

ANCHORAGE, ALASKA
AO No. 2018-53(S), As Amended

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION**
2 **15.20.020 REGARDING ABATEMENT OF ILLEGAL CAMPSITES AS PUBLIC**
3 **NUISANCES BY (1) ADDING A ~~[FIFTEEN DAY]~~ZONE BASED ABATEMENT; (2)**
4 **CLARIFYING THE APPEALS PROCESS.**
5

6
7 **WHEREAS illegal use of Municipal ~~[and other public]~~ property by ~~[illegal]~~**
8 **campers and the appropriate process to remove these individuals from Municipal**
9 **property remain persistent issues in the Anchorage community;**

10
11 **WHEREAS the presence of illegal campsites ~~[CAMPERS]~~ on Municipal property**
12 **creates public health and safety issues for both the ~~[illegal]~~ campers and the public**
13 **at large;**

14
15 **WHEREAS the recent growth of illegal campsites ~~[camps]~~ necessitates more**
16 **strategic abatement of not just individual structures but of entire areas to**
17 **comprehensively clean-out hazardous areas in our parks and on other public lands;**
18 **~~[and to have a better deterrence effect to relocation or recurrence of illegal~~**
19 **~~campers in an area; and]~~**

20
21 **WHEREAS the Municipality is committed to protecting the due process and property**
22 **rights of all individuals, including those engaged in illegal camping; and**

23
24 **WHEREAS the shift in language from “illegal campsites” to “prohibited**
25 **campsites” is to emphasize that nothing in this ordinance or the amended**
26 **code is meant to criminalize or stigmatize camper status; now, therefore,**

27
28 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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

33
34 **15.20.020 – Public nuisances prohibited; enumeration.**

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

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

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44 * * * * * * * *

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2 15. **Prohibited** [ILLEGAL] campsites. **A prohibited** [AN
3 **ILLEGAL**] campsite is an area where one or more persons are
4 camping on public land in violation of section 8.45.010, chapter
5 25.70, or any other provision of this Code. **A prohibited** [AN
6 **ILLEGAL**] campsite is subject to abatement by the
7 municipality. The municipal official responsible for an
8 abatement action may accomplish the abatement with the
9 assistance of a contractor, association or organization.
10 Notwithstanding any other provision of this Code, the following
11 procedure may be used to abate **a prohibited** [AN **ILLEGAL**]
12 campsite:

13
14 a. Prior to beginning the removal of **a prohibited** [AN
15 **ILLEGAL**] campsite, a notice of campsite abatement
16 shall be posted on or near each tent, hut, lean-to, or
17 other shelter designated for removal, or, if no structure
18 for shelter exists, a notice shall be affixed in a
19 conspicuous place near the bedding, cooking site, or
20 other personal property designated for removal. The
21 notice shall:

22
23 i. State the approximate location of the campsite,
24 the code provision under which the campsite is
25 **prohibited** [ILLEGAL], and that the campsite
26 may be removed under one of the procedures set
27 forth in subparagraph B.15.b.

28
29 [II. ALSO BE GIVEN ORALLY TO ANY PERSONS
30 IN OR UPON THE ILLEGAL CAMPSITE OR
31 WHO IDENTIFIES ONESELF AS AN
32 OCCUPANT OF THE CAMPSITE.]

33
34 ii.[III.] State an appeal may be filed with the court, and
35 include the court's address, except this statement
36 is not required where the municipality
37 commences a forcible entry and detainer action
38 under subparagraph B.15.b.iv.[III.]

39
40 iii. State a notice of intent to appeal may be filed with
41 the Municipality, and include the appropriate
42 address, except this statement is not required
43 where the municipality commences a forcible
44 entry and detainer action under subparagraph
45 B.15.b.iv.

46
47 iv. State that either an appeal or notice of intent to
48 appeal received before the abatement date will
49 delay abatement pursuant to subparagraph
50 B.15.e. [FOR A THIRTY DAY PERIOD.]

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v. Also be given orally to any persons in or upon the prohibited [ILLEGAL] campsite or who identifies oneself as an occupant of the campsite that the campsite is subject to abatement as provided for in the posted notice.

vi.[IV.] If personal property is to be stored, the notice shall include contact and location information for reclaiming it or disclaiming an interest in the property.

b. A notice of campsite abatement shall identify whether it is a 72-hour notice, ten-day **campsite** notice, **ten [fifteen]-day zone** notice, or notice to quit; and the subsequent abatement activities of the municipality shall comply with the respective procedure for removal of **a prohibited [AN ILLEGAL]** campsite and the personal property thereon:

i. 72 hours notice, protected land use. After verbal notice to an apparent occupant of a prohibited campsite within 100 feet of protected land uses the municipality may post the prohibited campsite with a notice stating all personal property not removed within 72 hours of the date and time the notice is posted may be removed and stored. For the purposes of this section:

(A) Protected land uses shall include: paved greenbelt and major trail systems (including but not limited to Coastal, Chester Creek, Ship Creek, Campbell Creek); schools; playgrounds; habilitative care facilities; the Harry J. McDonald Memorial Center; community centers; neighborhood recreation centers; and athletic fields.

(B) The separation distance shall be measured from the lot line of the protected land use to the nearest illegal camp structure.

ii[i]. 72 hours notice. The municipality may post **a prohibited [AN ILLEGAL]** campsite with a notice stating all personal property not removed within 72 hours of the date and time the notice is posted

1 may be removed and stored.
2

3 **iii[~~ii~~]**. Ten days notice, **campsite abatement**. The
4 municipality may post **a prohibited [AN**
5 **ILLEGAL]** campsite with a notice stating all
6 personal property not removed within ten days of
7 the date and time the notice is posted may be
8 removed and disposed of as waste, unless
9 sooner claimed or disposal authorized by the
10 owner. At the expiration of this ten-day period the
11 personal property may be disposed of as waste if
12 no person has **either given notice or removed**
13 **property in accordance with this section.**
14 **[COME FORWARD TO CLAIM THE**
15 **PROPERTY.] [IF THE OWNER OR PERSON IN**
16 **POSSESSION OF PERSONAL PROPERTY AT**
17 **THE TIME THE NOTICE IS POSTED**
18 **RESPONDS IN WRITING OF AN INTENTION**
19 **TO REMOVE THE PERSONAL PROPERTY,**
20 **THE MUNICIPALITY SHALL NOT REMOVE**
21 **PERSONAL PROPERTY FOR TEN DAYS**
22 **FROM THE DATE OF THE PERSON'S**
23 **RESPONSE. IF THE PERSONAL PROPERTY**
24 **IS NOT REMOVED WITHIN THAT TIME, OR IN**
25 **ANY CASE WITHIN 30 DAYS OF THE DATE**
26 **THE NOTICE WAS FIRST POSTED, IT SHALL**
27 **BE CONCLUSIVELY PRESUMED THAT THE**
28 **PERSONAL PROPERTY IS ABANDONED AND**
29 **MAY BE SUMMARILY DISPOSED OF AS**
30 **WASTE.]**

31
32 **iv[~~iii~~]**. **Ten [Fifteen] days notice, zone abatement**. The
33 **municipality may post a zone or campsite area**
34 **with notice stating all personal property in or**
35 **around the posted zone at the end of ten [fifteen]**
36 **days of the date and time the notice is posted may**
37 **be removed and disposed of as waste, unless**
38 **sooner claimed or disposal authorized by the**
39 **owner.**

40
41 **(A)** **Notice shall be conspicuously posted**
42 **under the circumstances and describe in**
43 **detail the zone to be abated. The notices**
44 **shall be within sight [site] of one another**
45 **and reasonably maintained for the entire**
46 **notice [fifteen-day] period.**

47
48 **(B)** **At the expiration of the notice [this**
49 **fifteen-day] period any personal property**
50 **in the zone [, ~~including tents and~~**

~~structures that were placed in the immediate zone after notices were posted,] may be disposed of as waste if no person has either given notice or removed the property in accordance with this section. [come forward to claim the property.]~~

(C) Tents, structures, and associated personal property placed in the zone after notices were posted shall be stored pursuant to subparagraph B.15.c.

(D) Zones shall be contiguous, reasonably compact, identifiable areas with boundaries that are recognizable landmarks, clear transition areas between developed and undeveloped lands, or physical features of development such as roads, rights-of-way cleared of trees, paved trails, utility lines, private property yards or fences, or named structures. At any one time, the municipality shall post no more than ten zones to be abated.

(E) If the action to physically remove the campsite is not commenced by the municipality within ten days of the removal date provided in the notice, the municipality shall repost notice before abatement may occur. Nothing shall prohibit the municipality from posting notice that the removal in a zone or campsite area will occur over a period of several days.

v[iv]. Forcible entry and detainer [FED] action. The municipality may post a "notice to quit" and commence a forcible entry and detainer action in court consistent with the procedures of AS 09.45.060—09.45.160 and Alaska Rule of Civil Procedure 85. At the conclusion of the eviction hearing, the court shall include in its decision the date after which personal property remaining on the premises may be presumed abandoned and disposed of by the municipality.

c. Storage of personal property removed from a

1 **prohibited [AN ILLEGAL]** campsite. The municipality
2 may store in any reasonable manner the personal
3 property removed from **a prohibited [AN ILLEGAL]**
4 campsite. At the time of removal a notice shall be posted
5 at the location, unless previously posted notices are still
6 visible and accurate, with contact and location
7 information for reclaiming personal property or
8 disclaiming an interest in it. If no person **removes the**
9 **property, ~~comes forward to claim the property~~** the
10 municipality may dispose of the personal property 30
11 days from the date a notice in paragraph B.15.b. was
12 posted. If the person(s) in possession of the personal
13 property at the time it was removed or the **prohibited**
14 **[ILLEGAL]** campsite posted identify it and disclaim any
15 interest, the personal property may be disposed of
16 immediately. If a person reclaims stored personal
17 property, it shall be released upon payment of an
18 administrative fee not to exceed ten dollars. For
19 purposes of this section, the following criteria applies:

- 20
- 21 i. Junk, litter, garbage, debris, lumber, pallets,
22 cardboard not used to store other personal items,
23 and items that are spoiled, mildewed, or
24 contaminated with human, biological or
25 hazardous waste shall not be stored and may be
26 disposed of summarily.
- 27
- 28 ii. A weapon, firearm, ammunition or contraband, as
29 those terms are defined in section 7.25.020, shall
30 be delivered to the Anchorage Police Department
31 and processed in accordance with chapter 7.25.
- 32
- 33 iii. If not subject to paragraph i. or ii. above, the
34 following items, when in fair and usable condition
35 and readily identifiable as such by persons
36 engaged in removing **a prohibited [AN**
37 **ILLEGAL]** campsite, shall be deemed valuable
38 and eligible for storage:
- 39
- 40 (A) Tents and similar self-contained shelter,
41 (B) Sleeping bags,
42 (C) Tarps,
43 (D) Toiletries and cosmetics,
44 (E) Clocks and watches,
45 (F) Medication,
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- (G) Personal papers and identification,
- (H) Photographs,
- (I) Luggage, backpacks and other storage containers,
- (J) Books and other reading materials,
- (K) Radios, audio and video equipment,
- (L) Generators,
- (M) Cooking equipment in clean condition,
- (N) Shoes and clothing, and
- (O) Property stored in a manner that reasonably suggests the owner intended to keep it.

d. Within 24 hours after posting the notice of campsite abatement, the municipal official responsible for posting is directed to inform the director of the department of health and human services, or a designee, of the notice posting and **prohibited [ILLEGAL]** campsite location, and the department of health and human services is directed to provide written or electronic notification to community social service agencies within the first work day after receipt of the notice. The purpose of the notices under this subsection is to encourage and accommodate the transition of campsite occupants to housing and the social service community network. Failure of notice under this subsection shall not invalidate the abatement. To facilitate the social service community network, the notice will include:

- i. The location of the camp; **[AND]**
- ii. The date for removal; and
- iii. An estimate of the number of structures to be removed and of the number of residents of the camp.

e. Appeal procedure. A posted notice of campsite abatement is a final administrative decision and appeals shall be to the superior court within 30 days from the date the notice of campsite abatement is posted, in

1 accordance with the Alaska court rules. If the owner or
2 person in possession of personal property at the time the
3 notice is posted responds in writing to the Municipality
4 prior to expiration of a ~~ten~~ **[10 or 15]** day notice of the
5 owner's intention to appeal the campsite abatement to
6 the superior court, the municipality shall not remove the
7 personal property until **at least 30 days have passed**
8 from the date the notice was first posted, except as
9 provided in subparagraph B.15.f.ii.

10
11 f. Before abatement, the responsible municipal official
12 shall verify whether an intention to appeal or an appeal
13 of the notice of campsite abatement was filed within the
14 applicable time period. If no timely appeal was filed
15 removal of the campsite may proceed. If an appeal was
16 timely filed:

17
18 i. Abatement of the campsite area is stayed until
19 the appeal is withdrawn, settled, or a decision is
20 issued and any subsequent appeal rights expire;
21 provided that:

22
23 ii. At any time after the expiration of the notice
24 period, the municipality may remove personal
25 property and store it until either the appeal is
26 withdrawn, settled, or a decision is issued and
27 any subsequent appeal rights expire. Storage of
28 personal property and its release shall be in
29 accordance with subparagraph B.15.c.

30
31 g.[F.] At the time removal is to begin, if any individuals are
32 present at the campsite, they shall be verbally notified
33 the campsite is **prohibited [ILLEGAL]** and to be
34 removed. Prior to actual removal:

35
36 i. The individuals shall be given at least 20 minutes
37 to gather their personal property and disperse
38 from the area; and

39
40 ii. The responsible municipal official or persons
41 working under their authority shall not prevent
42 individuals claiming personal property from
43 removing that property immediately, unless the
44 personal property is unlawful or otherwise
45 evidence of criminal activity.

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47 h.[G.] Exceptions:

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49 i. Nothing in this section shall prevent a peace
50 officer from conducting an investigation, search,

1 or seizure in a manner otherwise consistent with
2 the state and federal constitutions, or federal,
3 state or local law.

4
5 ii. Nothing in this section shall prevent lawful
6 administrative inspection or entry into **a**
7 **prohibited [AN ILLEGAL]** campsite, nor prevent
8 clean-up of **any items not listed in**
9 **subparagraph c.iii., or of** garbage, litter, waste
10 or other unsanitary or hazardous conditions on
11 public land at any time.

12
13 iii. Where exigent circumstances posing a serious
14 risk to human life and safety exist, the abatement
15 of a campsite may proceed without prior notice.
16 Personal property removed under this paragraph
17 shall be stored in accordance with subparagraph
18 B.15.c., to the extent reasonable and feasible
19 under the circumstances.

20
21 iv. When the public land where **a prohibited [AN**
22 **ILLEGAL]** campsite is located is clearly posted
23 with no trespassing signage, no camping
24 signage, or as not being open to the public,
25 including posting of closed hours, the abatement
26 of the campsite may proceed without additional
27 notice, and after the occupants of the **prohibited**
28 **[ILLEGAL]** campsite are provided at least one
29 hour to remove their personal property. Personal
30 property removed under this exception may only
31 be disposed of in accordance with chapter 7.25
32 or subparagraph B.15.c.

33
34 i.[H.] The right of action provided in section 15.20.130D. is not
35 available when the public nuisance is **a prohibited [AN**
36 **ILLEGAL]** campsite located on public property.

37
38 i.[I.] The municipality and its employees or agents shall not
39 be liable for damages as a result of an act or omission
40 in the storage, destruction, disposition or release of
41 property under this subsection B.15., but this does not
42 preclude an action for damages based on an intentional
43 act of misconduct or an act of gross negligence. The
44 municipality and its employees or agents shall not be
45 liable in any case release of property to a person when
46 the personal property lacks affirmative marks identifying
47 its owner.

48
49 [J. APPEAL PROCEDURE. A POSTED NOTICE OF
50 CAMPSITE ABATEMENT IS A FINAL

1 ADMINISTRATIVE DECISION AND APPEALS SHALL
2 BE TO THE SUPERIOR COURT WITHIN 30 DAYS
3 FROM THE DATE THE NOTICE OF CAMPSITE
4 ABATEMENT IS POSTED, IN ACCORDANCE WITH
5 THE ALASKA COURT RULES.]

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7 *** **

8
9 (GAAB 16.68.110, 18.15.020, 18.15.030, 18.20.030, 18.20.060; CAC
10 8.10.020, 8.10.050; AO No. 113-76; AO No. 78-48; AO No. 79-63; AO No.
11 93-173(S), § 3, 2-24-94; AO No. 95-42, § 3, 3-23-95; AO No. 2001-145(S-1),
12 § 12, 12-11-01; AO No. 2003-130, § 4, 10-7-03; AO No. 2009-83(S), § 2, 7-
13 7-09; AO No. 2010-43(S), § 1, 6-22-10; AO No. 2010-63, § 1, 9-14-10; AO
14 No. 2011-52, § 1, 4-26-11; AO No. 2016-81(S), § 2, 8-25-16 ; AO No. 2017-
15 119(S) , § 2, 11-9-17; AO No. 2017-130(S) , § 1, 12-5-17)


16
17 Cross reference— Administrative enforcement fine schedule, § 14.60.030.
18

1 **Section 2.** This ordinance shall be effective immediately upon passage and
2 approval by the Assembly.
3

4
5 PASSED AND APPROVED by the Anchorage Assembly this 26th day of June,
6 2018.
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8
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10 
11 _____
12 Chair

12 ATTEST:

13 
14 _____
15 Municipal Clerk
16



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 407-2018(A)

Meeting Date: June 26, 2018

1 **From: ASSEMBLY MEMBER CONSTANT**

2
3 **Subject: AO 2018-53(S): AN ORDINANCE AMENDING ANCHORAGE**
4 **MUNICIPAL CODE SECTION 15.20.020 REGARDING ABATEMENT OF**
5 **ILLEGAL CAMPSITES AS PUBLIC NUISANCES BY (1) ADDING A [FIFTEEN**
6 **DAY] ZONE BASED ABATEMENT; (2) CLARIFYING THE APPEALS**
7 **PROCESS.**

8
9 This substitute ordinance makes a number of changes, the most substantive of
10 which are summarized below.

11
12 Recognizing the importance of language, “illegal campsites” are now referred to
13 as “prohibited campsites” to make clear the Municipality’s intention is not to
14 criminalize or stigmatize camper status.

15
16 Changes to the zone based abatement procedure include:

- 17
18
- 19 • The fifteen day notice is now a ten day notice to reduce confusion
 - 20 regarding abatement timelines;
 - 21 • The definition of zone was expanded to clarify zone parameters;
 - 22 • A timeframe for removal was included to ensure the Municipality follows
 - 23 through with removal after a zone is posted; and
 - 24 • Tents and other personal property moved into a zone after notices were
 - 25 posted shall be stored pursuant to storage procedures in this section
 - 26 rather than disposed of.

27 The proposed ordinance has no private sector economic effects and local
28 government effects are less than \$30,000. No SEE is attached.

29
30 **Submitted by: Assembly Member Constant - Downtown, District 1**