

LAI-ON-THE-TABLE

Submitted by: Chair of the Assembly at the Request of the Mayor, and Assembly Vice Chair Constant

Prepared by: Office of the Mayor and Assembly Counsel

For reading: May 24, 2022

**ANCHORAGE, ALASKA
EO No. 2022-_____**

**AN EMERGENCY ORDINANCE OF THE ANCHORAGE ASSEMBLY
ESTABLISHING A NEW CRIMINAL OFFENSE FOR OPEN BURNING, TO BE
LATER CODIFIED IN ANCHORAGE MUNICIPAL CODE CHAPTER 8.20
OFFENSES AGAINST PROPERTY.**

WHEREAS, pursuant to Charter Section 10.03, in the event of an emergency as defined in Charter section 17.13(c), an ordinance may be introduced and adopted by the Assembly at the same meeting, provided the Assembly makes a finding in the ordinance that an emergency exists and provides a statement of the facts constituting the emergency; and

WHEREAS, the Municipality recognizes the imminent danger to life and public safety posed by open fires when the Fire Chief has suspended the right to have an open burn;

WHEREAS, on May 20, 2022, pursuant to AMC 15.30.080B. the Anchorage Fire Chief declared a burn ban in effect throughout the Municipality pursuant to the National Weather Service Red-Flag Warning for hot, dry, windy conditions that will allow fires to grow very rapidly and may result in extreme fire behavior. Any wildfires that may start would be expected to grow very rapidly under current conditions and easily become out of control and exhaust current fire suppression service levels; and

WHEREAS, currently the Municipality only has civil penalties as a deterrent to violations of the burn ban, and does not have more serious and effective criminal penalties that may deter potential violators and resulting wildfires; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Pursuant to Anchorage Municipal Charter Section 10.03, the Assembly hereby specifically finds that critical fire weather conditions currently exist throughout Southcentral Alaska, including the Municipality of Anchorage. High temperatures and dry conditions are expected to continue and combine to create an environment that has high fire danger. The Assembly further finds that civil penalties are not a sufficiently effective deterrent to violators under the circumstances and the said emergency now requires immediate action. Failure to immediately address these issues will likely result in an insufficiency of services substantial enough to endanger the public health, safety, or welfare.

Section 2. There is established a criminal penalty for open burning when prohibited. The intent is to enact such offense and penalty in Title 8 of the Anchorage Municipal Code by ordinance pursuant to Charter 10.02(6). Until then, such offense may be cited as a section of the Anchorage Municipal Code and shall read as follows:

8.20.025 Open burning when prohibited.

A. It is unlawful for any person:

- 1. To cause open burning, as defined in AMC 15.30.020, on property of another at a time when such open burning is suspended or prohibited pursuant to AMC 15.30.080(B), or
- 2. To permit any open burning on public land to continue in that person’s presence, without calling emergency services, when such open burning is suspended or prohibited pursuant to AMC 15.30.080(B).

B. Violation of this section is a class A misdemeanor and shall be punishable as set forth in AMC section 8.05.020.

Section 3. This Emergency Ordinance shall be effective immediately upon passage and approval by the Assembly for sixty (60) days.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2022.

Chair of the Assembly

ATTEST:

Municipal Clerk

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