



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: December 3, 2025

Department: Legal Counsel

Title: First Reading of Marion County Code 1.25.220 Amendment

Management Update/Work Session Date: Audio/Visual aids

Time Required: 5 min. Contact: Steve Elzinga Phone: 503-588-5220

Requested Action: First Reading of ordinance entitled "Marion County Code 1.25.220 Amendment"

Issue, Description & Background: These amendments support reasonable county code enforcement while preventing frivolous cases. Changes are intended to unambiguously confirm the longtime county understanding of the purpose of this county code provision.

Financial Impacts: Minimal

Impacts to Department & External Agencies: Minimal

List of attachments: Ordinance entitled "Marion County Code 1.25.220 Amendment"

Presenter: Steve Elzinga

Department Head Signature: Steve Elzinga Digitally signed by Steve Elzinga Date: 2025.11.13 16:17:33 -08'00'

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

An ordinance amending and updating)
Marion County Code Chapter 1.25.220)
)

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS
FOLLOWS:

SECTION 1. Amending MCC Chapter 1.25.220

The Marion County Code 1.25.220 (Private Right of Action) is amended to read
as follows:

Any person, whether acting as principal, agent or employee, whose interest is or
may be affected by any violation of a Marion County ordinance may, in addition to the
other remedies provided by law, file a violation citation in the following manner:

A. The private citizen shall prepare and present the violation citation to the
appropriate enforcement officer. If the enforcement officer fails to act upon the violation
citation within 14 days, the citizen may submit the violation citation to county counsel.
County counsel may investigate the alleged violation of a county ordinance and, after
consultation with the appropriate department or division head, shall take one of the
following actions: (1) cause the violation citation or a similar violation citation to be
served and prosecute, (2) decline to serve any violation citation or to prosecute without
making a determination of whether a violation appears to have occurred, or (3) decline to
serve any violation citation or to prosecute while making a determination that a violation

may have occurred. County counsel shall notify the private citizen of said action within 14 days from the date the violation citation is presented to county counsel.

B. The private citizen, following notice by county counsel of county counsel's refusal to prosecute, may within 60 days of such notice bring an action pursuant to this article in the citizen's name against the alleged violator in the same manner and form as provided by this article. A private citizen may only file an action under this section if county counsel declines to serve any violation citation or to prosecute and county counsel also makes a determination that a violation may have occurred. Should the private citizen prevail against the violator, any fine imposed and special costs shall be awarded to the plaintiff private citizen.

C. Any time after a case is filed, including for any case pending as of the effective date of this ordinance, county counsel may take over prosecution of the alleged code violation and substitute Marion County in place of the citizen's name. Should county counsel, after taking over prosecution from a private citizen, prevail against the violator, any fine imposed and special costs shall still be awarded to the plaintiff private citizen who initiated the action.

SECTION 2. SEVERABILITY

Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction that decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE

This ordinance takes effect on the 90th day after its adoption.

Adopted this 17th day of December, 2025.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Recording Secretary