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Senate District B

SB 105 - Road Service Area Consolidation Sectional Analysis

Section 1. Amends Sec. 29.35.450. Service areas

Abolishment of a road, fire protection, or parks and recreation service area (SA) is subject to a majority vote of resident in the SA. A road, fire, or parks and recreation SA cannot be altered or combined with another SA without the consent of the voters and residents of each SA under consideration as well as the residents and voters outside of the SAs under consideration who would be affected by the proposal.

These requirements do not apply in following cases:

1. A proposed change to a fire SA:
 - That increases the number of parcels of land in the SA or successor SA if the increase is not more than 6% and would not add more than 1,000 residents;
 - In a second-class borough that would result in:
 - a. decreasing the number of parcels of land in the SA or successor SA if the property owner to be removed from the area requests removal and the removal meets criteria adopted by ordinance; or
 - b. increasing or decreasing the number of parcels of land in the SA or successor SA if the parcel is transferred to a SA providing more accessible fire services to the transferred parcel;
2. In a second-class borough to the abolishment of a road service area (RSA) or consolidation of two or more RSAs if:
 - taxes have not been levied in the SA for road maintenance during the past 12 months and there isn't a balance in any account available to pay for the road services for the SA;
 - during the past 12 months, the SA board has not met with a quorum and in accordance with law;
 - there are no road maintenance contracts in effect for the SA or the existing contracts fail to provide for the minimum road standards required by law that are necessary to protect the borough from civil liability; or

- the SA boards of two or more SAs request SA consolidation to create a single new service area that includes all the parcels from the consolidated SAs and no additional parcels;
3. To require the approval of the residents and voters of a subdivision or parcel proposed to be added to an RSA if the roads maintained by the SA provide the only access to the subdivision or parcel or provide access to the subdivision or parcel that is required by the subdivision plat or by other regulation or ordinance;
 4. To a change in the boundaries of an RSA to exclude a subdivision or parcel that does not rely on the use of roads maintained by the SA for the subdivision's or parcel's only access or for access required by the subdivision plat or by other regulation or ordinance;
 5. To a change in the boundaries of an RSA to include or exclude a parcel that is located in more than one SA so that the parcel is only in one RSA;
 6. To a change in the boundaries of an RSA to include a parcel that is partially located in the RSA if roads maintained by the SA provide the only access to the parcel.