

Introduced by: James A. Elson  
Date: May 3, 1977  
Hearing: June 7, 1977  
Vote: (to enact) 65.84 "Yes", 56.5 "No"  
Action: Defeated--on Reconsideration,  
Referred to KPB Planning Commission  
Final Action: Enacted, 95 Yes, 36 No.

KENAI PENINSULA BOROUGH

ORDINANCE 77-35

AN ORDINANCE APPROVING THE EXERCISE OF POWER BY THE CITY OF KENAI TO PROTECT ITS WATERSHED OUTSIDE ITS BOUNDARIES.

WHEREAS, the City of Kenai derives its water supply from the Beaver Creek aquifer northeast of the City of Kenai; and

WHEREAS, the Council of the City of Kenai has enacted Ordinance No. 376-77 declaring it unlawful to appropriate water from the Beaver Creek ground water system encompassing 52 square miles within the Kenai National Moose Range, unless notice be given to the City of Kenai upon making application to the State of Alaska for water rights; and

WHEREAS, a failure to give such prior notice is subject to a civil penalty of \$250.00; and

WHEREAS, AS 29.48.037 requires that this assembly approve by ordinance this extra-territorial exercise of power by the City of Kenai;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Kenai Peninsula Borough gives its approval to the City of Kenai in enacting Ordinance No. 376-77 passed by the Council of the City of Kenai on November 2, 1977, which ordinance seeks to protect the water supply and watershed within the Beaver Creek ground water system and to enforce the provisions of that ordinance outside the boundaries of the City of Kenai.

Section 2. That this approval by the assembly shall not be in derogation of its legislative powers, the assembly specifically reserving its full powers to amend, modify, or repeal this ordinance.

Section 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA  
BOROUGH THIS 6th DAY OF December, 1977.

  
JoAnn Elson, Assembly President

ATTEST:

  
Borough Clerk

35  
Defeated - Reconsidered  
Referred to P.C.

