

Submitted by: Mayor LaFrance, Assembly
Members Johnson, Silvers, and
Volland
Prepared by: Municipal Attorney
For reading: (always blank)

ANCHORAGE, ALASKA
AO No. 2025-74(S-2)

(NOTE: this substitute version is presented without legislative drafting markup, **except to the title, from the text of the original AO or any subsequent substitute version. It is written as a new ordinance. See the AM for a summary of changes.)*

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.45 [05] [AND SECTIONS 8.45.015 AND 15.20.020] TO PROHIBIT CAMPING ON PROTECTED [PUBLIC] PREMISES AND PROHIBIT CONSTRUCTION ON PUBLIC LAND BY PROVIDING CRIMINAL PENALTIES [AND ENFORCEMENT PROTOCOLS CONSISTENT WITH CITY OF GRANTS PASS V. JOHNSON AND OTHER LAW].

WHEREAS, Anchorage Municipal Code prohibits unauthorized camping on public property, and provides for a civil abatement process to remove prohibited campsites;

WHEREAS, pursuant to AMC 15.20.020B.15.b., certain protected land uses such as schools, childcare centers, and major trail systems receive priority in the abatement process;

WHEREAS, in the past year, the Municipality has abated 28 prohibited encampments, including several large encampments that had become entrenched over the course of several years, such as the encampment at Davis Park and adjacent snow dump site in the Mountain View neighborhood;

WHEREAS, in the past year, the Municipality has increased staff capacity, improved inter-departmental coordination, and dedicated significant resources to addressing the root causes of homelessness; this includes making it easier to build housing, funding year-round shelter, increasing access to appropriate care to people in crisis, as well as holding people accountable for illegal and dangerous behavior;

WHEREAS, entrenched camps are not safe or beneficial for the people in them (who are often victimized) or the people around them (who suffer increased rates of crime and reduced access to public spaces);

WHEREAS, clearing these entrenched camps involves significant coordination between municipal departments, costs significantly more (in terms of municipal time, resources, and funds) and takes longer to complete;

WHEREAS, there are certain places within the Municipality where camping is always inappropriate or unsafe, such as playgrounds, schools, and other areas frequented by children; as well as streets, sidewalks, snow disposal sites, and trails;

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2 **WHEREAS**, the Municipality has a strong interest in ensuring the safety of its
3 residents by reducing pedestrian injury and death in and along roadways;
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5 **WHEREAS**, there is certain conduct that is always inappropriate and unsafe,
6 including the unauthorized construction of structures with hard sides, roofs, or walls
7 on public property;
8

9 **WHEREAS**, encampments near waterways are known to pose significant
10 environmental and ecological threats; for example, accumulations of trash and
11 human waste contaminate waterways, and illegal fishing threatens fish returns;
12

13 **WHEREAS**, instituting criminal penalties for the most unsafe and inappropriate
14 camping activity and locations (1) sends a clear message to the community that
15 such unsafe and inappropriate activities will not be tolerated and (2) allows for more
16 rapid enforcement action where appropriate, while (3) managing the risk of litigation
17 challenges that would be expected to arise from broader legislation;
18

19 **WHEREAS**, instituting criminal penalties for camping in unsafe and inappropriate
20 locations does not diminish the Municipality's ability to abate unsafe and
21 inappropriate camps in other locations, and in fact increases the Municipality's ability
22 to use civil abatement tools effectively and efficiently;
23

24 **WHEREAS**, the Alaska Court System has a robust therapeutic court program, which
25 is an alternative justice model in which a collaborative team oversees and closely
26 monitors participants who choose a treatment program in lieu of incarceration;
27

28 **WHEREAS**, successful completion of treatment through the therapeutic courts can
29 result in the reduction or dismissal of criminal charges, which allows first-time
30 offenders to maintain a clean criminal history;
31

32 **WHEREAS**, recognizing that many misdemeanor offenses relate to underlying
33 behavioral health issues, in late 2024, Municipal Prosecution adopted a new policy
34 making all categories of offenses eligible for therapeutic courts;
35

36 **WHEREAS**, the administration has also been planning a pre-charging diversion and
37 treatment program that would provide another pathway to address underlying
38 behavioral health issues that contribute to criminal conduct and reduce recidivism;
39

40 **WHEREAS**, the Anchorage Police Department has trained its officers to identify
41 situations where behavioral health intervention may be more appropriate than a
42 traditional law enforcement response, and to connect unhoused individuals with
43 social services where appropriate; and has dedicated officers to this effort as part
44 of its Homeless Outreach Prevention Engagement (HOPE) Team;
45

46 **WHEREAS**, quickly clearing camps through criminal warnings and enforcement
47 action will reduce the number of camps that become entrenched, thereby increasing
48 public safety for vulnerable individuals as well as the surrounding neighborhoods,
49 and reducing the drain on municipal resources; now, therefore,
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51 **THE ANCHORAGE ASSEMBLY ORDAINS:**

Section 1. Anchorage Municipal Code 8.45 is hereby amended to add the following new section of code (*requiring no legislative formatting*):

8.45.015 – Prohibited camping on protected premises.

- A. In addition to any other provision of this code, a person commits the offense of prohibited camping on protected premises if the person knowingly camps without permission or authority to do so on public or private land under the following circumstances:
1. On or within 200 feet of the Coastal Trail, Chester Creek Trail, Ship Creek Trail, Fish Creek Trail, and Campbell Creek Trail; or any other paved trail; measured from the paved edge of the trail;
 2. On or within 200 feet of any portion, fork, or tributary of Campbell Creek, Chester Creek, Fish Creek, Ship Creek; or any other water body (including lakes, rivers, and streams); measured from the edge of the water;
 3. On or in any street, road, highway, sidewalk, bridge, tunnel, railroad track, snow disposal site, or runway;
 4. Within 200 feet of the outer edge of:
 - a. any street, road, or highway, if the street, road, or highway has a speed limit of 35 miles per hour or greater; or
 - b. any railroad track or runway; or
 5. On or within 500 feet of:
 - a. The edge of any playground area;
 - b. The edge of any athletic field or other maintained (such as groomed or mowed) field on parkland;
 - c. The lot line of any parcel containing any school or licensed childcare center; or
 - d. The lot line of any parcel containing any neighborhood recreation center as defined in Title 21, licensed homeless shelter as defined in chapter 16.125, or permit-based campground.
- B. For purposes of this section, distance shall be measured from the nearest edge of the protected premises enumerated above to any portion of the prohibited campsite.

- 1 C. Violation of this section is a class B misdemeanor, with the following
2 exceptions:
3
4 1. Violation of section 8.45.015A.5.a, 8.45.015A.5.c, or
5 8.45.015A.3 is a class A misdemeanor; and
6
7 2. Where a person is in violation of this section and refuses to
8 immediately comply with a warning from someone with
9 apparent authority, the violation is a class A misdemeanor.
10
11 D. Notwithstanding AMC 8.05.020H.1-2, the maximum fines that may
12 be imposed by a court for conviction of a class A misdemeanor under
13 this section is \$500, and the maximum fine that may be imposed by
14 a court for conviction of a class B misdemeanor under this section is
15 \$250. All other provisions of AMC 8.05.020H.1-2 remain applicable.
16

17 **Section 2.** Anchorage Municipal Code section 8.45 is hereby amended to add the
18 following new section (*requiring no legislative formatting*):
19

20 **8.45.017 Prohibited construction on public land.**
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- 22 A. A person commits the offense of prohibited construction on public
23 land if the person:
24
25 1. knowingly engages in the construction, in whole or in part, of
26 any hard-walled, hard-roofed, or hard-floored structure of any
27 kind on land owned or controlled by the Municipality of
28 Anchorage or the State of Alaska without permission or
29 authority to do so; or knowingly camps in any such structure;
30 or
31
32 2. in a manner designed to facilitate camping, knowingly
33 excavates, removes, relocates, or adds dirt, sand, gravel,
34 rocks, or similar material on land owned or controlled by the
35 Municipality of Anchorage or the State of Alaska without
36 permission or authority to do so.
37
38 B. A person attempts to commit the offense of prohibited construction
39 on public land if the person:
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41 1. knowingly possesses, on land owned or controlled by the
42 Municipality of Anchorage or the State of Alaska, without
43 permission or authority to do so, materials that could be used
44 to construct in whole or in part any hard-walled, hard-roofed,
45 or hard-floored structure of any kind, such as but not limited to
46 lumber, pallets, boards, logs, bricks, cinder blocks, or any
47 other hard construction material.
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49 C. Violation of subsection A is a class A misdemeanor.
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51 D. Violation of subsection B is a class B misdemeanor.

- E. Notwithstanding AMC 8.05.020H.1-2, the maximum fines that may be imposed by a court for conviction of a class A misdemeanor under this section is \$500, and the maximum fine that may be imposed by a court for conviction of a class B misdemeanor under this section is \$250. All other provisions of AMC 8.05.020H.1-2 remain applicable.

Section 3. Anchorage Municipal Code section 8.05.015 is hereby amended to read as follows:

8.05.015 Definitions.

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2. *Camping* means the use of space for the purpose of overnight sleeping (or the substantial equivalent at any time of day) or establishing temporary living quarters, including, but not limited to, erection of a tent or other shelter.

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(AO No. 2014-42, § 1, 6-21-14; AO No. 2024-20(S-1), § 1, 4-9-24)

Section 4. Anchorage Municipal Code section 8.05.025 is hereby amended to add as follows (*the remainder of the section is not affected and therefore not set out*):

8.05.025 Minor offense fine schedule; misdemeanor penalty reference table; and state surcharge.

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- B. *Misdemeanor offenses reference table.*

Section	Description	Penalty	Penalty Section
*** **			
Chapter 8.45 TRESPASS			
8.45.010(A)(1)—(4)	Trespass	Class A	8.05.020H.1.
8.45.015(A)(1), (2), (4); 8.45.015(A)(5)(b), (d)	Prohibited camping on protected premises	Class B	8.05.020H.2.
8.45.015(A)(5)(a), (c); 8.45.015(A)(3)	Prohibited camping on protected premises	Class A	8.05.020H.1.
8.45.017A	Prohibited construction on public land	Class A	8.05.020H.1.
8.45.017B	Prohibited construction on public land- attempt	Class B	8.05.020H.2.
8.45.020(A)(1), (2)	Unauthorized entry	Class B	8.05.020H.2.
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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; AO No. 2023-100(S), § 1, 11-7-23)

Section 5. Anchorage Municipal Code section 15.20.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

15.20.020 Public nuisances prohibited; enumeration.

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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 **chapter[SECTION] 8.45[.010]**, chapter 25.70, 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:

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(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; AO No. 2024-55(S), § 1, 5-21-24)

Section 6. This ordinance shall be effective 7 days from the date of passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2025.

Chair of the Assembly

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ATTEST:

Municipal Clerk