

Submitted by: Chair of the Assembly
at the request of the Mayor
Prepared by: Mayor's Office
For reading: April 9, 2024

ANCHORAGE, ALASKA
AO No. 2024-26(S), As Amended

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE SECTION 15.20.020 TO ADD TO**
3 **PROHIBITED CAMPSITE LOCATION ANY [ING HOMELESS CAMPS] WITHIN**
4 **10 BLOCKS MILE OF ANY LICENSED HOMELESS AND TRANSIENT SHELTER,**
5 **REDUCING THE MINIMUM PERIOD FOR POSTING PRIOR TO DISPOSAL OF**
6 **CAMPSITE PERSONAL PROPERTY FROM 15 DAYS TO 10, PROHIBIT[ING**
7 **HOMELESS] CAMPSITES WITH MORE THAN 25 [50] SHELTERS OR TENTS**
8 **[PEOPLE, PROVIDING FOR ADDITIONAL EXCEPTIONS TO ABATEMENT**
9 **PROCEDURE], AND PROVIDE[ING] FOR 72[24]-HOUR ABATEMENT OF**
10 **CAMPS AT OR NEAR WASTEWATER PUBLIC NUISANCES [AT HOMELESS**
11 **CAMPS]; ADDING A NEW CODE CHAPTER TO [AND] PROVIDE[ING] FOR**
12 **DESIGNATED SAFE PARKING AREAS FOR VEHICULAR HOMELESS**
13 **CAMPING; AND AMENDING AMC SECTION 16.125.065 FOR CONFORMITY**
14 **WITH THE FOREGOING AMENDMENTS [, AND DEFINING PROHIBITED**
15 **CAMPING AS A CRIMINAL MISDEMEANOR].**
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18 **WHEREAS**, there is a need to plan for approximately 100 vehicles being used for
19 habitation; and

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21 **WHEREAS**, issues such as sanitation and water continue to be public health and
22 safety concerns; and

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24 **WHEREAS**, to offer clarity to and manage the expectations of the public about
25 abatement timelines, policies, and practices; and

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27 **WHEREAS, there is a need to plan for approximately 800 persons unsheltered**
28 **and living in prohibited camp areas this summer; and**

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30 **WHEREAS**, to provide campers a healthy and sanitary avenue to dispose of
31 refuse and waste; and

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33 **WHEREAS**, to further our commitment to the health of those most vulnerable in
34 our community; now therefore,

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36 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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

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41 **15.20.020 -- Public nuisances prohibited, enumeration.**

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43 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:

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15. Prohibited campsites. A prohibited campsite is an area where one or more persons are camping on public land in violation of section 8.45.010[,]; chapter 25.70[,]; within 10 blocks, or if 10 blocks do not extend in a direction then within 1 mile in the affected direction, of any licensed homeless shelter as defined in chapter 16.125[,]; any congregate campsite with over 25 [50] [individuals] tents, huts, lean-tos, or other shelters[,]; or any other provision of this Code. A prohibited campsite is subject to abatement by the municipality. The municipal official responsible for an abatement action may accomplish the abatement with the assistance of a contractor, association, or organization. Notwithstanding any other provision of this Code, the following procedure may be used to abate a prohibited campsite:

* * * * *

b. A notice of campsite abatement shall identify whether it is a 24-hour wildfire danger area notice, 72-hour notice, 1[5]0-day campsite notice, ten-day zone notice, [OR] notice to quit, or a 72-hour wastewater nuisance notice; and the subsequent abatement activities of the municipality shall comply with the respective procedure for removal of a prohibited campsite and the personal property thereon:

* * * * *

iv. **[FIFTEEN] Ten** days' notice, campsite abatement. The municipality may post a prohibited campsite with a notice stating all personal property not removed within 1[5]0 days of the date and time the notice is posted may be removed and disposed of as waste, unless sooner claimed or disposal authorized by the owner. At the expiration of this 1[5]0-day period the personal property may be disposed of as waste if no person has either given notice or removed property in accordance with this section.

h. Exceptions:

* * * * *

iii. [The Municipality may abate prohibited campsites irrespective of the procedure detailed above in AMC 15.20.020B.15.a.g. on municipal land in limited circumstances. This shall include prohibited campsites on municipal land:

(A) Where exigent circumstances posing a serious risk to human life and safety exist (AMC 15.20.020B.15.h.iii.);

(B) When the area where a Prohibited Campsite is located is clearly posted with no trespassing signage, no camping signage, or as not being open to the public, including posting of closed hours if not continuously closed to the public as defined in AMC 15.20.020B.15.h.iv;

(C) When the prohibited campsite is located is within the grounds of a school facility;

(D) Located within the Downtown Area as defined in AMC 14.70.170A.; and

(E) Located within one hundred feet (100') of:

(i) An area of a park designated for a particular purpose (including but not limited to trail, dog park, frisbee golf, etc.);

(ii) A private residential property; or

(iii) A utility box or other public or private critical infrastructure (including but not limited to airfields, snow disposal sites, telecommunication and

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electrical—infrastructure, etc.)]

Where exigent circumstances posing a serious risk to human life and safety exist, the abatement of a campsite may proceed without prior notice. Personal property removed under this exception shall be stored in accordance with subsection 15.20.020B.15.c., to the extent reasonable and feasible under the circumstances.

[WHERE EXIGENT CIRCUMSTANCES POSING A SERIOUS RISK TO HUMAN LIFE AND SAFETY EXIST, THE ABATEMENT OF A CAMPSITE MAY PROCEED WITHOUT PRIOR NOTICE. PERSONAL PROPERTY REMOVED UNDER THIS PARAGRAPH SHALL BE STORED IN ACCORDANCE WITH SUBPARAGRAPH B.15.C., TO THE EXTENT REASONABLE AND FEASIBLE UNDER THE CIRCUMSTANCES.]

- iv. A prohibited campsite on[WHEN THE] public land [where a prohibited campsite is located is]clearly posted with no trespassing signage, no camping signage, or as not being open to the public, including posting of closed hours, **[THE ABATEMENT OF THE CAMPSITE MAY PROCEED] may be abated** without additional notice. **[, AND AFTER THE O] Occupants** of the prohibited campsite **[ARE]shall be** provided at least one hour to remove their personal property. Personal property removed under this exception **[MAY ONLY] shall** be disposed of in accordance with chapter 7.25 **and [OR]** sub**[PARAGRAPH]section 15.20.020B.15.c.**

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- v[ii]. [Wastewater.] When the Anchorage Health Director **[has]** determines**[ed]** that a wastewater nuisance exists at or near a prohibited campsite, the municipality may post a wastewater nuisance with notices describing the area in which prohibited campsites may be abated after 72 hours. Personal property removed under this exception shall be stored and disposed of in accordance with chapter 7.25 and subsection 15.20.020B.15.c. [by removal and storage of personal property.] Notices shall be posted in accordance with AMC **subsection**

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15.20.020B.15.b.v.(A).

(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; AO No. 2018-61 , § 1, 7-31-18; AO No. 2018-118 , § 2, 1-1-19; AO No. 2019-94(S) , § 2, 8-6-19)

Section 2. Anchorage Municipal Code Title 16 is hereby amended to add a new chapter as follows:

16.128 – Designated safe parking areas.

16.128.010 Purpose.

In recognition of the need for temporary housing for homeless persons living in vehicles, it is the purpose of this section to allow religious, non-profit, and governmental organizations to use property owned or controlled by them as designated safe parking areas, while preventing harmful effects associated with such uses, including crime or public nuisance.

16.128.020 Permit.

A. In order to allow sponsoring religious, non-profit, and governmental organizations to establish designated safe parking areas on qualifying property, a permit must be obtained from the Anchorage Health Department and Planning and Development Services.

(1) The Director of Planning and Development Services is authorized to issue permits for designated safe parking areas only upon demonstration that all public health and safety considerations have been adequately addressed, and may administratively adjust standards upon providing findings and conclusions that justify the requirements.

(2) No designated safe parking area may contain more than 50 vehicles. This provision may be waived for good cause shown by the Anchorage Health Department and Planning and Development Services.

B. No abatement of a vehicle legally parked in designated safe parking area. A vehicle legally parked within a designated safe parking area is not a public nuisance and may not be impounded subject to AMC 9.30.020, 9.30.260, or any other provision in this code.

[NOTE: The previous Section 3 dealt with AMC 8.30.120. This is now deleted from the S version. There is no proposed change in AO 2024-26(S) to current AMC 8.30.120.]

Section 3. Anchorage Municipal Code ~~[8.30.120]~~ **16.125.065** is hereby amended as follows ~~[(the remainder of the section is not affected and therefore not set out)]~~:

16.125.065 - Minimizing neighborhood impacts.

A. Shelter commitment.

1. Each shelter shall have a "Good Neighbor Policy" that outlines its commitment and policies to reduce impacts on surrounding areas by its operations, loitering of its clients, trash and litter, and other activities.

B. Municipality of Anchorage Commitment.

1. No tolerance for unlawful loitering, soliciting in streets or roadways, or unauthorized camping within **[ONE-QUARTER MILE] ten blocks, or if 10 blocks do not extend in a direction then within 1 mile in the affected direction,** of a licensed overnight or day shelter. Municipal law and code enforcement shall support this commitment as resources allow, subject to federal, state and local law.

(AO No. 2021-55(S-1) , § 1, 6-22-21)S

~~**[8.30.120 – Disorderly conduct.**~~

~~**A. It is unlawful for any person to:**~~

~~*** **~~

~~**9. Knowingly camp in a prohibited campsite, as defined in AMC 15.20.020B.15.**~~

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~~**C. Violation of this section is a class B misdemeanor.**~~

~~(GAAB 18.05.010; AO No. 89-52; AO No. 95-149(S), § 1, 11-2-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2014-42, § 3, 6-21-14)]~~

Section 4. This ordinance shall be effective on May 1, 2024.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

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ATTEST:

Chair

Municipal Clerk