

See AO 2010-43(S)

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Department of Law  
For reading: May 11, 2010

**ANCHORAGE, ALASKA  
AO No. 2010-43**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION  
15.20.020 REGARDING ABATEMENT OF ILLEGAL CAMPSITES AS PUBLIC  
NUISANCES.**

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 15.20.020 is hereby amended to read as follows:

**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. *Illegal campsites.* An illegal campsite is an area where one or more persons are camping on public land in violation of Chapter 25.70 or any other provision of this code. An illegal campsite is subject to abatement by the municipality [a police officer]. The municipal official responsible for an abatement action may accomplish the abatement with the assistance of [, OR] a contractor, association or organization [WORKING UNDER THE AUTHORITY OF A POLICE OFFICER]. Notwithstanding any other provision of this chapter, the [THE] following procedure is required to abate an illegal campsite:

- a. At least five full business days [12 hours] prior to beginning the removal of an illegal campsite, a notice of campsite abatement shall be posted on each [A] tent, hut, lean-to, or other shelter designated for removal, [OTHER EQUIPMENT THEREON,] or, if no structure for shelter exists, a notice shall be affixed in a conspicuous place near the bedding, cooking site, or other personal property designated for removal [ON A TREE OR TO THE GROUND].

1 The notice shall:  
2

3 i. State [Identify] the approximate location of the  
4 campsite, the code provision under which [STATE]  
5 the campsite is illegal, [AND] that the campsite may  
6 [SHALL] be removed at any time after [by] a  
7 specified [TIME AND] date without further notice,  
8 and that any personal property remaining [AT THAT  
9 TIME SHALL BE CONSIDERED] IS abandoned and shall  
10 be disposed of as waste. A notice of campsite  
11 abatement shall not be invalid for failure to identify  
12 the correct code provision, if the campsite is illegal  
13 under a different local or state law than the one  
14 stated on the notice.

15  
16 ii. Also be given orally to any persons in or upon the  
17 illegal campsite or who identifies oneself to the  
18 responsible official [POLICE OFFICER] as an  
19 occupant of the campsite.

20  
21 iii. State the process for filing an appeal, and include  
22 the address and facsimile number for the  
23 administrative hearing office.

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25 b. As soon as practicable after posting the notice of  
26 campsite abatement, the municipal official responsible for  
27 posting shall inform the director of the department of  
28 health and human services or a designee of the notice  
29 posting and illegal campsite location. The department  
30 may take steps to encourage the transition of campsite  
31 occupants to housing.

32  
33 c. Before abatement, the responsible municipal official shall  
34 verify whether an appeal of the notice of campsite  
35 abatement was filed with the administrative hearing office  
36 within the applicable time period. If no timely appeal was  
37 filed removal of the campsite may proceed forthwith. If  
38 an appeal was timely filed, the municipality shall either:

39  
40 (i.) stay abatement of the campsite area until a  
41 decision is issued, or

42  
43 (ii.) remove all personal property and store it until a  
44 decision is issued. If stored, a written notice of  
45 the whereabouts of such property and a contact  
46 phone number shall be served on the appellant or  
47 posted in the area of the removed campsite.  
48 Stored property may be released to the appellant  
49 prior to a decision.

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2 d. At the time removal is to begin, if any individuals are  
3 present at the campsite, they shall be verbally notified the  
4 campsite is illegal and to [SHALL] be removed forthwith.  
5 Prior to actual removal:  
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7 i. The individuals shall be given at least 20 minutes  
8 to gather their personal property and disperse  
9 from the area; and  
10

11 ii. The responsible municipal official [police] or  
12 persons working under their authority shall not  
13 prevent individuals claiming personal property  
14 [THAT IS REASONABLY RECOGNIZABLE AS BELONGING  
15 TO A PERSON AND THAT HAS APPARENT UTILITY] from  
16 removing that property immediately, unless the  
17 personal property is unlawful or otherwise  
18 evidence of criminal activity.  
19

20 e [c]. If abatement is not stayed by the filing of a notice of  
21 appeal, p[P]ersonal property remaining at the illegal  
22 campsite after the [12-HOUR] notice period and the 20-  
23 minute wait period expire is abandoned and may be  
24 disposed of as waste.  
25

26 f [d]. Exceptions: [THE PROCEDURES IN SUBSECTIONS A. THROUGH  
27 C. ABOVE ARE NOT REQUIRED FOR REMOVAL OF AN ILLEGAL  
28 CAMPSITE WHEN]:  
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30 i. Nothing in this section shall prevent a peace  
31 officer from conducting an investigation, search, or  
32 seizure in a manner otherwise consistent with the  
33 state and federal constitutions, or federal, state or  
34 local law.  
35

36 ii. Nothing in this section shall prevent lawful  
37 administrative inspection or entry into an illegal  
38 campsite, nor prevent clean-up of garbage, litter,  
39 waste or other unsanitary conditions on public  
40 land at any time.  
41

42 iii. Where exigent circumstances posing a serious  
43 risk to human life and safety exist, the abatement  
44 of a campsite may proceed without prior notice.  
45 Personal property removed under this paragraph  
46 may be disposed of in accordance with chapter  
47 7.25 or other applicable code provision. Written  
48 notice of the whereabouts of such property and a  
49 contact phone number shall be posted in the area

1 of the former campsite.

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3 [i. POLICE OFFICERS HAVE PROBABLE CAUSE TO BELIEVE  
4 CRIMINAL ACTIVITIES OTHER THAN ILLEGAL CAMPING  
5 ARE OCCURRING;]

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7 [ii. AN EMERGENCY POSES AN IMMINENT THREAT TO  
8 HUMAN LIFE OR SAFETY; OR]

9  
10 iv. When t[T]he public land where an [THE] illegal  
11 campsite is located is clearly posted with no  
12 trespassing signage, no camping signage, or as  
13 not being open to the public, including posting of  
14 closed hours, the abatement of the campsite may  
15 proceed without additional notice, and after the  
16 occupants of the illegal campsite are provided at  
17 least one hour to remove their personal property.  
18 Personal property located on and removed from  
19 no trespassing areas of public land without  
20 additional notice under this exception may be  
21 disposed of in accordance with chapter 7.25 or  
22 with the procedures of this subsection  
23 15.20.020B.15.

24  
25 g. The right of action provided in section 15.20.130D. is not  
26 available when the public nuisance is an illegal campsite  
27 located on public property.

28  
29 h. Appeal procedure. A posted notice of campsite  
30 abatement is final if a campsite occupant does not file a  
31 notice of appeal under section 3.60.035 with the  
32 municipal administrative hearing office by the date  
33 indicated on the notice. To be filed with the  
34 administrative hearing office, the notice of appeal must  
35 be received prior to the time and date on the posted  
36 notice after which abatement may commence. An  
37 appeal is filed with the administrative hearing office upon  
38 receipt of a written notice mailed or transmitted by  
39 facsimile, or upon personal appearance of an appellant  
40 camper with a written or verbal request to appeal. Upon  
41 receiving a notice of appeal, the administrative hearing  
42 office shall schedule a hearing as soon as practicable  
43 and no later than five (5) business days following receipt  
44 of the appeal. The notice of the administrative hearing  
45 shall be served on the appellant personally, by mail or  
46 facsimile if such information for that purpose is provided  
47 by the appellant, or posted at the same place or area  
48 where the notice of abatement being appealed was  
49 posted. The administrative hearing shall not proceed

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unless there is proof of service or posting at least two (2) business days prior to the hearing. Proof of service or posting may be submitted by affidavit, and may be accomplished by any municipal employee or a person qualified for service of process under the Alaska court rules. The issues at the hearing are whether (i) the campsite is illegal and (ii) all the property found thereon may be disposed of as waste forthwith. If the administrative hearing officer affirms the notice of campsite abatement, the municipality may proceed to abate the campsite without delay and all personal property found thereon disposed of as waste. Except as otherwise provided in this subsection, the appeal hearing shall be conducted as a quasijudicial proceeding under chapter 3.60.

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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)

**Section 2.** This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk

MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM

No. AM 297-2010

Meeting Date: May 11, 2010

1 **From: MAYOR**

2  
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**  
4 **SECTION 15.20.020 REGARDING ABATEMENT OF ILLEGAL**  
5 **CAMPSITES AS PUBLIC NUISANCES.**  
6

7 On July 7, 2009, the Anchorage Assembly passed and approved AO 2009-83(S)  
8 which enacted a procedure for abating campsites illegally located on public lands.  
9 Since codification and implementation of AO 2009-83(S) the Anchorage Police  
10 Department has found the logistical challenges of arranging for clean up of an  
11 abated illegal campsite result in the abatement action occurring several days or  
12 even weeks after the initial posting. The actual practice of illegal camp abatement  
13 also involved the Department of Health and Human Services rendering assistance  
14 and helping with referrals to housing or social service programs. In addition, the  
15 Alaska chapter of the American Civil Liberties Union contacted municipal officials to  
16 object to some of the procedures enacted by AO 2009-83(S).  
17

18 The amendments offered in the attached ordinance revise the ordinance for the  
19 abatement of illegal campsites to be consistent with actual practices and timeframes  
20 for camp cleanups, and provide more safeguards for the constitutional rights of  
21 aggrieved campers, including a right to appeal the notice of abatement. The  
22 amendments will only minimally alter current practices, but give the public and other  
23 stakeholders greater confidence in the illegal campsite abatement process.  
24

25 Abatement of illegal campsites is an important public issue for our city. It presents  
26 an opportunity and important tool to address unlawful activity fostered by the illegal  
27 camps, improve the aesthetics of parks and public lands, and protect the public  
28 health, safety and welfare.  
29

30 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
31 **AMENDING ANCHORAGE MUNICIPAL CODE SECTION 15.20.020 REGARDING**  
32 **ABATEMENT OF ILLEGAL CAMPSITES AS PUBLIC NUISANCES.**  
33

34 Prepared by: Dean Gates, Assistant Municipal Attorney  
35 Approved by: Dennis A. Wheeler, Municipal Attorney  
36 Concur: George J. Vakalis, Municipal Manager  
37 Respectfully submitted: Daniel A. Sullivan, Mayor

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AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION

**Title:** 15.20.020 REGARDING ABATEMENT OF ILLEGAL CAMPSITES AS PUBLIC NUISANCES

**Author:** wheelerda

**Initiating Dept:** Legal

**Date Prepared:** 5/7/10 11:22 AM

**Director Name:** Dennis A. Wheeler

**Assembly Meeting Date:** 5/11/10

**Public Hearing Date:** 5/25/10

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	5/7/10 12:17 PM	Exit	Nina Pruitt	Public	009022
MuniManager_SubWorkflow	5/7/10 12:17 PM	Approve	Nina Pruitt	Public	009022
Finance_SubWorkflow	5/7/10 12:17 PM	Approve	David Ryan	Public	009022
OMB_SubWorkflow	5/7/10 11:32 AM	Approve	Marilyn T. Banzhaf	Public	009022
Legal_SubWorkflow	5/7/10 11:28 AM	Approve	Dennis Wheeler	Public	009022
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