

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Mayor's Office
For reading: March 5, 2024

**ANCHORAGE, ALASKA
AO No. 2024-26**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION**
2 **15.20.020 PROHIBITING HOMELESS CAMPS WITHIN 10 BLOCKS OF ANY**
3 **LICENSED HOMELESS SHELTER, PROHIBITING HOMELESS CAMPS WITH**
4 **MORE THAN 50 PEOPLE, PROVIDING FOR ADDITIONAL EXCEPTIONS TO**
5 **ABATEMENT PROCEDURE, PROVIDING FOR 24-HOUR ABATEMENT OF**
6 **WASTEWATER PUBLIC NUISANCES AT HOMELESS CAMPS, PROVIDING**
7 **FOR DESIGNATED SAFE PARKING AREAS FOR VEHICULAR HOMELESS**
8 **CAMPING, AND DEFINING PROHIBITED CAMPING AS A CRIMINAL**
9 **MISDEMEANOR.**

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12 **WHEREAS**, there is a need to plan for approximately 100 vehicles being used for
13 habitation, and

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15 **WHEREAS**, issues such as sanitation and water continue to be public health and
16 safety concerns, and

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18 **WHEREAS**, to offer clarity to and manage the expectations of the public about
19 abatement timelines, policies, and practices, and

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21 **WHEREAS**, to provide campers a healthy and sanitary avenue to dispose of
22 refuse and waste, and

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24 **WHEREAS**, to further our commitment to the health of those most vulnerable in
25 our community; NOW, therefore,

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27 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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29 **Section 1.** Anchorage Municipal Code 15.20.020 is hereby amended to read as
30 follows (*the remainder of the section is not affected and therefore not set out*):

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32 **15.20.020 - Public nuisances prohibited; enumeration.**

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34 A. No person shall allow, maintain or permit a public nuisance to exist
35 or allow, maintain or permit recurrence of a public nuisance. Such
36 existence, allowance, maintenance, permitting or recurrence of a
37 public nuisance is a violation of this chapter.

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39 B. Public nuisances include, but are not limited to, the following acts
40 and conditions:

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15. Prohibited campsites. A prohibited campsite is an area where one or more persons are camping on public land in violation of section 8.45.010, chapter 25.70, within 10 blocks of any licensed homeless shelter as defined in chapter 16.125, any campsite with over 50 individuals, or any other provision of this Code. A prohibited campsite is subject to abatement by the municipality. The municipal official responsible for an abatement action may accomplish the abatement with the assistance of a contractor, association, or organization. Notwithstanding any other provision of this Code, the following procedure may be used to abate a prohibited campsite:

* * * * *

b. A notice of campsite abatement shall identify whether it is a 24-hour wildfire danger area notice, 72-hour notice, 15-day campsite notice, ten-day zone notice, [OR] notice to quit, or a 72-hour wastewater nuisance notice; and the subsequent abatement activities of the municipality shall comply with the respective procedure for removal of a prohibited campsite and the personal property thereon:

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h. Exceptions:

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iii. The Municipality may abate prohibited campsites irrespective of the procedure detailed above in AMC 15.20.020B.15.a-g. on municipal land in limited circumstances. This shall include prohibited campsites on municipal land:

(A) Where exigent circumstances posing a serious risk to human life and safety exist (AMC 15.20.020B.15.h.iii.);

(B) When the area where a Prohibited Campsite is located is clearly posted with no trespassing signage, no camping signage, or as not being open to the public, including posting of closed hours if not continuously closed to the public as defined in AMC 15.20.020B.15.h.iv.;

(C) When the prohibited campsite is

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located is within the grounds of a school facility;

(D) Located within the Downtown Area as defined in AMC 14.70.170A.; and

(E) Located within one hundred feet (100') of:

(i) An area of a park designated for a particular purpose (including but not limited to trail, dog park, frisbee golf, etc.);

(ii) A private residential property; or

(iii) A utility box or other public or private critical infrastructure (including but not limited to airfields, snow disposal sites, telecommunication and electrical infrastructure, etc.).

[WHERE EXIGENT CIRCUMSTANCES POSING A SERIOUS RISK TO HUMAN LIFE AND SAFETY EXIST, THE ABATEMENT OF A CAMPSITE MAY PROCEED WITHOUT PRIOR NOTICE. PERSONAL PROPERTY REMOVED UNDER THIS PARAGRAPH SHALL BE STORED IN ACCORDANCE WITH SUBPARAGRAPH B.15.C., TO THE EXTENT REASONABLE AND FEASIBLE UNDER THE CIRCUMSTANCES.]

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vii. Wastewater. When the Anchorage Health Director has determined that a wastewater nuisance exists at or near a prohibited campsite, the municipality may post a wastewater nuisance with notices describing the area in which prohibited campsites may be abated after 72 hours by removal and storage of personal property. Notices shall be posted in accordance with AMC 15.20.020B.15.b.v.(A).

(GAAB 16.68.110, 18.15.020, 18.15.030, 18.20.030, 18.20.060; CAC 8.10.020, 8.10.050; AO No. 113-76; AO No. 78-48; AO No. 79-63; AO No. 93-173(S), § 3, 2-24-94; AO No. 95-42, § 3, 3-23-95; AO No. 2001-145(S-1), § 12, 12-11-01; AO No. 2003-130, § 4, 10-7-03; AO No. 2009-83(S), § 2, 7-7-09; AO No. 2010-43(S), § 1, 6-22-10; AO No. 2010-63, § 1, 9-14-10; AO No. 2011-52, § 1, 4-26-11; AO No. 2016-81(S), § 2, 8-25-16 ; AO No. 2017-119(S) , § 2, 11-9-17; AO No. 2017-130(S) , § 1, 12-5-17; AO No. 2018-53(S) , § 1, 6-26-18; AO No. 2018-61 , § 1, 7-31-18; AO No. 2018-118 , § 2, 1-1-19; AO No. 2019-94(S) , § 2, 8-6-19)

Section 2. Anchorage Municipal Code Title 16 is hereby amended to add a new chapter as follows:

16.128 – Designated safe parking areas.

16.128.010 Purpose.

In recognition of the need for temporary housing for homeless persons living in vehicles, it is the purpose of this section to allow religious, non-profit, and governmental organizations to use property owned or controlled by them as designated safe parking areas, while preventing harmful effects associated with such uses, including crime or public nuisance.

16.128.020 Permit.

A. In order to allow sponsoring religious, non-profit, and governmental organizations to establish designated safe parking areas on qualifying property, a permit must be obtained from the Anchorage Health Department and Planning and Development Services.

1. The Director of Planning and Development Services is authorized to issue permits for designated safe parking areas only upon demonstration that all public health and safety considerations have been adequately addressed, and may administratively adjust standards upon providing findings and conclusions that justify the requirements.
2. No designated safe parking area may contain more than 50 vehicles. This provision may be waived for good cause shown by the Anchorage Health Department and Planning and Development Services.

16.128.030 Non abatement.

No abatement of a vehicle legally parked in designated safe parking area. A vehicle legally parked within a designated safe parking area is not a public nuisance and may not be impounded subject to AMC 9.30.020, 9.30.260, or any other provision in this code.

Section 3. Anchorage Municipal Code 8.30.120 is hereby amended as follows *(the remainder of the section is not affected and therefore not set out)*:

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8.30.120 - Disorderly conduct.

A. It is unlawful for any person to:

* * * * *

9. Knowingly camp in a prohibited campsite, as defined in AMC 15.20.020B.15.

* * * * *

C. Violation of this section is a class B misdemeanor.

(GAAB 18.05.010; AO No. 89-52; AO No. 95-149(S), § 1, 11-2-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2014-42, § 3, 6-21-14)

Section 4. This ordinance shall be effective on May 1, 2024.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

Chair of the Assembly

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 217-2024

Meeting Date: March 5, 2024

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTION 15.20.020 PROHIBITING HOMELESS CAMPS WITHIN
5 10 BLOCKS OF ANY LICENSED HOMELESS SHELTER,
6 PROHIBITING HOMELESS CAMPS WITH MORE THAN 50
7 PEOPLE, PROVIDING FOR ADDITIONAL EXCEPTIONS TO
8 ABATEMENT PROCEDURE, PROVIDING FOR 24-HOUR
9 ABATEMENT OF WASTEWATER PUBLIC NUISANCES AT
10 HOMELESS CAMPS, PROVIDING FOR DESIGNATED SAFE
11 PARKING AREAS FOR VEHICULAR HOMELESS CAMPING,
12 AND DEFINING PROHIBITED CAMPING AS A CRIMINAL
13 MISDEMEANOR.
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16 Mayor Bronson would like to address homeless camps and make Downtown
17 Anchorage a vibrant business and tourism hub for Anchorage. He has watched
18 other Pacific Coast cities, such as San Jose and Tacoma, regroup after the 9th
19 Circuit's rulings in *Martin v. Boise* and *Johnson v. Grants Pass*. After looking at
20 these other cities, and listening to the voices of Anchorage residents, business
21 owners, visitors and tourists, Municipal employees, and especially those who live
22 and work in Downtown Anchorage, the Mayor proposes the accompanying
23 legislation, which will change the current camp abatement regime in Municipal
24 Code in five ways.

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26 First, the definition of "prohibited campsite" in AMC 15.20.020B.15 has been
27 expanded to include (1) any camping on public land within 10 blocks of a
28 licensed homeless shelter, or (2) any campsite with over 50 individuals. This
29 follows the City of Tacoma's practice regarding camping near homeless shelters.
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31 Second, the "exigent circumstance" abatement provision is expanded to include
32 not only serious risks to human life and safety, but also posted "No Trespassing"
33 areas, school facilities, the Downtown Area, and within one hundred feet of a
34 designated park, private residence, or utilities and critical infrastructure.
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36 Third, the Anchorage Health Director is given authority to determine that, when a
37 wastewater nuisance exists at or near a campsite, abatement may proceed
38 within 72 hours of notice.
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1 Fourth, a new chapter of Code is added to provide “designated safe parking
2 areas” for vehicle homeless camping. This program would permit homeless
3 persons to live in vehicles without fear of impoundment, provided that the vehicle
4 is in a designated safe parking area. This follows the City of Tacoma’s program,
5 and gives the Anchorage Health Director and Planning Director authority to issue
6 permits for this purpose.
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8 Fifth, a class B misdemeanor offense is added to disorderly conduct for
9 “knowingly camp[ing] in a prohibited campsite.” This follows the City of Tacoma’s
10 “Use of Public Property” ordinance, which passed in October 2022 and provides
11 for a misdemeanor offense for persons who violate the camping and personal
12 property storage aspects of that ordinance.
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14 There are no economic effects associated with this ordinance and so a summary
15 of economic effects is not provided.
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18 **THE ADMINISTRATION RECOMMENDS APPROVAL.**
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20 Prepared and Approved by: Mario Bird, Chief of Staff, Mayor’s Office
21 Concur: Sharon Lechner, Acting OMB Director
22 Concur: Alden Thern, CFO
23 Concur: Kent Kohlhase, Municipal Manager
24 Respectfully submitted: Dave Bronson, Mayor
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