



NEWS

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FOR IMMEDIATE RELEASE

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**Court Grants Temporary Restraining Order Against “Camping Ordinance”
*Finds Serious Questions as to Constitutionality***

ANCHORAGE, AK, July 15, 2010 — The Superior Court today granted a Temporary Restraining Order requested by the American Civil Liberties Union of Alaska Foundation (ACLU), against the Anchorage Municipality and AO 2010-43(S), which the ACLU has contended is unconstitutional.

Tom Stenson, attorney with the ACLU, stated: “We are pleased that – while the court has not made a final determination as to the ordinance’s constitutionality – the Judge did express concerns regarding the provisions we have been highlighting to the Municipality, specifically:

- The ordinance does not require notice to campers of specific violations they must defend against;
- There are no standards for determining what property is “abandoned” – particularly important for individuals who may have all of their possessions destroyed; and
- The ordinance forecloses a real opportunity for court review of an administrative decision by the Municipality.

As we have stated, and the court acknowledged, homelessness presents serious social problems. And the Municipality is entitled to protect its property and make sure the parks are open to all. However they must create an ordinance that constitutionally addresses the issue.”

Jeffrey Mittman, executive director of the ACLU, offered to the Municipality an opportunity to return to the negotiation table to address these issues outside of the courtroom. The parties will be back before the Judge very shortly to determine the quickest manner to resolve the legal disputes.

Josh Press, Legal Fellow for the ACLU, argued the motion before the court.

The TRO and briefing papers in the matter, *Engle v Anchorage*, 3AN-10-07047-CI, can be read online at www.akclu.org.

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