

See AO 2009-83(S)

**ANCHORAGE, ALASKA
AO No. 2009-83**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS
15.20.010 AND 15.20.020 TO ADD ILLEGAL CAMPSITES AS A PUBLIC
NUISANCE AND AUTHORIZE ABATEMENT.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 15.20.010 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

15.20.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*** *** ***

Camping means use of space for the purpose of sleeping or establishing a temporary place to live including, but not limited to:

1. Erection of a tent, lean-to, hut, or other shelter;
2. Setting up bedding or equipment in such a manner as to be immediately usable for sleeping purposes, whether indoors or outdoors, on or under any structure not intended for human occupancy;
3. Sleeping outdoors with or without bedding, tent, tarpaulin, hammock or other similar protection or equipment; or
4. Setting up cooking equipment, including a campfire, with the intent to remain in that location overnight.

*** *** ***

(GAAB 18.15.010, 18.20.020, 18.20.050; CAC 8.10.010, 8.10.050; AO No. 79-63; AO No. 92-129(S); AO No. 97-109(S), § 1, 8-26-97; AO No. 2003-130, §§ 2, 3, 10-7-03)

1 **Section 2.** Anchorage Municipal Code section 15.20.020 is amended to read as
2 follows (*the remainder of the section is not affected and therefore not set out*):
3

4 **15.20.020 Public nuisances prohibited; enumeration.**

5
6 A. No person shall allow, maintain or permit a public nuisance to exist or
7 allow, maintain or permit recurrence of a public nuisance. Such
8 existence, allowance, maintenance, permitting or recurrence of a public
9 nuisance is a violation of this chapter.

10
11 B. Public nuisances include, but are not limited to, the following acts and
12 conditions:

13 *** **

14
15
16 **15. *Illegal campsites.* An illegal campsite is an area where one or**
17 **more persons are camping on public land in violation of**
18 **chapter 25.70 or any other provision of this code. An illegal**
19 **campsite is subject to abatement by a police officer, or a**
20 **contractor, association or organization working under the**
21 **authority of a police officer. The following procedure is required**
22 **to abate an illegal campsite:**

23
24 **a. At least twenty-four (24) hours prior to beginning the**
25 **removal of an illegal campsite, a notice shall be posted**
26 **on any tent, shelter, other equipment thereon, or affixed**
27 **in a conspicuous place on a tree or to the ground. The**
28 **notice shall:**

- 29
30 **i. Identify the approximate location of the campsite,**
31 **state the campsite is illegal and shall be removed**
32 **by a specified time and date, and that any**
33 **personal property remaining at that time shall be**
34 **considered abandoned and disposed of as waste.**
35 **ii. Also be posted at any charitable shelter, social**
36 **services agency, or similar place in the vicinity**
37 **where the illegal campsite occupants are**
38 **reasonably likely to congregate.**
39 **iii. Also be given orally to any persons in or upon the**
40 **illegal campsite or who identifies oneself to the**
41 **responsible police officer as an occupant of the**
42 **campsite.**

43
44 **b. At the time removal is to begin, if any individuals are**
45 **present at the campsite, they shall be verbally notified the**
46 **campsite is illegal and shall be removed forthwith. Prior**
47 **to actual removal:**

- 48
49 **i. The individuals shall be given at least twenty (20)**
50 **minutes to gather their personal property and**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

disperse from the area; and

ii. The police or persons working under their authority shall not prevent individuals claiming personal property that is reasonably recognizable as belonging to a person and that has apparent utility from removing that property immediately, unless the personal property is unlawful or otherwise evidence of criminal activity.

c. Personal property remaining at the illegal campsite after the 24-hour notice period and the twenty-minute wait period expire is abandoned and may be disposed of as waste.

d. Exceptions: The procedures in subsections a. through c. above are not required for removal of an illegal campsite when:

i. Police officers have probable cause to believe criminal activities other than illegal camping are occurring;

ii. An emergency poses an imminent threat to human life or safety; or

iii. The public land where the illegal campsite is located is clearly posted with no trespassing signage or as not being open to the public.

*** *** ***

(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)

Section 3. This ordinance shall be effective immediately after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2009.

Chair of the Assembly

ATTEST:

Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2009-83

Title: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
 SECTIONS 15.20.010 AND 15.20.020 TO ADD ILLEGAL CAMPSITES AS
 A PUBLIC NUISANCE AND AUTHORIZE ABATEMENT.**

Sponsor: ACTING MAYOR
 Preparing Agency: Department of Law
 Others Impacted: Anchorage Police Department

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	FY09	FY10	FY11	FY12	FY13
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

This ordinance changes law only and does not require any expenditures. However, if the police department determines to remove an illegal camps it will require an allocation of police resources and incur costs for cleanup and disposal. Some associations already involved in illegal campsite cleanups will defray some costs.

PRIVATE SECTOR ECONOMIC EFFECTS:

No anticipated effect on the private sector.

Prepared by: Dept. of Law

Telephone: 343-4545

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 384-2009

Meeting Date: June 23, 2009

1 **From: ACTING MAYOR**

2
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**
4 **SECTIONS 15.20.010 AND 15.20.020 TO ADD ILLEGAL**
5 **CAMPSITES AS A PUBLIC NUISANCE AND AUTHORIZE**
6 **ABATEMENT.**
7

8 This ordinance by the administration proposes several amendments to the
9 Anchorage Municipal Code designed to increase safety for citizens and visitors to
10 the city by addressing abatement of illegal campsites as public nuisances. The
11 other two companion "safer city" ordinances concern alcohol consumption in public
12 places, and panhandling, street soliciting and pedestrian interference.
13

14 Illegal campsites in the municipality often have secondary effects, including
15 increased crime and violations, noise and pedestrian traffic, unlawful use of public
16 property, attracting wildlife, litter, unlawful burning, and harm to the aesthetics of
17 public lands and parks. In recent news, four bodies of deceased persons known to
18 frequent illegal campsites on public lands were discovered in or near some of these
19 campsites. Kyle Hopkins, *Homeless Seek Truth About Rash of Deaths*, Anchorage
20 Daily News, May 17, 2009, at A-1. Illegal camps on public lands are usually within
21 sheltered stands or groves of trees, barely visible from nearby streets but
22 sometimes visible from a park or bike trails. Trail users often fear for their safety
23 when spotting an illegal campsite or encountering its inhabitants. According to the
24 Anchorage Police Department, many of the campers are chronic inebriates and a
25 large percentage of the males inhabiting these illegal camps are on the Sexual
26 Offender Registry and often out of compliance. The occupants of illegal campsites
27 are at significant risk of becoming involved in criminal activity, becoming victims
28 themselves, or succumbing to disease or exposure resulting in death.
29 Unfortunately, many crimes committed in or around illegal camps are not reported.
30

31 While peace officers are able to issue citations for illegal camping, littering,
32 trespassing or other violations, these efforts are often fruitless and have little
33 influence or impact on the illegal campers. The ordinance provides authority to
34 abate an illegal campsite after notice and an opportunity for a camper to gather
35 personal property and clear out of the area. All personal property left behind is
36 considered abandoned and disposed of as waste. This abatement authority is
37 intended to give peace officers another tool to address unlawful activity fostered by
38 the illegal camps, improve the aesthetics of parks and public lands, and protect the
39 public health, safety and welfare.
40

41 The abatement of illegal campsites may discourage prospective campers and

1 facilitate their transition to social service programs, shelters and low-income
2 housing. Authorizing abatement of these camps may also dovetail with state or
3 local programs for assisting homeless persons with housing or treatment.
4

5 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
6 **AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 15.20.010 AND**
7 **15.20.020 TO ADD ILLEGAL CAMPSITES AS A PUBLIC NUISANCE AND**
8 **AUTHORIZE ABATEMENT.**
9

10 Prepared by: Department of Law
11 Approved by: Rob Heun, Police Chief
12 Concur: James N. Reeves, Municipal Attorney
13 Concur: Michael K. Abbott, Municipal Manager
14 Respectfully submitted: Matt Claman, Acting Mayor
15

Content ID: 007889

Type: Ordinance - AO

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 15.20.010 AND 15.20.020 TO ADD ILLEGAL CAMPSITES AS A PUBLIC NUISANCE AND AUTHORIZE ABATEMENT.

Author: westoverf

Initiating Dept: Legal

Description: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 15.20.010 AND 15.20.020 TO ADD ILLEGAL CAMPSITES AS A PUBLIC NUISANCE AND AUTHORIZE ABATEMENT.

Keywords: Illegal camps, public nuisance, abatement

Date Prepared: 6/19/09 10:21 AM

Director Name: James N. Reeves

Assembly Meeting Date: 6/23/09

Public Hearing Date: 7/7/09

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	6/19/09 11:10 AM	Exit	Joy Maglaqui	Public	007889
MuniMgrCoord_SubWorkflow	6/19/09 11:10 AM	Approve	Joy Maglaqui	Public	007889
MuniManager_SubWorkflow	6/19/09 11:09 AM	Approve	Joy Maglaqui	Public	007889
Finance_SubWorkflow	6/19/09 10:49 AM	Approve	Sharon Weddleton	Public	007889
OMB_SubWorkflow	6/19/09 10:41 AM	Approve	Bruce Holmes	Public	007889
Legal_SubWorkflow	6/19/09 10:33 AM	Approve	Rhonda Westover	Public	007889
AllOrdinanceWorkflow	6/19/09 10:32 AM	Checkin	Rhonda Westover	Public	007889
Legal_SubWorkflow	6/19/09 10:29 AM	Reject	Rhonda Westover	Public	007889
AllOrdinanceWorkflow	6/19/09 10:28 AM	Checkin	Rhonda Westover	Public	007889
Legal_SubWorkflow	6/19/09 10:27 AM	Reject	Rhonda Westover	Public	007889
AllOrdinanceWorkflow	6/19/09 10:25 AM	Checkin	Rhonda Westover	Public	007889

A. J. Anderson -