



## ORDINANCE NO. 6049

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 7.20, CAMPING REGULATIONS

WHEREAS, the City of Albany adopted AMC Chapter 7.20, Camping Regulations, in May of 2023 to adhere to Oregon State House Bill 3115; and

WHEREAS, AMC Chapter 7.20, Camping Regulations, was monitored for success and effects on the community; and

WHEREAS, AMC Chapter 7.20 created a space riddled with criminal activity and drug use; and

WHEREAS, it is incumbent upon the City to take action in addressing the safety of the community.

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

Section 1. AMC 7.84.210, Prohibited Camping, is hereby repealed.

Section 2. Amending AMC Chapter 7.20, Camping Regulations. AMC Chapter 7.20, Camping Regulations, is hereby amended as follows:

### **Chapter 7.20 CAMPING REGULATIONS**

#### Article I. Administration

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- 7.20.010 Scope.
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- 7.20.050 Prohibited camping.
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- 7.20.050 Utilities.

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- 7.20.060 Cleanup and posting.
- 7.20.065 Nonexclusive remedy.

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## Article I. Administration

### 7.20.005 Title.

These provisions shall be known as the Albany camping regulations and shall be cited as such and will be referred to herein as “this regulation.” (Ord. 6015 § 1, 2023).

### 7.20.010 Scope.

The provisions of this regulation apply to all public property and public right-of-way located within the city of Albany as defined herein. (Ord. 6015 § 1, 2023).

### 7.20.015 Interpretation.

This regulation is to be interpreted consistent with applicable state statutes and providing the protection required by state statutes. (Ord. 6015 § 1, 2023).

### 7.20.020 Interchangeability.

Words used in the present tense include the future, words in the masculine gender include the feminine and neutral, the singular number includes the plural, and the plural, the singular. (Ord. 6015 § 1, 2023).

### 7.20.025 Terms not defined.

Where terms are not defined through the methods authorized by this article, such terms shall have ordinarily accepted meanings such as the context implies. Words of common usage are given their plain, natural, and ordinary meanings. Words that have well-defined legal meanings are given those meanings. (Ord. 6015 § 1, 2023).

### 7.20.030 Definitions.

(1) “Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia.

(2) “Camp facilities” includes, but is not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles.

(3) “Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, outdoor cooking devices or utensils, and similar equipment.

(4) “Motor vehicle” means a vehicle that is self-propelled or designed for self-propulsion.

(5) “Public property” means any real property or structures owned, leased, or managed by the city, including public rights-of-way.

(6) “Public rights-of-way” means all property dedicated to the public for transportation purposes and administered by the city, including streets, roads, alleys, lanes, -sidewalks, trails, paths, bridges, viaducts, and all other public ways and areas managed by the city.

(a) Includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. “Right-of-way” includes the subsurface under and airspace over these areas.

(b) “Right-of-way” does not include the airwaves for purposes of commercial mobile radio services, broadcast television, direct broadcast satellite and other wireless providers, or easements or other property interests owned by a single utility or entity.



(7) "Reasonable" shall be determined based on the totality of the circumstances.

(8) "Recreational vehicle" or "RV" means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022.

(9) "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

(10) "Vehicle" means a motor vehicle or recreational vehicle. (Ord. 6015 § 1, 2023).

## Article II. Camping

### 7.20.035 Prohibited camping.

It is unlawful for any person to camp in or upon any public property or public right-of-way if the person has access to reasonable alternate shelter, has means to acquire reasonable alternate shelter, or has otherwise been offered, rejected, and/or been disqualified from reasonable alternate shelter.

### 7.20.04035 Permitted camping.

(1) Camping within the city of Albany shall be permitted as follows:

(a) In accordance with a duly executed emergency declaration by the Albany city manager.

(b) On ~~the~~ publicly owned property, designated by the Albany city manager, when there is no alternate shelter available.

(i) Each occupant shall follow all posted rules in addition to the rules set herein.

(ii) Each occupant shall be actively working with local service providers to gain alternative housing.

(iii) Each occupant shall store all items and materials within their camping facility.

~~(ii) Each site shall be provided with a portable restroom and sink facility.~~

~~(iii) Each site shall be provided with 1 2A:10B:C fire extinguisher which shall be mounted in a conspicuous location within 75 feet of the permitted camping area.~~

~~(A) Extinguisher shall be annually serviced and maintained by the owner/controlling party of the property.~~

(iv) Each camp may occupy a space no greater than 12 feet by 12 feet.

(v) Any individual may only occupy and/or control a single camp at any time.

~~(vi) Camping facilities shall be spaced at least 10 feet apart.~~

(vii) Each camp shall be maintained in a clean, sanitary, and safe condition.

(viii) Camping facilities left unoccupied shall be posted pursuant to ORS 195.500.

~~(c) On religious organization or transitional shelter property that holds a private property camping permit as outlined in AMC 7.20.040.~~

~~(i) Each permitted site shall host a maximum of four camping facilities.~~

~~(ii) Permitted sites shall make such accommodations free of charge.~~

~~(iii) All items and materials are stored within the camping facility or in a separate storage area that is screened from the view of adjacent properties and public rights-of-way.~~

~~(iv) Locations providing camping accommodations described under this regulation shall provide consistent and ongoing access to water, water closet/lavatory, and garbage service on-site. Any provided cooking facilities shall meet all federal, state, and local standards.~~



~~(A) Water closets/lavatories and showers may be provided through a rented portable facility, as described in Chapter 9.04 AMC, if such facility is locked, and each occupant of the camping area has access to a key. Such structures shall be permitted as required in AMC Title 18.~~

~~(B) Where new and/or altered accommodations or cooking facilities are proposed, those elements shall be permitted as required in AMC Title 18.~~

~~(v) One 2A:10B:C fire extinguisher which shall be mounted in a conspicuous location within 75 feet of the permitted camping area.~~

~~(A) Extinguisher shall be annually serviced and maintained by the owner/controlling party of the property.~~

~~(vi) Each camp may occupy a space no greater than 12 feet by 12 feet.~~

~~(vii) Any individual may only occupy and/or control a single camp at any time.~~

~~(viii) Camping facilities shall be spaced at least 10 feet apart.~~

~~(ix) Each camp shall be maintained in a clean, sanitary, and safe condition. (Ord. 6015 § 1, 2023).~~

#### **7.20.040 Private property camping permit.**

##### ~~(1) Application.~~

~~(a) Scaled site plan of the proposed property, to include at minimum:~~

~~(i) Site layout demonstrating compliance with all setback and spacing requirements;~~

~~(ii) Location of camping facilities;~~

~~(iii) Location of all accommodations;~~

~~(iv) Location of any fire hydrants and/or fire lanes on site and/or adjacent to the proposed property;~~

~~(v) Details demonstrating compliance with the requirements set forth in this regulation; and~~

~~(vi) Any other information requested by the city manager or designee.~~

##### ~~(2) Records Management.~~

~~(a) Locations shall provide a list of names and dates of birth for all individuals staying on site to the Albany Police Department. This list shall be kept up to date and resubmitted every time an individual joins or leaves the camp site as a resident.~~

~~(i) This information shall be for the purpose of ensuring sex offender registration requirements are met and that any outstanding violent persons are not utilizing the facilities.~~

~~(3) Establishment of camps on private property within the city limits of Albany shall be prohibited unless a private property camping permit is obtained from the city manager or designee. Each approved property shall be allowed 1 continuous 120-calendar-day permit within a 365-calendar-day period.~~

~~(4) In issuing a private property camping permit, the city manager or designee shall consider impacts to the surrounding area and city department responses to the site.~~

~~(5) Permit fees shall be set by council resolution.~~

~~(6) Denial, Revocation, or Suspension of Permit.~~

~~(a) The city manager or designee may deny, revoke, or suspend the permit upon finding that any provision herein or condition of approval will be or has been violated.~~

~~(b) The city manager or designee may deny, revoke, or suspend the permit upon finding that any issuance or continued allowance of a permit poses a risk to peace, safety, health, or welfare of the City.~~

~~(c) The city manager or designee may deny, revoke, or suspend the permit upon finding that any issuance or continued allowance of a permit causes impacts to the surrounding area~~

and city department responses to the site. Determination of impacts is at the sole discretion of the city manager or designee.

(d) Upon denial, revocation, or suspension the city manager or designee shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason. The action shall be effective immediately and units shall be removed no more than three calendar days after such decision.

(7) Private Property Camping Facility Removal. All camping facilities shall be removed no more than three calendar days after the location's permit expires. (Ord. 6015 § 1, 2023).

#### **7.20.045 Unpermitted camping.**

At no time is camping allowed in the following areas:

(1) Residential zones, unless a permit has been obtained from the City of Albany as provided under AMC 7.20.035;

(2) Albany city parks;

(3) Historic downtown;

(4) Upon a sidewalk;

(5) Within a flood zone;

(6) Within 300 feet of a water way; and

(7) Within 600 feet of a school or childcare facility, to include the YMCA and Boys and Girls Club. (Ord. 6015 § 1, 2023).

#### **7.20.050 Prohibited camping.**

It is unlawful for any person to camp in a location not permitted through AMC 7.20.035. (Ord. 6015 § 1, 2023).

#### **7.20.0545 Fire Safety Open flame.**

At no time shall there be any of the following at campsites without prior approval by the Albany Fire Chief or their designee. open flames in/on private property or public property campsites. (Ord. 6015 § 1, 2023).

(1) Open flame;

(2) Propane;

(3) Flammable/combustible liquid;

(4) Heat producing appliance; or

(5) Smoking/vaping.

#### **7.20.0650 Utilities.**

No utilities shall be connected or supplied to any camping facility. (Ord. 6015 § 1, 2023).

### **Article III. Compliance**

#### **7.20.0655 Storage of personal property.**

Except as expressly authorized by AMC, it shall be unlawful for any person to store personal property on public property or within the public right-of-way. (Ord. 6015 § 1, 2023).

#### **7.20.0760 Cleanup and posting.**

(1) The cleanup of permitted public property campsites may be scheduled by the city manager or their designee.

(a) Occasional cleanup of permitted public property campsites may be necessary to ensure the health and safety of the community.



(i) Prior to such cleanups, the property shall be posted as pursuant to ORS ~~195.500-203.077~~.

(ii) In addition to this notice, the location(s) of other ~~permitted camping reasonable alternate shelter areas~~ will be provided.

(b) This subsection does not release individuals of the requirement to maintain a clean, sanitary, and safe area around their camp nor negate the conditions of any other AMC titles and/or chapters.

~~(2) Private property campsite hosts shall ensure that the property is kept in a clean, sanitary, and safe condition.~~

~~(a) This does not release camping individuals of the requirement to maintain the space in a clean, sanitary, and safe condition as well.~~

(2) The cleanup of ~~prohibited unlawful public property~~ campsites will be scheduled by the city manager or ~~their~~ designee.

(a) All ~~unlawful prohibited~~ campsites shall be posted and cleaned pursuant to ORS ~~195.500203.077~~.

(3) No posting is required prior to removing debris, garbage, or items that are clearly discarded on public property or within the right-of-way. The city manager or ~~their~~ designee is expected to use objectively reasonable discretion in determining whether advanced notice should be provided when it cannot be clearly determined that items were discarded and are not personal property. (Ord. 6015 § 1, 2023).

#### **7.20.0765 Nonexclusive remedy.**

The remedies described in this chapter shall not be the exclusive remedies of the City for violations of this chapter. (Ord. 6015 § 1, 2023).

#### **7.20.080 Right of entry.**

~~Where it is necessary to make an inspection on private property to enforce the provisions of this regulation, or whenever the city manager or designee has reasonable cause to believe that there exists a violation of AMC, the city manager or designee is authorized to enter the premises at reasonable times to inspect or perform the duties imposed by this regulation; provided, that if such premises is occupied the city manager or designee shall present credentials to the occupant and request entry. If such unit or premises is unoccupied, the city manager or designee shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the premises and request entry. If entry is refused, the city manager or designee shall have recourse to the remedies provided by law to secure entry. (Ord. 6015 § 1, 2023).~~

#### **7.20.085 Maintenance.**

~~Properties shall stay in compliance with all other applicable Albany Municipal Codes. (Ord. 6015 § 1, 2023).~~

#### **7.20.070 Special Permit.**

~~Upon finding it to be in the public interest and consistent with City goals and policies, the city manager or their designee, 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 and location covered by the exemption.~~

#### **7.20.09075 Violation – Penalty.**

Violations of [AMC 7.20.035](#), [7.20.040](#), and/or [7.20.045](#) of this chapter are punishable as follows:

(1) By a fine of not more than \$100 upon first offense.

(2) By a fine of not more than \$100 and/or community service upon second offense.

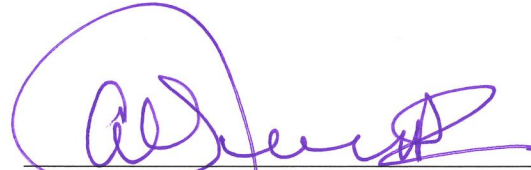
~~(2)(3)~~ By a fine of not more than \$100, community service, and/or imprisonment for a period not to exceed seven days upon any additional offense. Any person violating any of the provisions of this chapter is guilty of a violation and is subject to those penalties set forth under [AMC 1.04.010](#). (Ord. 6015 § 1, 2023).

~~(3)~~ (4) The Albany Municipal Court Judge is encouraged to use diversion with individuals willing to engage with housing, mental health, alcohol, drug, and other service providers.

Passed by the Council: August 7, 2024

Approved by the Mayor: August 7, 2024

Effective Date: September 6, 2024

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk