or abatement.

Clackamas County currently has a process in place to issue administrative warrants, which the Sheriff's Office utilizes in certain motor vehicle towing situations. However, this process is only available for law enforcement officers and county staff when there is reasonable suspicion to believe that a violation of County Code is occurring.

Currently, there is no process for staff to obtain administrative warrants to enter premises where probable cause exists of violations of provision(s) of the Wilsonville Code. For example, staff may receive a report from a community member about possible Wilsonville Code violations involving the removal of trees and development activity along the Willamette River embankment in a property owner's backyard, and staff may not have the legal ability to enter the site to confirm whether significant damage to protected areas is occurring.

An administrative warrant process for staff would have the following benefits:

- Allow for a clear and consistent process to investigate potential Wilsonville Code violations. Currently, staff may not enter into private property unless through an agreement with the property owner, or by seeking litigation (which can both time-consuming, lead to delayed responses to emergent situations, and costly).
- Provide staff with a tool in conducting required periodic inspections when owner/occupant consent is withheld.
- Fill the current gap between the County process and City needs for inspection, investigation, removal, and abatement of Wilsonville Code violations.

Attachment 1 is a draft Ordinance and Attachment 2 is proposed Wilsonville Code provisions to create an administrative warrant process. Below are highlights of the proposed draft Wilsonville Code provisions.

- Grant the Municipal Court Judge authority to issue administrative warrants upon application by staff.
 - o A warrant shall be issued only upon reasonable suspicion of a Wilsonville Code violation, supported by affidavit.
 - o Cause for warrant shall be deemed to exist upon reasonable belief of a nonconformity with a health, public protection or safety ordinance or rule, or if an investigation is reasonably believed to be necessary in order to verify the condition of the location.

- Allow staff to seek, obtain, and execute administrative warrants in Municipal Court.
 - o In executing the warrant, the authorized person will make a reasonable effort to present credentials, authority, and purpose of the warrant to an occupant, unless at the time the location is unoccupied or believed to be abandoned.
 - o A warrant must be executed within ten (10) Business Days of issuance and returned to the Municipal Judge who issued it within ten (10) Business Days from its execution date, unless granted an extension by the same Judge.

Staff presented to the Council on this project at work session held on September 15. Council generally indicated support for staff to move forward with draft code language to create an administrative warrant process.

EXPECTED RESULTS:

Adoption of an administrative warrant process will provide City officials with an additional tool when likely violations of the Wilsonville Code are occurring on private property. Administrative warrants will allow City staff, when other options are exhausted, to access sites to determine whether a violation is occurring, and to potentially stop or limit the occurrence of further damage to public infrastructure and preserved and sensitive areas. Adoption of this proposed code update will close existing gaps and promote the City's ability to address code enforcement and public safety needs efficiently.

TIMELINE:

Staff intends to present the draft Ordinance and proposed Wilsonville Code provisions, inclusive of any proposed revisions by Council at its November 3, 2025 work session, for first reading at the Council's November 17, 2025 Council meeting.

CURRENT YEAR BUDGET IMPACTS:

Since staff anticipates that administrative warrants will be utilized in rare circumstances, any potential budget impacts through time billed by the Municipal Judge and staff time to prepare the necessary documents, will be nominal.

With regard to the larger project of updating the Wilsonville Code provisions governing code enforcement, staff anticipates proposing code language that allows the City to seek reimbursement of costs to the City related to compliance/abatement processes.

COMMUNITY INVOLVEMENT PROCESS:

The Administrative Warrant information is provided on the City's Public Safety – Code Enforcement project page on Let's Talk, Wilsonville! and a public hearing is planned for November 17, 2025 for community input.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

An administrative warrant process will improve the ability of City staff to respond to and mitigate violations of City Code in a timely manner. Establishing an administrative warrants process will provide Wilsonville staff with a clear, lawful and consistent process to gain right of entry when necessary to enforce code requirements or conduct inspections.

ALTERNATIVES:

Continue to rely solely on the Clackamas County administrative warrant process, which is only available to the Sheriff's Office for violation of County Code.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Draft Ordinance
2. Proposed City Administrative Warrant Code Provisions – 1.100 through 1.180