



AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 7.84.210, PROHIBITED CAMPING, AND DECLARING AN EMERGENCY

WHEREAS, the City of Albany is amending AMC Chapter 7.84.210, Prohibited Camping, to address and regulate camping on public property and public rights-of-way; and

WHEREAS, camping on public property negatively impacts the community, residents, businesses, and visitors; and

WHEREAS, camping on public property creates potential safety and health hazards for individuals accessing public property and public rights-of-way for their intended use; and

WHEREAS, prohibited camping is a violation and is punishable by a fine of up to \$100.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Amending AMC Title 7, Public Peace, Morals, and Safety. AMC Title 7 is hereby amended to add Section 7.84.210 titled Prohibited Camping:

Sections:

7.84.010 Definitions.

7.84.210 Prohibited Camping.

7.84.310 Penalty.

7.84.010 Definitions.

For the purpose of the Albany Municipal Code, the following definitions apply:

- (1) "Debris" means the remains of something broken down or destroyed including, but not limited to: scrap metal, scrap paper, scrap plastic or scrap wood; pieces of asphalt, concrete, lumber or other building supplies; or yard clippings or cuttings of plant material.
- (2) "Garbage" means food waste, animal and vegetable waste, dead animal carcasses, refuse, rubbish, trash, or other useless or discarded material.
- (3) "Junk" means all inoperable motor vehicles, in which multiple major components are defective or removed for more than 30 consecutive days; any motor vehicle which has been unlicensed for more than 30 consecutive days; defective motor vehicle parts, abandoned automobiles, used tires, inoperable and defective machinery, or parts thereof, inoperable and defective appliances and parts thereof, metal portions of inoperable machinery, broken glass, empty glass, plastic or metal containers, scrap lumber, broken furniture, other wastes and/or discarded materials.
- (4) "Person in charge of property" means an owner, agent, contract purchaser, lessee, occupant, or other person having possession or control of real property.
- (5) "Place" or "property" means any premises, room, house, building or structure, or any separate part or portion thereof, whether permanent or not, or the real property itself.
- (6) "Public sidewalk" means a paved walkway within the public right-of-way or on publicly owned property.
- (7) "Street" means the portion of a road ordinarily used for vehicular travel, including the shoulder, and all public street right-of-way regardless of whether improved or unimproved.

- (8) "Imminent nuisance" means the existence of debris, garbage, or junk on real property that is detrimental to public health, safety, or welfare, and causes imminent danger to human life, safety, or to property. (Ord. 5879 § 1, 2016; Ord. 5211 § 1, 1995).
- (9) "To camp" means to set up or to remain in or at a campsite.
- (10) "Campsite" means any place where any bedding, sleeping bag, or other materials used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicles or part thereof.

7.84.210 Prohibited Camping.

- (1) No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park or any other publicly-owned property or under any bridge or viaduct, unless otherwise allowed by declaration of the City Manager or his/her designee in emergency situations.
 - (a) Upon finding it to be in the public interest and consistent with City goals and policies, the City Manager and Director of Parks and Recreation in the instance of park events, may exempt a special event from the prohibitions of this section through permit or other decree and shall specify the period of time and location covered by the exemption.

7.84.310 Penalty

Any person found violating this chapter shall be guilty of committing a violation punishable by a fine not to exceed \$100.00.

Section 2: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect when signed by the Mayor.

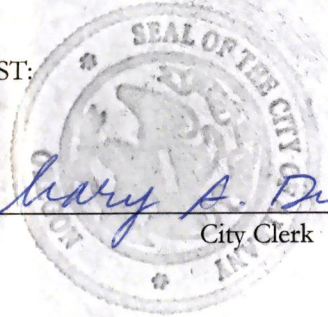
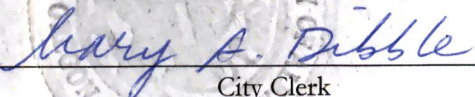
Passed by the Council: Sept 12, 2018

Approved by the Mayor: Sept 12, 2018

Effective Date: Sept 12, 2018


Mayor

ATTEST:



City Clerk