

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Dept. of Law  
Reviewed by:  
For reading:

**ANCHORAGE, ALASKA**  
**AO No. 2024-XXX**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.30 TO ENACT NEW SECTION 8.30.123 ESTABLISHING CRIMINAL PENALTIES AND ENFORCEMENT MECHANISMS REGARDING PROHIBITED CAMPING WITHIN THE MUNICIPALITY OF ANCHORAGE IN ACCORD WITH LAW; AND CONFORMING AMENDMENT TO SECTION 8.05.025.**

**WHEREAS**, Municipal property is for the use by the public for public purpose, including regular Municipal operations, park recreation use, non-vehicular travel, and vehicular transportation, and other public uses;

**WHEREAS**, camping without adequate sanitation services, such as sewer, water, and garbage, presents public health, safety, or welfare concerns by increasing the potential spread of disease; by impeding the access or travel of the public; by obstructing permitted closures of public property; or by impeding general public use of park areas intended for a particular purpose;

**WHEREAS**, it is important to maintain public property consistent with its intended use while balancing the needs of the unhoused population with the impact on the rest of the public;

**WHEREAS**, pursuant to *Martin v. City of Boise*, 920 F.3d 584 (9th Cirt. 2019) the Ninth Circuit Court of Appeals held: (1) that the Eight Amendment to the U.S. Constitution prohibits cities from enforcing ordinances that criminalize camping on all public property at all times; and (2) it is permissible for cities to enforce an ordinance that criminalizes camping in certain locations at all times, but only if the cities do not enforce the prohibition of camping in other locations when there is no available shelter;

**WHEREAS**, this ordinance is intended to comply with the Ninth Circuit Court's decision in *Martin v. City of Boise* by limiting the areas where camping is criminalized;

**WHEREAS**, the Municipality will comply with *Martin v. City of Boise* by asking persons, in particular situations, whether they are unhoused and offering them safe and legal shelter;

**WHEREAS**, if no overnight shelter is available, then the criminal provisions of this ordinance will not be enforced, except in those areas specifically listed;

**WHEREAS**, the Municipality will continue to treat unhoused persons with respect,

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1dignity, and compassion;

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3**WHEREAS**, in recognition of persons rights under the Fourth Amendment of the  
4U.S. Constitution, the extenuating circumstances of unhoused persons as stated in  
5*Engle v. Municipality of Anchorage*, Case No. 3AN-10-7047CI (Alaska Super.  
62011), and the limitations of Anchorage Police Department evidence storage the  
7Municipality will provide for storage of personal property belonging to unhoused  
8persons arrested under the provisions of this ordinance; and

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10**WHEREAS**, the Assembly finds that the requirements established by this  
11ordinance are necessary for the preservation of the public health, safety, and  
12welfare; now, therefore,

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14**THE ANCHORAGE ASSEMBLY ORDAINS:**

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16**Section 1.** Anchorage Municipal Code chapter 8.30 is hereby amended to add a  
17new section as follows:

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19 **Section 8.30.123 – Prohibited Camping**

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21 A. The following definitions apply in this section:

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23 1. *Available shelter* means an indoor shelter that does not impose  
24 requirements deemed violative of a person’s constitutional rights by  
25 the courts as defined by *Martin v. City of Boise* (i.e., religious  
26 agreement or observance).

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28 2. *Camp or camping* means:

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30 a. The use of a space for the purpose of sleeping or establishing  
31 temporary living quarters, including but not limited to, erection  
32 of a tent or other shelter;

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34 b. Setting up bedding or equipment in such a manner as to be  
35 immediately usable for sleeping purposes, whether indoors or  
36 outdoors, on or under any structure not intended for human  
37 occupancy; or

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39 c. Setting up cooking equipment, including a campfire with the  
40 intent to remain in that location overnight; or

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42 d. Sleeping outdoors with or without bedding, tent, tarpaulin,  
43 hammock or other similar protection or equipment.

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45 3. *School premises* means the real property, any building, and any  
46 facility of a school, including sports fields and playgrounds.

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48 B. It shall be unlawful for any person to camp in any park, any street, or  
49 any public property.

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51 C. A violation of subsection 8.30.123B. shall be enforced at all times in the

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following locations:

1. On school premises, whether public schools as defined in AS 14.60.010, or private or religious schools as defined in AS 14.45.200;
2. On City Hall premises;
3. In the area bounded by the north bank of Ship Creek on the north, Ingra Street on the east, 10th Avenue on the south, and L Street on the west;
4. In the following Municipal parks:
  - a. Barrow Park;
  - b. Ben Crawford Memorial Park;
  - c. Delaney Park Strip;
  - d. Elderberry Park;
  - e. Hostetler Park;
  - f. Nulbay Park;
  - g. Peratrovich Park;
  - h. Quyana Park;
  - i. Town Square Park; and
  - j. Any park or portion of a park closed to the public and posted for active maintenance or construction by the Anchorage Parks and Recreation Department (affected parks published by the Parks and Recreation Department).
4. Within two hundred and fifty feet (250') of:
  - a. School premises, whether public schools as defined in AS 14.60.010, or private or religious schools as defined in AS 14.45.200;
  - b. Childcare facilities licensed under AMC chapter 16.55, AS Title 47, and 7 AAC chapter 57;
  - c. An area of a Municipal park designated for a particular purpose, including but not limited to a trail, dog park, or frisbee golf;
  - d. Campbell Creek Trail, Chester Creek Trail, Fish Creek Trail, Ship Creek Trail, and The Coastal Trail; or

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d. A utility box or other critical infrastructure, including but not limited to airfields, snow disposal sites, or telecommunication and electrical infrastructure.

D. Except as provided in subsection 8.30.123C., enforcement of subsection 8.30.123B. shall be as follows:

1. Prior to issuing any citation or arrest under section 8.30.123, the investigating officer shall inquire whether the unlawful camping is due to the person being unsheltered. If the officer learns that the unlawful camping is due to the person being unsheltered, the officer shall determine in accordance with Municipal policy whether there is available shelter to accommodate the person being investigated.

a. If the officer determines that there is no available shelter, the officer shall not issue a citation and the person shall not be prosecuted under section 8.30.123B.

b. If the officer determines that there is available shelter, the officer may, within their discretion,

i. Provide directions to the available shelter location; or

ii. Offer one-time transport to the shelter location.

2. Any person who refuses to relocate to the offered available shelter space or to otherwise cease prohibited camping may be subject to citation or arrest under subsection 8.30.123B.

3. The personal property of an unsheltered person arrested for violation of subsection 8.30.123 shall be stored by the municipality in accordance with the provisions of AMC subsection 15.20.020B.15.c.

E. Violation of this section is a class B misdemeanor.

**Section 2.** Anchorage Municipal Code 8.05.025 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**Section 08.05.025 – Minor offense fine schedule; misdemeanor penalty reference table; and state surcharge**

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B. *Misdemeanor offenses reference table.*

Chapter 8.30 OFFENSES AGAINST PUBLIC ORDER			
***	***	***	***
<u>8.30.123(B)</u>	<u>Prohibited Camping</u>	<u>Class B</u>	<u>8.05.020H.2.</u>

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(AO No. 2014-42, § 1, 6-21-14; AO No. 2015-7 , § 2, 2-24-15; AO No. 2015-84, § 2, 9-24-15 ; AO No. 2015-87, § 2, 9-24-15 ; AO No. 2015-123(S), § 2, 11-10-15 ; EO No. 2016-1, § 1, 7-12-16 ; AO No. 2016-83(S), § 1, 7-26-16 ; AO No. 2016-114 , § 1, 12-15-16; AO No. 2017-156 , § 1, 12-5-17; AO No. 2018-34(S) , § 4, 7-26-18; AO No. 2019-25 , § 2, 3-5-19)

10**Section 3.** This ordinance shall be effective immediately upon passage and  
11approval by the Assembly.

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13Or

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15**Section 3.** This ordinance shall be effective 10 days after passage and approval  
16by the Assembly.

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19 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
20\_\_\_\_\_, 2024.

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Chair \_\_\_\_\_

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27ATTEST:

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31Municipal Clerk