

**ORDINANCE NO. 2013-04**

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTER VIII, SECTION 8-4.4 OF THE ALBANY MUNICIPAL CODE BY DELETING THE WORDS "LOITER" AND "LODGE" TO CLARIFY THE INTENT OF THAT PROVISION AND BY MAKING OTHER TECHNICAL, CLARIFYING CHANGES**

**WHEREAS**, Section 8-4 of the Albany Municipal Code provides regulations for the use of City parks, recreation, open space, waterfront and Albany Hill areas within the City of Albany; and

**WHEREAS**, Section 8-4.4 of the Albany Municipal Code provides that no person shall "loiter, camp or lodge" in any park, recreation, open space, waterfront or Albany Hill area; and

**WHEREAS**, even though the Albany Police Department has never issued any citations for violation of the prohibition on loitering or lodging in these areas of the City, concern has been expressed by members of the public regarding the meaning of the terms "loiter" and "lodge"; and

**WHEREAS**, the City of Albany wishes to clarify the scope and applicability of Section 8-4.4 by deleting the words "loiter" and "lodge" and making other technical, clarifying changes.

**NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.**

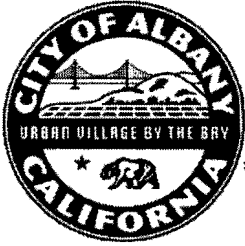
Chapter VIII, Section 8-4.4 of the Albany Municipal Code, entitled "Camping", is hereby amended to read as follows:

**8-4.4 Camping**

No person shall camp in any park, recreation, open space, waterfront or Albany Hill area. No person shall set up tents, shacks, sleeping bags or any other shelter within any park, recreation, open space, waterfront or Albany Hill area for the purpose of overnight camping. No person shall leave any tents, shacks, sleeping bags or any other shelters, structures or specialty vehicles (including but not limited to house trailers, camp trailers, camp wagons, and any other mobile or stationary campers) which are used or could be used for overnight camping in any park, recreation, open space, waterfront or Albany Hill area. The restrictions contained within this section shall not apply to programs sponsored or co-sponsored by the City.

**Section 2.**

If any section, subsection, sentence, clause or phrase of this ordinance is held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section,



# City of Albany

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## ORDINANCE NO. 2013-04

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 21st day of January, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, and Mayor Thomsen

NOES: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

22nd Day January, 2014.

*Eileen Harrington*

Eileen Harrington  
DEPUTY CITY CLERK

## NOTICE OF POSTING

**STATE OF CALIFORNIA  
COUNTY OF ALAMEDA**

I, Eileen A. Harrington, Deputy City Clerk of the City of Albany, County of Alameda, State Of California, say:

That on the 22nd day of January, 2014, I posted notices in the following areas designated as the official posting areas for the City of Albany:

CITY HALL

SENIOR CENTER

LIBRARY

The notice was for: Ordinance No. 2013-04 – Amending Chapter VIII, Section 8-4.4 of the Albany Municipal Code by deleting the words “loiter” and “lodge” to clarify the intent of that provision and by making other technical, clarifying changes

I declare under penalty of perjury that the foregoing is true and correct. Executed on the

22nd Day of January, 2014, at Albany, California.



EILEEN A. HARRINGTON  
DEPUTY CITY CLERK

Posted: 1/22/14  
Remove: 2/21/14