



LAWS OF ALASKA

1979

Source

HCS CSSB 137 am H

Chapter No.

83

AN ACT

Relating to the municipal code; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Permitted to become law without signature.

Actual Effective Date: Sections 1 - 3 and 24
take effect January 1, 1981; Sections 4 - 23, 25 and 26
take effect June 2, 1979

AN ACT

Relating to the municipal code; and providing for an effective date.

* Section 1. AS 29.23 is amended by adding new sections to read:

Sec. 29.23.021. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a) Assembly composition and apportionment shall be consistent with the equal representation standards of the Constitution of the United States.

(b) The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If a borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with AS 29.23.-023 and prescribed by charter or ordinance.

(c) An assembly may not provide for weighted voting.

Sec. 29.23.023. COMPOSITION AND REPRESENTATION REQUIREMENTS FOR GENERAL LAW BOROUGHES. (a) The borough assembly shall provide for its composition and for the form of its representation. Not later than July 31, 1981, and thereafter within four months after the report of a federal decennial census, the assembly shall propose and submit to the voters at a regular election or special election called for the purpose, alternative forms of representation by which members are

- (1) elected at large by all qualified voters of the borough;
- (2) elected at large by all qualified voters of the borough,

Chapter 83

1 but required to live within an election district or zone established by
2 the borough for election of assembly members, with each district or zone
3 being of substantially equal population; or

4 (3) elected by and from election districts or zones estab-
5 lished by the borough for the election of borough assembly members.

6 (b) The proposals set out in (a) of this section shall be sub-
7 mitted to the voters. The vote on the proposals submitted to the voters
8 shall be tabulated in two separate classifications. One classification
9 shall consist of all votes cast in the first class and home rule cities
10 in the borough. The other classification shall consist of all votes
11 cast in the remaining area of the borough. The borough assembly shall,
12 within three months of the certification of the results of the election,
13 adopt an ordinance providing for its composition and the form or repre-
14 sentation which conforms to the form of representation receiving a
15 plurality of the votes in each classification at that election.

16 (c) A member of the assembly of a general law borough may not be
17 elected or appointed by and from the council of a city in the borough.

18 Sec. 29.23.025. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)
19 Not later than July 31, 1981, and thereafter within four months after
20 the official report of a federal decennial census, the assembly shall
21 determine and declare by resolution if the existing apportionment of the
22 assembly meets the applicable standards of AS 29.23.021 - 29.23.023.

23 (b) If the existing apportionment of the assembly does not meet
24 the applicable standards of AS 29.23.021 - 29.23.023, the assembly shall
25 provide by ordinance for its reapportionment. At the same time, the
26 assembly may change the composition of the assembly.

27 (c) In addition to providing for apportionment at the times re-
28 quired under (b) of this section, the borough assembly shall provide by
29 ordinance for its reapportionment and may provide for a change in its

1 composition whenever it determines, on the basis of federal census
2 reports or other reliable population data, that the existing apportion-
3 ment does not meet the standards for apportionment in AS 29.23.021. If
4 a petition signed by not less than 50 borough voters requests the
5 assembly to determine whether the existing apportionment meets the
6 standards for apportionment in AS 29.23.021, and the petition contains
7 evidence that the existing apportionment does not meet those standards,
8 the assembly shall make the determination requested.

9 (d) An ordinance adopted by the assembly under (b) or (c) of this
10 section shall be submitted to the voters for approval. In order for the
11 ordinance to be approved it must receive the approval of a majority of
12 the votes cast.

13 (e) Within four months of a determination by the assembly that the
14 current apportionment does not meet the standards of AS 29.23.021 -
15 29.23.025, the assembly shall adopt an ordinance providing for reappor-
16 tionment, and submit the ordinance to the voters. If, at the end of the
17 four-month time period, an ordinance providing for reapportionment has
18 not been approved, the Department of Community and Regional Affairs
19 shall provide for the reapportionment in accordance with the standards
20 of AS 29.23.021 - 29.23.023.

21 (f) A reapportionment ordinance, or a determination of the borough
22 assembly that applicable standards do not require adoption of a change
23 in apportionment, is subject to judicial review.

24 (g) A change in assembly apportionment or composition under this
25 section is effective beginning with the first regular election for
26 members of the assembly which follows approval of a reapportionment
27 ordinance.

28 * Sec. 2. AS 29.13.100(3) is repealed and re-enacted to read:

29 (3) AS 29.23.021; 29.23.025 - 29.23.050 (composition and

Chapter 83

1 apportionment of borough assembly; borough assembly recomposition and
2 reapportionment; assembly representation)

3 * Sec. 3. AS 29.18.050(4) is amended to read:

4 (4) composition and apportionment of the assembly or council,
5 but the number of members of a borough assembly may not exceed 11;

6 * Sec. 4. AS 29.23.040 is amended to read:

7 Sec. 29.23.040. REGULAR TERM OF OFFICE. Assemblymen are selected
8 for three-year terms and until their successors are selected and have
9 qualified, unless different terms not exceeding four years are pre-
10 scribed by borough charter or ordinance. The regular term of office
11 begins on the first Monday following certification of the election.

12 [HOWEVER, IF UNDER A BOROUGH APPORTIONMENT CITY COUNCILMEN ARE APPOINTED
13 AS ASSEMBLYMEN OR ELECTED TO DUAL ASSEMBLY-COUNCIL SEATS, THEY MAY NOT
14 BE REPLACED UNTIL THEIR ASSEMBLY TERM EXPIRES AS PROVIDED BY CITY CHAR-
15 TER OR ORDINANCE, OR THEY CEASE TO BE A MEMBER OF EITHER THE ASSEMBLY OR
16 COUNCIL.] The current term of incumbent assemblymen may not be altered
17 under this section. This section applies to home rule and general law
18 boroughs.

19 * Sec. 5. AS 29.23.130(c) is amended to read:

20 (c) The borough mayor's regular term of office is three years and
21 until a successor is elected and has qualified and begins on the first
22 Monday following certification of the mayor's [HIS] election [, WHICH IS
23 HELD THE FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION
24 IS PROVIDED BY ORDINANCE]. The assembly may provide by ordinance for a
25 different term not to exceed four years, except that the current term of
26 an incumbent borough mayor may not be altered.

27 * Sec. 6. AS 29.23.130(d) is amended to read:

28 (d) A borough may adopt or abandon a manager plan at any time, as
29 provided in AS 29.23.410 - 29.23.480. The borough mayor may not veto an

1 ordinance or resolution calling for an election on this question. The
2 manager has all the powers and duties of the borough mayor as chief
3 administrative officer. [IF THE MANAGER PLAN IS ADOPTED, IT BECOMES
4 EFFECTIVE FOLLOWING CERTIFICATION OF THE RESULTS OF THE FIRST REGULAR
5 ELECTION OCCURRING AT LEAST SIX MONTHS AFTER ADOPTION OF THE PLAN.] The
6 borough mayor then serves as borough executive.

7 * Sec. 7. AS 29.23.200(c) is amended to read:

8 (c) Councilmen are selected [AN ELECTION IS HELD ANNUALLY ON THE
9 FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT ELECTION DATE OR INTERVAL
10 OF YEARS IS PROVIDED BY ORDINANCE, TO CHOOSE COUNCILMEN] for three-year
11 terms and until their successors are elected and have qualified. The
12 regular term of office begins on the first Monday following certifica-
13 tion of the election. The council may provide by ordinance for differ-
14 ent terms not to exceed four years, except that the current term of
15 incumbent councilmen may not be altered.

16 * Sec. 8. AS 29.23.210(a) is amended to read:

17 (a) The council shall meet at least once every month, unless
18 otherwise provided by ordinance. Special meetings may be held on the
19 call of the mayor or two councilmen upon not less than 24 hours written
20 or oral notice communicated to each member. In an emergency, a special
21 meeting called on less than 24 hours notice is a legal meeting if all
22 members are present or there is a quorum and all absent members have
23 waived in writing the required notice. A waiver may be made either
24 before or after the time of the meeting. The waiver shall be attached
25 to and made a part of the journal for that meeting.

6 * Sec. 9. AS 29.23.250(c) is amended to read:

7 (c) The mayor of a second class city is elected by and from the
8 council for a term of one year and until a successor is elected and
9 has qualified [EQUAL IN LENGTH TO A COUNCILMAN'S TERM].
L

Chapter 83

1 * Sec. 10. AS 29.23.250(d) is amended to read:

2 (d) The mayor's regular term begins on the first Monday following
3 certification of the mayor's [HIS] election [, WHICH IS HELD ON THE
4 FIRST TUESDAY OF OCTOBER, UNLESS A DIFFERENT DATE OF ELECTION IS PRO-
5 VIDED BY ORDINANCE]. The council of a second class city shall meet on
6 the first Monday after certification of the regular election [DATE] and
7 elect a mayor who takes office immediately.

8 * Sec. 11. AS 29.23.440(a) is amended to read:

9 (a) If the manager plan is approved, the assembly or council
10 shall, within 60 days, adopt the plan by ordinance or resolution.

11 * Sec. 12. AS 29.33.010(b) is amended to read:

12 (b) No city, whether home rule or not, may exercise an areawide
13 power [CONFERRED IN, OR ASSUMED BY MEANS OF AS 29.33.250 - 29.33.290]
14 once that power is being exercised by a borough.

15 * Sec. 13. AS 29.33.070(b)(2) and (3) are amended to read:

16 (2) delegate other planning and zoning powers conferred by
17 this chapter [ADMINISTRATIVE AND ENFORCEMENT RESPONSIBILITIES] to a
18 [THE] city within the borough [, PROVIDED THAT BOROUGH JURISDICTION IS
19 NOT IMPAIRED];

20 (3) revoke or modify any part or all of the [WITHDRAW] powers
21 delegated under this subsection.

22 * Sec. 14. AS 29.33.110(a) is repealed and re-enacted to read:

23 (a) The assembly is the board of adjustment but may delegate by
24 resolution or ordinance part or all of its functions to a city within
25 the borough for the area within city boundaries in accordance with
26 AS 29.33.070(b)(1), in addition to making delegations as provided for an
27 assembly under AS 29.33.245. Meetings of the borough board are held at
28 the call of the presiding officer and of the city board by the mayor.
29 The presiding officer or mayor may administer oaths and compel atten-

1 dance of witnesses. Meetings and hearings of the board shall be open to
2 the public and the board shall keep minutes of its proceedings as a
3 public record.

4 * Sec. 15. AS 29.33.190(a) is amended to read:

5 (a) The owner or agent of the owner of land located within a
6 subdivision who transfers, sells, or enters into a contract to sell land
7 in a subdivision before a plat of the subdivision has been prepared,
8 approved, and recorded, is guilty of a misdemeanor and upon conviction
9 is punishable by a fine of not more than \$500 for each lot or parcel
10 transferred, sold, or included in a contract to be sold. The borough
11 [PLATTING BOARD] may enjoin a transfer, sale, or contract to sell, and
12 may recover the penalty by appropriate legal action.

13 * Sec. 16. AS 29.48.180(a) is amended to read:

14 (a) Each ordinance [AND RESOLUTION] after adoption shall be codi-
15 fied.

16 * Sec. 17. AS 29.48.180(c)(2) is amended to read:

17 (2) the ordinance is a provision which establishes a rule of
18 conduct or behavior and which is included, or to be included, in a code
19 of ordinances or other complete system of [POSITIVE] law enacted [PRO-
20 MULGATED BY THE COUNCIL] and kept current [BY THE CITY] at reasonable
21 intervals.

22 * Sec. 18. AS 29.48 is amended by adding a new section to read:

23 Sec. 29.48.185. RESOLUTIONS. The assembly or council shall pro-
24 vide for the maintenance of a permanent file of resolutions that have
25 been adopted.

26 * Sec. 19. AS 29.48.200 is amended to read:

27 Sec. 29.48.200. PENALTIES. For the violation of an ordinance, the
28 assembly or council may prescribe punishment not to exceed a fine of
29 \$500 or imprisonment for 30 days, or both. However, the punishment

Chapter 83

1 authorized under this section may be imposed only if [AN ORDINANCE IS
2 CODIFIED AND] copies of the ordinance are made available for distri-
3 bution to the public at cost.

4 * Sec. 20. AS 29.58.200 is amended by adding new subsections to read:

5 (b) A municipality may issue its revenue bonds to finance the
6 purchase of residential mortgage loans. The revenue bonds issued under
7 this subsection are payable solely from the principal and interest of
8 the mortgage loans and from any other amounts pledged by the municipal-
9 ity, except the pledge of revenues derived from taxes. Revenue bonds
10 issued under this subsection do not constitute a general obligation of
11 the municipality.

12 (c) A municipality may also issue revenue bonds for any lawful
13 purpose. The bonds are payable from any amounts pledged by the munic-
14 ipality except taxes and do not constitute general obligations of the
15 municipality.

16 * Sec. 21. AS 29.58.210 is amended to read:

17 Sec. 29.58.210. FORMS AND TERMS. The assembly or council shall
18 fix the date of the bonds, denominations, maturities, rate or rates of
19 interest, place and manner of payment, redemption terms, registration
20 privileges, manner of execution, [AND] signatures required, and other
21 details of the bonds. If an officer whose signature appears on the
22 bonds or coupons ceases to be an officer before delivery of the bonds,
23 his signature is valid as if he had remained in office until delivery.

24 * Sec. 22. AS 29.58.220 is amended to read:

25 Sec. 29.58.220. PAYMENT. Bonds issued under AS 29.58.200 -
26 29.58.220 or the proceedings of the assembly or council authorizing
27 their issuance may contain the covenants which the assembly or council
28 considers advisable concerning

29 (1) the rates or fees to be charged for services rendered by

Chapter 83

1 the public facilities, the revenue of which is pledged to the payment of
2 the bonds, or the terms and conditions of any other amounts collected
3 which are pledged to the payment of the bonds;

4 (2) the deposit and use of the revenue of the public facili-
5 ties or of other amounts collected which are pledged to the payment of
6 the bonds;

7 (3) the issuance of additional bonds payable from revenue of
8 the public facilities or of other amounts collected which are pledged
9 to the payment of the bonds;

10 (4) the rights of the bondholders in case of default in the
11 payment of the principal or interest on the bonds, including the appoint-
12 ment of a receiver to operate the public facilities;

13 (5) other covenants as the assembly or council determines.

14 * Sec. 23. AS 29.63.065(b)(2) is amended to read:

15 (2) a claimant receiving the exemption must file with the
16 department by March [JANUARY] 15 of each subsequent year a separate
17 application proving eligibility as of January 1 in order to retain the
18 exemption. Within the same year the department [ASSEMBLY OR COUNCIL]
19 for good cause shown may waive the claimant's failure to make timely
20 application and approve the application as if timely filed.

21 * Sec. 24. AS 29.23.020 is repealed.

22 * Sec. 25. AS 29.59 is repealed.

23 * Sec. 26. Notwithstanding AS 29.23.040, amended by sec. 4 of this Act,
24 the terms of office of borough assemblymen elected or appointed to dual
25 borough assembly-city council seats are not affected by the amendment made to
26 AS 29.23.040 in sec. 4 of this Act until reapportionment of the borough
27 assembly is required or proposed under AS 29.23.020, repealed by sec. 21 of
28 this Act, or is effected as required or proposed under AS 29.23.021 - 29.23.-
29 025, added by sec. 1 of this Act.

1 * Sec. 27. Sections 1 - 3 and 24 of this Act take effect January 1, 1981.
2 Sections 4 - 23, 25 and 26 of this Act take effect immediately in accordance
3 with AS 01.10.070(c).
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29