

Municipal Clerk's Office

Approved

Date: 12/5/2017

Submitted by: Assembly Member Croft
Assembly Member Dyson

Reviewed by: Department of Law and
Assembly Counsel

For reading: December 5, 2017

**ANCHORAGE, ALASKA
AO No. 2017-130(S)**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 15.20.020 AND 15.20.120 TO REDUCE THE NOTICE TIME FOR PUBLIC NUISANCE [ILLEGAL CAMPSITE] ABATEMENT FROM FIFTEEN DAYS TO TEN DAYS, AND PROVIDE A SUNSET DATE OF JULY 1, 2021.

1
2 **WHEREAS**, in the last two years, many homeless people have died along
3 greenbelts at illegal campsites, deeming them unsafe for homeless people;
4

5 **WHEREAS**, many Anchorage residents and Community Councils have expressed
6 their concerns about the abatement period provided for public nuisances
7 within the Municipality's greenbelts [FEELINGS THAT ANCHORAGE POLICE
8 ARE NOT AGGRESSIVE ENOUGH IN HOMELESS CAMP ABATEMENT];
9

10 **WHEREAS**, the Municipality continues to work toward addressing unmet
11 needs for housing and other services for the homeless population;
12

13 **WHEREAS**, the Assembly and the Mayor are committed to addressing the
14 problem through programs to get the homeless in long-term housing and
15 stable jobs, and have appropriated significant funding to support this work
16 during the 2018 fiscal year;
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18 **WHEREAS**, currently Chapter 15.20 of the Anchorage Municipal Code (AMC)
19 allows for a 15-day abatement period for public nuisances within the
20 Municipality, including but not limited to abatement of illegal campsites;
21

22 **WHEREAS**, a 10-day abatement period generally applied to all public
23 nuisances iterated in Chapter 15.20 would allow for abatement of all such
24 nuisances on a more expedited basis, while preserving adequate notice and
25 due process protections for the public; and
26

27 **WHEREAS**, it is appropriate to reassess the effectiveness of this change on a
28 periodic basis and have a comprehensive review in 2021; now, therefore
29 [AND]
30

31 **[WHEREAS, CURRENT ANCHORAGE MUNICIPAL CODE (AMC) ALLOWS FOR**
32 **A 15-DAY NOTICE TO ILLEGAL CAMPSITES BEFORE PROPERTY IS SEIZED**
33 **AND DISPOSED OF AS WASTE; NOW, THEREFORE,]**
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1 **THE ANCHORAGE ASSEMBLY ORDAINS:**

2
3 **Section 1.** Anchorage Municipal Code section 15.20.020 is hereby amended to
4 read as follows (*language indicating no amendment is included for context only and*
5 *other subsections not affected are not set out*):
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7 **15.20.020. Public nuisances prohibited; enumeration.**

8 *** **

9 15. *Illegal campsites.* An illegal campsite is an area where one or more
10 persons are camping on public land in violation of section 8.45.010,
11 chapter 25.70, or any other provision of this Code. An illegal campsite
12 is subject to abatement by the municipality. The municipal official
13 responsible for an abatement action may accomplish the abatement
14 with the assistance of a contractor, association or organization.
15 Notwithstanding any other provision of this Code, the following
16 procedure may be used to abate an illegal campsite:
17

17 *** **

18 b. A notice of campsite abatement shall identify whether it is a 72-
19 hour notice, 10 [15]-day notice, or notice to quit; and the
20 subsequent abatement activities of the municipality shall
21 comply with the respective procedure for removal of an illegal
22 campsite and the personal property thereon:
23

24 i. 72 hours notice. The municipality may post an illegal
25 campsite with a notice stating all personal property not
26 removed within 72 hours of the date and time the notice
27 is posted may be removed and stored.
28

29 ii. 10 [15] days notice. The municipality may post an illegal
30 campsite with a notice stating all personal property not
31 removed within 10 [15] days of the date and time the
32 notice is posted may be removed and disposed of as
33 waste, unless sooner claimed or disposal authorized by
34 the owner. At the expiration of this 10 [15]-day period the
35 personal property may be disposed of as waste if no
36 person has come forward to claim the property. If the
37 owner or person in possession of personal property at
38 the time the notice is posted responds in writing of an
39 intention to remove the personal property, the
40 municipality shall not remove personal property for 10
41 [15] days from the date of the person's response. If the
42 personal property is not removed within that time, or in
43 any case within 30 days of the date the notice was first

1 posted, it shall be conclusively presumed that the
2 personal property is abandoned and may be summarily
3 disposed of as waste.

- 4
5 iii. FED action. The municipality may post a "notice to quit"
6 and commence a forcible entry and detainer action in
7 court consistent with the procedures of AS 09.45.060—
8 09.45.160 and Alaska Rule of Civil Procedure 85. At the
9 conclusion of the eviction hearing, the court shall include
10 in its decision the date after which personal property
11 remaining on the premises may be presumed
12 abandoned and disposed of by the municipality.

13 ***

14 (GAAB 16.68.110, 18.15.020, 18.15.030, 18.20.030, 18.20.060; CAC
15 8.10.020, 8.10.050; AO No. 113-76; AO No. 78-48; AO No. 79-63; AO No.
16 93-173(S), § 3, 2-24-94; AO No. 95-42, § 3, 3-23-95; AO No. 2001-145(S-1),
17 § 12, 12-11-01; AO No. 2003-130, § 4, 10-7-03; AO No. 2009-83(S), § 2, 7-
18 7-09; AO No. 2010-43(S), § 1, 6-22-10; AO No. 2010-63, § 1, 9-14-10; AO
19 No. 2011-52, § 1, 4-26-11; AO No. 2016-81(S), § 2, 8-25-16)

20
21 **Section 2.** **(New AO section in the S-version.)** Anchorage Municipal Code
22 section 15.20.120 is hereby amended to read as follows (*language not affected is*
23 *not set out*):

24
25 **15.20.120 - Enforcement actions and appeal procedures.**

26 ***

- 27 B. An enforcement order shall identify the violator and the property where
28 the public nuisance is located, briefly describe the nature of the public
29 nuisance, and list the provisions of this chapter that have been
30 violated. The enforcement order shall require the abatement of the
31 public nuisance within no less than **10 [15]** days of service of the
32 enforcement order, or the violator shall be subject to specified fines,
33 penalties, costs and other remedies for each violation of this chapter,
34 and for each day the violation continues. If a significant public health
35 hazard exists, clean-up may be required less than **10 [15]** days from
36 the date of service. The enforcement order shall inform the violator
37 that if the public nuisance is not abated within the designated time
38 period, and the violator does not enter into a written compliance
39 agreement with the department which extends the abatement
40 deadline, the municipality may abate the violation and assess the
41 abatement costs and any administrative fees to the violator or
42 violators, who are all jointly and severally liable. The enforcement
43 order shall also give notice that if the violator commits a similar offense

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within one year of service of the enforcement order, even if the similar type of public nuisance occurs on a different property parcel, the violator shall be subject to enhanced fines, penalties, costs and other remedies, as provided for in this chapter. A description of the Administrative Hearing Office appeal procedure shall also be provided with the enforcement order.

C. An enforcement order is final with respect to a violator who does not appeal to the Administrative Hearing Office within 10 [15] days of its service in accordance with 14.30.050, unless a written compliance agreement is entered into between the department and the violator or the violator has abated the public nuisance to the satisfaction of the department. Once an enforcement order is final, the department may file a notice of violation of the enforcement order with and seek a compliance order from the Administrative Hearing Office, which may include abatement of the public nuisance if it still exists.

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(AO No. 2003-130, § 6, 10-7-03)

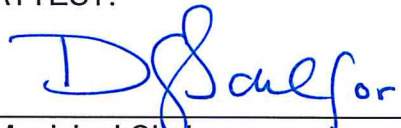
Section 3. *(New AO section in the S-version.)* **Absent other action by the Assembly, this ordinance shall sunset on July 1, 2021 and be automatically repealed.**

Section 4. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 5th day of December, 2017.



Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 685–2017(A-1)

Meeting Date: December 5, 2017

From: ASSEMBLY MEMBER CROFT

Subject: AO 2017–130(S) — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 15.20.020 AND 15.20.120 TO REDUCE THE NOTICE TIME FOR PUBLIC NUISANCE [ILLEGAL CAMPSITE] ABATEMENT FROM FIFTEEN DAYS TO TEN DAYS, AND PROVIDE A SUNSET DATE OF JULY 1, 2021.

The S-version of this ordinance includes the following substantive changes:

- Instead of reducing the abatement period in the public nuisances chapter of the Anchorage Municipal Code to 10 days for *only* illegal campsites, the S--version makes the change from 15 to 10 days for abatement for any of the public nuisances enumerated in AMC chapter 15.20, unless specifically provided otherwise, by adding amendments to AMC section 15.20.120 in Section 2. The 15-day abatement period in that section was originally enacted by AO 2003-130, and there is no reason or justification why the minimum time period to abate any public nuisances could not be reduced to ten.
- The “Whereas” paragraphs are updated to more accurately reflect the Municipality’s multi-faceted approach to addressing the problem of nuisances in the parks and greenbelts, and providing housing and services to the homeless population.
- Section 3 adds a sunset date, to require the Assembly to comprehensively review the effects of the abatement period change and act to reauthorize it or allow it to lapse and be automatically repealed.
- The AO title is amended accordingly.

Respectfully submitted: Eric Croft, Assembly Member
District 3 – West Anchorage