



ORDINANCE NO. 5973

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 7.84, PUBLIC NUISANCES, BY ADDING A NEW SECTION TITLED 7.84.260, OFFENSIVE LITTERING

WHEREAS, the City of Albany is adding Albany Municipal Code (AMC) Section 7.84.260, Offensive Littering, to address gaps in the AMC; and

WHEREAS, often the Community Resource Unit officers make contact with individuals who are violating ORS 164.805, Offensive Littering; and

WHEREAS, non-sworn officers cannot issue citations under ORS 164.805, Offensive Littering; and

WHEREAS, adding 7.84.260, Offensive Littering, to the Albany Municipal Code would address the issue without the need for additional sworn officers.

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

AMC Chapter 7.84, Public Nuisances, is hereby amended to add Section 7.84.260 titled Offensive Littering:

7.84.260 Offensive Littering

(1) A person commits the crime of offensive littering if the person creates an objectionable stench or degrades the beauty or appearance of property or detracts from the natural cleanliness or safety of property by intentionally:

(a) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land of another without permission of the owner, or upon any public way or in or upon any public transportation facility; or

(b) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon the land of another without permission of the owner, or upon any public way; or

(c) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle that the person is operating. This subsection does not apply to a person operating a vehicle transporting passengers for hire subject to regulation by the Interstate Commerce Commission or the Department of Transportation or a person operating a school bus described under ORS 801.460.

(2) As used in this section:


(a) "Public transportation facility" means any property, structure or equipment used for or in connection with the transportation of persons for hire by rail, air or bus, including any railroad cars, buses or airplanes used to carry out such transportation.

(b) "Public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks and all recreational facilities operated by the state, a county or a local municipality for use by the general public.

Passed by the Council: April 13, 2022

Approved by the Mayor: April 13, 2022

Effective Date: May 14, 2022



Mayor

ATTEST:



City Clerk

