

ANCHORAGE, ALASKA
AO No. 2018-61, As Amended

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION**
2 **15.20.020 REGARDING NOTICE OF ABATEMENT OF PROHIBITED**
3 **CAMPSITES AS PUBLIC NUISANCES TO REQUIRE NOTICE TO COMMUNITY**
4 **COUNCILS OF POSTED ZONE-BASED ABATEMENT AREAS WITHIN THEIR**
5 **BOUNDARIES.**
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8 **WHEREAS**, the Anchorage Assembly passed AO 2018-53(S) on June 26, 2018
9 establishing a zone-based procedure for prohibited campsite abatement on an area
10 basis rather than by each tent or structure;

11
12 **WHEREAS**, a proposed amendment to require notice to community council(s) of an
13 area posted for zone-based abatement within their boundaries was debated and
14 withdrawn in order to more thoroughly review with the Administration the most
15 efficient way of ensuring community councils are notified and codify it accordingly;

16
17 **WHEREAS**, the Municipality is committed to protecting the due process and
18 property rights of all individuals, including those engaged in prohibited camping; and

19
20 **WHEREAS**, the Assembly's Homelessness Committee vetted this ordinance and
21 recommends the amendments presented herein; now, therefore,

22
23 **THE ANCHORAGE ASSEMBLY ORDAINS:**

24
25 **Section 1.** Anchorage Municipal Code section 15.20.020 is hereby amended to
26 read as follows (*the remainder of the section is not affected and therefore not set*
27 *out*):

28
29 **15.20.020 – Public nuisances prohibited; enumeration.**

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31 * * * * *

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

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35 * * * * *

36 15. *Prohibited campsites.* A prohibited campsite is an area where
37 one or more persons are camping on public land in violation of
38 section 8.45.010, chapter 25.70, or any other provision of this
39 Code. A prohibited campsite is subject to abatement by the
40 municipality. The municipal official responsible for an
41 abatement action may accomplish the abatement with the
42 assistance of a contractor, association or organization.

1 Notwithstanding any other provision of this Code, the following
2 procedure may be used to abate a prohibited campsite:

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4 * * * * *

5 b. A notice of campsite abatement shall identify whether it
6 is a 72-hour notice, ten-day campsite notice, ten-day
7 zone notice, or notice to quit; and the subsequent
8 abatement activities of the municipality shall comply with
9 the respective procedure for removal of a prohibited
10 campsite and the personal property thereon:

11
12 * * * * *

13 iii. Ten days' notice, zone abatement. The
14 municipality may post a zone or campsite area
15 with notice stating all personal property in or
16 around the posted zone at the end of ten days of
17 the date and time the notice is posted may be
18 removed and disposed of as waste, unless
19 sooner claimed or disposal authorized by the
20 owner.

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22 (A) Notice shall be conspicuously posted
23 under the circumstances and describe in
24 detail the zone to be abated. The notices
25 shall be within sight of one another and
26 reasonably maintained for the entire notice
27 period.

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29 (B) At the expiration of the notice period any
30 personal property in the zone may be
31 disposed of as waste if no person has
32 either given notice or removed the
33 property in accordance with this section.

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

39
40 (D) Zones shall be contiguous, reasonably
41 compact, identifiable areas with
42 boundaries that are recognizable
43 landmarks, clear transition areas between
44 developed and undeveloped lands, or
45 physical features of development such as
46 roads, rights-of-way cleared of trees,

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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.

*** **

d. Within 24 hours after posting the notice of campsite abatement or of zone 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 campsite or zone 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 community council(s) containing or within 500 feet of the area shall also be notified of a pending zone abatement. 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, and report zone abatement activities to affected communities. Failure of notice under this subsection shall not invalidate the abatement. To facilitate these purposes [THE SOCIAL SERVICE COMMUNITY NETWORK], the notice will include:

- i. The location of the camp;
- 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 or zone.

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(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)

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

PASSED AND APPROVED by the Anchorage Assembly this 31st day of July, 2018.



Chair

ATTEST:



Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 460-2018

Meeting Date: July 17, 2018

1 **From:** ASSEMBLY MEMBER RIVERA
2

3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTION 15.20.020 REGARDING NOTICE OF ABATEMENT OF
5 PROHIBITED CAMPSITES AS PUBLIC NUISANCES TO REQUIRE
6 NOTICE TO COMMUNITY COUNCILS OF POSTED ZONE-BASED
7 ABATEMENT AREAS WITHIN THEIR BOUNDARIES.
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10 The Assembly passed AO 2018-53(S) on June 26, 2018 establishing a zone-based
11 procedure for prohibited campsite abatement. A proposed amendment to require
12 notice to community council(s) of an area posted for zone-based abatement within
13 their boundaries was debated and withdrawn in order to more thoroughly review
14 with the Administration the most efficient way of ensuring community councils are
15 notified and codify it accordingly.
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17 After the June 26 meeting, the Assembly's Homelessness Committee reviewed and
18 vetted the proposed code change in concert with representatives of the Mobile
19 Intervention Team, APD's CAP team, the Parks and Recreation Department, the
20 Department of Health and Human Services, and the Department of Law. This
21 ordinance reflects the consensus of the Committee and the Administration
22 regarding a reasonable notice process for alerting community councils of pending
23 zone-based abatements within their boundaries.
24

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

28 **I respectfully request your support for the ordinance.**
29

30 Prepared by: Department of Law
31 Respectfully Submitted: Felix Rivera, Assembly Member
32 District 4 - Midtown