

Proposed Amendment #5 to AO 2025-74(S-2)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.45 [05] [AND SECTIONS 8.45.015 AND 15.20.020] TO PROHIBIT CAMPING ON PROTECTED [PUBLIC] PREMISES AND PROHIBIT CONSTRUCTION ON PUBLIC LAND BY PROVIDING CRIMINAL PENALTIES [AND ENFORCEMENT PROTOCOLS CONSISTENT WITH CITY OF GRANTS PASS V. JOHNSON AND OTHER LAW].

Submitted by: Assembly Member McCormick

PROPOSED AMENDMENT

Purpose/Summary of Amendment: The intent of the proposed amendment is to narrow the scope of the S-2's proposed criminal offense of prohibited construction, to insulate against constitutional challenges based on vagueness or overbreadth. To do so, it proposes two changes to Section 2 of the proposed S-2.

First the amendment would add an additional element of intent to the crime: requiring that a criminal suspect must possess the actual intent to construct a prohibited structure and not simply knowingly possess material that could be used for such a purpose. As currently written, I believe the current language is too broad, as any resident that stops at a public park or land after purchasing home improvement supplies is subject to the criminal offense.

The second change proposes a definition for "construction" to further refine this criminal prohibition to very specific conduct. As written, the proposed ordinance would cover a broad swath of activity, to include children erecting stick forts. These changes are all proposed to more narrowly tailor this ordinance to address the activity that needs to be addressed in our community and prevent it from being invalidated as unconstitutionally over broad.

TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [~~Deleting words proposed by the unamended AO that are not in current code~~])

AO(S-2) Section 2 p. 4, at lines 42, amending as follows:

1. knowingly possesses, with the intent to construct in whole or in part any hard-walled, hard-roofed, or hard-floored structure of any kind, on land owned or controlled by the Municipality of Anchorage or the State of Alaska, without permission or authority to do so, materials that could be used to construct ~~such a structure[in whole or in part any hard-walled, hard-roofed, or hard-floored structure of any kind]~~, such as but not limited to lumber, pallets, boards, logs, bricks, cinder blocks, or any other hard construction material.

- C. For the purposes of this section, the term "construction" means the erection, rehabilitation, alteration, or extension of a permanent or temporary structure for the purpose of camping, shelter or storage of personal property.
- D. Violation of subsection A

<p>Will there be any public or private economic effect to the proposed amendment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (check one) If yes, please detail below.</p>
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