



**MUNICIPALITY OF ANCHORAGE
OPERATING POLICY / PROCEDURE**

P&P No.
36-1

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Effective Date:
February 5, 2024

Subject:
**Code Enforcement for Public Health, Public
Safety, and Ecological Hazards**

Supersedes No.

Dated:
April 29, 2024

Approved by:

1. PURPOSE

To establish a Municipality of Anchorage (MOA) policy that (1) evaluates the impact of Prohibited Camping and other activities on public access, public health, public safety, and the environment and (2) provides guidelines for relocating persons, property, or Prohibited Campsites for reasons including general public access; permitted closures; or health, safety, or environmental hazards to the public.

It is also the purpose of the Municipality to not create, establish, or designate, whether expressly or implicitly, any particular class or group of persons who will or should be especially protected, benefited, or discriminated against by this policy or the Anchorage Municipal Code (AMC).

2. POLICY

It is the Municipality's policy to provide for and protect the health and safety of all persons within the Municipality; to protect the environmental and ecological interests of the Municipality; and to preserve individual civil rights under the United States Constitution and the Alaska State Constitution. The MOA restricts persons, property, or Prohibited Campsites that impede the access or travel of the public; activities that obstruct permitted closures of public property; activities that impede general public use of park areas designated to a particular purpose; activities that are likely to cause health, safety, or ecological hazards; or activities that in fact cause health, safety, or ecological hazards.

It is the Municipality's priority to use the least restrictive voluntary enforcement methods possible prior to enforcing AMC or other applicable law.

The MOA finds that certain activities and Prohibited Campsite locations may pose health, safety, environmental, or ecological risks:

- a. Cooking, or using a fire, grill, or propane appliance outside permissible areas presents a fire hazard to surrounding areas and individuals. To prevent the ignition and spread of fires, the Municipality limits locations where fires may be kindled or maintained.
- b. The outdoor cooking and storing of food may attract wildlife that pose a hazard to the public. The Municipality seeks to limit the danger to and from wildlife by restricting the availability of food to wildlife within areas in close proximity to the MOA's developed areas.
- c. Prohibited Camping and habitation outside of designated camping areas may be without adequate trash and human waste disposal services. Such waste poses significant risk of

health, environmental, and ecological risks to the public, including unhoused individuals, and the environment.

- d. The Downtown Area has significant pedestrian and vehicular traffic throughout; Prohibited Camping or other habitation within such area may inhibit access to public spaces in violation of the Americans with Disabilities Act, and pose health and safety risks to pedestrians, cyclists, and the persons obstructing public thoroughfares.
- e. Park areas designated for a particular purpose and utility boxes or other critical infrastructure pose health and safety hazards to any persons camping within one hundred feet (100') of those uses, including unhoused individuals.

This policy shall not prohibit the enforcement of the AMC in other areas upon identification of health, safety, or ecological hazards to the public, the campsite, and/or the camp occupants. Such camp abatement shall be consistent with the unhoused individuals' civil rights.

3. ORGANIZATIONS AFFECTED

All Municipal Departments and Agencies

4. REFERENCES

Anchorage Municipal Code Titles 15, 21 and 25.

Americans with Disability Act, 42 U.S.C. § 12101 et seq (ADA).

Martin v. Boise, 920 F.3d 584 (9th Cir. 2019).

Johnson v. City of Grants Pass, 72 F.4th 868 (9th Cir. 2023), *cert. granted Grants Pass v. Johnson*, No. 23-175, 2024 WL 133820, --- S. Ct. --- (Jan. 12, 2024).

Anchorage Parks and Recreation Trails

<https://www.muni.org/Departments/parks/Pages/Trails.aspx>

Anchorage Parks and Recreation Amenities

<https://www.muni.org/Departments/parks/Pages/ParkListing.aspx>

5. DEFINITIONS

Abatement means the removal of personal property, dismantlement and removal of any temporary structures or tents, and the termination of a location's use for Prohibited Camping. The procedure for abatement is specified in AMC 15.20.020B.15.

ARCGIS System means the MOA's software system used for geospatial and mapping purposes.

Camping (defined in AMC 15.20.010) means using 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.

Community Action Policing Team ("CAP" Team) means the Anchorage Police Department division tasked with addressing and enforcing Prohibited Campsites, including coordinating camp abatements and camp cleanups alongside Healthy Spaces.

Downtown Area means the area bounded by 1st Avenue on the North, Ingra Street on the East, 10th Avenue on the South, and the Coastal Trail on the West.

Healthy Spaces Team means the Anchorage Parks and Recreation division tasked with evaluating and cleaning up garbage in public areas including camps.

Park is as defined in Anchorage Municipal Code of Regulations (AMCR) 25.10.001L: "Park means any developed or undeveloped land or water body managed or administered by the [Parks and Recreation] [D]epartment."

Prohibited Camping means camping in violation of AMC 8.45.010, AMC 25.70, or other provisions of the AMC.

Prohibited Campsite(s) means the location(s) used for Prohibited Camping and the personal property of its occupant(s) located in the immediate surrounding area of the location used for Prohibited Camping.

Shelter means a shelter that meets *Martin v. Boise* requirements: an indoor shelter that does not impose requirements violative of an individual's constitutional rights (i.e., religious agreement or observance).

6. RESPONSIBILITIES

- a. The Anchorage Parks and Recreation Department shall:
 - (1) Deploy the Healthy Spaces Team to evaluate and clean sites, pursuant to the Procedures in Section 7.
- b. The Anchorage Police Department shall:
 - (1) Evaluate sites and deploy the CAP Team consistent with the Procedures in Section 7;
 - (2) Post camps with appropriate Notice(s) of Campsite Abatement, leaving a copy with the structure or individual;
 - (3) Update the MOA's ARCGIS system with the exact location of the campsite;
 - (4) Relay location and number of posted camps to Anchorage Health Department;
 - (5) Coordinate with Parks and Recreation to assist with clean-up efforts, including monitoring clean-up areas for stolen property; and
 - (6) After closing the abatement site, conduct routine walk-throughs and security checks.
- c. The Anchorage Health Department shall:
 - (1) Perform outreach services at abatement sites prior to the conclusion of abatement procedure under AMC 15.20.020.B.15.b; and
 - (2) Ensure notice requirements under AMC 15.20.020B.15.d. are met.
- d. The Anchorage Fire Department (AFD) shall:
 - (1) Respond to extinguish fires AFD determines to be a hazard to surrounding property or occupants; and
 - (2) Identify and report when local conditions are hazardous for wildfire.
- e. The Municipal Manager shall:
 - (1) Provide oversight and coordination of subordinate departments to ensure conformance with procedures set forth in Section 7.

7. PROCEDURES

- a. The Municipality shall meet regularly across affected departments to coordinate enforcement needs within the city. These meetings shall include an assessment of which camps can be relocated, what Shelters have available capacity, which camps should be abated, and prioritization of camps for relocation or abatement according to criteria below. The Municipality shall keep records of Shelter availability, areas to be kept clear for particular uses, and areas to be abated based on criteria below.
- b. The Municipality may abate Prohibited Campsites irrespective of Shelter availability on municipal land in limited circumstances. This shall include Prohibited Campsites on municipal land:
 - (1) Where exigent circumstances posing a serious risk to human life and safety exist (AMC 15.20.020B.15.h.iii.);
 - (2) 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 (AMC 15.20.020B.15.h.iv.);
 - (3) When the area where a Prohibited Campsite is located is within the grounds of a school facility;
 - (4) Located within the Downtown Area as defined in Section 5; and
 - (5) 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 electrical infrastructure, etc.).
- c. In making decisions regarding which Prohibited Campsites are prioritized for relocation or abatement, the Municipality shall consider the following criteria, listed in no particular order:
 - (1) Objective hazards to the health and safety of the occupants, such as moving vehicles and steep slopes;
 - (2) Criminal activity other than illegal substance misuse;
 - (3) Quantities of garbage, debris, or waste;
 - (4) Other active health, ecological, or safety hazards to occupants or the surrounding neighborhood, including risk of wildfires and bear activity;
 - (5) Difficulty in extending emergency services to the site;
 - (6) Imminent work scheduled at the site for which the camp will pose an obstruction;

- (7) Damage to the natural environment of environmentally critical areas;
- (8) The proximity of occupants to uses of special concern, including schools or facilities for the elderly; and
- (9) The impact of the camp on public access that may be required under the ADA, 42 U.S.C. § 12101 et seq.

8. ANNUAL REVIEW DATE/LEAD REVIEW AGENCY

The Mayor's Office in conjunction with affected departments will review this document at least annually for any needed revisions.

List reviews and/or edits for the previous 10 years.		
Review Date	Review Agency	Review/Edit
4.29.2024	OMB	Scrivener's error correction