



CITY COUNCIL MEETING

Monday, February 03, 2025 at 7:00 PM
Sandy City Hall and via Zoom

AGENDA

TO ATTEND THE MEETING IN-PERSON:

Come to Sandy City Hall (lower parking lot entrance) - 39250 Pioneer Blvd., Sandy, OR 97055

TO ATTEND THE MEETING ONLINE VIA ZOOM:

Please use this link: <https://us02web.zoom.us/j/86148376052>
Or by phone: (253) 215-8782; Meeting ID: 86148376052

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT (3-minute limit)

Please note: testimony about the proposed ordinances will be welcomed during the public hearings later in the agenda. The Council welcomes your comments on other matters at this time. The Mayor will call on each person when it is their turn to speak for up to three minutes.

-- **If you are attending the meeting in-person**, please submit your comment signup form to the City Recorder before the regular meeting begins at 7:00 p.m. Forms are available on the table next to the Council Chambers door.

-- **If you are attending the meeting via Zoom**, please complete the online comment signup webform by 4:00 p.m. on the day of the meeting:

<https://www.ci.sandy.or.us/citycouncil/webform/council-meeting-public-comment-signup-form-online-attendees>.

RESPONSE TO PREVIOUS COMMENTS

CONSENT AGENDA

1. [City Council Minutes: January 21, 2025](#)

ORDINANCES

2. [PUBLIC HEARING – Ordinance 2025-03: Business License Code Modifications \(SMC Chapter 5.04\)](#)
3. [PUBLIC HEARING – Ordinance 2025-04: Chronic Nuisance Properties Code Modifications \(SMC Chapter 8.22\)](#)

NEW BUSINESS

4. [Update - Memorandum of Agreement: Sandy Police Sergeants](#)

REPORT FROM THE CITY MANAGER

COMMITTEE / COUNCIL REPORTS

STAFF UPDATES

Monthly Reports: <https://reports.cityofsandy.com/>

ADJOURN

Americans with Disabilities Act Notice: Please contact Sandy City Hall, 39250 Pioneer Blvd. Sandy, OR 97055 (Phone: 503-668-5533) at least 48 hours prior to the scheduled meeting time if you need an accommodation to observe and/or participate in this meeting.



CITY COUNCIL MEETING

Tuesday, January 21, 2025 at 6:00 PM
Sandy City Hall and via Zoom

MINUTES

WORK SESSION – 6:00 PM

1. Discussion: Deer Pointe Park Covered Basketball Court

The Parks and Recreation Director summarized the staff report in the meeting packet, and provided an overview of the history of the project. Brian Martin and Kurt Lango with Lango Hansen delivered a presentation to the Council; slides were also included in the packet. Clarification was provided on the timing of the cost estimates that were gathered, as well as the components included in the quotes. It was noted that the quotes included steel frames, with Sandy Style elements providing decorative elements.

Council discussion ensued on the following topics:

- The size of the structure relative to the rest of the park
- Considerations for a neighborhood park versus a community park, and the appropriateness of this structure at this particular location
- The height of the peak of the proposed roof
- The prominence of the shelter from Hwy 26
- Challenges related to grade changes on the site
- Park development priorities in the Parks and Trails Master Plan, as well as project timing estimates
- Whether Bornstedt park would be an appropriate site for covered basketball; clarification on the features planned for the second phase of that park's development; parking needs and space considerations at Bornstedt Park
- The amount of land necessary for a sports complex
- Playground features and appropriate age levels
- The roof pitch of the picnic shelter
- Parking impacts on the neighborhood
- Considerations around half court versus full court basketball and the expectations of the community, which already provided input on the project
- The need for continuity with past Council decisions; recognition of the fact that the Council had previously asked for more information on covered basketball costs
- Concern about noise impacts on adjacent neighbors
- Concerns about wind and the ability of a structure to remain stable
- Timing of the project relative to the City's budget cycle
- The need for covered courts and the notion that future parks would be ill-suited for covered basketball

- Opportunities to be flexible with regard to Sandy Style
- SDC projections and potential impacts with regard to other park improvements, including at Meinig Park
- Remaining funds in the Council's contingency
- The importance of Deer Pointe Park for that area of town
- Possibilities for street parking adjacent to the park
- The degree to which low bids are realistic and accurate
- Past discussions regarding roof pitch flexibility for other projects
- The potential to construct footings for the structure now, while waiting to complete the cover in the future
- Possibilities for installing extra paved surface now, and installing footings and a roof structure in the future
- Recognition that the Council can address this issue during the upcoming budget process
- Suggestion to gather further public input on the covered basketball proposal
- Suggestion to view covered basketball courts in nearby communities

Recap of stormwater drainage problems at the Base Camp pump track:

The Parks and Recreation Director provided an update on the avenues being pursued by the City to remedy the drainage problems, noting that the contractor acknowledges that certain infrastructure is not performing as intended. The solution will be to install hard drainage pipe and develop a rain garden. Resolving the matter is a top priority, and the contractor will be bearing financial cost. It was noted that the adjacent stormwater main does not have sufficient capacity to handle the runoff, and that the raingarden solution is more feasible.

The Council offered reflections on the contractor's original plans and the lack of adequate performance, and that rather than attempt to improve the dry wells the hard piping approach is being implemented instead. It was noted that areas of the park will need to be closed while repairs are constructed. It was also suggested that the City should consider whether any long term damage to the infrastructure was caused by the flooding, and that the extent of the City's protection under warrantee terms should be clarified.

REGULAR MEETING – 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Kathleen Walker
 Council President Don Hokanson
 Councilor Laurie Smallwood
 Councilor Rich Sheldon
 Councilor Kristina Ramseyer
 Councilor Lindy Hanley

ABSENT

Councilor Chris Mayton

CHANGES TO THE AGENDA

(none)

PUBLIC COMMENT (3-minute limit)

Ben Koster: thanks and appreciation for Sandy's parks; encouragement for the City to prioritize youth sports access to City fields and other facilities, particularly for Cal Ripken baseball; support for the covered basketball concept at Deer Pointe Park

RESPONSE TO PREVIOUS COMMENTS

The City Manager indicated that staff met with the parties interested in developing a childcare facility who spoke at the previous meeting, and that possible solutions are being developed to allow the project to proceed. He noted that it is the intention of staff to be solution-oriented. He also noted that the Police Department is looking into the reported parking challenges at the intersection of Gary and Langensand, and that enforcement and other potential future solutions are being explored.

CONSENT AGENDA

2. City Council Minutes: January 6, 2025
3. Resolution 2025-02: Updating Bank Signatories

MOTION: Adopt the consent agenda

Motion made by Councilor Smallwood, Seconded by Councilor Ramseyer.

Voting Yea: Mayor Walker, Council President Hokanson, Councilor Smallwood, Councilor Sheldon, Councilor Ramseyer, Councilor Hanley

MOTION CARRIED: 6-0

PRESENTATIONS

4. Audit Presentation - Fiscal Year Ended June 30, 2024

Colleen Belford and Tim Gillette with TKW were present to present the most recent audit to the Council. They thanked the City for its cooperation throughout the process. Documents reviewed included to Annual Comprehensive Financial Report, financial statements for the Urban Renewal Agency, and the Single Audit. Required communications and disclosures were provided, and the applicable accounting standards were noted.

Discussion ensued on the audit findings, which consisted of two recording errors, as well as an internal control issue related to a phishing attempt. It was noted that now policies have been implemented to avoid similar phishing attempts in the future, and that the funds had been recovered.

NEW BUSINESS

5. Update: Sandy Funding Request for 2025 Oregon Legislative Session

The City Manager summarized the staff report in the meeting packet. Nellie deVries was present to provide an overview of the City's effort to secure state funding support during the legislative session.

Council discussion ensued on the following issues:

- The degree to which the \$14 million request is in line with other cities' requests
- Expectations that this session will follow a more traditional capital project funding process
- Staff efforts to identify other grant funding opportunities
- Expected emphasis during the session on transportation projects
- The importance of state revenue projections
- Messaging of the City's request with regard to housing development and environmental protection; concern that the environmental aspect is not sufficiently featured
- Intentions to tailor messaging to individual legislators
- Timing and expected cost of necessary engineering studies to confirm Gresham's system capacity

Councilor Smallwood expressed reservations about the proposed direction of sending wastewater flows to Gresham for treatment, and emphasized that the City should explore alternative options for wastewater discharge and/or reuse. In response, other Council Members stated that a variety of alternative solutions have already been studied to no avail, and that the Consent Decree and associated timelines and penalties make it infeasible to delay any further. It was also stated that partnering with Gresham provides advantages in terms of economies of scale and regional resources, as well as an ability for the City to remove itself from the wastewater treatment business and exposure to future regulatory requirements.

It was emphasized that unity on this issue would be to the City's advantage and that perhaps an additional work session on this issue would be helpful. Concern was expressed that the City would be in a very difficult position if financial assistance for the Gresham project is not secured. It was also stated that the full Council needs better and more frequent communication with respect to the wastewater project, and that newer members of the Council should receive further briefings.

The Council asked staff to develop and provide a consolidated document detailing the various discharge alternatives that have been analyzed, including the reasons that other alternatives proved to be infeasible.

REPORT FROM THE CITY MANAGER

- Recap of the recent code enforcement issue on Barker Ct
- Further details on the City's warrantee protections with regard to the Base Camp pump track

COMMITTEE / COUNCIL REPORTSCouncil President Hokanson

- Suggestion that a specific growth strategy should be developed for SandyNet

Councilor Hanley

(none)

Councilor Ramseyer

- Recap of the recent land use training provided for the Planning Commission
- Recap of recent grand opening of Sauter Timber; suggestion to pursue possible economic development opportunities for related industries

Councilor Sheldon

- Suggestion to pursue improvements to parking regulations in the municipal code, especially related to emergency access and safety

Councilor Smallwood

(none)

Mayor Walker

- Recap of recent grand opening of Sauter Timber and possible economic development opportunities
- Recap of updated Council liaison assignments
- Request for Council Members to send in their ideas for goals in advance of the goal setting meeting
- Suggestion to meet with Oregon Trail School District on facility and park needs
- Encouragement for Council Members to pursue and receive all the relevant information necessary to make informed policy decisions

STAFF UPDATES

Monthly Reports: <https://reports.cityofsandy.com/>

ADJOURN



STAFF REPORT

Meeting Type: City Council
Meeting Date: February 3, 2025
From: Kelly O’Neill Jr., Development Services Director
Subject: PUBLIC HEARING – Ordinance 2025-03: Business License Code Modifications (SMC Chapter 5.04)

DECISION TO BE MADE:

Hold a legislative public hearing for Ordinance No. 2025-03 to adopt code modifications to Chapter 5.04 of the Sandy Municipal Code.

BACKGROUND / CONTEXT:

Chapter 5.04 contains code regulations for business licenses in the city of Sandy. The last code revisions to Chapter 5.04 were in 2015, but most of the code provisions in this chapter have not been modified since 1974. The proposed Municipal Code amendments are an extension of efforts for the Code Enforcement code modifications project as was explained at the City Council work session on October 7, 2024.

Staff desires to amend this chapter to reference current standards and practices in line with the League of Oregon Cities model code. There are some modifications to the model code as recommended by the City Attorney.

KEY CONSIDERATIONS / ANALYSIS:

City staff have deleted all the sections within this chapter and replaced them with the model code language. The following information outlines the primary proposed code modifications:

Section 5.04.010 – Creates a definitions section for Chapter 5.04.

Section 5.04.020 – Creates a revised ‘purpose’ section that elaborates on what was contained in 5.04.040. The purpose of collecting a business license fee is important for several reasons, but is especially important for transit tax, scheduling Building Division and Fire Department safety inspections, and to offset costs associated with assisting new businesses.

Section 5.04.030 – Added as a legal provision.

Section 5.04.040 – Creates an exhaustive list of businesses that are required to obtain a business license. Also provides a clause for reducing fees for non-profits with an IRS 501(c)(3) classification.

Section 5.04.050 – Creates a list of required submission information for business license applications.

Section 5.04.060 – Specifies that the City Council can adopt fee rates in accordance with the master fee schedule. This section also establishes the terms of the annual license and when fees are due each year.

Section 5.04.070 – Specifies that the City issued business license shall be posted and available for inspection by the public and City employees.

Section 5.04.080 – Includes information on business transfers and relocations.

Sections 5.04.090 – Creates an exhaustive business license exemption list, including but not limited to businesses run by minors (lawn mowing, lemonade stands, etc.), garage sales, and for community events.

Section 5.04.100 – This section specifies how business licenses are approved, denied, revoked, or suspended, and provides information on reapplication when that is necessary.

Section 5.04.110 – This section outlines the process for a business license applicant to appeal the denial, revocation, or suspension of a business license. The appeal is heard by the City Council.

Section 5.04.120 – Modified to reference Chapter 1.18, Class C Civil Infraction (\$250) for violations instead of \$100.00 as was listed in Section 5.04.160. Also removed the provision that someone violating Chapter 5.04 could be imprisoned for up to 30 days. This section also contains information on inspections, right of entry, and legal proceedings by the City Attorney.

Section 5.04.130 – Added as a legal provision.

Section 5.04.140 – Creates an exhaustive section for processing residential rental property through the business license program. Owners of residential rental property in Sandy have been required to obtain business licenses for several decades, but the municipal code has never had a clearly written code section addressing the requirements.

RECOMMENDATION:

Staff recommends that the City Council hold a legislative hearing and adopt Ordinance No. 2025-03.

LIST OF ATTACHMENTS / EXHIBITS:

- Ordinance No. 2025-03
 - Exhibit A. Chapter 5.04 edits



AN ORDINANCE AMENDING SANDY MUNICIPAL CODE CHAPTER 5.04: OCCUPATIONS, PROFESSIONS, AND BUSINESSES LICENSES

WHEREAS, Title 5, Business Licenses And Regulations of the Sandy Municipal Code, establishes requirements for business activities in the City of Sandy; and

WHEREAS, the Development Services Department oversees the issuing and enforcement of the City’s Business Licenses to applicants doing business inside the City of Sandy’s boundary; and

WHEREAS, Title 5, Chapter 5.04 of the Sandy Municipal Code has not been comprehensively reviewed since its enactment in 1974; and

WHEREAS, the current code does not adequately address the City’s current needs with regard to business license requirements, definitions, exemptions, mandatory fines, and licensing of residential rental properties; and

WHEREAS, the Development Services Department researched multiple jurisdictions and the League of Oregon Cities Model Business License code language to draft the attached code amendments (Exhibit A); and

WHEREAS, the City Council held a public hearing on February 3, 2025, allowing the public an opportunity to provide testimony on the proposed code amendments.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:

Section 1: The amended Title 5 Business Licenses and Regulations, Chapter 5.04, attached as Exhibit A to this Ordinance, is hereby adopted in its entirety and replaces the existing Chapter 5.04 of the Sandy Municipal Code.

Section 2: This ordinance shall take effect thirty days after its enactment.

This ordinance is adopted by the City Council of the City of Sandy this 3rd day of February, 2025.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

Sandy, Oregon, Code of Ordinances
Title 5 BUSINESS LICENSES AND REGULATIONS

Title 5 BUSINESS LICENSES AND REGULATIONS

CHAPTER 5.04 OCCUPATIONS, PROFESSIONS, AND ~~BUSINESSES~~ TAX LICENSES

SECTIONS

[5.04.010 Definitions](#)

[5.04.020 Purpose](#)

[5.04.030 Applicability](#)

[5.04.040 License Required](#)

[5.04.050 Business License Application Requirements](#)

[5.04.060 Fees Imposed](#)

[5.04.070 Posting and Display of License](#)

[5.04.080 Transfers and Relocations](#)

[5.04.090 Exemptions](#)

[5.04.100 Approval, Denial, Revocation, and Suspension](#)

[5.04.110 Appeal](#)

[5.04.120 Violations and Penalties](#)

[5.04.130 Severability Clause](#)

[5.04.140 Rental Licensing](#)

Sec. 5.04.010. Definitions. As used in this chapter:

- A. "Applicant" means the person applying for a license to operate a business within the city.
- B. "Business" means any activity, trade, profession, occupation, or pursuit that generates revenue, whether for profit or not-for-profit, regardless of the form under which the activity, trade, profession, occupation, or pursuit is operated, engaged, conducted, or carried on within the city.
- C. "Day" means a calendar day unless otherwise noted.
- D. "License" means the permission granted by the City under this chapter to operate, engage, conduct, or carry on a business within the city.
- E. "Licensee" means an applicant who has received a business license.
- F. "Person" means an individual, partnership, corporation, limited company, joint venture, cooperative or any other entity in law or in fact.

- G. “Revenue” means value received directly or indirectly in money, credits, property, services, or any other consideration for the purpose of the reimbursement of costs, sale, barter, trade for a product or service; the payment of fees, charges, dues, entrance fees, membership fees; or to make a contribution or donation.
- H. “Solicitor” means any person 18 years of age or older who goes upon the premises of any private residence in the city without invitation of the occupant or owner thereof, and who communicates in any manner for the purpose of taking orders or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future. This definition also includes any person who, without invitation of the occupant or owner, goes upon private property to request contribution of funds or anything of value, or to sell goods or services, for any political, charitable, religious, or other non-commercial purpose.

~~Sec. 5.04.010. Person and business defined.~~

~~As used in this chapter, the term "person" means all domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint adventures, societies and individuals transacting and carrying on business in the city; and the term "business" means professions, trades, occupations, shops and all and every kind of calling carried on for profit or livelihood.~~

~~(Ord. No. 17-74 § 1, 1974; Ord. No. 03, 2014; Ord. No. 09, 2015)~~

Sec. 5.04.020. Purpose. This chapter is enacted, except as otherwise specified, to:

- A. Secure revenue to assist in defraying the City’s cost of administering and enforcing its laws and ordinances and the City’s provision of certain municipal services; and
- B. Obtain valuable information for emergency responders, planning and building personnel, and economic development.

~~Sec. 5.04.020. Employer to pay tax.~~

~~No person whose income is based solely on an hourly, daily, weekly, monthly or annual wage or salary shall, for the purpose of this chapter, be deemed a person transacting or carrying on any business in the city; and it is the intention that all license taxes levied herein shall be borne by the employer for the privilege of doing business in the city.~~

~~(Ord. No. 17-74 § 2, 1974)~~

Sec. 5.04.030. Applicability.

Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city of Sandy which is exempt from taxation or regulation by the City by virtue of the constitutions of the United States or the State of Oregon, or applicable federal or state law.

~~Sec. 5.04.030. Agent liable to pay tax.~~

~~The agents of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for the payment of the tax thereon as herein provided and for the penalties for failure to pay the same or to comply with the provisions of this chapter to the extent and with like effect as if such agent or agents were themselves the proprietors or owners thereof.~~

~~Any person representing himself or itself or exhibiting any sign or advertisement that he or it is engaged in any of the businesses in the city on which an occupational tax is levied by this chapter, shall be deemed to be actually engaged in such business and shall be liable for the payment of such tax, and subject to the penalties for failure to pay same.~~

~~(Ord. No. 17-74, § 3, 1974)~~

Sec. 5.04.040. License Required.

- A. No person shall engage in any business within the city without first obtaining a license and paying the license fee prescribed.
- B. The provisions of this chapter shall be in addition to any other license requirements or license fees contained in this code, unless otherwise specified.
- C. A person engaged in business in more than one location shall make a separate application, pay a separate license fee, and obtain a separate license for each location, except as otherwise provided in this chapter.
 1. Only one license under this chapter is required for mobile businesses such as housekeeping services, solicitors, and other related businesses which travel throughout the city.
 2. If more than one business is conducted on the same premises, each business must obtain a separate license.
 3. Only one license under this chapter is required for businesses that operate self-service machines at multiple locations, such as vending machines or movie rental kiosks.
- D. If a person is engaged in more than one business, the person shall obtain a separate business license for each business conducted, whether conducted at a single location or multiple locations.
- E. A not-for-profit business is required to obtain a business license. A not-for-profit business with an IRS 501(c)(3) classification may file proof of such classification with the City and obtain a reduction to the business license fee, but this will not waive the mandatory third-party processing fee.
- F. A person representing themselves or exhibiting any sign or advertisement that they are engaged in a business within the city shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee and subject to the penalties for failure to comply with the requirements of this chapter. No person shall do business within the city as the agent or representative of another person unless either the principal or the agent or representative has a current, valid City business license for the business, no matter where the principal offices of that business are situated.
- G. It shall be the responsibility of all general contractors and utility companies working in the city to provide a list of all names and addresses of subcontractors under their direction to the City. Failure of any subcontractor to pay a business license may result in a "stop work" order on any project in process within the city.
- H. A business that makes space available for independent contractors to conduct business (e.g., hair salons, flea markets) or arranges for independent contractors to perform a service essential to that business (e.g., installation of products or equipment sold) shall obtain a business license. No person or person in charge of property shall lease, license, or otherwise make space available for an independent contractor if the independent contractor has not obtained a business license.

~~Sec. 5.04.040. Purpose of chapter.~~

~~This chapter is enacted, except as hereinafter otherwise specified, to provide revenue for municipal purposes and to provide revenue to pay for the necessary expenses required to issue the license.~~

~~(Ord. No. 17-74, § 4, 1974)~~

Sec. 5.04.050. Business License Application Requirements.

Each person desiring to engage in business in the city must apply for a business license in such a manner as the Development Services Director may prescribe. The application must be accompanied by the applicable license fee, listed in the City's current master fee schedule. The application must be filed with the Development Services Department and, in addition to any other information reasonably required by the Development Services Director, must contain the following information:

- A. The date of the application.
- B. The name of the business.
- C. The physical address of the business or, if no such address, the address used for income tax purposes.
- D. The mailing address of the principal office of the business.
- E. Business owner's name and address, if an individual or partnership.
- F. Property owner information (name, address, email, and phone number).
- G. A brief description of the nature of the business, including its primary or predominant business activity and the business's North American Industry Classification System (NAICS) code, if applicable.
- H. The name and address of the applicant and, if the applicant is an entity, the name and address of the authorized agent submitting an application on behalf of the applicant.
- I. The number of people employed by the business.
- J. Whether hazardous materials are on the premises as defined under ORS 466.605.
- K. The license fee tendered with the application.
- L. A verification by the applicant, or authorized agent submitting the application on behalf of the applicant of the following:
 1. The information stated in the application is true, accurate, and complete.
 2. There is an agreement to abide by all applicable codes and ordinances of the City of Sandy and to correct any hazards or violations as they pertain to the above business.
 3. There is agreement that the applicant understands that issuance of a license does not guarantee that the site, building, or use conforms to the City of Sandy land use regulations.
- M. A notice that the application is a public record, and that the City will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records

{00894137; 1 }

Created: 2024-02-06 11:06:26 [EST]

(Supp. No. 2)

Law (ORS 192.410-192.505) and other applicable laws.

- N. Any other information necessary to enable the Development Services Director or designee to review the application to determine whether the application should be approved.

Sec. 5.04.050. Applicability.

~~Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city which is exempt from such license fee or regulation by the city by virtue of the Constitution or laws of the United States of America, or the constitution or laws of the state of Oregon.~~

~~(Ord. No. 17-74, § 5, 1974)~~

Sec. 5.04.060. Fees Imposed.

- A. An annual license fee is imposed on the act of doing business within the city according to the City's master fee schedule. The City Council may establish different fee amounts based on certain factors or categories, including but not limited to business location and nature of the business.
- B. Fees are due at the time of the initial application. Renewal fees are due annually by January 1 of the respective year. The business license expires on December 31.
- C. A late fee (established in the City's master fee schedule) will be assessed for any business license fee not received by the last day in February.
- D. A person doing business in the city, for whom payment of a business license fee is delinquent, shall pay a penalty fee charged daily or monthly (as established in the City's master fee schedule) or fraction thereof for which payment remains delinquent.

Sec. 5.04.060. Tax not to sanction unlawful business.

~~The levy or collection of an occupational tax upon any business shall not be construed to be a license or permit of the city to the person engaged therein to engage therein in the event such business shall be unlawful, illegal or prohibited by the laws of the state or the United States or ordinances of the city.~~

~~(Ord. No. 17-74, § 6, 1974; Ord. No. 03, 2014; Ord. 09, 2015)~~

Sec. 5.04.070. Posting and Display of License.

A licensee shall post the license in a conspicuous place upon the business premises, available for inspection by the public, and any employees and prospective employees of the business. When the licensee has no office, business premises, or other established place of business within the city, the license must be in the possession of the agent or representative of the business who is present in the city at all times during which business is being completed by the agent or representative in the city and must be made available upon request from any person. If a licensed business is based in a motor vehicle, a copy of the license must be carried in the motor vehicle.

~~Sec. 5.04.070. Subcontractors—Failure to pay.~~

~~It shall be the responsibility of all general contractors and utility companies working in the city to provide a list of all names and addresses of subcontractors under their direction. Failure of any subcontractor to pay an occupational tax result in a "stop work" order on any project in process within the city.~~

~~(Ord. No. 17-74, § 7, 1974)~~

Sec. 5.04.080. Transfers and Relocations.

- A. No transfer or assignment of any business license is permitted. If a person sells or transfers a business for which a license has been obtained, the new owner must obtain a new business license.
- B. Relocation of an Existing Business. In the event a business is relocated, the licensee shall reapply for a new business license.

~~Sec. 5.04.080. Tax fees designated.~~

~~The city council shall set by resolution tax fees to be imposed upon businesses, trades, shops, professions, callings and occupations.~~

~~(Ord. No. 17-74, § 8, 1974; Ord. No. 3-84, § 1, 1984; Ord. No. 18-93, § 1, 1993)~~

Sec. 5.04.090. Exemptions.

The following are exempt from the licensing requirement in this chapter:

- A. A service business operated by a person under the age of 18, such as a lawn mowing business, cookie sales, a lemonade stand, and the like.
- B. Garage sales, yard sales, and other similar activity conducted, carried on, or operated by an individual; provided, however, such exemption will not apply if either of the following conditions are met:
 - 1. The individual conducts, carries on, or operates more than five such sales within any calendar year; or
 - 2. Any one such sale has a duration of more than 72 consecutive hours.
- C. A person whose income is based solely on an hourly, daily, weekly, monthly, or annual wage or salary.
- D. Any business whose sole operation is at a temporary community or public event with a duration of three days or less.
- E. A person whose only business in the city is the delivery of materials or products that were purchased at the person's place of business in another jurisdiction. However, a license shall be required for a person whose primary business is the receipt and delivery of packages from and to third parties.

~~Sec. 5.04.090. Tax year.~~

~~The tax year for which occupational taxes shall be charged hereunder shall commence with the first day of January of each year and terminate with the close of the 31st day of December of each year. The taxing year shall~~

~~begin with the first day of January, and all taxes shall be due and payable on the first day of January of each year, which shall be in advance for the ensuing year, and if not paid before the first day of February of the respective year, the license fee will be delinquent and the penalties and rights given the city under this chapter may be imposed as hereinafter set forth, subject to further provisions set forth in Section 5.04.100.~~

~~(Ord. No. 17-74, § 9, 1974)~~

Sec. 5.04.100. Approval, Denial, Revocation, and Suspension.

- A. Approval of Application. The Development Services Director or designee shall approve or deny an application for a new business license within 30 days of the submission of a complete application and required fee.
- B. Denial, Suspension, or Revocation of Application. The Development Services Director may deny, suspend, or revoke a business license upon finding that the applicant has provided false or misleading information or has omitted disclosure of a material fact on the application or in any related materials.
- C. Notice. The Development Services Director shall provide written notice to the applicant or licensee of the denial, suspension, or revocation. The notice shall state the reason for the action taken.
- D. Reapplication. A person whose application for a business license has been denied, suspended, or revoked, may apply for a license or reinstatement upon payment of the application fee and submission of an application form and any necessary related documents.

~~Sec. 5.04.100. Separate businesses—Branch establishments.~~

~~If any person is engaged in operating or carrying on in the city more than one trade, shop, profession, occupation, business or calling, then such person shall pay the occupational tax prescribed for as many of said trades, businesses, professions, occupations, shops or callings as are carried on by such person.~~

~~Each branch establishment of business or location of a business conducted by any person shall, for the purposes hereof, be a separate business and subject to the tax therefor herein provided, except that warehouses used solely incidental in connection with a business licensed pursuant to the provisions of this chapter and operated by the person conducting such business shall not be separate places of business or branch establishments.~~

~~(Ord. No. 17-74, § 10, 1974)~~

Sec. 5.04.110. Appeal.

In the event an application for a business license under this chapter is denied, or in the event a license is suspended or revoked, the applicant or licensee shall have the right to appeal.

- A. The written notice of appeal to the City Council shall be filed with the Development Services Director within 15 days after the license denial, suspension, or revocation.
- B. The City Council shall hear and make a determination in regard to the appeal at a regularly scheduled meeting within 60 days of the filing of the appeal.

- C. The decision of the City Council on the appeal shall be final and conclusive.

~~Sec. 5.04.110. Proration of tax.~~

~~Occupational taxes for persons engaged in any trade, shop, business, occupation, profession or calling after July 1 shall be prorated at one-half the full year rate.~~

~~(Ord. No. 17-74, § 11, 1974)~~

Sec. 5.04.120. Violations and Penalties.

- A. Any person violating any of the provisions of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. Each day on which a violation occurs or continues shall be considered a separate violation.
- B. Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provisions of this chapter, or when necessary to investigate an application to, or revocation of a license under any of the procedures prescribed in this chapter, officials for the enforcement or administration of this chapter, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation. If an owner or occupant denies access for an inspection, the City may seek a warrant. No premises not open to the public shall be entered without the consent of the owner or occupant unless under the authority of a lawful warrant.
- C. Legal Proceedings by City Attorney. In addition to the enforcement provisions of this chapter, upon request by the City Council, the City Attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

~~Sec. 5.04.120. Application for license.~~

~~On or before the first day of January of each and every tax year as herein provided, after the passage of the ordinance codified herein, every person as herein defined, engaged in business as defined herein, in the city, which said businesses are in this chapter scheduled and designated, shall make application to the city recorder upon suitable blanks furnished by the city, for a license to carry on his business for the license year and at the time of filing same shall make payment of the tax fee herein required. Said application shall be filed with the recorder for use of city officials.~~

~~(Ord. No. 17-74, § 12, 1974)~~

Sec. 5.04.130. Severability Clause.

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this chapter shall not affect the validity of the remaining parts of this chapter.

~~Sec. 5.04.130. Transfer or assignment.~~

~~No transfer or assignment of any occupational tax herein provided shall be made without consent of the city manager. An entry of such transfer shall be made by the recorder in the record of taxes, for which entry the recorder shall charge and receive the sum of \$10.00.~~

~~(Ord. No. 17-74, § 13, 1974)~~

Sec. 5.04.140. Residential Rental Property License Required

- A. Except as otherwise provided in this section, no person shall maintain or operate a residential rental property within the city without first obtaining a residential rental property license. An application for a residential rental property license shall be filed with the Development Services Department in such a manner as the Development Services Director may prescribe.
- B. The requirements of this section shall apply to the following residential rental property classifications:
1. Owner-occupied dwellings containing one or more residential rental units;
 2. Non-owner-occupied dwellings containing one or more residential rental units; and
 3. Owner-occupied dwellings containing one or more sleeping units or rooming units rented or leased.
- C. Residential rental property shall be deemed to be operated/rented and subject to the provisions of this chapter if any unit within the property has been occupied by a tenant or advertised for rent within the last 12 months.
- D. The requirements of this section shall not apply to:
1. Motels, hotels, short-term rentals, rooming houses, assisted living facilities, adult foster care homes administered by the state of Oregon, temporary housing.
 2. Approved accessory dwellings, sleeping units, or rooming units, occupied by a person or person from whom the owner does not collect any monetary compensation.
- E. In order to obtain or renew a residential rental property license, the owner or designated agent must submit an application containing the following information concerning each residential rental property that they own in the city:
1. The owner(s) name, address, telephone number(s), and email address, if applicable;
 2. The name, address, telephone number(s), and email address of the owner's designated agent, if applicable;
 3. The address of the residential rental property and the number of rental units; and,
 4. Such other information as may be reasonably required by the Development Services Director.
- F. The owner or designated agent must certify the truthfulness and accuracy of the information that is provided in the residential rental property license application.
- G. The owner or designated agent must submit the completed residential rental property license application to the Development Services Department prior to commencing rental or advertisement for rental of the property.
- H. The owner or designated agent must inform the Development Services Department of any change concerning the information contained in the residential rental property license application within 30 calendar days of such change.

- I. The application shall be accompanied by the fee required for the residential rental property license as established in the City's master fee schedule. Renewal fees are due annually by January 1 of the respective year. The license expires on December 31. A late fee (established in the City's master fee schedule) will be assessed for any residential rental property license fee not received by the last day in February.
- J. A license issued under Section 5.04.140 is not transferable to a new owner or from one property to another.

~~Sec. 5.04.140. Compliance—Delinquent fee.~~

~~It is unlawful for any person to willfully make any false or misleading statement to the recorder in his application for the purpose of determining the amount of any occupational tax herein provided to be paid by any such person, or to fail or refuse to comply with any of the provisions of this chapter to be complied with or observed by such person, or to fail or refuse to pay before, the same shall be delinquent, any occupational tax or penalty required to be paid by any such person.~~

~~In the event any person required to pay an occupational tax fails or neglects to pay the same before the same becomes delinquent, the recorder shall collect upon the payment thereof and in addition thereto a penalty of five percent thereof for each calendar month or fraction thereof the same shall be delinquent.~~

~~The conviction of any person for violation of any of the provisions of this chapter shall not operate to relieve such person from paying any occupational tax or penalty thereupon for which such person shall be liable, nor shall the payment of any such tax be a bar to or prevent any prosecution in the city municipal court of any complaint for the violation of any of the provisions of this chapter.~~

~~(Ord. No. 17-74, § 14, 1974)~~

~~Sec. 5.04.150. City rights—Reclassification and change in fees.~~

~~Nothing herein contained shall be taken or construed as vesting any right in any licensee as a contract obligation on the part of the city as to the amount or character of license hereunder, and such occupational tax may be increased or decreased in any or all instances at any time by said city, and any trade, business, profession or occupation herein scheduled may be reclassified or sub-classified at any time, and all occupational taxes herein levied shall be due and payable in advance.~~

~~(Ord. No. 17-74, § 15, 1974)~~

~~Sec. 5.04.160. Violation—Penalty.~~

~~Any person violating any of the provisions of this chapter shall upon conviction thereof in the municipal court of the city, be punished by a fine of not to exceed \$100.00, or by imprisonment in the county jail not to exceed 30 days, or by both fine and imprisonment, in the discretion of the municipal judge.~~

~~(Ord. No. 17-74, § 16, 1974)~~

~~Sec. 5.04.170. Legal action by city.~~

~~In addition to the penalty provided for the violation of this chapter, and as separate and distinct remedies, the city may sue in any court of competent jurisdiction to obtain judgment and enforce collection of the occupational taxes, or any of them, due under this chapter, and may avail itself of the right of mandamus or injunction in such courts to properly enforce the provisions of this chapter.~~

~~(Ord. No. 17-74, § 17, 1974)~~

~~**Sec. 5.04.180. Receipt and disbursement of moneys.**~~

~~The recorder is authorized to receive such occupational taxes on and after the first day of the month immediately preceding the first day of the license year for which it is paid. Said moneys received from such occupational taxes shall be placed in the general fund.~~

~~(Ord. No. 17-74, § 18, 1974)~~

~~**Sec. 5.04.190. Display of license.**~~

~~Occupational tax licenses (business licenses) shall be openly displayed in the place of business so taxed, if such place of business is within the city, or shall be carried by these persons, their employees or agents, engaged in business in the city but whose place of business is outside the city.~~

{00894137; 1 }

Created: 2024-02-06 11:06:26 [EST]

(Supp. No. 2)



STAFF REPORT

Meeting Type: City Council
Meeting Date: February 3, 2025
From: Kelly O’Neill Jr., Development Services Director
Subject: PUBLIC HEARING – Ordinance 2025-04: Chronic Nuisance Properties Code Modifications (SMC Chapter 8.22)

DECISION TO BE MADE:

Hold a legislative public hearing for Ordinance No. 2025-04 to adopt code modifications to Chapter 8.22 of the Sandy Municipal Code.

BACKGROUND / CONTEXT:

Chapter 8.22 contains code regulations for chronic nuisance properties in the city of Sandy. The last code revisions to Chapter 8.22 were in 2014, but most of the code provisions in this chapter have not been modified since 2011. The proposed Municipal Code amendments are an extension of efforts for the Code Enforcement code modifications project as was explained at the City Council work session on October 7, 2024.

The Code Enforcement Task Force had asked staff to amend this chapter to add additional authority for the City Manager to review ORS references, and to look at expanding what could be considered a chronic nuisance. Police Chief Huskey and the City Attorney provided input to these code modifications.

The City Attorney stated that most cities call out a limited set of specific violation types to include in the chronic nuisance properties code (hence the long list of crimes rather than “any crime”). If the City Council wants to add additional items to the nuisance activities in Section 8.22.10 (C) the City Council will need to list the specific code violations they want to fall within this scope; however, that was not completed with this code amendment.

KEY CONSIDERATIONS / ANALYSIS:

Throughout Chapter 8.22 the City Manager was added as requested by the Code Enforcement Task Force. The following information outlines the primary proposed code modifications to Chapter 8.22 by section:

Section 8.22.010 – The primary modifications to this section were to revise the ORS references for the different specified nuisance activities. The City Attorney modified the word ‘intimidation’ to ‘bias crime’ in (C)(2) and Chief Huskey added ‘strangulation’ to (C)(4).

Section 8.22.40– Modified to reference Chapter 1.18, Class A Civil Infraction (\$1,000) for violations instead of \$200.00 as was listed. The City Attorney also added the statement, “The civil penalties assessed under this section shall be in addition to and not in lieu of any penalties for the underlying activities otherwise established by law.”

RECOMMENDATION:

Staff recommends that the City Council hold a legislative hearing and adopt Ordinance No. 2025-04.

LIST OF ATTACHMENTS / EXHIBITS:

- Ordinance No. 2025-04
 - Exhibit A. Chapter 8.22 edits



ORDINANCE NO. 2025-04

AN ORDINANCE AMENDING SANDY MUNICIPAL CODE CHAPTER 8.22: CHRONIC NUISANCE PROPERTIES

WHEREAS, the City Council requested changes to the Sandy Municipal Code to update, improve, and standardize enforcement processes across various chapters; and

WHEREAS, as part of those efforts, staff prepared amendments to the Sandy Municipal Code, Chapter 8.22 Chronic Nuisance Properties to allow the City Manager to declare properties as a chronic nuisance for violations, expand the list of eligible violation types, and make other improvements; and

WHEREAS, the City Council held a public hearing on February 3, 2025, allowing the public an opportunity to provide testimony on the proposed code amendments.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:

Section 1: Sandy Municipal Code Chapter 8.22: Chronic Nuisance Properties is hereby amended as detailed in Exhibit A, which is attached to this Ordinance.

Section 2: This ordinance shall take effect thirty days after its enactment.

This ordinance is adopted by the City Council of the City of Sandy this 3rd day of February, 2025.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

Title 8 - HEALTH AND SAFETY
CHAPTER 8.22 CHRONIC NUISANCE PROPERTIES

CHAPTER 8.22 CHRONIC NUISANCE PROPERTIES

Sec. 8.22.10. Definitions.

A. *Chronic Nuisance Property.*

1. Property on which three or more Nuisance Activities exist or have occurred during any 30-day period; or
2. Property on which or within 200 linear feet of any portion of which any person associated with the property has engaged in three or more Nuisance Activities during any 30-day period; or
3. Property that, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, and ORS 475.005 through ~~475.285 and/or 475.940 through 475.995~~80 has occurred within the previous 30 days, and the City Manager or Chief of Police has determined that the search warrant was based on evidence of continuous or repeated Nuisance Activities at the property; or
4. Property on which continuous or repeated Nuisance Activities as defined in Subsection C. below exist or have occurred

B. *Control.* The ability to regulate, restrain, dominate, counteract, or govern property, or conduct that occurs on a property.

C. *Nuisance Activities.* Any of the following activities, behaviors or conduct:

1. Harassment as defined in ORS 166.065 ~~(1)(a)~~.
2. ~~Intimidation~~-Bias crime as defined in ORS 166.155 through 166.165.
3. Disorderly conduct as defined in ORS 166.023 through 166.025.
4. Assault, strangulation, or menacing as defined in ORS 163.160 through 163.190.
5. Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as defined in ORS 163.415 through 163.445.
6. Public indecency as defined in ORS 163.465.
7. Prostitution or related offenses as defined in ORS 167.007 through 167.017.
8. Alcoholic liquor violations as defined in ORS Chapter 471.105 through 471.482.
9. Offensive littering as defined in ORS 164.805.
10. Criminal trespass as defined in ORS 164.243 through 164.265.
11. Theft as defined in ORS 164.015 through 164.1430.
12. Arson or related offenses as defined in ORS 164.3015 through 164.33542.
13. Possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS 167.203, and ORS 475.005 through ~~475.285, and/or 475.940 through 475.995~~80.
14. Illegal gambling and related offenses as defined in ORS 167.117, and ~~for~~ ORS 167.122 through ORS 167.1247.

{00926859; 1 }

15. Criminal mischief as defined in ORS 164.345 through 164.365.
 16. Any attempt to commit (as defined in ORS 161.405), ~~and~~/or conspire to commit (as defined in ORS 161.450), any of the above activities, behavior or conduct.
 17. Fire or discharge of a firearm as defined in ORS 166.
 18. Disorderly conduct as defined in [SMC 9.02.1](#) or ORS 166.023 and 166.025.
- D. *Person*. Any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in the ~~C~~city of Sandy.
- E. *Person Associated With*. Any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize, or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a property.
- F. *Person in Charge*. Any person, in actual or constructive possession of a property, including but not limited to an owner or occupant of property under his or her ownership or control.
- G. *Property*. Any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residence, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property may be limited to the unit or the portion of the property on which any nuisance activity has occurred or is occurring, but includes areas of the property used in common by all units of property including without limitation other structures erected on the property and areas used for parking, loading, and landscaping.

(Ord. No. 03, 2011; Ord. No. 16, 2014)

Sec. 8.22.20. Violation.

- A. Any property determined by the [City Manager or e](#)Chief of ~~p~~P~~P~~olice to be chronic nuisance property is in violation of this Chapter and subject to its remedies.
- B. Any person in charge of property determined by the [City Manager or e](#)Chief of ~~p~~P~~P~~olice to be a chronic nuisance property is in violation of this chapter and subject to its remedies.

(Ord. No. 03, 2011)

Sec. 8.22.30. Procedures.

- A. When the [City Manager or e](#)Chief of ~~p~~P~~P~~olice ~~receives~~ becomes aware of two or more police reports documenting the occurrence of nuisance activities on or within 200 feet of a property which appear to meet the requirements of SMC 8.22.10, the [City Manager or e](#)Chief of ~~p~~P~~P~~olice shall independently review such reports to determine whether they describe the activities, behaviors or conduct enumerated under SMC 8.22.10.~~C.1. — C.19~~. Upon such a finding, the [City Manager or e](#)Chief of ~~p~~P~~P~~olice may notify the person in charge in writing that the property is in danger of becoming chronic nuisance property. The notice shall contain the following information:
 1. The street address or a legal description sufficient for identification of the property.
 2. A statement that the [City Manager or e](#)Chief of ~~p~~P~~P~~olice has information that the property may be chronic nuisance property, with a concise description of the nuisance activities that exist, or that have occurred. The [City Manager or e](#)Chief of ~~p~~P~~P~~olice shall offer the person in charge an opportunity to propose a course of action that the [City Manager or e](#)Chief of ~~p~~P~~P~~olice agrees will abate the nuisance activities giving rise to the violation.

{00926859; 1 }

Created: 2024-09-03 16:39:22 [EST]

(Supp. No. 3)

3. Demand that the person in charge respond to the City Manager or eChief of pPolice within ten days to discuss the nuisance activities.
- B. When the City Manager or eChief of pPolice receives a police report documenting the occurrence of additional nuisance activity on or within 200 feet of a property after notification as provided by sSubsection A. of this section; or, in the case of chronic nuisance property as defined in SMC 8.22.10.A.3. or A.4., for which notice under sSubsection A. of this section is not required, the City Manager or eChief of pPolice shall notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:
1. The street address or a legal description sufficient for identification of the property.
 2. A statement that the City Manager or eChief of pPolice has determined the property to be chronic nuisance property with a concise description of the nuisance activities leading to his/her determination.
 3. Demand that the person in charge respond within ten days to the City Manager or eChief of pPolice and propose a course of action that the City Manager or eChief of pPolice agrees will abate the nuisance activities giving rise to the violation.
 4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property determined to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the City Manager or eChief of pPolice.
 5. A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the property is located, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by certified first class mail, postage prepaid.
 6. The City Manager or eChief of pPolice or his/her delegate shall prepare an affidavit of mailing for any mailing of notice required under this subsection.
- C. If the person in charge fails to respond as required by sSubsection B.3. of this section, the City Manager or eChief of pPolice may refer the matter to the eCity aAttorney. Prior to referring the matter to the eCity aAttorney, the notice required by sSubsection B. of this section shall also be posted at the property.
- D. If the person in charge responds as required by sSubsection B.3. of this section and agrees to abate nuisance activities giving rise to the violation, the City Manager or eChief of pPolice may postpone referring the matter to the eCity aAttorney. If an agreed course of action does not result in the abatement of the nuisance activities within 60 days; or, if no agreement concerning abatement is reached within 60 days, the City Manager or eChief of pPolice may refer the matter to the eCity aAttorney.
- E. When a person in charge makes a response to the City Manager or eChief of pPolice as required by sSubsections A.3. or B.3. of this section, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have occurred or are occurring. This subsection does not require the exclusion of any evidence that is otherwise admissible or offered for any other purpose.
- F. The failure of any person to receive notice as provided by sSubsections A.3. or B.3. of this section shall not invalidate or otherwise affect the proceedings under this chapter.

(Ord. No. 03, 2011)

{00926859; 1 }

Created: 2024-09-03 16:39:22 [EST]

(Supp. No. 3)

Sec. 8.22.40. Commencement of actions; remedies; burden of proof.

- A. The eCity Attorney may commence legal proceedings in any court of competent jurisdiction, including Sandy Municipal Court and Clackamas Circuit Court, to abate chronic nuisance property and to seek closure, the imposition of civil penalties against any or all of the persons in charge thereof, and any other relief deemed appropriate.
- B. If the court determines property to be chronic nuisance property, the court ~~shall~~ may order that the property be closed and secured against all unauthorized access, use and occupancy for a period of not less than six months, nor more than one year. The order shall be entered as part of the final judgment. The court shall retain jurisdiction during any period of closure.
- C. If the court determines a property to be chronic nuisance property, the court may impose a civil penalty ~~of up to \$200.00~~ equivalent to a Class A Violation under SMC 1.18 per nuisance activity per day for each day nuisance activities occurred on the property, following notice pursuant to SMC 8.22.30.B.; or, the cost to the eCity to abate the nuisance activities at the property, whichever is greater. The amount of the civil penalty shall be assessed against the person in charge and/or the property and may be included in the eCity's money judgment. The civil penalties assessed under this section shall be in addition to and not in lieu of any penalties for the underlying activities otherwise established by law.
- D. If satisfied of the good faith of the person in charge, the court shall not award civil penalties if the court finds that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property.
- E. In establishing the amount of any civil penalty, the court may consider any of the following factors and shall cite those found applicable:
1. The actions taken by the person in charge to mitigate or correct the nuisance activities at the property;
 2. The financial condition of the person in charge;
 3. Repeated or continuous nature of the problem;
 4. The magnitude or gravity of the problem;
 5. The cooperation of the person in charge with the eCity;
 6. The cost to the eCity of investigating and correcting or attempting to correct the nuisance activities;
 7. Any other factor deemed relevant by the court.
- ~~F.~~ The eCity shall have the initial burden of proof to show by a preponderance of the evidence that the property is chronic nuisance property.
- G. Evidence of a property's general reputation and/or the reputation of persons residing in or frequenting it shall be admissible.

(Ord. No. 03, 2011)

Sec. 8.22.50. Summary closure.

Any summary closure proceeding shall be based on evidence showing that nuisance activities exist or have occurred on the property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of summary closure shall be governed by the provisions of ORCP 79 for obtaining temporary restraining orders. In the event of summary closure, the eCity is not required to comply with the notification procedures set forth in SMC 8.22.30.

(Ord. No. 03, 2011)

{00926859; 1 }

Created: 2024-09-03 16:39:22 [EST]

(Supp. No. 3)

Sec. 8.22.60. Enforcement.

- A. The court may authorize the eCity to physically secure the property against all unauthorized access, use or occupancy in the event that the person in charge fails to do so within the time specified by the court. In the event the court authorizes the eCity to secure the property, the eCity shall recover all costs reasonably incurred by the eCity to physically secure the property as provided by this section. The eCity shall prepare a statement of costs incurred in physically securing the property and the eCity shall thereafter submit that statement to the court for its review as provided by ORCP 68.
- B. The person in charge shall pay reasonable relocation costs of a tenant as defined by ORS 90.100(248), if, without actual notice, the tenant moved into the property after either:
1. A person in charge received notice of the determination of the City Manager or eChief of pPolice pursuant to SMC 8.22.30.B.; or
 2. A person in charge received notice of an action brought pursuant to SMC 8.22.50.
- C. A lien shall be created against the property for the amount of the eCity's money judgment. In addition, any person who is assessed penalties under SMC 8.22.40.C. and/or costs under SMC 8.22.60.A. shall be personally liable for payment thereof to the eCity. Judgments imposed by this chapter shall bear interest at the statutory rate.

(Ord. No. 03, 2011)

Sec. 8.22.70. Attorney fees.

The court may, in its discretion, award attorneys' fees to the prevailing party.

(Ord. No. 03, 2011)



STAFF REPORT

Meeting Type: City Council
Meeting Date: February 3, 2025
From: Tyler Deems, City Manager
Subject: Update - Memorandum of Agreement: Sandy Police Sergeants

DECISION TO BE MADE:

None.

PURPOSE / OBJECTIVE:

Inform the City Council of the intent for sergeants in the Sandy Police Department to unionize, joining the existing bargaining unit for patrol officers. The existing Sandy Police Association, which represents the patrol officers and records staff, is under the larger umbrella of the Clackamas County Peace Officers' Association (CCPOA). No Council action is required.

BACKGROUND / CONTEXT:

In early 2024, the Oregon legislature passed House Bill 4115, which amended the Public Employees' Collective Bargaining Act (PECBA) to allow police officers who hold the rank of sergeant to join existing bargaining units or to form their own bargaining units for the first time.

The City of Sandy currently has one bargaining unit, the Sandy Police Association (SPA) which is housed under the larger Clackamas County Peace Officers' Association (CCPOA). The existing bargaining unit is composed of all police officers, code compliance, and records staff. Currently, the three sergeants are not represented by any bargaining unit, and the law does not provide the ability of lieutenants or chiefs to join a collective bargaining unit.

After receiving interest from sergeants on joining the existing bargaining unit, Human Resources worked with the City's labor attorney Steven Schuback with PRH. A memorandum of agreement (MOA) between the City of Sandy and CCPOA has been drafted and tentatively agreed upon. The MOA is attached to this staff report for your review. In summary, the MOA allows the sergeants to join the existing bargaining unit, however, no changes to pay or benefits will be made until the City and CCPOA go through negotiations and settle on a new collective bargaining agreement later this year.

BUDGET IMPACT:

None at this time. The current collective bargaining agreement expires June 30, 2025. Potential budget impact in future years after negotiations with CCPOA in the coming months.

LIST OF ATTACHMENTS / EXHIBITS:

- Memorandum of Agreement
- [SPA Collective Bargaining Agreement July 1, 2022 – June 30, 2025](#)

Memorandum of Agreement

City of Sandy & Clackamas County Peace Officers' Association/Sandy Police Association

Voluntary Recognition of Sergeants

Whereas, the City of Sandy (City) and Clackamas County Peace Officers' Association/Sandy Police Association (CCPOA) are parties to a collective bargaining agreement (CBA) and enter into the following agreement to voluntarily recognize the classification of Sergeant into the existing bargaining unit with sworn police officers.

Whereas, the City and CCPOA are parties to a CBA inclusive of sworn police officers.

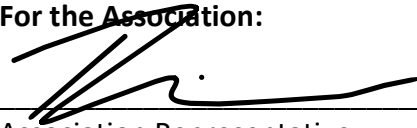
NOW THEREFORE, IT IS HEREBY AGREED by and between the parties as follows:

1. Effective the pay period following execution of this agreement, the classification of Sergeant will be recognized as a bargaining unit classification within in the existing collective bargaining agreement with CCPOA including sworn police officers. A revised job description is attached as Exhibit A.
2. CCPOA agrees with withdraw ERB Case RC-036-24.
3. Sergeants will be eligible for all the terms and conditions of the CBA with the following clarifications:
 - a. Wages: Sergeant wages are attached as Exhibit B.
 - b. Sergeants will be scheduled for shifts as under current practice, and Article 13.1 and Article 15 do not apply for shift assignments for Sergeants.
 - c. Article 16.2 is limited to Sergeants approving overtime for lower ranking employees. Sergeants must receive approval from a Lieutenant to work overtime work as a Sergeant.
 - d. Sergeants will continue to receive a premium incentive of 4% of base hourly rate for all regularly scheduled hours (40 hours week/2080 hours year) worked or equivalent when compensated using accrued leave, for holding the DPSST Supervisory Certificate. Sergeants are not eligible for DPPST incentive pay under Article 20.1. Such recognition for DPSST Intermediate and Advanced certification are commensurate with their current compensation. This incentive is not paid for overtime or hours worked beyond a regular work week.
 - e. Article 20.2, Police Officer Training Pay, does not apply to Sergeants. Such duties are commensurate with their current compensation.
 - f. Sergeants are not eligible for Longevity pay under Article 20.5.
 - g. Sergeants are not eligible for Graveyard Shift differential under Article 20.7.
 - h. Article 22: Health Insurance: For Sergeants, premium cost sharing will remain the same as currently provided. (90/10 cost share regardless of Tier status (employee only, ee +1, etc.)

- i. Sergeants are not eligible for deferred compensation payments under Article 24.2
- j. Article 26.1 Vacation: Article 26.1 does not apply to Sergeants. Vacation accruals for Sergeants will remain as current practice as noted in Appendix C.
- k. Article 27: Sick leave accrual under Article 27 does not apply to Sergeants. Sick leave accruals for Sergeants will remain as current practice at noted in Appendix C.
- l. Unless otherwise stated in this agreement, all Sergeant benefits will be as provided by the existing CBA for sworn officers and the CBA will supersede and discontinue any past practice not otherwise covered by this MOU or the CBA.

- 4. Disputes under this agreement are governed by the CBA.
- 5. This agreement sets no precedent for any other classification.
- 6. This agreement is effective upon the date of the last signature below and is subject to ratification by the City.

For the Association:



Association Representative
Name: Ben Wiley
Date: 12/19/2024

For the City:

City Manager
Name: Tyler Deems
Date:

Exhibit A*(revised Sergeant Job Description attached)***Exhibit B****Sergeant Hourly Wage Scale**Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7

\$40.37 42.19 44.09 46.07 48.15 50.31 52.58

Exhibit C**Sergeant Sick and Vacation Accruals****Vacation and Sick leave**

Vacation	Sergeants
0-3 years	88 per year/7.33 per month
3-5 years	108 per year/9.00 per month
5-10 years	128 per year/10.67 per month
10-15 years	168 per year/14.00 per month
15+ years	176 per year/14.66 per month
16th year	184 per year/15.33 per month
17th year	192 per year/16.00 per month
18th year	200 per year/16.66 per month
19th year	208 per year/17.33 per month
20th year	216 per year/18.00 per month
21st year	224 per year/18.66 per month
22nd year	232 per year/19.33 per month
23rd year	240 per year/20.00 per month
Sick	Sergeants
	Non-exempt employees will accrue at the rate of 2.31 hours for every 40 yours worked.
	Maximum accrual to have in leave bank is 1500 hours