



LAWS OF ALASKA

1976

Source

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Chapter No.

212

AN ACT

Relating to municipal incorporation standards and procedures; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 29.18 is amended by adding new sections to read:

Sec. 29.18.011. INCORPORATION OF CITIES. (a) A community which meets the following standards may incorporate as a first class city:

(1) the community has 400 or more permanent residents;

(2) the boundaries of the proposed city include all areas necessary to provide municipal services on an efficient scale;

(3) the economy of the community includes the human and financial resources necessary to provide local services; in considering the economy of the community, the Local Boundary Commission shall consider property valuations, economic base, personal income, resource and commercial development, anticipated functions, and the expenses and income of the proposed city, including the ability of the community to generate local revenue;

(4) the population of the community is stable enough to support local government;

(5) there is a demonstrated need for local government.

(b) A community which meets all the standards established in (a) of this section except (a)(1) may incorporate as a second class city.

Sec. 29.18.021. LIMITATIONS ON INCORPORATION OF CITIES. (a) A community within the unorganized borough may not incorporate as a city if the services may be provided by annexation to an existing city.

(b) A community within an organized borough may not incorporate as a city if the services could be provided on an areawide or nonareawide basis by the borough in which it is located or by annexation to an existing city.

* Sec. 2. AS 29.18.050 is amended to read:

Sec. 29.18.050. PETITION. Municipal incorporation is proposed by filing a petition with the Department of Community and Regional Affairs. The petition shall include the following information about the proposed municipality:

- (1) class;
- (2) name;
- (3) boundaries;
- (4) composition and apportionment of the assembly or council;
- (5) for a first class borough, a designation of areawide powers to be exercised;
- (6) for a second class borough, a designation of areawide and nonareawide powers to be exercised;
- (7) maps, documents, and other information required by the Department of Community and Regional Affairs;
- (8) for first class city incorporation, the signatures and resident address of 50 permanent resident voters or of 15 per cent of the permanent resident voters within the proposed municipality, whichever is greater, based on the number who voted in the area in the last general election;
- (9) for second class city incorporation, the signature and resident address of 25 permanent resident voters or of 15 per cent of the permanent resident voters within the proposed municipality, whichever is greater, based on the number who voted in the area in the last general election;
- (10) for borough incorporation, the signature and resident address of 15 per cent of the permanent resident voters in each first class city and 15 per cent of voters in the area outside first class cities based on the number who voted in the respective areas in the last general election;
- (11) for a city, a designation of the powers proposed by the petitioners to be exercised;
- (12) a proposed operating budget for the municipality projecting sources of income and items of expenditure through the first full fiscal year of operation.

* Sec. 3. AS 29.18.070(a) is amended to read:

(a) If the petition contains the required information and signatures, the Department of Community and Regional Affairs shall investigate the proposal.

* Sec. 4. AS 29.18.070 is amended by adding a new subsection to read:

(c) The department shall hold at least one public hearing in the area proposed for incorporation.

* Sec. 5. AS 29.18.080(b) is amended to read:

(b) The Local Boundary Commission shall hold at least one public hearing in the area proposed to be incorporated for the purpose of receiving testimony and evidence on the proposal.

* Sec. 6. AS 29.18.090(a) is amended to read:

Sec. 29.18.090. DECISION ON MUNICIPAL INCORPORATION.

(a) If the Local Boundary Commission determines that a proposed municipality fails to meet the standards for incorporation, it shall reject the petition. If the commission determines that the proposed municipality meets the standards, it shall accept the petition. If the commission determines that the proposed boundaries can be altered to meet the standards, it may alter the boundaries and accept the petition.

(b) A commission decision under this section may be appealed under the Administrative Procedure Act (AS 44.62).

* Sec. 7. AS 29.78.010 is amended by adding new paragraphs to read:

(18) "areawide power" means a power of an organized borough exercised throughout the borough;

(19) "nonareawide power" means a power of an organized borough exercised by the borough only in the area outside of cities.

* Sec. 8. AS 29.18.010, 29.18.020, and 29.18.100 are repealed.

* Sec. 9. This Act takes effect immediately in accordance with AS 01.10.070(c).