

CODE ORDINANCE

Sponsored by: Assemblymember Sykes  
Introduced: 02/19/19  
Public Hearing: 03/05/19  
Amended: 03/05/19  
Adopted: 03/05/19

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 19-032**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REPEALING MSB 8.30, ENVIRONMENTAL PROTECTION; REPEALING MSB 8.33, AIR QUALITY ALERTS AND EMERGENCIES; ADOPTING MSB 8.75, AIR QUALITY; AMENDING MSB 1.45.100, SCHEDULE OF FINES FOR INFRACTIONS; AND AMENDING MSB 15.24.030, ADOPTING THE MATANUSKA-SUSITNA BOROUGH AIR QUALITY MANAGEMENT PLAN.

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BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Repeal of chapter. MSB 8.30, is hereby repealed in its entirety (as attached to IM Serial No. 19-040).

Section 3. Repeal of chapter. MSB 8.33, is hereby repealed in its entirety (as attached to IM Serial No. 19-040).

Section 4. Adoption of chapter. MSB 8.75, is hereby adopted to read as follows:

8.75 AIR QUALITY

8.75.010 DEFINITIONS

8.75.020 PURPOSE AND INTENT

8.75.030 APPLICABILITY

8.75.040 AUTHORITY, POWERS, AND DUTIES

8.75.050 GENERAL RESTRICTIONS

8.75.060 GREATER BUTTE AREA AIR QUALITY DISTRICT

8.75.090 VIOLATIONS, ENFORCEMENT, AND PENALTIES

8.75.010 DEFINITIONS

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

- "Ambient Air" means that portion of the surrounding atmosphere which may affect persons in the area.

- "Director" means the director of the Planning and Land Use Department or the director's authorized representative.

- "Emission" means the release of air contaminants into the environment.

- "Open Burning" means the burning of any material so the products of combustion are emitted directly into the ambient air without passing through a stack or flare.

- "ppm" means parts per million by volume.

- "Particulate matter" means any material, except water, which is or has been airborne and exists as a liquid or a solid at standard conditions.

8.75.020 PURPOSE AND INTENT

(A) It is recognized that air pollution can be

injurious to human health or welfare, animal or plant life or property, or could unreasonably interfere with the enjoyment of life or property.

(B) The purpose of this chapter is to establish an air quality program in the Matanuska-Susitna Borough pursuant to AS 46.14.400, for the health and safety of our residents.

(C) The intent of this chapter is to protect the right of residents to heat their homes with wood. This chapter does not regulate wood stoves or any indoor heating sources.

#### 8.75.030 APPLICABILITY

(A) This chapter applies to all private and public lands in the borough including the incorporated city limits of Houston, Palmer, and Wasilla.

#### 8.75.040 AUTHORITY, POWERS, AND DUTIES

(A) The powers and duties for air quality activities, including air pollution control, are the responsibility of the Director; these powers and duties include:

(1) declaration of air quality advisory based on a determination that there is or is likely to be inadequate air ventilation to maintain standards set by

18 AAC 50.010 and judgement that PM-2.5 or PM-10 air quality or atmospheric conditions exist that might threaten public health.

(2) notification of affected residents through advisory broadcast on local radio or television and other established air quality alert systems including recommended actions to be taken if the concentrations of PM-2.5 or PM-10 in the ambient air has reached, or is likely in the immediate future to reach, any of the concentrations established in 18 AAC 50.246.

#### 8.75.050 GENERAL RESTRICTIONS

(A) Open burning is permissible except that those materials which tend to result in the emission of black smoke or odors, including but not limited to plastic, asphalt, rubber, oil wastes and asphalt-impregnated materials, may not be burned except:

(1) in accordance with MSB 17.64.

(2) with prior written Alaska State Department of Environmental Conservation approval in accordance with 18 AAC 50.065.

(B) The open burning of debris, trees and brush accumulated during land clearing operations shall be conducted in a manner that obtains maximum combustion

efficiency throughout the burning period. Tires or similar petroleum product may not be used to start or maintain the fire.

(C) Controlled fires for the purpose of training firefighting personnel may not occur when there are current or forecasted air quality advisory for the area in which the burn is to occur.

#### 8.75.060 GREATER BUTTE AREA AIR QUALITY DISTRICT

(A) Because of its unique topography and air quality issues, there is established an air quality district, which includes territory lying within the area commonly known as the Greater Butte Area and further described in subsection (B) of this section.

(B) The Greater Butte Area Air Quality District consists of the Butte Community Council Boundary as described in Assembly Resolution 90-130.

(C) No open burning shall be allowed if an air quality advisory is in effect for the Greater Butte area stating that burning is not permitted for that day.

#### 8.75.090 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.

Section 5. Amendment of subsection: MSB 1.45.100(C), is hereby amended by adding the following to the schedule of fines:

Ordinance Number	Description	Fine Amount
<u>8.75.050</u>	<u>Open Burning-General Restrictions</u>	
	<u>1st Offense</u>	<u>\$150</u>
	<u>2nd offense</u>	<u>\$300</u>
	<u>3rd &amp; subsequent offenses</u>	<u>\$500</u>
<u>8.75.060 (C)</u>	<u>Open burning during air quality advisory</u>	
	<u>1st Offense</u>	<u>\$150</u>
	<u>2nd offense</u>	<u>\$300</u>
	<u>3rd &amp; subsequent offenses</u>	<u>\$500</u>

Section. 6. Adoption of plan. The Borough Assembly hereby adopts the Matanuska-Susitna Air Quality Management Plan.

Section 7. Amendment of subsection. MSB 15.24.030(B), is hereby amended as follows:

**(43) Matanuska-Susitna Air Quality Management Plan, adopted 2018.**

Section 8. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 5 day  
of March, 2019.



VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



YES: Sykes, Beck, Mayfield, and Boeve

NO: McKee, Leonard, and Sumner