



ORDINANCE NO. 6029

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE SECTION 8.01.020 DEBRIS, GARBAGE, AND JUNK

WHEREAS, the City of Albany created Albany Municipal Code (AMC) Section 8.01.020, Debris, garbage, and junk; and

WHEREAS, in its creation specific language from the old AMC Title 7 was lost; and

WHEREAS, this lost language provided compliance guidelines regarding the use of structures; and

WHEREAS, adding in such language would reduce loopholes in the compliance process.

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

Amending AMC Title 8 Community Livability. AMC Section 8.01.020 Debris, garbage, and junk, is hereby amended to:

8.01.020 Debris, garbage, and junk.

(1) It is hereby determined and declared that the keeping of any debris, garbage or junk out of doors on any street, public sidewalk, lot, or premises within the city, is a nuisance and is unlawful.

(2) The following shall be removed, and shall be kept removed, unless specifically authorized by ordinance to do otherwise:

(a) Debris.

(i) Accumulations of litter, scrap materials (such as wood, metal, paper, glass, and plastics), empty containers (such as glass, plastic, or metal), pieces of asphalt, concrete, lumber or other building supplies, junk, combustible materials, and stagnant water.

(ii) All dead bushes, dead trees, stumps, and yard clippings or cuttings of plant material; except for such material which:

(A) Is being maintained as part of a naturescaped property;

(B) Does not result in a nuisance as otherwise defined in this code; and

(C) Is located on a property which is otherwise substantially in compliance with this

chapter.

(iii) The remains of something broken down or destroyed; or the accumulations of any other items not designed for outdoor storage.

(b) Garbage.

(i) All household garbage, offal, dead animals, animal and/or human waste, food waste, refuse, rubbish, trash, and all other useless or discarded material.

(c) Junk.

(i) Accumulations of wood pallets.

(ii) All firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.

(iii) 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.

(iv) All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration, which are reasonably expected to be used at the site.

(v) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

(vi) All furniture, except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.

(vii) All empty glass, plastic, or metal containers.

(viii) All other nontrash items which:

- (A) Are of a type or quantity inconsistent with normal and usual use; or
- (B) Are likely to obstruct or impede the necessary passage of fire or other emergency

personnel.

(3) When it is determined that a nuisance caused by the presence of debris, garbage or junk exists and there is no imminent danger to human life, safety or to property, the city manager or their designee shall issue a citation to the owner or person in charge of property.

(a) Upon the first offense, a 30-day notice shall be issued, with the citation, to allow the owner or person in charge of the property to abate the nuisance. If the owner or person in charge of the property completes abatement of the nuisance within the 30 days, the courts shall dismiss the citation.

(b) If special circumstances exist, a one time, up to 30-day extension may be granted to abate the nuisance.

(c) Any additional offenses by an owner or person in charge of a property shall remove the possibility of citation dismissal and abatement extension.

(d) When an owner or person in charge of property does not abate the nuisance, as defined in subsection (3)(a), (b) or (c) of this section, the city manager or their designee should proceed with abatement as set forth in Chapter 8.37 AMC.

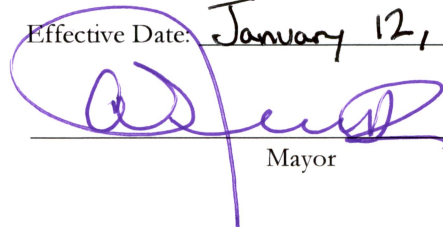
(4) Placing items under a tarp or within a tarp structure does not remedy violations of this section. If compliance is met with the use of a structure, such structure shall be wholly enclosed except for doors used for ingress and egress and its use shall not constitute a violation of any other local, county, or state code.

(54) This provision does not apply to junk kept at a duly licensed junk yard or automobile wrecking house. (Ord. 5991 § 2, 2022).

Passed by the Council: December 13, 2023

Approved by the Mayor: December 13, 2023

Effective Date: January 12, 2024



Mayor

ATTEST:




City Clerk