

**PETERSBURG BOROUGH
ORDINANCE #2026-06**

**AN ORDINANCE AMENDING PETERSBURG MUNICIPAL CODE TITLE 20,
ENTITLED “WATERSHED MANAGEMENT”, TO UPDATE LANGUAGE AND TO
ACCOUNT FOR BOROUGH INCORPORATION**

Whereas, on January 3, 2013 the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough; and

Whereas, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg; and

Whereas, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg to continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the Assembly; and

Whereas, Title 20 of the former City of Petersburg Code, entitled *Watershed Management*, requires amendments in order to move it into the current municipal code and to account for necessary changes since the Title was adopted in 1995.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, as follows:

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to update the language of the municipal code regarding watershed management, to move it into the borough code and to account for borough formation.

Section 3. Substantive Provisions: Title 20, *Watershed Management*, of the Petersburg Municipal Code is hereby amended as follows. The language proposed for addition is **underlined and bold**, and the language proposed for deletion is in [brackets] and struck through:

Title 20 WATERSHED MANAGEMENT

Chapter 20.10 DEFINITIONS

20.10.010 Applicability of definitions.

For the purpose of this title, the terms contained in this chapter shall have the following meanings stated and rights defined unless the context requires otherwise.

20.10.020 Cabin Creek watershed.

"Cabin Creek water supply watershed" means those lands above the Cabin Creek water supply reservoir dam and that drain into the water supply reservoir, **specifically including without limitation Sections 7, 8, 9, 16, 17, 18, 19, and 20 of T59S, R80E, CM and Sections 13, 23, and 24 of T59S, R79E, CM.**

20.10.030 City Creek watershed.

"City Creek water supply watershed" means those lands above the City Creek water supply reservoir dam and that drain into the water supply reservoir, **specifically including without limitation Sections 1, 2, 11, 12, 13, and 14 of T59S, R79E, CM.**

20.10.040 Wastes.

"Wastes" means unwanted or discarded materials, liquid or solid, resulting from manufacturing processes or human habitation or activity.

Chapter 20.20 AUTHORITY AND APPLICABILITY

20.20.010 Applicability.

~~[The ordinance codified in t]~~This title shall apply to all lands within the [e]City **Creek** and Cabin Creek municipal water supply watersheds and in the immediate vicinity of the existing or planned locations of the impoundment structures or reservoirs.

20.20.020 Authority.

Alaska Statutes 29.35.180(b) provides that a home rule municipality shall provide for planning, platting and land use regulation.

Chapter 20.30 FINDINGS AND PURPOSE

20.30.010 - Water supplies.

The **borough**[city] finds that the City Creek **and Cabin Creek** reservoirs and watersheds currently serve[s] as the [city's sole] source of potable water **for service area #1**~~[, and that a new water supply reservoir is being developed in the Cabin Creek watershed].~~

20.30.020 - Use of watershed lands.

The **borough** [city] further finds that water supplies of sufficient quantity and quality are essential to the health and welfare of its residents, visitors and industries; that serving as a public water supply is the highest and best use of water supply watershed lands; that uses of and activities on water supply watershed lands must be consistent with their use and value as public water supplies; and that uses of, and activities on water supply watershed lands that could threaten the quality or quantity of the water supplies are to be prohibited.

Chapter 20.40 WATERSHED MANAGEMENT PROGRAM

20.40.010 - Watershed management program.

The [city] watershed management program [is] **previously** adopted **by the City of Petersburg is hereby adopted by the borough and incorporated herein** as part of ~~[the ordinance codified in]~~ this title. Management policies and measures set out in the watershed management program are enforceable provisions of this **borough** code.

~~***[Chapter 20.50 COMPREHENSIVE PLAN AMENDMENT***~~

~~**20.50.010 - Comprehensive plan amendment.**~~

~~The land use plan specified by the Petersburg comprehensive plan is amended to designate all City Creek and Cabin Creek water supply watershed lands as "open space" classification as defined in the comprehensive plan.]~~

~~***[Chapter 20.60 ZONING ORDINANCE AMENDMENT***~~

~~20.60.010 - Zoning ordinance amendment.~~

~~Title 19 of this code, known as the zoning ordinance, is amended to designate all City Creek and Cabin Creek water supply watershed lands as "open space" district as defined in Title 19.]~~

Chapter 20.50[70] PROHIBITIONS

20.50[70].010 - Defacing property.

No person in the Cabin Creek and City Creek water supply watersheds shall willfully mar, deface, disfigure, injure, tamper with, or displace or remove, any **borough[city]**-owned building, equipment, structure, supplies, sign, notice or placard, monument, stake, post or other boundary marker.

20.50[70].020 - Discharge and disposal.

No person in the Cabin Creek and City Creek water supply watersheds shall discharge or dispose of pesticides, chemical fire suppressants, road chemicals, refuse, litter, sewage, oils, solvents, or other wastes, liquid or solid, into City Creek or Cabin Creek, into their tributaries, into the reservoirs, or onto the lands. This prohibition does not apply to the Ravens Roost Cabin outhouse.

20.50[70].030 - Gravel, sand and mineral extraction.

No person in the Cabin Creek and City Creek water supply watersheds shall explore for, or extract rock, gravel, sand, peat or minerals.

20.50[70].040 - Structures.

No person in the Cabin Creek and City Creek water supply watersheds shall place, construct or install any structure without the specific approval of the **borough[city]** after finding that the structure will not threaten water quality or quantity, or cause or encourage activities that could threaten water quality or quantity. This prohibition does not apply to the maintenance or reconstruction of existing structures such as those associated with the Ravens Roost Cabin and Trail.

20.50[70].050 - Surface disturbance.

No person in the Cabin Creek and City Creek water supply watershed shall undertake construction or other activity that disturbs the vegetative cover or solids, except that minor disturbances associated with allowable uses or maintenance of trails or recreational facilities is permitted.

20.50[70].060 - Timber harvesting.

No person in the Cabin Creek and City Creek water supply watersheds shall harvest timber for commercial, personal or other uses~~[except as required for the initial project].~~

Chapter 20.60[80] ALLOWABLE ACTIVITIES

20.60[80].010 - Recreation.

Allowable uses of Cabin Creek and City Creek water supply watershed lands are camping, hiking, berry picking, skiing and other personal use or recreational activities provided that such activities, exclusive of ingress and egress, are conducted at a minimum distance of **fifty (50) feet** ~~[one-quarter mile]~~ from the **shorelines of the** reservoirs and comply with the other provisions of ~~[the ordinance codified in]~~ this title. **Hunting within the watersheds is permitted per applicable State of Alaska or U.S. Forest Service regulation, but game shall not be harvested within fifty (50) feet of the shorelines of the reservoirs, and the entire animal must be moved to downstream of the reservoir dams prior to cleaning, skinning or butchering.**

20.60[80].020 - Water supply activities.

Not[-]withstanding other provisions of [~~the ordinance codified in~~] this title, allowable uses of Cabin Creek and City Creek water supply watershed lands include activities authorized by or conducted by the **borough**[~~city~~] and specifically intended to maintain or improve either the quantity or quality of the water supplies; or deemed necessary to construct, maintain, safeguard, or improve impoundment, intake or other water supply structures or functions.

Section 4. Severability: If any provision of this Ordinance or any application to any person or circumstance is held invalid, the remainder of this Ordinance and the application to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective upon adoption.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this 4th day of May, 2026.

Robert Lynn, Mayor

ATTEST:

Rebecca Regula, Borough Clerk

Adopted:
Noticed:
Effective: