

Submitted by: ASSEMBLY MEMBER CROFT
Assembly Member Dyson
Reviewed by: Department of Law and
Assembly Counsel
For reading: December 5, 2017

**ANCHORAGE, ALASKA
AO No. 2017-130(S)**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 15.20.020 AND 15.20.120 TO REDUCE THE NOTICE TIME FOR PUBLIC NUISANCE [ILLEGAL CAMPSITE] ABATEMENT FROM FIFTEEN DAYS TO TEN DAYS, AND PROVIDE A SUNSET DATE OF JULY 1, 2021.

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2 **WHEREAS**, in the last two years, many homeless people have died along
3 greenbelts at illegal campsites, deeming them unsafe for homeless people;
4

5 **WHEREAS**, many Anchorage residents and Community Councils have expressed
6 their concerns about the abatement period provided for public nuisances
7 within the Municipality's greenbelts [FEELINGS THAT ANCHORAGE POLICE
8 ARE NOT AGGRESSIVE ENOUGH IN HOMELESS CAMP ABATEMENT];
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10 **WHEREAS**, the Municipality continues to work toward addressing unmet
11 needs for housing and other services for the homeless population;
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13 **WHEREAS**, the Assembly and the Mayor are committed to addressing the
14 problem through programs to get the homeless in long-term housing and
15 stable jobs, and have appropriated significant funding to support this work
16 during the 2018 fiscal year;
17

18 **WHEREAS**, currently Chapter 15.20 of the Anchorage Municipal Code (AMC)
19 allows for a 15-day abatement period for public nuisances within the
20 Municipality, including but not limited to abatement of illegal campsites;
21

22 **WHEREAS**, a 10-day abatement period generally applied to all public
23 nuisances iterated in Chapter 15.20 would allow for abatement of all such
24 nuisances on a more expedited basis, while preserving adequate notice and
25 due process protections for the public; and
26

27 **WHEREAS**, it is appropriate to reassess the effectiveness of this change on
28 a periodic basis and have a comprehensive review in 2021; now, therefore
29 [AND]
30

31 **[WHEREAS, CURRENT ANCHORAGE MUNICIPAL CODE (AMC) ALLOWS**
32 **FOR A 15-DAY NOTICE TO ILLEGAL CAMPSITES BEFORE PROPERTY IS**
33 **SEIZED AND DISPOSED OF AS WASTE; NOW, THEREFORE,]**
34

1 **THE ANCHORAGE ASSEMBLY ORDAINS:**

2
3 **Section 1.** Anchorage Municipal Code section 15.20.020 is hereby amended to
4 read as follows (*language indicating no amendment is included for context only*
5 *and other subsections not affected are not set out*):
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7 **15.20.020. Public nuisances prohibited; enumeration.**

8 *** **

9 15. *Illegal campsites.* An illegal campsite is an area where one or more
10 persons are camping on public land in violation of section 8.45.010,
11 chapter 25.70, or any other provision of this Code. An illegal
12 campsite is subject to abatement by the municipality. The municipal
13 official responsible for an abatement action may accomplish the
14 abatement with the assistance of a contractor, association or
15 organization. Notwithstanding any other provision of this Code, the
16 following procedure may be used to abate an illegal campsite:
17

17 *** **

18 b. A notice of campsite abatement shall identify whether it is a
19 72-hour notice, 10 [15]-day notice, or notice to quit; and the
20 subsequent abatement activities of the municipality shall
21 comply with the respective procedure for removal of an illegal
22 campsite and the personal property thereon:
23

24 i. 72 hours notice. The municipality may post an illegal
25 campsite with a notice stating all personal property not
26 removed within 72 hours of the date and time the
27 notice is posted may be removed and stored.
28

29 ii. 10 [15] days notice. The municipality may post an
30 illegal campsite with a notice stating all personal
31 property not removed within 10 [15] days of the date
32 and time the notice is posted may be removed and
33 disposed of as waste, unless sooner claimed or
34 disposal authorized by the owner. At the expiration of
35 this 10 [15]-day period the personal property may be
36 disposed of as waste if no person has come forward to
37 claim the property. If the owner or person in possession
38 of personal property at the time the notice is posted
39 responds in writing of an intention to remove the
40 personal property, the municipality shall not remove
41 personal property for 10 [15] days from the date of the
42 person's response. If the personal property is not
43 removed within that time, or in any case within 30 days

1 of the date the notice was first posted, it shall be
2 conclusively presumed that the personal property is
3 abandoned and may be summarily disposed of as
4 waste.

- 5
6 iii. FED action. The municipality may post a "notice to quit"
7 and commence a forcible entry and detainer action in
8 court consistent with the procedures of AS 09.45.060—
9 09.45.160 and Alaska Rule of Civil Procedure 85. At
10 the conclusion of the eviction hearing, the court shall
11 include in its decision the date after which personal
12 property remaining on the premises may be presumed
13 abandoned and disposed of by the municipality.

14 ***

15 (GAAB 16.68.110, 18.15.020, 18.15.030, 18.20.030, 18.20.060; CAC
16 8.10.020, 8.10.050; AO No. 113-76; AO No. 78-48; AO No. 79-63; AO No.
17 93-173(S), § 3, 2-24-94; AO No. 95-42, § 3, 3-23-95; AO No. 2001-145(S-
18 1), § 12, 12-11-01; AO No. 2003-130, § 4, 10-7-03; AO No. 2009-83(S), § 2,
19 7-7-09; AO No. 2010-43(S), § 1, 6-22-10; AO No. 2010-63, § 1, 9-14-10;
20 AO No. 2011-52, § 1, 4-26-11; AO No. 2016-81(S), § 2, 8-25-16)

21
22 **Section 2.** **(New AO section in the S-version.)** Anchorage Municipal Code
23 section 15.20.120 is hereby amended to read as follows (*language not affected is*
24 *not set out*):

25
26 **15.20.120 - Enforcement actions and appeal procedures.**

27 ***

- 28 B. An enforcement order shall identify the violator and the property
29 where the public nuisance is located, briefly describe the nature of
30 the public nuisance, and list the provisions of this chapter that have
31 been violated. The enforcement order shall require the abatement of
32 the public nuisance within no less than **10 [15]** days of service of the
33 enforcement order, or the violator shall be subject to specified fines,
34 penalties, costs and other remedies for each violation of this chapter,
35 and for each day the violation continues. If a significant public health
36 hazard exists, clean-up may be required less than **10 [15]** days from
37 the date of service. The enforcement order shall inform the violator
38 that if the public nuisance is not abated within the designated time
39 period, and the violator does not enter into a written compliance
40 agreement with the department which extends the abatement
41 deadline, the municipality may abate the violation and assess the
42 abatement costs and any administrative fees to the violator or
43 violators, who are all jointly and severally liable. The enforcement

order shall also give notice that if the violator commits a similar offense within one year of service of the enforcement order, even if the similar type of public nuisance occurs on a different property parcel, the violator shall be subject to enhanced fines, penalties, costs and other remedies, as provided for in this chapter. A description of the Administrative Hearing Office appeal procedure shall also be provided with the enforcement order.

C. An enforcement order is final with respect to a violator who does not appeal to the Administrative Hearing Office within **10 [15]** days of its service in accordance with 14.30.050, unless a written compliance agreement is entered into between the department and the violator or the violator has abated the public nuisance to the satisfaction of the department. Once an enforcement order is final, the department may file a notice of violation of the enforcement order with and seek a compliance order from the Administrative Hearing Office, which may include abatement of the public nuisance if it still exists.

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(AO No. 2003-130, § 6, 10-7-03)

Section 3. (New AO section in the S-version.) Absent other action by the Assembly, this ordinance shall sunset on July 1, 2021 and be automatically repealed.

Section 4. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2017.

Chair

ATTEST:

Municipal Clerk

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