

Prohibited Campsite Abatement Outline

A prohibited campsite is an area where one or more persons are camping on public land in violation of municipal law. A prohibited campsite is subject to abatement by the municipality.

The municipality is disallowed from charging illegal campers with trespass for public camping or abating campsites according to the law above unless there is sufficient alternative shelter space for campers who are homeless to use for sleep, a required function of the human condition. Martin v. City of Boise, No. 15-35845 (9th Cir. 2019).

If sufficient shelter space is available, municipal law requires the following to abate prohibited camps:

1. Notice of campsite abatement must be posted along with notice of appeal.
2. Notice can be either posted on or near each tent or by posting zones.
3. 72-hour notice can be given but this requires the Municipality to store the following personal property:
 - a. Sleeping bags,
 - b. Tarps,
 - c. Toiletries and cosmetics,
 - d. Clocks and watches,
 - e. Medication,
 - f. Personal papers and identification,
 - g. Photographs,
 - h. Luggage, backpacks and other storage containers,
 - i. Books and other reading materials,
 - j. Radios, audio and video equipment,
 - k. Generators,
 - l. Cooking equipment in clean condition,
 - m. Shoes and clothing, and
 - n. Property stored in a manner that reasonably suggests the owner intended to keep it.
4. The municipality must post contact and location information for reclaiming personal property or disclaiming an interest in it. Any property unclaimed after 30 days of the notice date may be disposed.
5. The municipality can immediately dispose of junk, litter, garbage, debris, lumber, pallets, cardboard not used to store other personal items, and items that are spoiled, mildewed, or contaminated with human, biological or hazardous waste. Weapons, firearm, ammunition or contraband are

delivered to the Anchorage Police Department and processed in accordance with municipal law.

6. Ten-day notice may be given and property storage is not required. Property left may be removed and disposed. Tents, structures, and associated personal property (see above) placed in the zone after zone notices are posted, however, must be stored.
7. If the municipality does not begin to remove the campsite within ten days of the removal date in the notice, the municipality shall repost notice before abatement. The municipality can post notice that the removal in a zone or campsite area will occur over a period of several days.
8. At the time removal begins any individuals present at the campsite must be verbally notified that the campsite is prohibited and will be removed. Prior to removal individuals must be given at least 20 minutes to gather their personal property and leave the area. Individuals may not be prevented from claiming and removing their personal property.

The above legal requirements are located at Anchorage Municipal Code 15.20.020(B)(15) and are intended to comply with the ruling of the Superior Court for the state of Alaska in Engle v. Municipality of Anchorage, No. 3AN10-7047CI, (Anchorage Superior Court, 2001).