



AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC) CHAPTER 7.84.220, ENHANCED LAW ENFORCEMENT AREA, AND DECLARING AN EMERGENCY

**WHEREAS, the City of Albany is amending AMC Chapter 7.84.220, Enhanced Law Enforcement Area, to remove Section 7.84.230(1)(c)(iv), Prohibited Camping.**

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

Amending AMC Title 7, Public Peace, Morals, and Safety. AMC Chapter 7.84.220 Enhanced Law Enforcement Area is hereby amended:

Sections:

7.84.220 Enhanced Law Enforcement Area

- (1) It is the intent of the City Council to protect discrete areas within the city that are experiencing increased unlawful activity against becoming an attraction for more such activity and to protect the public against health and welfare hazards posed by persons who are attracted to these areas for opportunities to engage in or to contact others to engage in unlawful activity.
- (2) The City Council finds that the following geographic areas within the city are particularly affected by unlawful behavior and/or are subject to a disproportionate number of incidents of the unlawful activities comprising persistent violation as defined in AMC 7.84.230 below, and declares each such area to be an Enhanced Law Enforcement Area:
  - (a) Enhanced Law Enforcement Area – Includes north of Pacific Boulevard at Pine Street continuing to the Willamette River, west to Elm Street continuing south to 11th Avenue, east to Pacific Boulevard continuing along Pacific Boulevard back to Pine Street. The Albany Train Station and the Pacific Boulevard overpass are included in this area as seen in Exhibit A.

7.84.230 Persistent Violation

A person commits the crime of persistent violation if:

- (1) The person is convicted in the Albany Municipal Court or Linn County Circuit Court for any combination of the following crimes or violations occurring in separate incidents within a six-month period within an Enhanced Law Enforcement Area:
  - (a) Three (3) or more Class A, B, or C felonies or Class A, B, or C misdemeanors;
  - (b) Two (2) Class A, B, or C felonies or Class A, B, or C misdemeanors plus one (1) or more violations of subsection (c) set forth below;
  - (c) Three (3) or more violations of any of the following sections or laws:
    - (i) AMC 9.04.055 – Human Waste;
    - (ii) AMC 7.08.050 – Unnecessary Noise;
    - (iii) AMC 7.08.040 – Consumption or possession of alcoholic beverages in public places;
    - ~~(iv) AMC 7.84.210 – Prohibited Camping;~~
    - (iv) ORS 475B.280 – Use of marijuana in public place prohibited; OR
  - (d) The person knowingly enters an Enhanced Law Enforcement Area in violation of a Municipal Court expulsion order as a term of the person's probation or a court expulsion order pursuant to AMC 7.84.220.

7.84.240 Mandatory Arrest

- (1) When a peace officer has probable cause to believe that a person has committed the crime of Persistent Violation, the officer shall arrest and take into custody the alleged violator.

7.84.250 Misdemeanor Classification Presumptive Penalty

- (1) Persistent violation is a Misdemeanor as outlined in Chapter 1.04 of the Albany Municipal Code.
- (2) Unless there is reasonable cause to order otherwise, upon a finding that any offense supporting a conviction for Persistent Violation occurred within an Enhanced Law Enforcement Area, in addition to any other appropriate conditions of probation, the Court shall expel the person from an Enhanced Law Enforcement Area defined in AMC 7.84.220(2) for a period not less than three (3) months or more than one (1) year, unless the court finds it necessary to:
  - (a) Specifically address the remedy for the violation; and/or
  - (b) Allow the person to travel to and from the person's place of employment, educational facility, City offices, physical or mental health treatment facility, or other areas that the court deems materially related to the person's crimes or violations, the needs of the person, or the protection of the public.

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.

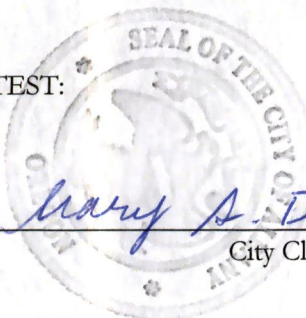
Passed by the Council: Sept 12, 2018

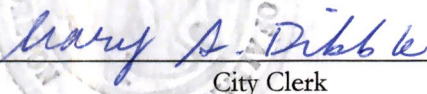
Approved by the Mayor: Sept 12, 2018

Effective Date: Sept 12, 2018

  
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Mayor

ATTEST:



  
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City Clerk