

CLERK'S OFFICE  
**AMENDED AND APPROVED**

Submitted by: Vice Chair Flynn  
Prepared by: Assembly Counsel  
For reading: June 8, 2010

Date: 6-22-10 **ANCHORAGE, ALASKA**  
**AO No. 2010-43(S)**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION**  
2 **15.20.020 REGARDING ABATEMENT OF ILLEGAL CAMPSITES AS PUBLIC**  
3 **NUISANCES.**

4  
5 **THE ANCHORAGE ASSEMBLY ORDAINS:**

6  
7 **Section 1.** Anchorage Municipal Code section 15.20.020 is hereby amended to  
8 read as follows:  
9

10 **15.20.020 Public nuisances prohibited; enumeration.**

11  
12 A. No person shall allow, maintain or permit a public nuisance to exist  
13 or allow, maintain or permit recurrence of a public nuisance. Such  
14 existence, allowance, maintenance, permitting or recurrence of a  
15 public nuisance is a violation of this chapter.  
16

17 B. Public nuisances include, but are not limited to, the following acts  
18 and conditions:  
19

20 \* \* \* \* \*

21  
22 15. *Illegal campsites.* An illegal campsite is an area where one or  
23 more persons are camping on public land in violation of Chapter  
24 25.70 or any other provision of this code. An illegal campsite is  
25 subject to abatement by the municipality [a police officer]. The  
26 municipal official responsible for an abatement action may  
27 accomplish the abatement with the assistance of [, OR] a  
28 contractor, association or organization [WORKING UNDER THE  
29 AUTHORITY OF A POLICE OFFICER]. Notwithstanding any other  
30 provision of this chapter, the [THE] following procedure is  
31 required to abate an illegal campsite:

32  
33 a. At least **five [SEVEN] five full business days [12 hours]**  
34 **prior to beginning the removal of an illegal campsite, a**  
35 **notice of campsite abatement shall be posted on each [A]**  
36 **tent, hut, lean-to, or other shelter designated for removal,**  
37 **[OTHER EQUIPMENT THEREON,] or, if no structure for shelter**  
38 **exists, a notice shall be affixed in a conspicuous place**  
39 **near the bedding, cooking site, or other personal property**  
40 **designated for removal [ON A TREE OR TO THE GROUND].**  
41 **The notice shall:**

42  
43 i. **State [Identify] the approximate location of the**  
44 **campsite, the code provision under which [STATE]**

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

11  
 12 ii. Also be given orally to any persons in or upon the  
 13 illegal campsite or who identifies oneself to the  
 14 responsible official [POLICE OFFICER] as an  
 15 occupant of the campsite.

16  
 17 iii. State the process for filing an appeal, and include  
 18 the address and facsimile number for the  
 19 administrative hearing office.

20  
 21 b. Within 24 hours As soon as practicable after posting the  
 22 notice of campsite abatement, the municipal official  
 23 responsible for posting is directed to shall inform the  
 24 director of the department of health and human services,  
 25 or a designee, of the notice posting and illegal campsite  
 26 location, and the department of health and human  
 27 services is directed to provide may take steps to  
 28 encourage the transition of campsite occupants to  
 29 housing to housing by providing written or electronic  
 30 notification to community social service agencies within  
 31 the first work day after receipt of the notice. The  
 32 purpose of the notices under this subsection is to  
 33 encourage and accommodate the transition of  
 34 campsite occupants to housing and the social  
 35 service community network. Failure of notice under  
 36 this subsection shall not invalidate the abatement.  
 37 To facilitate the social service community network,  
 38 the notice will include of:

39  
 40 i. The location of the camp; and

41  
 42 ii. The date for removal; and

43  
 44 iii. An estimate of the number of structures to  
 45 be removed and of the number of residents  
 46 of the camp.

47  
 48 c. Before abatement, the responsible municipal official shall  
 49 verify whether an appeal of the notice of campsite  
 50 abatement was filed with the administrative hearing office  
 51 within the applicable time period. If no timely appeal was

1 filed removal of the campsite may proceed forthwith. If  
2 an appeal was timely filed, the municipality shall either:  
3

4 (i.) stay abatement of the campsite area until a  
5 decision is issued, or  
6

7 (ii.) remove all personal property and store it until a  
8 decision is issued. If stored, a written notice of  
9 the whereabouts of such property and a contact  
10 phone number shall be served on the appellant or  
11 posted in the area of the removed campsite.  
12 Stored property may be released to the appellant  
13 prior to a decision.  
14

15 d. At the time removal is to begin, if any individuals are  
16 present at the campsite, they shall be verbally notified the  
17 campsite is illegal and to [SHALL] be removed forthwith.  
18 Prior to actual removal:  
19

20 i. The individuals shall be given at least 20 minutes  
21 to gather their personal property and disperse  
22 from the area; and  
23

24 ii. The responsible municipal official [police] or  
25 persons working under their authority shall not  
26 prevent individuals claiming personal property  
27 [THAT IS REASONABLY RECOGNIZABLE AS BELONGING  
28 TO A PERSON AND THAT HAS APPARENT UTILITY] from  
29 removing that property immediately, unless the  
30 personal property is unlawful or otherwise  
31 evidence of criminal activity.  
32

33 e [c]. If abatement is not stayed by the filing of a notice of  
34 appeal, p[P]ersonal property remaining at the illegal  
35 campsite after the [12-HOUR] notice period and the 20-  
36 minute wait period expire is abandoned and may be  
37 disposed of as waste.  
38

39 f [d]. Exceptions: [THE PROCEDURES IN SUBSECTIONS A. THROUGH  
40 C. ABOVE ARE NOT REQUIRED FOR REMOVAL OF AN ILLEGAL  
41 CAMPSITE WHEN]:  
42

43 i. Nothing in this section shall prevent a peace  
44 officer from conducting an investigation, search, or  
45 seizure in a manner otherwise consistent with the  
46 state and federal constitutions, or federal, state or  
47 local law.  
48

49 ii. Nothing in this section shall prevent lawful  
50 administrative inspection or entry into an illegal  
51 campsite, nor prevent clean-up of garbage, litter,

1 waste or other unsanitary conditions on public  
2 land at any time.

3  
4 iii. Where exigent circumstances posing a serious  
5 risk to human life and safety exist, the abatement  
6 of a campsite may proceed without prior notice.  
7 Personal property removed under this paragraph  
8 may **only** be disposed of in accordance with  
9 chapter 7.25 or other applicable code provision.  
10 Written notice of the whereabouts of such  
11 property and a contact phone number shall be  
12 posted in the area of the former campsite.

13  
14 [i. POLICE OFFICERS HAVE PROBABLE CAUSE TO BELIEVE  
15 CRIMINAL ACTIVITIES OTHER THAN ILLEGAL CAMPING  
16 ARE OCCURRING;]

17  
18 [ii. AN EMERGENCY POSES AN IMMINENT THREAT TO  
19 HUMAN LIFE OR SAFETY; OR]

20  
21 iv. When t[THE]he public land where an [THE] illegal  
22 campsite is located is clearly posted with no  
23 trespassing signage, no camping signage, or as  
24 not being open to the public, including posting of  
25 closed hours, the abatement of the campsite may  
26 proceed without additional notice, and after the  
27 occupants of the illegal campsite are provided at  
28 least one hour to remove their personal property.  
29 Personal property located on and removed from  
30 no trespassing areas of public land without  
31 additional notice under this exception may **only**  
32 be disposed of in accordance with chapter 7.25 or  
33 with the procedures of this subsection  
34 15.20.020B.15.

35  
36 g. The right of action provided in section 15.20.130D. is not  
37 available when the public nuisance is an illegal campsite  
38 located on public property.

39  
40 h. *Appeal procedure.* A posted notice of campsite  
41 abatement is final if a campsite occupant does not file a  
42 notice of appeal under section 3.60.035 with the  
43 municipal administrative hearing office by the date  
44 indicated on the notice. To be filed with the  
45 administrative hearing office, the notice of appeal must  
46 be received prior to the time and date on the posted  
47 notice after which abatement may commence. An  
48 appeal is filed with the administrative hearing office upon  
49 receipt of a written notice mailed or transmitted by  
50 facsimile, or upon personal appearance of an appellant  
51 camper with a written or verbal request to appeal. Upon


1 receiving a notice of appeal, the administrative hearing  
 2 office shall schedule a hearing as soon as practicable  
 3 and no later than five (5) business days following receipt  
 4 of the appeal. The notice of the administrative hearing  
 5 shall be served on the appellant personally, by mail or  
 6 facsimile if such information for that purpose is provided  
 7 by the appellant, or posted at the same place or area  
 8 where the notice of abatement being appealed was  
 9 posted. The administrative hearing shall not proceed  
 10 unless there is proof of service or posting at least two (2)  
 11 business days prior to the hearing. Proof of service or  
 12 posting may be submitted by affidavit, and may be  
 13 accomplished by any municipal employee or a person  
 14 qualified for service of process under the Alaska court  
 15 rules. The issues at the hearing are whether (i) the  
 16 campsite is illegal and (ii) all the property found thereon  
 17 may be disposed of as waste forthwith. If the  
 18 administrative hearing officer affirms the notice of  
 19 campsite abatement, the municipality may proceed to  
 20 abate the campsite without delay and all personal  
 21 property found thereon disposed of as waste. Except as  
 22 otherwise provided in this subsection, the appeal hearing  
 23 shall be conducted as a quasijudicial proceeding under  
 24 chapter 3.60.

25 \*\*\* \*\* \*


26  
 27  
 28 (GAAB 16.68.110, 18.15.020, 18.15.030, 18.20.030, 18.20.060; CAC  
 29 8.10.020, 8.10.050; AO No. 113-76; AO No. 78-48; AO No. 79-63; AO No. 93-  
 30 173(S), § 3, 2-24-94; AO No. 95-42, § 3, 3-23-95; AO No. 2001-145(S-1), §  
 31 12, 12-11-01; AO No. 2003-130, § 4, 10-7-03; AO No. 2009-83(S), § 2, 7-7-  
 32 09)

33  
 34 **Section 2.** This ordinance shall become effective immediately upon its passage  
 35 and approval by the Assembly.

36  
 37 PASSED AND APPROVED by the Anchorage Assembly this 22<sup>nd</sup> day of  
 38 June, 2010.

39  
 40  
 41   
 42 \_\_\_\_\_  
 Chair of the Assembly

43 ATTEST:

44  
 45   
 46 \_\_\_\_\_  
 47 Municipal Clerk

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