

A RESOLUTION ESTABLISHING THE POLICY AND PROCEDURES FOR THE REMOVAL OF HOMELESS PERSONS FROM CAMPING SITES ON PUBLIC PROPERTY

WHEREAS, the City of Albany recognizes the social nature of the problem of homeless individuals camping on City property; and

WHEREAS, this policy is to be implemented to insure the most humane treatment for removal of homeless individuals from camping sites on public property.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the following procedures will be used for the removal of homeless individuals from camping sites on public property:

Definitions:

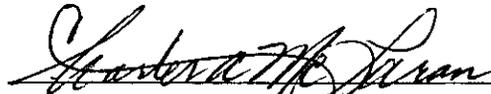
- *Established camping site* -- Locations where individuals have altered the site through the erection of camp structures or by bringing onto the site camping paraphernalia, personal property, and/or debris.
- *Camp structures* -- Structures intended or designed to provide shelter while camping. Camp structures typically include tents, lean-tos, huts, or similar structures used for shelter. Bridges, overpasses, or highway embankments do not, by themselves, constitute camp structures.
- *Camping paraphernalia* -- Items used to provide comfort, warmth, or temporary shelter along with cooking paraphernalia or supplies. This term also includes any camp furnishings intended or designed to make the camping area more habitable.
- *Personal property* -- Items that are reasonably recognized as belonging to a person and that have apparent utility. Items that have no apparent utility or are in an unsanitary condition shall be deemed debris.
- *Debris* -- Debris includes all definitions of the term used in the Albany Municipal Code. For purposes of this policy, it also includes camp structures, camping paraphernalia, and personal property that has no apparent utility or is in an unsanitary condition.

Procedures:

1. At least 24 hours prior to removing homeless individuals from prohibited camp sites on public grounds, a notice (written in both English and Spanish) will be posted in at least one conspicuous location at the camp site.
2. The notice requirement described above does not apply when there is reason to believe that illegal activities (other than camping) are occurring or where an exceptional emergency such as a possible site contamination by biohazardous materials exists or where there is imminent danger to human life, welfare, safety.

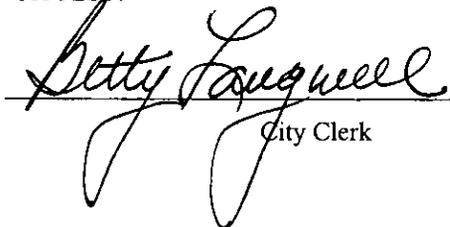
3. At the time that the notice referred to above is posted, City police personnel shall inform at least one local agency that delivers social services to homeless individuals where the notice has been posted. City police personnel may, but are not required to, similarly notify other social services agencies which they reasonably believe may be able to provide service to displaced homeless campers.
4. Each local agency referred to above may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social services assistance in arranging shelter and other assistance.
5. All unclaimed personal property shall be given to law enforcement or Parks & Recreation officials whether a 24-hour notice is required or not. The property shall be stored for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. Weapons, drug paraphernalia, and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.
6. Following the removal of homeless individuals from a camping site on public property, City personnel, local agency officials, and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner, and to determine if any changes are needed in the policy.
7. A person authorized to issue a citation for unlawful camping under state law, administrative rule, or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of the notice described in this policy and within 2 hours before or after the notice was first posted.
8. This policy applies to all public properties where camping is prohibited. City officials may, but are not required to, use this policy for procedural guidance in dealing with such circumstances.

DATED AND EFFECTIVE THIS 10TH DAY OF MAY 2006.



Mayor

ATTEST:



City Clerk