

Sec. 29.35.490. Service areas in second and third class boroughs.

(a) A second class borough may exercise in a service area any power granted a first class city by law or a nonareawide power that may be exercised by a first class borough if

(1) the exercise of the power is approved by a majority of the voters residing in the service area;
or

(2) all owners of real property in the service area consent in writing to the exercise of the power if no voters reside in the service area.

(b) If the exercise of the power is approved by a majority of the voters residing in the service area, a third class borough may exercise in a service area any power not otherwise prohibited by law.

(c) A second or third class borough may establish a service area that includes only vacant, unappropriated, and unreserved land owned by the borough. A second or third class borough may establish a service area, with the concurrence of the commissioner of natural resources, that includes only vacant, unappropriated, and unreserved land owned by the state and classified for disposal to individuals. By ordinance a second or third class borough may provide the services in a service area established under this subsection necessary to develop state or municipal land as required by the planning, platting, and land use regulations of the borough.

History -

(Sec. 10 ch 74 SLA 1985)

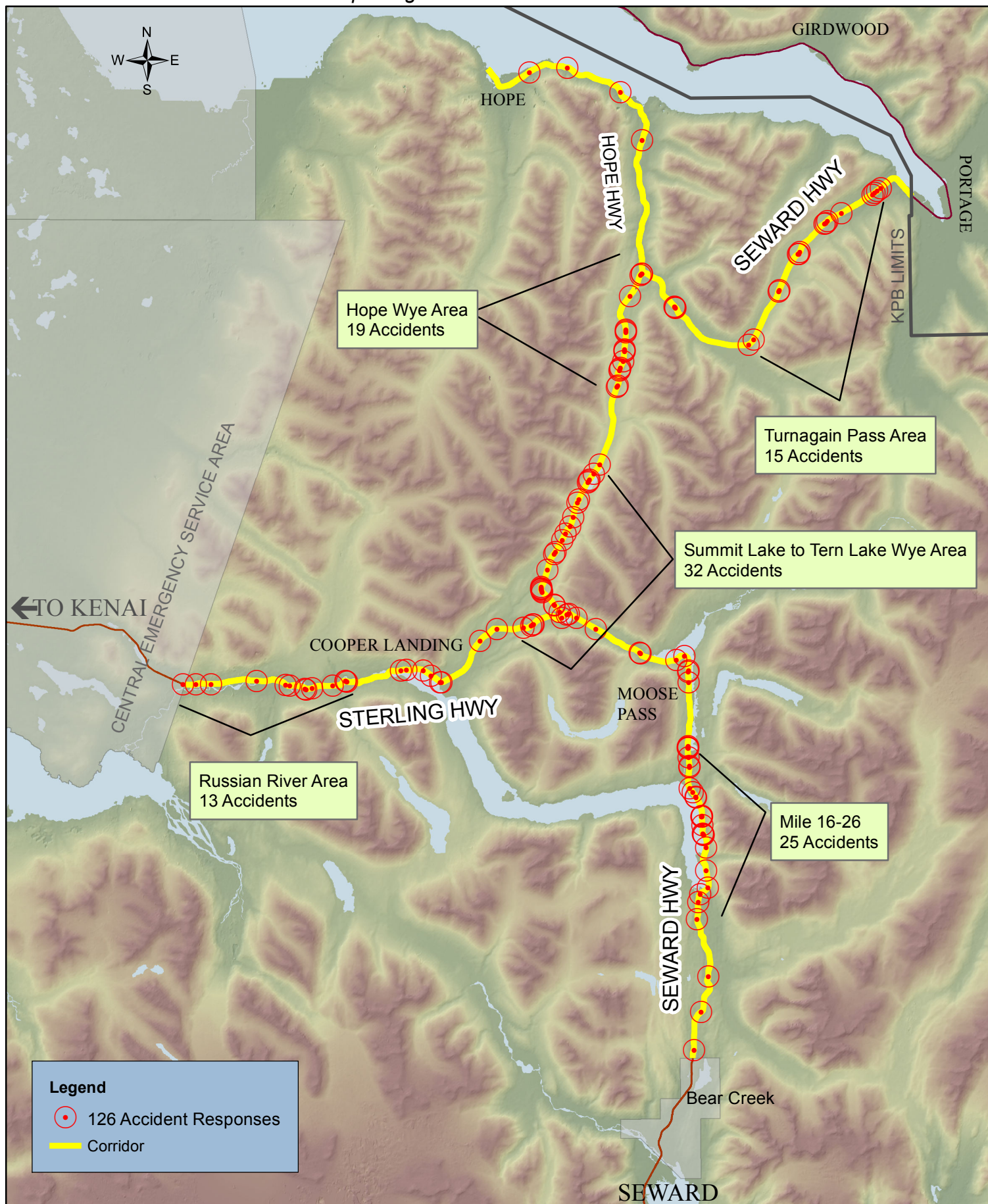
Decisions -

When voter approval not required. - Where a mayor and assembly are exercising the same powers within the same geographical area and are subject to the same constraints with respect to approval and appropriation that existed before the alteration, voter approval of an ordinance is not required. *North Kenai Peninsula Rd. Maintenance Serv. Area v. Kenai Peninsula Borough*, 850 P.2d 636 (Alaska 1993).

Road service tax. - Challenge to a road service tax was rejected because it was not a special assessment. It was calculated by applying a mill rate to the assessed value of the property; moreover, a borough has authority to tax for road services, and the validity of the tax does not depend upon whether the property owner receives a special benefit. *DeVilbiss v. Matanuska-Susitna Borough*, 356 P.3d 290 (Alaska 2015).

EMS HIGHWAY RESPONSES

Reporting Period JAN 2015 - DEC 2016



INCORPORATED CITIES WITHIN ORGANIZED BOROUGHS

Aleutians East Borough	Second Class	Lake & Peninsula Borough	Home Rule
Aktutan	Second Class	Chignik	Second Class
False Pass	Second Class	Egegik	Second Class
Cold Bay	Second Class	New Halem	Second Class
King Cove	First Class	Nondalton	Second Class
Sand Point	First Class	Port Heiden	Second Class
		Pilot Point	Second Class
Denali Borough	Home Rule		
Anderson	Second Class	Matanuska-Susitna Borough	Second Class
		Houston	Second Class
Fairbanks North Star Borough	Second Class	Palmer	Home Rule
Fairbanks	Home Rule	Wasilla	First Class
North Pole	Home Rule		
Kenai Peninsula Borough	Second Class	North Slope Borough	Home Rule
Homer	First Class	Anaktuvuk Pass	Second Class
Kachemak	Second Class	Atkasuk	Second Class
Kenai	Home Rule	Barrow	First Class
Seldovia	First Class	Kaktovik	Second Class
Seward	Home Rule	Niugut	Second Class
Soldotna	Home Rule	Point Hope	Second Class
		Wainwright	Second Class
Ketchikan Gateway Borough	Second Class	Northwest Arctic Borough	Home Rule
Ketchikan	Home Rule	Ambler	Second Class
Saxman	Second Class	Buckland	Second Class
		Deering	Second Class
Kodiak Island Borough	Second Class	Kiana	Second Class
Aktiook	Second Class	Kivalina	Second Class
Kodiak	Home Rule	Kobuk	Second Class
Larsen Bay	Second Class	Kotzebue	Second Class
Old Harbor	Second Class	Noorvik	Second Class
Ouzinkie	Second Class	Selawik	Second Class
Port Lions	Second Class	Shungnak	Second Class
Petersburg Borough	Non-Unified Home Rule Borough		
Kupreanof	Second Class		
Remainder of Alaska Boroughs That Do Not Contain Incorporated Cities			
Municipality of Anchorage	Unified Home Rule		
Bristol Bay Borough	Second Class		
Haines Borough	Home Rule		
City & Borough of Juneau	Unified Home Rule		
City & Borough of Sitka	Unified Home Rule		
Municipality of Skagway	First Class		
City & Borough of Wrangell	Unified Home Rule		
City & Borough of Yakutat	Home Rule		