



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
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable
	Comments: N/A
Staff Recommendation: N/A	
Recommended Language for Motion: N/A	
Project / Issue Relates To:	
<input checked="" type="checkbox"/> Council Goals/Priorities: 2025-27 Council Goal No. 2: Public Safety; Strategy 2.5	<input type="checkbox"/> Adopted Master Plan(s): <input type="checkbox"/> 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 be 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.
 - 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.
 - 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

ATTACHMENT 1

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF WILSONVILLE IMPLEMENTING AN ADMINISTRATIVE WARRANTS PROCESS BY AMENDING CHAPTER 1 OF THE WILSONVILLE CODE TO ADD SECTIONS 1.100 THROUGH 1.180.

WHEREAS, the City Council identified Public Safety in its 2025-27 Council Goals; and

WHEREAS, within the Public Safety Goal, Council set Strategy 2.5 to consider an administrative warrant process; and

WHEREAS, City Council desires an improvement of public safety measures, including an improvement of the ability of City officials to respond to and prevent the occurrence of damage to public infrastructure and preserved and sensitive areas; and

WHEREAS, a gap in Wilsonville Code exists in the lack of an administrative warrant process for City employees who may need right of entry for different purposes, such as engineering, public works, building inspections and general nuisance inspection, investigation, removal, and abatement; and

WHEREAS, City Council has determined that an administrative warrant process should be implemented.

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

Section 1. Findings. The above-stated recitals and the staff report accompanying this Ordinance are incorporated as the City Council's findings to support the consideration and adoption of this Ordinance.

Section 2. Chapter 1 of the Wilsonville Code is hereby amended to add Sections 1.100 through 1.180 as set forth in **Exhibit A** attached hereto and incorporated by reference herein.

Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this ____ day of ____, 2025, and scheduled the second reading on ___, 2025 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

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Kimberly Veliz, MMC, City Recorder

ENACTED by the City Council on the ____ day of ____, 2025, by the following votes:

Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this _____ day of ___, 2025

Shawn O'Neil, Mayor

SUMMARY OF VOTES:

Mayor O'Neil

Council President Berry

Councilor Cunningham

Councilor Shevlin

Councilor Scull

EXHIBITS:

- A. Proposed Wilsonville Code Sections 1.100 through 1.180

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Exhibit A to Ordinance No.

Administrative Warrants

1.100 – Definitions.

For purposes of this Section, the following terms are defined as follows:

- (1) “Business Days” means days of the week excluding Saturdays, Sundays, and holidays observed by the City.
- (2) “City” means the City of Wilsonville, Oregon.
- (3) “City Manager” means the City of Wilsonville City Manager or designee.
- (4) “Code” or “Wilsonville Code” means the Code of Ordinances of the City of Wilsonville, Oregon.
- (5) “Municipal Judge” means the judicial officer described in Section 22 of the City of Wilsonville Charter and Section 2.140 of the Wilsonville Code or designee.
- (6) “ORS” means the Oregon Revised Statutes.

1.110 – Authorizing Municipal Judge.

The Municipal Judge is hereby authorized to issue administrative search warrants upon application by the City Manager, acting in the course of their official duties, whenever an inspection, investigation, removal, or Code violation abatement within any place is required or authorized by any City ordinance or regulation. An administrative warrant is an order, in writing, in the name of the City, signed by the Municipal Judge directed to the City Manager commanding the City Manager to conduct any inspection, investigation, removal, or abatement required or authorized by any provision of law. An administrative warrant shall not be deemed a warrant of arrest within the meaning of ORS Chapter 133.

1.120– Right of Entry.

- (1) The City Manager may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this Code, or whenever the City Manager has reasonable cause to believe that there exists in any structure or upon any property any condition which constitutes a violation of provisions of this Code.
- (2) In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken.

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- (a) The City Manager shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property, present proper credentials and request entry.
- (b) If entry is refused or if the owner or other persons having charge or control of the property cannot be located, the City Manager may attempt to obtain entry by obtaining a warrant pursuant to this Section.

1.130 – Grounds for Issuance.

- (1) A warrant for inspection, investigation, removal or abatement purposes shall be issued only upon cause, supported by affidavit, particularly describing:
 - (a) The applicant's status in applying for the warrant hereunder;
 - (b) The Wilsonville Code provision, ordinance, or regulation requiring or authorizing the inspection, investigation, removal, or abatement;
 - (c) The location, building, and/or structure to be inspected, investigated, or entered;
 - (d) The purpose for which the inspection, investigation, removal, or abatement is to be made, including the basis upon which cause exists to inspect;
 - (e) The basis upon which cause exists to inspect, investigate, remove, or abate the violation; and
 - (f) In the case of removal or abatement, a statement of the general types and estimated quantity of items to be removed or conditions to be abated.
 - (g) In addition, the affidavit shall contain either a statement that entry has been sought and refused, that the property is unoccupied or not in the possession of any person or at the time reasonably believed to be unoccupied, or facts or circumstances reasonably showing that the purposes of the inspection, investigation, removal, or abatement might be frustrated if entry were sought without a warrant.
- (2) Cause shall be deemed to exist if:
 - (a) Reasonable legislative or administrative standards for conducting a routine, periodic, or area inspection or for removing and abating violations are satisfied with respect to any building or structure or upon any property; or
 - (b) An investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with regulations; or

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- (c) There is cause to believe that a violation exists for which removal or abatement is required or authorized by this Chapter.

1.140 – Procedure for Issuing Administrative Warrant.

- (1) Before issuing any warrant, the Municipal Judge may examine under oath the applicant and any other witness and must be satisfied of the existence of grounds for granting such application.
- (2) If the Municipal Judge is satisfied that cause for the inspection exists, the Municipal Judge shall issue a warrant particularly describing:
 - (a) The name and title of the person or persons authorized to execute the warrant;
 - (b) The property to be entered; and
 - (c) The purpose and any limitations of the inspection, investigation, or abatement.

The warrant shall contain a directive that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the Municipal Judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

1.150 – Execution of Administrative Warrant.

- (1) Except as provided in subsection 2 of this Section, in executing a warrant on occupied property, the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials, authority and purpose to an occupant or person in possession of the location designated in the warrant and show the warrant or a copy thereof upon request.
- (2) In executing a warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 1 of this Section, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. A copy of the warrant shall be left in a conspicuous place if the property is unoccupied.
- (3) If any items are seized as specified by the warrant, a list of property taken shall be left in a conspicuous place.
- (4) A peace officer may be requested to assist in the execution of the administrative warrant.

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(5) An inspection pursuant to an administrative warrant shall not be made by means of forcible entry, except that the judge may, by an endorsement on the face of the warrant, expressly authorize execution of the warrant by forcible entry where the affidavit, or a supplemental affidavit after the warrant has once been issued, contains information sufficient to satisfy the judge that there are reasonable grounds to believe that any of the following situations exists:

- a. A probable violation of any of the provisions of this code which, if such violation in fact existed, would represent an immediate threat to health or safety; or
- b. Where prior attempts to serve a warrant or obtain consent have met with refusal of the owner or occupant of the place described in the warrant; or
- c. Where reasonable attempts have been made to secure the cooperation of the owner of the property described in the warrant, which property is unoccupied and entry cannot be gained except with such owner's cooperation or by force, and such cooperation has been refused or is not obtainable after reasonable efforts.

(6) A warrant must be executed within ten (10) Business Days of its issue and returned to the Municipal Judge by whom it was issued within ten (10) Business Days from its date of execution, unless such Municipal Judge before the expiration of such time, by endorsement thereon, extends the time for five (5) Business Days. When the warrant is returned to the Municipal Judge, it must include a list of any and all items seized in the execution of the warrant. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

1.160 – Execution of Warrant by Forcible Entry.

- (1) In execution of a properly endorsed administrative warrant by forcible entry, any city official acting under the warrant shall be accompanied by a peace officer who shall execute the warrant as to the manner of gaining entry, and who shall stand by during the inspection to prevent any interference therewith.
- (2) In the execution of an administrative warrant by forcible entry the officer has the same power and authority, in all respects, to break open any door or window, to use all necessary and proper means to overcome any forcible resistance made to the officer or to call any other person to the officer's aid that the officer has in the execution or service of a warrant of arrest.

1.170 – Disposal of Seized Property.

The City Manager may cause any items removed pursuant to an abatement warrant to be disposed of in an approved manner whenever the City Manager, in their sole discretion, finds that the fair and reasonable value of the items at resale would be less than the cost of storing and

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selling the items. In making the above determination, the City Manager may include in the costs of sale the reasonable cost of removing the items to a place of storage, of storing the items for resale, of holding the resale including reasonable staff allowances and all other reasonable and necessary costs of holding the sale.

1.180 – Severability.

The provisions of these Sections 1.100 through 1.170 are severable, and if any part of these Sections 1.100 through 1.170 should be held void by any court of competent jurisdiction, such invalidity shall not affect the remainder of Sections 1.100 through 1.170, and the remainder of Sections 1.100 through 1.170 shall remain in full force and effect.

DRAFT

Administrative Warrants Code Update

City Council Work Session
November 3, 2025



Purpose of Admin. Warrants Process

- Allow city staff to enter to private property for purposes such general nuisance inspection, investigation, removal, or abatement.
- Provides solution if owner/occupant consent to enter is withheld.
- Fill the current gap between the County process and City.

Code Provisions

- Grants the Municipal Court Judge authority to issue administrative warrants upon application by City Staff.
- Requirements for issuance
- Requirements for execution

Issuance Procedures

Requirements for Issuance:

- Prior to seeking a warrant, reasonable attempt to request entry.
- Reasonable suspicion of a City Code violation, supported by affidavit including:
 - Specific code provision, ordinance, or regulation
 - Purpose of entry and specific reason
- Cause shall only be deemed to exist if:
 - Legislative or Administrative Standards exist
 - An investigation is necessary to determine if violation is occurring
- Judge examines applicant under oath, if satisfied:
 - Warrant will be issued specifying the name and title of authorized person, property to be entered, purpose and limitations.

Execution Procedures

Execution of the Warrant:

- Effort to present credentials, authority, and purpose of the warrant to an occupant.
- Unoccupied property
- Seized items
- Forceable entry

Questions?