ANCHORAGE, ALASKA
AO No. 2024-26(S)

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 15.20.020 PROHIBITING HOMELESS CAMPS WITHIN 10 BLOCKS OF ANY LICENSED HOMELESS SHELTER, PROHIBITING HOMELESS CAMPS WITH MORE THAN 50 PEOPLE, PROVIDING FOR ADDITIONAL EXCEPTIONS TO ABATEMENT PROCEDURE, PROVIDING FOR 72[24]-HOUR ABATEMENT OF WASTEWATER PUBLIC NUISANCES AT HOMELESS CAMPS, AND PROVIDING FOR DESIGNATED SAFE PARKING AREAS FOR VEHICULAR HOMELESS CAMPING[, AND DEFINING PROHIBITED CAMPING AS A CRIMINAL MISDEMEANOR].

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

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

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

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

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

THE ANCHORAGE ASSEMBLY ORDAINS:

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

15.20.020 -- Public nuisances prohibited; enumeration.

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

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

** * * *
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 congregate campsite with over 50 individuals tents, huts, lean-tos, or other shelters, 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, 10-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:

iv. [FIFTEEN] Ten days' notice, campsite abatement. The municipality may post a prohibited campsite with a notice stating all personal property not removed within 10 days of the date and time the notice is posted may be removed and disposed of as waste, unless sooner claimed or disposal authorized by the owner. At the expiration of this 10-day period the personal property may be disposed of as waste if no person has either given notice or removed property in accordance with this section.

h. Exceptions:

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 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 exception shall be stored in accordance with subsection 15.20.020B.15.c., to the extent reasonable and feasible under
the circumstances.
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.]

iv.  A prohibited campsite on public
land [where a prohibited campsite is located]
clearly posted with no trespassing signage, no
camping signage, or as not being open to the
public, including posting of closed hours, [THE
ABATEMENT OF THE CAMPSITE MAY
PROCEED] may be abated without additional
notice [, AND AFTER THE OCCUPANTS OF THE
PROHIBITED CAMPSITE] shall be provided at
least one hour to remove their personal property.
Personal property removed under this exception
[MAY ONLY] shall be disposed of in accordance
with chapter 7.25 and [OR] sub[PARAGRAPH]section 15.20.020B.15.c.

[--- *** *** ---]

v[ii].  [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. Personal property removed under
this exception shall be stored and disposed
of in accordance with chapter 7.25 and
subsection 15.20.020B.15.c. [by removal and
storage of personal property.] Notices shall be
posted in accordance with AMC subsection
15.20.020B.15.b.(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.

B. 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.

[NOTE: The previous Section 3 dealt with AMC 8.30.120. This is now deleted from the S version. There is no proposed change in AO 2024-26(S) to current AMC 8.30.120.]

Section 3.  Anchorage Municipal Code [8.30.120] 16.125.065 is hereby amended as follows [[the remainder of the section is not affected and therefore not set out]]:

16.125.065 - Minimizing neighborhood impacts.

A. Shelter commitment.

1. Each shelter shall have a "Good Neighbor Policy" that
outlines its commitment and policies to reduce impacts on surrounding areas by its operations, loitering of its clients, trash and litter, and other activities.

B. Municipality of Anchorage Commitment.

1. No tolerance for unlawful loitering, soliciting in streets or roadways, or unauthorized camping within [ONE-QUARTER MILE] ten blocks of a licensed overnight or day shelter. Municipal law and code enforcement shall support this commitment as resources allow, subject to federal, state and local law.

(AO No. 2021-55(S-1), § 1, 6-22-21)

[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
From: MAYOR

Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
SECTION 15.20.020 PROHIBITING HOMELESS CAMPS WITHIN
10 BLOCKS OF ANY LICENSED HOMELESS SHELTER,
PROHIBITING HOMELESS CAMPS WITH MORE THAN 50
PEOPLE, PROVIDING FOR ADDITIONAL EXCEPTIONS TO
ABATEMENT PROCEDURE, PROVIDING FOR 72[24]-HOUR
ABATEMENT OF WASTEWATER PUBLIC NUISANCES AT
HOMELESS CAMPS, AND PROVIDING FOR DESIGNATED SAFE
PARKING AREAS FOR VEHICULAR HOMELESS CAMPING[, 
AND DEFINING PROHIBITED CAMPING AS A CRIMINAL
MISDEMEANOR].

The S-Version of AO 2024-26 was drafted after further internal discussion by the
Administration, meetings with Assembly members, and other external feedback. It
changes AO 2024-26 in six ways.

First, the initial ordinance proposed that any campsite on an area of public land
with over 50 “individuals” would be a prohibited campsite. Internal feedback
indicated that counting individuals would be difficult, if not impossible, to conduct.
AO 2024-26(S) therefore substitutes “tents, huts, lean-to’s, or other shelters” for
“individuals” in Section 1

Second, current code allows 15 days’ notice for campsite abatement under AMC
15.20.020B.15.b.iv. Internal feedback from Parks and Recreation and Health
Department suggested that the 15 days should be reduced to 10 days to make
notice requirements uniform with the 10 day zone abatement notice in AMC
15.20.020B.15.b.v. AO 2024-26(S) makes this change in Section 1.

Third, prohibiting camping within a 10-block radius of a licensed shelter currently
conflicts with the ¼-mile radius currently prescribed in AMC 16.125.065B.
Therefore, in Section 2, AO 2024-26(S) proposes to change the ¼-mile to 10
blocks for uniformity.

Fourth, internal discussions indicated that the class B misdemeanor offense for
“knowingly camping in a prohibited campsite” was problematic, as was adding
more conditions under which the Municipality could immediately abate irrespective
of current Code procedure. Therefore, AO 2024-26(S) excises these portions of
Section 2 and Section 3.

Fifth, at Page 2, line 5 – added “congregate” to indicate that the 50 tents, huts,
lean-tos, or other shelters are intended to be counted only if within some proximity
to each other. This is proposed in lieu of defining any particular radius.

Sixth, the following “code clean-up” amendments were offered by the Municipal
Attorney’s Office:

Page 3, lines 49-50 – changed “paragraph” to “exception” and
“subparagraph B.15.c” to “subsection 15.20.020B.15.c.” to be consistent
with current Code and Assembly Document Preparation Guidelines.

Page 4, lines 13-26 – changed language to be consistent with current Code,
Assembly Document Preparation Guidelines, and Alaska principles of
statutory interpretation.

Page 4, lines 30-31 – removed introductory header because it is not
consistent with other subsections.

Page 4, lines 36-42 – added language consistent with other subsections
clarifying that the Municipality will store and dispose of personal property in
accord with other applicable sections of Code.

There are no economic effects associated with this ordinance and so a summary
of economic effects is not provided.

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared and Approved by: Mario Bird, Chief of Staff, Mayor’s Office
Concur: Sharon Lechner, OMB Director
Concur: Alden Thern, CFO
Concur: Kent Kohlhase, Municipal Manager
Respectfully submitted: Dave Bronson, Mayor