

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 8.25 WATER POLLUTION CONTROL AND MSB 17.55.020 (E), IN THEIR ENTIRETY.

**AGENDA OF:** March 3, 2026

**ASSEMBLY ACTION:**

**AGENDA ACTION REQUESTED:** Refer to Water and Wastewater Advisory Board and Planning Commission for 90 days.

Route To	Signatures
Originator	<div style="text-align: right;">2 / 12 / 2026</div> <p>X Alex Strawn</p> <p>Signed by: Alex</p>
Department Director	<div style="text-align: right;">2 / 12 / 2026</div> <p>X Alex Strawn</p> <p>Signed by: Alex</p>
Community Development Director	<div style="text-align: right;">2 / 16 / 2026</div> <p> Expired certificate</p> <p>X Jillian Morrissey</p> <p>Signed by: Jillian Morrissey</p>
Public Works Director	<div style="text-align: right;">2 / 16 / 2026</div> <p>X Tom Adams, P.E.</p> <p>Signed by: Tom Adams</p>
Finance Director	<div style="text-align: right;">2 / 16 / 2026</div> <p> Recoverable Signature</p> <p>X Cheyenne Heindel</p> <p>Signed by: Cheyenne Heindel</p>
Borough Attorney	<div style="text-align: right;">2 / 17 / 2026</div> <p>X Nicholas Spiropoulos</p> <p>Signed by: Nicholas Spiropoulos</p>
Borough Manager	<div style="text-align: right;">2 / 17 / 2026</div> <p>X Michael Brown</p> <p>Signed by: Mike Brown</p>
Borough Clerk	<div style="text-align: right;">2 / 23 / 2026</div> <p>X Lonnie Mckechnie</p> <p>Signed by: Lonnie Mckechnie</p>

**ATTACHMENT (S):** Ordinance Serial No. 26-030 (1 p)  
 MSB 8.25 (3 pp)  
 MSB 17.55 (5 pp)  
 Planning Commission Reso 26-\_\_ ( pp)  
 WWAB Reso 26-\_\_ ( pp)

**SUMMARY STATEMENT:** This ordinance is at the request of Assemblymember Sumner.

The proposed ordinance repeals MSB 8.25 and MSB 17.55.020(E), in their entirety. The State of Alaska has always retained primacy over the regulation and enforcement of septic systems and water pollution control. Enforcement authority in this area rests with the state, and the Borough ordinance has never had an operative enforcement role. As a result, these standards serve no practical regulatory purpose. Repealing the ordinances would eliminate any potential confusion regarding jurisdictional authority.

**RECOMMENDATION OF ADMINISTRATION:** Refer to Water and Wastewater Advisory Board and Planning Commission for 90 days.

**CHAPTER 8.25: WATER POLLUTION CONTROL**

Section

[8.25.005 Definitions](#)

[8.25.010 Purpose](#)

[8.25.020 Definitions \[Recodified as MSB 8.25.005\]](#)

[8.25.030 Sewage disposal](#)

[8.25.040 Use and location of facilities](#)

[8.25.050 Pollution prohibited](#)

[8.25.060 Enforcement \[Repealed\]](#)

[8.25.070 Penalty for violation \[Repealed\]](#)

[8.25.080 Violations, enforcement, and penalties](#)

Statutory reference

For statutory provisions authorizing second-class boroughs to provide for water pollution control in the area outside cities, see A.S. 29.35.210

**8.25.005 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Cesspool" means a lined and covered excavation in the ground which receives the discharge of domestic sewage or other organic wastes from a building, designed to retain the organic matter and solids, but permitting the liquids to seep through the bottom and the sides.
- (2) "Pollution" means the contamination or altering of water or its contents to create a nuisance or make water unclear, or noxious, or impure, or unfit so that the water is actually or potentially harmful, detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish or other aquatic life.
- (3) "Septic tank" means a watertight receptacle which receives the discharge of a building sanitary drainage system or part of the discharge, and is designed and constructed to separate solids from the

liquid, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank through a system of open-joint or perforated piping, or a seepage pit.

(4) "Sewage" means any or all of the following:

- (a) human excreta;
- (b) food wastes disposed of through sewers;
- (c) wash water;
- (d) liquid wastes from residences, institutions, business buildings and industrial establishments;
- (e) diluting water in the waste disposal system;
- (f) water-carried waste products or discharge from human beings; and
- (g) other wastes from residences, public or private buildings.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 5, 1973)

#### **8.25.010 PURPOSE.**

The purpose of this chapter is to prevent the pollution of the waters of the state within the borough. All human excreta, sewage and other wastes shall be disposed of in a properly designed, constructed and maintained sanitary sewer system, septic tank or pit privy as prescribed in this chapter.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 1, 1973)

#### **8.25.020 Definitions. [Recodified as MSB 8.25.005]**

#### **8.25.030 SEWAGE DISPOSAL.**

(A) A person may not discharge or dispose, from facilities under the person's control, sewage or other wastes so sewage or other wastes shall gain access to any surface or subsurface waters of the state within the borough unless the sewage or wastes are first treated through a collective or individual sewage disposal system adequate to prevent water pollution.

(B) Cesspools shall not be permitted.

(C) Septic tanks shall have minimum tank capacities as follows:

- (1) one to four bedrooms: 1,000 gallons;
- (2) for each additional bedroom: 250 gallons shall be added to the minimum tank capacity.

(D) A person shall not conduct a commercial or industrial operation which results in the disposal of solid or liquid waste material into the waters of the state within the borough without procuring a permit from the state department of environmental conservation.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 2, 1973)

#### **8.25.040 USE AND LOCATION OF FACILITIES.**

An abandoned well or deep well may not be used for the disposal of sewage or used as a receptacle for household wastes. A septic tank, privy, seepage pit or subsurface disposal field may not be located within 100 feet of a well or within 100 feet of a lakeshore, stream, or any other body of water.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 3, 1973)

#### **8.25.050 POLLUTION PROHIBITED.**

A person may not pollute or add to the pollution of any lake, stream or other body of water.

(Ord. 94-001AM, § 8 (part), 1994; Ord. 73-11, § 4, 1973)

**8.25.060 Enforcement. [Repealed by Ord. 95-088(SUB)(am), § 5 (part), 1995. See MSB [8.25.080](#) for current provisions]**

**8.25.070 Penalty for violation. [Repealed by Ord. 95-088(SUB)(am), § 6 (part), 1995. See MSB [8.25.080](#) for current provisions]**

#### **8.25.080 VIOLATIONS, ENFORCEMENT, AND PENALTIES.**

(A) Except as otherwise specified in this chapter violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 95-088(SUB)(am), § 17 (part), 1995)

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**CHAPTER 17.55: SETBACKS AND SCREENING EASEMENTS**

Section

[17.55.004 Definitions](#)

[17.55.005 General](#)

[17.55.010 Setbacks](#)

[17.55.015 Shorelands; definition \[Repealed\]](#)

[17.55.020 Setbacks for shorelands](#)

[17.55.040 Violations, enforcement, and penalties](#)

**17.55.004 DEFINITIONS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- “Aircraft hangar” means a roofed structure which is used to completely or partially enclose and store aircraft and aircraft accessories.
- “Boathouse” means a roofed structure which is used to completely or partially enclose and store boats and boating accessories.
- “Building” means any structure intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.
- “Building line” means the line of that part of the building nearest the property line.
- “Dedication” means the reservation of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for such public purpose. A dedication by the owner under the terms of this section is a conveyance of an interest in property which shall be deemed to include the warranties of title listed in A.S. 34.15.030. The dedication of streets, alleys, sidewalks, or public open space shall convey a fee interest in the area dedicated. The dedication of all other public rights-of-way shall be deemed to create an easement in gross to perform the indicated function in the area depicted.
- “Engineer” means a registered professional civil engineer authorized to practice engineering in the state of Alaska.
- “Incidental” means subordinate and minor in significance and bearing a reasonable relationship to the primary

use.

- “Lot” means the least fractional part of subdivided lands having limited fixed boundaries and having an assigned number, or other name through which it may be identified.
- “Lot depth” means the average distance between front and rear lot lines.
- “Lot frontage” means all property abutting the right-of-way of a dedicated street or road easement, measured along the right-of-way between side lot lines of a lot.
- “Lot width” means the average distance between side lot lines.
- “Ordinary high water mark” means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and character of the vegetation and soil on the other side of the mark.
- “Parcel” means an unsubdivided plot of land.
- “Right-of-way” means a strip of land reserved, used, or to be used for a street, alley, walkway, airport, or other public or private purpose.
- “Structure” means anything that is constructed or created and located on or above the ground, or attached to something fixed to the ground. For purposes of minimum setbacks and building separation requirements, the following are not considered structures unless specifically addressed by code: signs; fences; retaining walls; parking areas; roads, driveways, or walkways; window awnings; a temporary building when used for 30 days or less; utility boxes and other incidental structures related to utility services; utility poles and lines; guy wires; clotheslines; flagpoles; planters; incidental yard furnishings; water wells; monitoring wells; and/or tubes, patios, decks, or steps less than 18 inches above average grade.
- “Subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or lease for more than ten years, including any resubdivision and when appropriate to the context, the process of subdividing or the land actually subdivided.
- “Surveyor” means a professional land surveyor who is registered in the state of Alaska.
- “Utility box” means electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.
- “Utility services” means the generation, transmission, or distribution of electricity, gas, communications, and

municipal water and sewer systems.

(Ord. 22-063, § 3, 2022; Ord. 21-019, § 2, 2021; Ord. 17-088(SUB), § 2, 2017; Ord. 13-164, §§ 2, 3, 2013; Ord. 93-042, § 2 (part), 1993; Ord. 89-072, § 2 (part), 1989; Ord. 88-221, § 2 (part), 1988)

**17.55.005 GENERAL.**

This chapter establishes minimum structural setbacks from lot lines, water courses and water bodies, rights-of-way, and specific screening easements for certain lands within subdivisions in the Matanuska-Susitna Borough except where otherwise specified in special land use district regulations within this title.

(Ord. 03-053, § 2, 2003; Ord. 88-190, § 3 (part), 1988)

**17.55.010 SETBACKS.**

(A) No structure or building line shall be placed within 25 feet from the right-of-way line of any public right-of-way, except no furthest protruding portion of any structure shall be placed within ten feet from the right-of-way line of any public right-of-way when the pre-existing lot:

(1) measures 60 feet or less in frontage on a public right-of-way, and is not located on a cul-de-sac bulb;  
or

(2) comprises a nonconforming structure erected prior to July 3, 1973. This setback shall be known as the structure or building line setback.

(B) Except where specifically provided otherwise by ordinance, no furthest protruding portion of any structure or building line shall be located nearer than ten feet from any side or rear lot line.

(C) Except as otherwise specified by code, eaves may project a maximum of three feet into required setback areas.

(D) The setback requirements of this section do not apply to property within the cities of Palmer and Wasilla.

(E) If a condemnation by a governmental agency reduces the building line setback of a structure below 25 feet, but there remains at least ten feet setback, and the setback reduced by the condemnation met the requirements of this section prior to the condemnation, the resulting setback shall be the setback requirements for the lot.

(F) For purposes of this chapter, commercial or industrial buildings on separate but adjacent parcels, which otherwise meet the setback requirements, may have connecting pedestrian walkways, enclosed or not.

Pedestrian walkways:

(1) shall not contribute to the building area or the number of stories or height of connected buildings; and

(2) must comply with the current adopted edition of the International Building Code, except that the

outside width of the walkway shall not exceed 30 feet in width, exclusive of eaves.

(G) No furthest protruding portion of any structure or building line shall be located nearer than ten feet from railroad rights-of-way, except that utilities and rail dependent structures may extend up to railroad rights-of-way.

(Ord. 11-159, § 2, 2011; Ord. 11-019, § 2, 2011; Ord. 93-042, § 2 (part), 1993; Ord. 88-190, § 3 (part), 1988)

**17.55.015 Shorelands; definition. [Repealed by Ord. 17-088(SUB), § 3, 2017]**

**17.55.020 SETBACKS FOR SHORELANDS.**

(A) Except as provided in subsection (B) of this section, no structure or footing shall be located closer than 75 feet from the ordinary high water mark of a body of water. Except as provided otherwise, eaves may project three feet into the required setback area.

(B) Docks, piers, marinas, aircraft hangars, and boathouses may be located closer than 75 feet and over the water, provided they are not used for habitation and do not contain sanitary or petroleum fuel storage facilities. Structures permitted over water under this subsection shall conform to all applicable state and federal statutes and regulations.

(1) Boathouses or aircraft hangars which are exempt from a minimum shoreline setback for structures shall:

- (a) be built over, in, or immediately adjacent to a waterbody and used solely for storing boats and boating accessories;
- (b) be designed, constructed and oriented for primary access by boats or aircraft directly to a waterbody;
- (c) not have more than incidental accessory access to a street or driveway; and
- (d) not be usable as a garage or habitable structure without significant alteration.

(C) In the city of Wasilla, this section does not apply to structures where construction was completed prior to November 16, 1982. Elsewhere in the borough, this section does not apply to structures where construction was completed prior to January 1, 1987, if the present owner or owners of the property had no personal knowledge of any violation of the requirements of this section prior to substantial completion of the structures. The director of the planning department shall, upon application by a property owner, determine whether a property qualifies for an exception under this subsection.

(1) An application for a shoreline setback exception shall include a filing fee as established by resolution of the assembly.

(D) In this section, a “structure” is any dwelling or habitable building or garage.

(E) No part of a subsurface sewage disposal system shall be closer than 100 feet from the ordinary high water mark of any body of water. The planning commission shall require this distance be increased where necessary to protect waters within the borough.

(Ord. 17-088(SUB), § 4, 2017; IM 96-019, page 1, presented 3-19-96; Ord. 93-095, § 2, 1993; Ord. 93-042, § 2 (part), 1993; Ord. 90-052, § 3, 1990; Ord. 88-190, § 3 (part), 1988; initiative election of 5-5-87)

**17.55.040 VIOLATIONS, ENFORCEMENT, AND PENALTIES.**

(A) Except as otherwise specified in this chapter violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 95-088(SUB)(am), § 26 (part), 1995)