

2d COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 101

TITLE 29. MUNICIPAL GOVERNMENT

TABLE OF CONTENTS

<u>SECTIONS</u>	<u>PAGE</u>
CHAPTER 03.	THE UNORGANIZED BOROUGH. 1
29.03.010	Establishment. 1
29.03.020	Service areas. 1
CHAPTER 08.	CLASSIFICATION OF MUNICIPALITIES . 1
29.08.010	Home rule. 1
29.08.020	General law. 1
29.08.030	Classes of general law 2
29.08.040	Reclassification 2
29.08.050	Transition 2
CHAPTER 13.	HOME RULE MUNICIPALITIES 3
Article 1.	Charters 3
29.13.010	Municipal charter adoption 3
29.13.020	Nomination 4
29.13.030	Election 4
29.13.040	Preparation of charter 4
29.13.050	Initiative and referendum. 5
29.13.060	Charter election 5
29.13.070	Charter adoption 5
29.13.080	Charter amendment. 5
Article 2.	Home Rule Limitations. 5
29.13.100	Limitation of home rule powers 5
CHAPTER 18.	INCORPORATION. 7
Article 1.	Requirements 7
29.18.010	First class cities 7
29.18.020	Second class cities. 8
29.18.030	Organized boroughs 8
Article 2.	Procedures 8
29.18.050	Petition 8
29.18.060	Review 9
29.18.070	Investigation. 9
29.18.080	Report and hearing 10
29.18.090	Decision on borough incorporation 10
29.18.100	Decision on city incorporation 10
29.18.110	Incorporation election 11
29.18.120	Election of initial officers 12
29.18.130	Mandatory incorporation. 13

29.18.140	Integration of special districts and service areas.	13
29.18.150	Transition	14
29.18.160	Challenge of legality.	15
Article 3.	Borough Transitional Assistance.	15
29.18.180	Organization grants.	15
29.18.190	State lands.	15
29.18.200	Selection procedure.	16
CHAPTER 23.	MUNICIPAL OFFICERS AND EMPLOYEES	17
Article 1.	Borough Assembly	17
29.23.010	General power.	17
29.23.020	Standards for composition and apportionment.	17
29.23.030	Election	18
29.23.040	Regular term of office	18
29.23.050	Qualifications	18
29.23.060	Procedure	19
29.23.070	Departments.	20
29.23.080	Filling vacancies.	21
29.23.090	Reapportionment.	21
29.23.100	Borough sections	22
29.23.110	Borough Zones.	23
Article 2.	Borough Executive.	23
29.23.130	Executive power.	23
29.23.140	Powers and duties of borough executive.	24
29.23.150	Executive absence.	26
29.23.160	Assembly participation	26
29.23.170	Veto	26
29.23.180	Filling a vacancy.	26
Article 3.	City Council	26
29.23.200	Composition, eligibility, election and term	27
29.23.210	Procedure.	27
29.23.220	Filling a vacancy.	28
Article 4.	City Executive	28
29.23.240	Mayor.	28
29.23.250	Election and term of mayor	28
29.23.260	Mayor's vote	28
29.23.270	Veto	29
29.23.280	Filling a vacancy.	29
29.23.290	Powers and duties of city manager	29
Article 5.	School Boards.	30
29.23.310	Composition, eligibility, election and term	30
29.23.320	Filling a vacancy.	31
Article 6.	Utility Boards	31

29.23.340	Utility boards	31
Article 7.	Other Officers and Employees . . .	32
29.23.360	Appointment of officers	32
29.23.370	Municipal attorney	32
29.23.380	Municipal clerk.	32
29.23.390	Municipal treasurer.	33
29.23.395	Police chief	33
Article 8.	Adoption or Repeal of Manager plan	34
29.23.410	Application.	34
29.23.420	Petition	34
29.23.430	Election	34
29.23.440	Adoption	34
29.23.450	Appointment.	35
29.23.460	Term	35
29.23.470	Appointment of temporary or new manager.	35
29.23.480	Repeal	35
Article 9.	Miscellaneous Provisions	35
29.23.500	Oaths of office.	35
29.23.510	Combining offices.	35
29.23.520	Bonding.	36
29.23.530	Salaries of elected officers not to be varied.	36
29.23.540	Prohibitions	36
29.23.550	Personnel System	36
29.23.560	Reports.	36
29.23.570	Vacancies.	37
29.23.580	Meetings public.	37
CHAPTER 28.	ELECTIONS.	37
Article 1.	Regular and Special Elections. . .	37
29.28.010	Administration	37
29.28.012	Uniform filing dates	38
29.28.015	Nominations.	38
29.28.020	Election dates	38
29.28.030	Voter qualification.	38
29.28.035	Removal of names from ballot . .	39
29.28.040	Majority elections	39
Article 2.	Initiative and Referendum.	39
29.28.060	Reservation of powers.	39
29.28.070	Petition	39
29.28.073	Examinations for sufficiency . .	39
29.28.075	Supplemental petition.	40
29.28.077	New petition	40
29.28.080	Presentation of initiative . . .	40
29.28.090	Presentation of referendum . . .	41
29.28.100	Presentation of charter amend- ment	41
29.28.110	Effect	41

Article 3.	Recall	41
29.28.130	Recall	42
29.28.140	Grounds.	42
29.28.150	Petition	42
29.28.160	Examination for sufficiency.	42
29.28.170	Supplemental petition.	42
29.28.180	New petition	42
29.28.190	Submission	43
29.28.200	Election	43
29.28.210	Form of recall ballots	43
29.28.220	Election procedure	43
29.28.230	Majority required.	43
29.28.240	Effect	43
29.28.250	Election of successor.	44
CHAPTER 33.	AREAWIDE BOROUGH POWERS AND DUTIES	44
Article 1.	Scope.	44
29.33.010	Scope of areawide powers	44
Article 2.	Assessment and collection of taxes	44
29.33.030	Assessment and collection.	44
Article 3.	Education.	44
29.33.050	Education.	45
Article 4.	Planning, Platting and Zoning.	46
29.33.070	Planning, Platting and Zoning.	46
29.33.080	Planning commission.	47
29.33.085	Comprehensive plan	48
29.33.090	Zoning	48
29.33.095	Official map	49
29.33.100	Building and housing codes	50
29.33.110	Board of adjustment.	50
29.33.120	Adjustment procedure	51
29.33.130	Judicial review.	51
29.33.140	Hazards and nuisances.	52
29.33.150	Platting Jurisdiction and power.	53
29.33.160	Procedure.	54
29.33.170	Waiver in certain cases.	54
29.33.180	Information required	54
29.33.190	Penalties.	55
29.33.200	Alteration or replat petition.	55
29.33.210	Notice of hearing.	56
29.33.220	Hearing and determination.	56
29.33.230	Recording.	56
29.33.240	Title to vacated area.	56
29.33.245	Hearing officer.	57

Article 5.	Additional Areawide Powers	57
29.33.250	Additional areawide powers	57
29.33.260	Transfer by city	57
29.33.270	Petition for power	57
29.33.280	Investigation.	58
29.33.290	Election	58
CHAPTER 38.	BOROUGH POWERS AND DUTIES IN THE AREA OUTSIDE CITIES.	58
29.38.010	First class borough.	58
29.38.020	Second class borough	58
29.38.030	Additional powers.	59
29.38.040	Investigation.	59
29.38.050	Election	59
CHAPTER 43.	POWERS OF CITIES OUTSIDE BOROUGHS.	59
29.43.010	Additional powers.	60
29.43.020	Assessment and Tax collection.	60
29.43.030	Education.	60
29.43.040	Planning and zoning.	60
29.43.050	Extraterritorial powers.	60
29.43.060	Boundary lines	61
29.43.070	Planning commission.	61
29.43.080	Enforcement.	61
CHAPTER 48.	POWERS APPLICABLE TO ALL MUNICI- PALITIES	61
Article 1.	General Powers	61
29.48.010	General Powers	61
29.48.020	Second class borough powers out- side cities.	62
Article 2.	Facilities, Services and Regulation	62
29.48.030	Municipal facilities and services	62
29.48.035	Regulatory powers	63
29.48.037	Extraterritorial jurisdiction.	64
29.48.040	Municipally-owned utilities.	65
29.48.050	Franchises and rates	65
29.48.060	Hearing.	66
29.48.070	Proceedings.	66
29.48.080	Right to participate and compel testimony.	66
29.48.090	Application.	67
Article 3.	Municipal Enactments	67
29.48.130	Acts required to be by ordinance	67
29.48.140	Form of ordinances	68
29.48.150	Ordinance procedure.	68
29.48.160	Emergency ordinances	68

29.48.170	Codes of technical regulations	69
29.48.180	Codification	69
29.48.190	Budget and capital program	70
29.48.200	Penalties.	71
29.48.210	Expenditure of borough revenues.	71
29.48.220	Post Audit	71
Article 4.	Miscellaneous Provisions	71
29.48.250	Centralized purchasing	71
29.48.260	Municipal properties	72
CHAPTER 53.	MUNICIPAL ASSESSMENT AND TAXATION.	73
Article 1.	Borough Property Tax	73
29.53.010	General property tax	73
29.53.020	Required exemptions.	74
29.53.025	Optional personal property ex- emptions	75
29.53.030	Mining claims.	75
29.43.040	Mobile homes	76
29.53.050	Tax limitation	76
29.53.060	Full and true value.	76
29.53.070	Returns.	77
29.53.080	Independent investigation.	77
29.53.090	Statement.	77
29.53.100	Assessment roll.	78
29.53.110	Assessment notice.	78
29.53.120	Corrections.	79
29.53.130	Appeal	79
29.53.135	Board of equalization.	80
29.53.140	Hearing.	80
29.53.150	Supplementary assessment rolls	80
29.53.160	Tax adjustments on property af- fected by a natural disaster	80
29.53.170	Tax levy and rate.	81
29.53.180	Rates of penalty and interest.	82
Article 2.	Enforcement of Tax Liens	82
29.53.200	Validity	82
29.53.210	Tax Liability.	83
29.53.220	Enforcement of personal property tax liens by distraint and sale	83
29.53.230	Real property tax collection	83
29.53.240	Foreclosure list	84
29.53.250	Clearing delinquencies	85
29.53.260	List to lienholder	85
29.53.270	General foreclosure.	85
29.53.280	Answer and objection	85
29.53.290	Judgment	86
29.53.300	Transfer and appeal.	86
29.53.310	Redemption period.	86

29.53.320	Effect	87
29.53.330	Additional liens	87
29.53.340	Possession during redemption period	87
29.53.350	Expiration	87
29.53.360	Deed to borough or city	88
29.53.370	Sale of foreclosed properties	89
29.53.375	Repurchase by record owner	89
29.53.380	Proceeds of tax sale	89
29.53.385	Payment of tax liens upon public utilization	90
29.53.390	Refund of taxes	90
Article 3.	City Property Tax	91
29.53.400	Power of levy	91
Article 4.	Borough Sales and Use Taxes	91
29.53.410	Sales and use tax	91
29.53.420	Referendum, adoption and modifi- cation	91
Article 5.	City Sales and Use Taxes	92
29.53.440	Power of levy	92
29.53.450	Power of levy and collection	92
29.53.460	Combining sales tax with incor- poration	92
CHAPTER 58.	MUNICIPAL DEBT	92
Article 1.	Tax Anticipation Notes	92
29.58.010	Tax anticipation notes	93
29.58.020	Form and terms	93
29.58.030	Security	93
29.58.040	Sale of notes	93
Article 2.	Bond Anticipation Notes	93
29.58.060	Bond anticipation borrowing	93
29.58.070	Issuance of notes	94
29.58.080	Issuance of new notes	94
29.58.090	Repayment of notes	94
29.58.100	Security	95
29.58.110	Limitation	95
29.58.120	Use of proceeds	95
29.58.130	Sale of notes	95
Article 3.	General Obligation Bonds	95
29.58.150	General obligation bonds	95
29.58.160	Vote and notice of existing in- debtedness required	95
29.58.170	Form and terms of sale	96
29.58.180	Payment	96
Article 4.	Revenue Bonds	97
29.58.200	Revenue bonds	97

29.58.205	No election required	97
29.58.210	Form and terms	97
29.58.220	Payment.	97
Article 5.	Refunding Bonds.	98
29.58.240	Authorization.	98
29.58.250	Effect of bonds.	98
29.58.260	No election required	98
29.58.270	Payment of refunding bonds	99
29.58.280	Sale	99
Article 6.	Miscellaneous Provisions	99
29.58.300	Public sale.	99
29.58.310	Interest rate.	99
29.58.320	Redemption before maturity	100
29.58.330	Fiscal advisor prohibited from bidding	100
29.58.340	Indebtedness.	100
29.58.350	Application of chapter.	100
CHAPTER 63.	SPECIAL ASSESSMENTS AND SERVICE AREAS.	100
Article 1.	Special Assessments.	100
29.63.010	Assessment and proposal.	100
29.63.020	Decision and notice.	101
29.63.030	Objections and Revision	101
29.63.040	Assessment and roll.	102
29.63.050	Hearing and settlement	102
29.63.060	Payment.	102
29.63.070	Reassessment	103
Article 2.	Service Areas.	103
29.63.090	Service areas.	103
CHAPTER 68.	ALTERATION OF BOUNDARIES	104
Article 1.	Annexation and Exclusion	104
29.68.010	Annexation and exclusion	104
Article 2.	Merger and Consolidation	105
29.68.030	Methods of merger or consolida- tion	105
29.68.040	Petition	105
29.68.050	Review	106
29.68.060	Investigation.	106
29.68.070	Report and hearing	106
29.68.080	Decision	106
29.68.090	Election	107
29.68.100	Assets and liabilities	107
29.68.110	Ordinances	108

Article 3.	Dissolution.	108
29.68.130	Methods of dissolution	108
29.68.140	Petition	108
29.68.150	Standards.	109
29.68.160	Review	109
29.68.170	Investigation.	109
29.68.180	Report and hearing	109
29.68.190	Decision	110
29.68.200	Election	110
29.68.210	Succession	110
CHAPTER 73.	MISCELLANEOUS PROVISIONS	110
29.73.010	Actionable claims against a muni- cipality	110
29.73.015	Undertaking.	111
29.73.020	Eminent Domain	111
29.73.030	Adverse Possession	111
CHAPTER 78.	GENERAL PROVISIONS	112
29.78.010	Definitions.	112

Original Sponsor: Rules Committee
by request of the Legislative Council

Offered: 3/14/66
Referred: Judiciary

1 IN THE SENATE BY THE LOCAL GOVERNMENT COMMITTEE

2 2d CS FOR SENATE BILL NO. 101

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to revise and codify the law relat-
7 ing to cities and boroughs."

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

9 * Section 1. AS 29 and 7 are repealed and re-enacted to read:

10 TITLE 29. MUNICIPAL GOVERNMENT.

11 CHAPTER 3. THE UNORGANIZED BOROUGH.

12 Sec. 29.03.010. ESTABLISHMENT. Areas of the state
13 which are not within the boundaries of an organized borough
14 constitute a single unorganized borough.

15 Sec. 29.03.020. SERVICE AREAS. Allowing for maximum
16 local participation, the legislature may establish, alter,
17 or abolish service areas within the unorganized borough to
18 provide special services, which may include but are not
19 limited to schools, utilities, land use regulations, and
20 fire protection. A new service area shall not be established
21 if the new service can be provided by an existing service
22 area, by incorporation as a city, or by annexation to a city.

23 CHAPTER 8. CLASSIFICATION OF MUNICIPALITIES.

24 Sec. 29.08.010. HOME RULE. A "home rule municipality"
25 is a municipal corporation and is a borough of the first
26 class or city of the first class which has adopted a home
27 rule charter. It has all legislative powers not prohibited
28 by law or charter.

29 Sec. 29.08.020. GENERAL LAW. A "general law municipi-

1 pality" is a municipal corporation and is an unchartered
2 borough or city. It has legislative powers conferred by law.

3 Sec. 29.08.030. CLASSES OF GENERAL LAW. General law
4 municipalities are of four classes:

- 5 (1) first class boroughs,
6 (2) second class boroughs,
7 (3) first class cities,
8 (4) second class cities.

9 Sec. 29.08.040. RECLASSIFICATION. (a) A second class
10 city outside an organized borough is reclassified as a first
11 class city under AS 29.18.130 when its population reaches 400
12 permanent residents. A second class city within an organized
13 borough may be reclassified as a first class city in the man-
14 ner provided in AS 29.33.270 - 29.33.290 for the addition of
15 powers by boroughs if the Local Affairs Agency determines
16 from the best figures available that the population of the
17 city has reached 400 permanent residents.

18 (b) A second class borough may reclassify as a first
19 class borough in the manner provided by AS 29.33.270 - 29.33.
20 290 for the addition of powers by boroughs. Instead of
21 requesting the addition of powers, the petition or proposal
22 requests reclassification.

23 Sec. 29.08.050. TRANSITION. (a) Upon the effective
24 date of this Act, second and third class cities incorporated
25 before the effective date of this Act and having 400 or
26 more permanent residents are reclassified as first class
27 cities.

28 (b) Upon the effective date of this Act, fourth class
29 cities incorporated before the effective date of this Act

1 are reclassified as second class cities subject to reclassi-
2 fication under sec. 40 of this chapter.

3 (c) Upon the effective date of this Act, second and
4 third class cities incorporated prior to the effective date
5 of this Act and having fewer than 400 permanent residents
6 shall have the same powers and duties as they had prior to
7 the effective date of this Act until such time as their
8 classification is determined under (d) of this section.

9 (d) The Local Boundary Commission shall, within two
10 years of the effective date of this chapter, hold a public
11 hearing in each city which was first, second, or third class
12 on the effective date of this chapter and whose population
13 is under 400 permanent residents. The commission shall
14 determine in each case whether the city should be classified
15 as first or second class under the new classification. The
16 commission decision must be published at least once. If no
17 objection is filed by a resident of the city within 60 days,
18 the classification recommended by the commission becomes
19 effective on the 61st day. If an objection is filed by a
20 resident of the city, the commission shall submit its
21 recommendation to the legislature in the manner provided for
22 submission of boundary changes in sec. 12, art. 10 of the
23 state constitution.

24 CHAPTER 13. HOME RULE MUNICIPALITIES.

25 ARTICLE 1. CHARTERS.

26 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. A first
27 class municipality may adopt a charter for its own government.
28 A home rule municipality may amend its charter or adopt a
29 new one. A charter is framed by a charter commission of

1 seven members chosen by the municipal voters at a regular or
2 special election. A candidate for the commission must be a
3 voter of the municipality. A charter commission election is
4 called by filing a petition with the borough assembly or
5 the city council. The petition must be signed by a number
6 of municipal voters equal to 10 per cent of the votes cast
7 in the last regular election.

8 Sec. 29.13.020. NOMINATION. Charter commission candi-
9 dates are nominated by petitions signed by 50 voters or a
10 number of municipal voters equal to 10 per cent of the
11 number of votes cast in the last regular election, whichever
12 is less.

13 Sec. 29.13.030. ELECTION. At the charter commission
14 election, the voters consider the question "Shall a charter
15 commission be elected to frame a proposed new charter?" and
16 select the members of the commission. If the question is
17 approved, the seven candidates receiving the highest number
18 of votes shall immediately organize as a charter commission.

19 Sec. 29.13.040. PREPARATION OF CHARTER. The charter
20 commission shall, within one year, prepare a municipal
21 charter. The proposed charter must be signed by a majority
22 of the charter commissioners and filed in the office of the
23 municipal clerk. Within 15 days, the borough assembly or
24 city council shall have the charter published once in a
25 newspaper of general circulation. The clerk shall post
26 copies of the proposed charter in at least three public
27 places and make copies available at the office of the clerk.
28 The commission shall give published notice of and hold at
29 least one public hearing on the proposed charter prior to

1 signing and filing of the charter.

2 Sec. 29.13.050. INITIATIVE AND REFERENDUM. (a) Muni-
3 cipal charters shall provide for the initiative and refer-
4 endum, subject to the restrictions of sec. 7, art. XI, of
5 the state constitution.

6 (b) A charter shall not require an initiative or
7 referendum petition to have a number of signatures greater
8 than 25 per cent of the total votes cast at the last regular
9 municipal election.

10 Sec. 29.13.060. CHARTER ELECTION. The charter is sub-
11 mitted to the municipal voters at a regular or special
12 election held not less than 30 days nor more than 90 days
13 from the publication of the charter.

14 Sec. 29.13.070. CHARTER ADOPTION. If a majority of
15 those voting on the question favor the proposed charter, it
16 becomes the organic law of the municipality. Thereafter the
17 court shall take judicial notice of the charter. The muni-
18 cipality shall file the indicated number of copies of the
19 charter with the

- 20 (1) secretary of state - two copies,
21 (2) Local Affairs Agency - two copies,
22 (3) district recorder - one copy,
23 (4) municipal clerk - one copy.

24 Sec. 29.13.080. CHARTER AMENDMENT. A municipal charter
25 is amended as provided in the charter or by initiative as
26 provided in AS 29.28.100, provided that no amendment is
27 effective unless ratified by the voters.

28 ARTICLE 2. HOME RULE LIMITATIONS.

29 Sec. 29.13.100. LIMITATION OF HOME RULE POWERS. The

1 following provisions apply as indicated in the provisions to
2 home rule municipalities, which are prohibited from acting
3 otherwise than as provided. They supersede existing and
4 prohibit future home rule enactments which provide otherwise:

- 5 (1) AS 29.13.080 (charter amendment)
- 6 (2) AS 29.23.020 (apportionment of borough assem-
7 bly)
- 8 (3) AS 29.23.030 - 29.23.050 (election, term, and
9 qualifications of assemblymen)
- 10 (4) AS 29.23.060(f) (assembly voting on areawide
11 functions)
- 12 (5) AS 29.23.090 (assembly reapportionment)
- 13 (6) AS 29.23.130 - 29.23.140 (borough executive)
- 14 (7) AS 29.23.200 (city council composition and
15 eligibility, election, and term of council members)
- 16 (8) AS 29.23.250(a) (eligibility for mayor)
- 17 (9) AS 29.23.310 (school board composition and
18 eligibility, election, and term of board members)
- 19 (10) AS 29.23.395 (police chief)
- 20 (11) AS 29.23.540 (prohibitions respecting appoint-
21 ment and removal of personnel)
- 22 (12) AS 29.23.560 (municipal reports)
- 23 (13) AS 29.23.580 (meetings public)
- 24 (14) AS 29.28.010 - 29.28.012 and AS 29.28.020 -
25 29.28.035 (municipal elections)
- 26 (15) AS 29.28.130 - 29.28.250 (recall)
- 27 (16) AS 29.33.010 - 29.33.245 (areawide borough
28 powers)
- 29 (17) AS 29.43.020 - 29.28.080 (powers of cities

- 1 outside boroughs)
- 2 (18) AS 29.48.037 (extraterritorial jurisdiction)
- 3 (19) AS 29.48.040 (municipally-owned utilities)
- 4 (20) AS 29.48.130 (acts required to be by ordi-
- 5 nance)
- 6 (21) AS 29.48.210 (expenditure of borough revenue)
- 7 (22) AS 29.48.220 (post audit)
- 8 (23) AS 29.53.010 - 29.53.400 (borough and city
- 9 property tax)
- 10 (24) AS 29.53.440 - 29.53.450 (sales and use
- 11 taxes of cities within boroughs)
- 12 (25) AS 29.58.010 - 29.58.350 (municipal debt)
- 13 (26) AS 29.63.090 (borough service areas)
- 14 (27) AS 29.68.010 - 29.68.210 (municipal annexa-
- 15 tion, exclusion, merger, consolidation and dissolution)
- 16 (28) AS 29.73.010 - 29.73.030 (actionable claims,
- 17 eminent domain, and adverse possession)

18 CHAPTER 18. INCORPORATION.

19 ARTICLE 1. REQUIREMENTS.

20 Sec. 29.18.010. FIRST CLASS CITIES. (a) Except as pro-

21 vided in (c) of this section, a community having 400 or more

22 permanent residents and lying outside an organized borough

23 shall petition for incorporation as a first class city.

24 (b) A community having 400 or more permanent residents

25 and lying within an organized borough may petition for in-

26 corporation as a first class city.

27 (c) An Indian community having 400 or more permanent

28 residents which is located on an Indian reserve or reserva-

29 tion and which maintains a municipal or community government

1 under a constitution approved by the Secretary of the Interior
2 may petition for incorporation as a first class city.

3 Sec. 29.18.020. SECOND CLASS CITIES. A community hav-
4 ing at least 50 permanent residents may incorporate as a
5 second class city.

6 Sec. 29.18.030. ORGANIZED BOROUGHES. An area may in-
7 corporate as an organized borough if it conforms to the
8 following standards.

9 (1) The population of the area is interrelated
10 and integrated as to its social, cultural, and economic
11 activities, and is large and stable enough to support
12 organized borough government.

13 (2) The boundaries of the proposed borough
14 conform generally to natural geography and include all areas
15 necessary for full development of local services.

16 (3) The economy encompasses a trading area with
17 human and financial resources capable of providing local
18 services. Evaluation of an area's economy includes land use,
19 property valuations, total economic base, total personal
20 income, resource and commercial development, anticipated
21 functions, expenses, and income of the proposed borough.

22 (4) Land, water, and air transportation facili-
23 ties allow the communication and exchange necessary for the
24 development of integrated local government.

25 ARTICLE 2. PROCEDURES.

26 Sec. 29.18.050. PETITION. Municipal incorporation is
27 proposed by filing a petition with the Local Affairs Agency.
28 The petition includes the following information about the
29 proposed municipality:

- 1 (1) class,
- 2 (2) name,
- 3 (3) boundaries,
- 4 (4) composition and apportionment of the borough
- 5 assembly or city council,
- 6 (5) for a first class borough, a designation of
- 7 areawide powers to be exercised,
- 8 (6) for a second class borough, a designation of
- 9 areawide powers to be exercised and of powers to be exercised
- 10 in the area outside cities only,
- 11 (7) maps, documents, and other information requir-
- 12 ed by the Local Affairs Agency to show that the proposed
- 13 municipality meets the standards for incorporation,
- 14 (8) for first class city incorporation, the
- 15 signature and resident address of 50 voters,
- 16 (9) for second class city incorporation, the
- 17 signature and resident address of 10 voters,
- 18 (10) for borough incorporation, the signature and
- 19 resident address of 15 per cent of the voters based on the
- 20 number who voted in the area in the last general election.
- 21 Sec. 29.18.060. REVIEW. The Local Affairs Agency shall
- 22 review petitions for content and signatures and shall return
- 23 deficient petitions for correction or completion.
- 24 Sec. 29.18.070. INVESTIGATION. (a) If the petition
- 25 contains the required information and signatures, the Local
- 26 Affairs Agency shall investigate the proposal. It may use
- 27 U. S. Census Bureau Reports or other reliable information to
- 28 determine most accurately the population of the proposed
- 29 municipality.

1 (b) The agency may combine petitions for incorporation
2 from the same general area.

3 Sec. 29.18.080. REPORT AND HEARING. (a) The Local
4 Affairs Agency shall report its findings to the Local Boundary
5 Commission with its recommendations regarding the incorpora-
6 tion.

7 (b) The Local Boundary Commission shall hold at least
8 one public hearing in the area proposed to be incorporated
9 for the purpose of gauging public sentiment on the incorpora-
10 tion proposal.

11 Sec. 29.18.090. DECISION ON BOROUGH INCORPORATION. (a)
12 If the Local Boundary Commission determines that a proposed
13 borough fails to meet the standards for incorporation, it
14 shall reject the petition. If the commission determines that
15 the proposed borough meets the standards, it shall accept the
16 petition. If the commission determines that the proposed
17 boundaries can be altered to meet the standards, it may change
18 the boundaries and accept the petition. The decision may be
19 appealed under the Administrative Procedure Act (AS 44.62).

20 (b) The commission may recommend additional areawide
21 powers for a proposed borough.

22 Sec. 29.18.100. DECISION ON CITY INCORPORATION. (a)
23 If the Local Boundary Commission determines that proposed
24 city boundaries are too restrictive or too expansive for
25 efficient local government, it may alter the boundaries and
26 accept the petition.

27 (b) The commission may reject a petition for incorpora-
28 tion of a city lying within a borough if it determines that
29 desired municipal services can be more practically and

1 economically provided by the borough or by annexation to an
2 existing city.

3 (c) Commission decisions under this section may be
4 appealed under the Administrative Procedure Act (AS 44.62).

5 Sec. 29.18.110. INCORPORATION ELECTION. (a) The Local
6 Boundary Commission shall immediately notify the secretary
7 of state of its acceptance of an incorporation petition.
8 Within 30 days after notification, the secretary of state
9 shall order an election in the proposed municipality to
10 determine whether the voters desire incorporation. The elec-
11 tion is held not less than 30 nor more than 90 days after
12 the date of the election order. The election order must
13 specify the dates during which nomination petitions may be
14 filed.

15 (b) An Alaska voter who is a resident of the area
16 within the proposed municipality may vote.

17 (c) Areawide borough powers recommended by the Local
18 Boundary Commission are placed on the ballot so that each is
19 voted on separately. The adoption of an added areawide power
20 requires a majority of the votes cast on the question. Area-
21 wide powers included in the incorporation petition are
22 considered to be part of the incorporation question. In an
23 election for the incorporation of a second class borough,
24 each power to be exercised outside cities only is placed
25 separately on the ballot. Adoption of the power requires a
26 majority of the votes cast on the question, and the vote is
27 limited to the voters residing outside cities.

28 (d) The secretary of state shall supervise the election
29 in the general manner prescribed by the Alaska Election Code

1 (AS 15.05 - 15.60). The state shall pay all election costs
2 under this section.

3 Sec. 29.18.120. ELECTION OF INITIAL OFFICERS. (a) If
4 incorporation is approved, the secretary of state shall,
5 within 10 days of certification, order an election to choose
6 an initial slate of officers. The election is held not less
7 than 60 nor more than 90 days after the date of the election
8 order.

9 (b) Nominations for initial officers are made by
10 petition. The petition is in the form prescribed by the
11 secretary of state and includes the name and address of the
12 nominee and a statement of the nominee that he is qualified
13 under the provisions of this title for the office that he
14 seeks. A person may file for and occupy more than one office,
15 but he may not serve simultaneously as borough chairman and
16 as a member of the borough assembly or as mayor and as a
17 member of the council of a first class city. Petitions to
18 nominate officers of a second class city must include the
19 signature and resident address of 10 voters in the area of
20 the proposed city. Petitions to nominate borough assembly-
21 men must include the signature and resident address of 50
22 voters who are residents of the proposed borough in the area
23 outside first class cities. Petitions to nominate other
24 municipal officers must include the signature and resident
25 address of 50 voters in the area of the proposed municipality.

26 (c) The secretary of state shall supervise the election
27 in the general manner prescribed by the Alaska Election Code
28 (AS 15.05 - 15.60). The municipality shall not be required
29 to reimburse the state for the election costs.

1 (d) Elected municipal officials take office on the first
2 Monday following certification of their election. Borough
3 assembly members representing first class cities are appointed
4 by the city council and serve until the first Tuesday of the
5 following October and until their successors are elected and
6 have qualified. All other elected municipal officials serve
7 until the first regular election occurring after they have
8 served two years in office and until their successors are
9 elected and have qualified.

10 Sec. 29.18.130. MANDATORY INCORPORATION. If the Local
11 Affairs Agency considers that a community of second class city
12 lying outside an organized borough has a population of 400
13 or more permanent residents, but the community or city has
14 failed to petition for incorporation or reclassification as
15 a first class city as required by sec. 010 of this chapter,
16 the agency shall determine as accurately as possible the
17 actual population. If a community's population is 400 or
18 more permanent residents, the agency shall notify the Local
19 Boundary Commission, which shall hold a public hearing in
20 the community to consider boundaries. When the commission
21 had defined boundaries, it shall notify the secretary of
22 state, who shall within 10 days order an election under sec.
23 120 of this chapter. The incorporation becomes effective on
24 the day the election of officers is certified. If a second
25 class city's population is 400 or more permanent residents,
26 the agency shall so notify the city council. The reclassifi-
27 cation becomes effective at the next regular election.

28 Sec. 29.18.140. INTEGRATION OF SPECIAL DISTRICTS AND
29 SERVICE AREAS. Special service districts and service areas

1 in a newly incorporated borough or city shall be integrated
2 into the borough or city within two years after the date of
3 incorporation. On integration, the borough or city succeeds
4 to all the rights, powers, duties, assets and liabilities of
5 the districts and service areas. After integration, the
6 borough assembly or city council may exercise within a former
7 district or service area all of the rights and powers held by
8 the former district or service area at the time of integration,
9 and may levy and collect special charges, taxes, or assess-
10 ments to amortize bonded indebtedness incurred by the district
11 or service area or by a borough or city as successor to the
12 district or service area. No less than all property in the
13 district or service area at the time the bonds were issued
14 remains subject to taxation to pay the principal of and
15 interest on the bonds. The provisions of this section shall
16 apply to all organized boroughs whether incorporated or
17 organized prior to or after the effective date of this Act.

18 Sec. 29.18.150. TRANSITION. (a) The powers and
19 functions exercised by cities, service areas, and special
20 districts which are succeeded to by a newly incorporated
21 borough or city are exercised by them until the new borough
22 or city assumes the powers and functions, which may not
23 exceed two years after the date of incorporation. Ordinances,
24 rules, resolutions, procedures, and orders in effect before
25 the transfer remain in effect until superseded by the action
26 of the new borough or city.

27 (b) The borough or city shall give written notice of
28 its assumption of the powers, duties, and other items
29 enumerated in secs. 140 - 150 of this chapter, to the city,

1 service area, or special district concerned before the assump-
2 tion. Borough or city officials shall consult with the
3 officials of the city, service area, or special district
4 concerned and arrange an orderly transfer.

5 (c) After the incorporation of a new borough or city,
6 no service area or special district within it may assume new
7 bonded indebtedness, make any contract; or transfer any
8 assets without the consent of the assembly or council.

9 Sec. 29.18.160. CHALLENGE OF LEGALITY. No person may
10 challenge the formation of a municipality except within six
11 months of the date of its incorporation.

12 ARTICLE 3. BOROUGH TRANSITIONAL ASSISTANCE.

13 Sec. 29.18.180. ORGANIZATION GRANTS. (a) For the
14 purpose of defraying the cost of transition to borough
15 government and in order to provide for development and
16 interim governmental operations, each organized borough is
17 entitled to an organization grant equal to \$10 for every
18 voter in the borough who voted in the last general election.
19 However, each borough is entitled to at least \$25,000.

20 (b) The Local Affairs Agency shall determine, within
21 30 days after the date of incorporation of a borough, the
22 number of voters in the borough who voted in the last general
23 election.

24 (c) Within 30 days after the completion of its findings,
25 or as soon thereafter as money is appropriated to it for the
26 purpose, the Local Affairs Agency shall transmit to the
27 borough the total amount of money to which the borough is
28 entitled.

29 Sec. 29.18.190. STATE LANDS. A borough may select 10

1 per cent of the vacant, unappropriated, unreserved state
2 lands located within its boundaries within five years after
3 the date of availability of state lands in the borough.
4 Nothing in this section affects a valid existing claim, loca-
5 tion, or entry under the laws of the state or the United
6 States whether for homestead, mineral, right-of-way or other
7 purpose or affects the rights of an owner, claimant, locator,
8 or entryman to the full use and enjoyment of the land so
9 occupied.

10 Sec. 29.18.200. SELECTION PROCEDURE. (a) All selec-
11 tions must be made in reasonably compact tracts, taking into
12 account the situation and potential uses of the lands in-
13 volved. The authority to make selections may not be alienated
14 or bargained away, in whole or in part, by the borough.

15 (b) If lands desired by the borough are unsurveyed at
16 the time of their selection, the Department of Natural
17 Resources shall survey the exterior boundaries of the area
18 requested without interior subdivision and shall issue a
19 patent for the selected area in terms of the exterior boundary
20 survey. The cost of survey is borne by the borough. If
21 lands desired by the borough have been surveyed at the time
22 of their selection, the boundaries of the areas requested
23 must conform to the public land subdivisions established by
24 the approval of the survey. Lands selected by the borough
25 under this chapter are patented to the borough by the
26 Department of Natural Resources.

27 (c) After the selection of the lands by the borough
28 but before the issuance of final patent, the borough may
29 execute conditional leases and make conditional sales of

1 selected lands.

2 CHAPTER 23. MUNICIPAL OFFICERS AND EMPLOYEES.

3 ARTICLE 1. BOROUGH ASSEMBLY.

4 Sec. 29.23.010. GENERAL POWER. The legislative power
5 of a borough is vested in the assembly.

6 Sec. 29.23.020. STANDARDS FOR COMPOSITION AND APPORTION-
7 MENT. (a) The assembly of a home rule or a general law
8 borough is composed according to the following standards.

9 (1) If there is no first class city within the
10 borough, the assembly is composed of the number of seats
11 shown on the following table:

12	Population	Assembly Seats
13	under 6,000	5
14	6,000-12,000	7
15	12,001-30,000	9
16	over 30,000	11

17 (2) If there is one first class city in the
18 borough, the assembly is composed of at least two assemblymen
19 from the first class city.

20 (b) The assembly seats are apportioned as follows:
21 Except as provided in (a)(2) of this section, each first
22 class city has the number of seats designated in the follow-
23 ing table, unless a lesser number is approved by a resolution
24 of the council of the city concerned:

25	Population	Assembly Seats
26	under 2,000	1
27	2,000- 6,000	2
28	6,001-12,000	3
29	12,001-30,000	4

1
2
3
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

over 30,000 5

(c) The area outside first class cities within the borough has a number of assemblymen equal to one more than the total number of all assemblymen who represent first class cities.

Sec. 29.23.030. ELECTION. Assemblymen representing a first class city are directly elected by city voters to dual council-assembly seats. The council shall designate by ordinance those council seats which are to be dual council-assembly seats. The designation shall be clearly indicated on the ballot. Assemblymen representing the area outside first class cities are elected from and by the voters residing outside the first class cities. The present terms of city councilmen serving on borough assemblies are not affected by this section. This section applies to home rule and general law municipalities.

Sec. 29.23.040. REGULAR TERM OF OFFICE. In home rule and general law boroughs an election is held every year on the first Tuesday of October to choose assemblymen from outside first class cities for staggered two-year terms. The regular term begins on the first Monday following the regular borough election. The assembly may provide for different terms by ordinance, but they must be staggered and none may exceed four years.

Sec. 29.23.050. QUALIFICATIONS. A resident of a home rule or general law borough is eligible to be an assemblyman if he is a borough voter. An assemblyman who ceases to be a borough voter immediately forfeits his office. If an assemblyman elected from an area outside first class cities

1 becomes a resident of a first class city, he may continue to
2 serve only until the next regular election.

3 Sec. 29.23.060. PROCEDURE. (a) The assembly shall
4 meet at least once every two months. Special meetings may
5 be held on the call of the chairman, the presiding officer,
6 or one-third of the members, upon no less than 24 hours
7 written or oral notice communicated to each member.

8 (b) The assembly shall elect from among its members a
9 presiding officer and a deputy presiding officer to serve at
10 its pleasure. If the presiding officer is not present or
11 disqualifies himself, the deputy presiding officer shall pre-
12 side.

13 (c) The assembly shall determine its own rules and
14 order of business and provide for keeping a journal of its
15 proceedings.

16 (d) A majority of the membership authorized by law
17 constitutes a quorum. Actions of the assembly are adopted by
18 a majority of the votes authorized on the question. All
19 assemblymen present shall vote unless the assembly for special
20 reasons permits a member to abstain.

21 (e) The final vote on each ordinance, resolution, or
22 substantive motion is a recorded roll call vote.

23 (f) When the assembly of a home rule or general law
24 borough votes on an ordinance or resolution in exercising
25 an areawide power and when it votes on the areawide budget,
26 the votes are weighted to enable the assemblymen who repre-
27 sent a majority of the borough's population to have a major-
28 ity of the votes. Weighted voting shall apply to all votes
29 affecting the final outcome of the ordinance or resolution.

1 (1) The weight to be given to each vote cast by
2 the assemblymen present and voting who represent a first class
3 city which has a majority of the population is determined by
4 dividing the number of all assembly seats apportioned to the
5 area outside the city plus one by the number of seats appor-
6 tioned to the city.

7 (2) The weight to be given to each vote cast by
8 assemblymen present and voting who represent first class
9 cities which have a combined majority of the borough's popu-
10 lation is determined by dividing the number of all assembly
11 seats apportioned to the area outside cities plus one by the
12 number of all assembly seats apportioned to the first class
13 cities.

14 (3) If the area outside first class cities has the
15 majority of the borough's population, each assemblyman present
16 and voting has one vote.

17 (4) Fifty voters in a borough may petition the
18 assembly or the Local Affairs Agency, or the assembly may
19 petition the agency, to determine from U. S. Census Bureau
20 reports or other reliable information whether the votes of the
21 assemblymen representing a first class city or cities shall
22 be weighted. The petition shall contain evidence to indicate
23 that weighted voting should or should not be used. A deter-
24 mination by the Local Affairs Agency prevails over one by the
25 assembly. A determination by either the assembly or the
26 agency is effective immediately, subject to judicial review
27 for abuse of discretion.

28 Sec. 29.23.070. DEPARTMENTS. (a) The assembly may
29 establish departments and distribute administrative functions

1 among them.

2 (b) Each department is administered by a department
3 head. With the consent of the assembly, the chairman may
4 serve as the head of one or more departments or may appoint
5 one person as the head of two or more departments.

6 Sec. 29.23.080. FILLING VACANCIES. (a) A vacancy in
7 the city council representation on the assembly is filled by
8 a councilman designated by the council to serve until the
9 next regular election.

10 (b) A vacancy in the representation for the area out-
11 side a first class city is filled by the assemblymen repre-
12 senting the area outside first class cities, who designate a
13 voter residing outside first class cities, and if there are
14 borough sections established, a resident of the borough
15 section from which he will serve, to serve until the next
16 regular election.

17 (c) A vacancy in the representation of a borough sec-
18 tion, established under sec. 100 of this chapter, is filled
19 by the assemblymen representing the area outside first class
20 cities, who designate a voter from the section affected by
21 the vacancy to serve until the next regular election.

22 Sec. 29.23.090. REAPPORTIONMENT. (a) The assembly
23 may be reapportioned by either of the following methods:

24 (1) The assembly shall reapportion itself when
25 the apportionment does not meet the standards provided in
26 sec. 20 of this chapter. The proposal must be submitted to
27 the Local Affairs Agency for review.

28 (2) Fifty voters in a borough may petition the
29 assembly or the Local Affairs Agency to reapportion the

1 assembly. The petition must include evidence that the appor-
2 tionment of the assembly does not meet the prescribed standards.
3 If it is found from U. S. Census Bureau reports or other
4 reliable information that the standards are not met, the
5 assembly or the Local Affairs Agency shall reapportion the
6 assembly. A reapportionment by the Local Affairs Agency
7 prevails over one by an assembly. Reapportionment by the
8 assembly or the agency is subject to judicial review for
9 abuse of discretion.

10 (b) The reapportionment is effective beginning with the
11 next regular election to the assembly. If reapportionment
12 results in an increase of representation on the assembly, the
13 assembly may determine that the reapportionment is effective
14 before the next regular election. If the assembly makes this
15 determination, the additional seats are filled as prescribed
16 in sec. 80(a) and (b) of this chapter for filling vacancies,
17 except that additional seats outside first class cities may
18 be filled without regard to sections.

19 (c) This section applies to home rule and general law
20 boroughs.

21 Sec. 29.23.100. BOROUGH SECTIONS. (a) The borough
22 assembly may, by ordinance adopted without weighted voting,
23 establish, alter, or abolish sections for the election of
24 assemblymen in the area outside first class cities, except
25 that sections may not be abolished unless a majority of the
26 assemblymen outside first class cities approve. If it
27 establishes sections, members representing the area outside
28 first class cities represent the sections in which they
29 reside. The ordinance must state whether assemblymen are

1 elected by all voters outside first class cities or only by
2 the voters of the section in which they reside. The number
3 of sections equals the number of assemblymen representing the
4 area outside first class cities. Section boundaries are
5 established in such a way as to provide, insofar as possible,
6 clarity of boundaries, compactness of area, equal voter
7 representation among sections, and homogeneity of interest.
8 A section may not have a number of voters which is less than
9 85 per cent that of any other section, as determined from
10 the records of the last general election.

11 (b) Borough sections shall be reapportioned in the
12 manner prescribed in sec. 90 of this chapter for reapportion-
13 ment of the assembly.

14 Sec. 29.23.110. BOROUGH ZONES. (a) The assembly may
15 by ordinance establish, alter, or abolish zones for the
16 election of school board members. If the assembly establishes
17 zones, school board members represent the zones in which they
18 reside. Voters may vote upon the candidacy of all candidates,
19 but candidates from each zone run only against other candi-
20 dates from the same zone. The number of zones equals the
21 number of school board members. No zone may have a popula-
22 tion which is less than 85 per cent that of any other zone.

23 (b) Borough zones shall be reapportioned in the manner
24 prescribed in sec. 90 of this chapter for reapportionment of
25 the assembly.

26 ARTICLE 2. BOROUGH EXECUTIVE.

27 Sec. 29.23.130. EXECUTIVE POWER. (a) The executive
28 and administrative power of the borough is vested in an
29 elected chairman or in an appointed manager.

1 (b) A voter of a home rule or general law borough is
2 eligible to be borough chairman.

3 (c) The chairman's regular term of office is two years
4 and begins on the first Monday following his election which
5 is held the first Tuesday of October. The assembly may pro-
6 vide by ordinance for a different term not to exceed four
7 years, except that the current term of the incumbent chairman
8 may not be altered.

9 (d) A borough may adopt or abandon a manager plan at any
10 time as provided in secs. 410 - 480 of this chapter. The
11 chairman may not veto an ordinance or resolution calling for
12 an election on this question. The manager has all the powers
13 and duties of the chairman except that he has no veto power.
14 There is no elected chairman if the manager plan is adopted,
15 except that the chairman retains his office and the manager
16 plan is not effective until the first regular election
17 occurring at least six months after the manager plan is
18 adopted.

19 (e) This section applies to home rule and general law
20 boroughs.

21 Sec. 29.23.140. POWERS AND DUTIES OF BOROUGH EXECUTIVE.

22 (a) The borough executive, as the chief administrative
23 officer, is responsible for the proper administration of all
24 borough affairs. The executive of a home rule or general
25 law borough shall

26 (1) appoint borough employees and administrative of-
27 ficers, except as provided otherwise in sec. 360 of this chap-
28 ter and AS 29.33.050; he may hire necessary administrative as-
29 sistants and may authorize an appointive administrative officer

1 to appoint, suspend, or remove subordinates in his department;

2 (2) suspend or remove by written order borough
3 employees and administrative officers, except as provided
4 otherwise in sec. 360 of this chapter and AS 29.33.050;

5 (3) supervise enforcement of borough law;

6 (4) prepare the annual budget and capital improve-
7 ments program for the assembly;

8 (5) execute the budget and capital improvement
9 program as adopted;

10 (6) make monthly reports to the assembly on
11 borough finances and operations;

12 (7) report to the assembly at the end of each
13 fiscal year on the finances and administrative activities of
14 the borough;

15 (8) prepare and make available for public distri-
16 bution an annual report on borough affairs;

17 (9) serve as borough personnel officer, unless the
18 assembly authorizes him to appoint a personnel officer;

19 (10) direct and supervise the administration of:

20 (A) the functions of all borough officers and
21 employees except as provided otherwise under this title;

22 (B) the care and custody of all borough
23 buildings and of all real and personal property of the
24 borough, except as provided otherwise by AS 29.33.050;

25 (C) the construction, maintenance, and opera-
26 tion of all borough roads, bridges, drains, buildings,
27 and other public works;

28 (11) execute other powers or duties specified in
29 this title or lawfully prescribed by the assembly.

1 Sec. 29.23.150. EXECUTIVE ABSENCE. The assembly pre-
2 siding officer shall act as chairman during the chairman's
3 temporary absence or disability. If a manager plan has been
4 adopted, the assembly shall designate by resolution a borough
5 administrative officer to act as manager during his absence
6 or disability.

7 Sec. 29.23.160. ASSEMBLY PARTICIPATION. The chairman
8 may take part in the discussion of all matters before the
9 assembly but may not vote.

10 Sec. 29.23.170. VETO. (a) Except as provided in (b)
11 of this section, the chairman may veto any ordinance, reso-
12 lution, motion or other action of the assembly and may, by
13 veto, strike or reduce items in appropriation ordinances.
14 He shall submit to the assembly at its next regular meeting
15 a written statement advising of his veto and giving his
16 reasons. His veto may be overridden by three-fourths of all
17 the votes to which the assembly is entitled on the question.

18 (b) The chairman may not veto actions of the assembly
19 taken under sec. 130(d) of this chapter or actions of the
20 board of equalization and the board of adjustment.

21 Sec. 29.23.180. FILLING A VACANCY. A vacancy in the
22 office of chairman occurring within six months of a regular
23 election shall be filled by the assembly. The person
24 designated shall serve until the next regular election. If
25 an assemblyman is chosen he shall resign his assembly seat.
26 If a vacancy occurs more than six months before a regular
27 election the assembly shall call a special election to fill
28 the unexpired term.

29 ARTICLE 3. CITY COUNCIL.

1 Sec. 29.23.200. COMPOSITION, ELIGIBILITY, ELECTION,
2 AND TERM. (a) Each first class city has a council of six
3 members elected by the voters at large. Each second class
4 city has a council of seven members elected by the voters at
5 large.

6 (b) A city voter is eligible to hold the office of
7 councilman.

8 (c) An election is held every year on the first Tuesday
9 in October to choose councilmen for staggered two year terms.
10 The regular term of office begins on the first Monday follow-
11 ing the election. The council may provide by ordinance for
12 different terms not to exceed four years, except that the
13 current term of incumbent councilmen may not be altered.

14 (d) This section applies to home rule and general law
15 cities except that home rule cities may vary the number of
16 councilmen.

17 Sec. 29.23.210. PROCEDURE. (a) The council shall
18 meet at least once every month. Special meetings may be held
19 on the call of the mayor or two councilmen upon no less than
20 24 hours written or oral notice communicated to each member.

21 (b) The council shall determine its own rules and order
22 of business and provide for keeping a journal of its proceed-
23 ings.

24 (c) Four councilmen constitute a quorum. Four affirma-
25 tive votes are required for the passage of an ordinance,
26 resolution, or motion.

27 (d) The final vote on each ordinance, resolution, or
28 substantive motion is a recorded roll call vote. All council-
29 men present shall vote unless the council for special reasons

1 permits a member to abstain.

2 Sec. 29.23.220. FILLING A VACANCY. If a vacancy occurs
3 in the council, the council shall designate a person to fill
4 the vacancy until the next regular election.

5 ARTICLE 4. CITY EXECUTIVE.

6 Sec. 29.23.240. MAYOR. Each city has a mayor who shall
7 preside at council meetings, act as ceremonial head of the
8 city, and sign documents on the city's behalf upon council
9 authorization. In cities which have not adopted a manager
10 plan the mayor is responsible for the duties listed in sec.
11 290 of this chapter.

12 Sec. 29.23.250. ELECTION AND TERM OF MAYOR. (a) A
13 voter of a home rule or general law city is eligible to hold
14 the office of mayor, except that a home rule city may pres-
15 cribe additional residency requirements by charter.

16 (b) The mayor of a first class city is elected at large
17 for a term of two years. The council may provide by ordi-
18 nance for a different term not to exceed four years, except
19 that the current term of the incumbent mayor may not be
20 altered.

21 (c) The mayor of a second class city is elected by and
22 from the council for a term equal in length to a councilman's
23 term.

24 (d) The mayor's regular term begins on the first Monday
25 following his election which is held on the first Tuesday of
26 October. The council of a second class city shall meet on
27 the first Monday after the regular election date and elect a
28 mayor who takes office immediately.

29 Sec. 29.23.260. MAYOR'S VOTE. (a) The mayor of a

1 first class city is not a council member and may vote only in
2 the case of a tie.

3 (b) The mayor of a second class city is a council mem-
4 ber and may vote on all matters.

5 Sec. 29.23.270. VETO. (a) The mayor of a first class
6 city may veto any ordinance, resolution, motion or other
7 action of the council and may, by veto, strike or reduce
8 items in appropriation ordinances. He shall submit to the
9 council at its next regular meeting a written statement
10 advising of his veto and giving his reasons. A veto is over-
11 ridden by the vote of three-fourths of the authorized member-
12 ship of the council.

13 (b) The mayor of a second class city has no veto.

14 Sec. 29.23.280. FILLING A VACANCY. (a) In first class
15 cities, a vacancy in the office of mayor occurring within six
16 months of a regular election shall be filled by the council.
17 The person designated shall serve until the next regular
18 election. If a councilman is chosen he shall resign his
19 council seat. If a vacancy occurs more than six months before
20 a regular election the council shall call a special election
21 to fill the unexpired term.

22 (b) In second class cities, a vacancy in the office of
23 mayor is filled by and from the council.

24 Sec. 29.23.290. POWERS AND DUTIES OF CITY MANAGER. If
25 the city has a manager, he is the chief executive and adminis-
26 trative officer. The manager shall

27 (1) appoint city employees and administrative
28 officers, except as provided otherwise in sec. 360 of this
29 chapter and AS 29.33.050;

1 (2) suspend or remove by written order city em-
2 ployees and administrative officers, except as provided
3 otherwise in sec. 360 of this chapter and AS 29.33.050, he
4 may hire necessary administrative assistants and may author-
5 ize any appointive administrative officer to appoint, suspend,
6 or remove subordinates in his department;

7 (3) supervise enforcement of city law;

8 (4) prepare the annual budget and capital improve-
9 ment program for the council;

10 (5) execute the budget and capital program as
11 adopted;

12 (6) make monthly financial reports to the council
13 on city finances and operations;

14 (7) report to the council at the end of each
15 fiscal year on the finances and administrative activities of
16 the city;

17 (8) prepare and make available for public distri-
18 bution an annual report on city affairs;

19 (9) serve as city personnel officer unless the
20 council authorizes him to appoint a personnel officer;

21 (10) execute other powers and duties specified in
22 this title or lawfully prescribed by the council.

23 ARTICLE 5. SCHOOL BOARDS.

24 Sec. 29.23.310. COMPOSITION, ELIGIBILITY, ELECTION,
25 AND TERM. (a) Each borough and city school district has a
26 school board of five members, except that a district with an
27 average daily membership exceeding 5,000 pupils has a board
28 of seven members. All board members are elected at large,
29 but school zones for the election of borough school boards

1 may be established, altered, or abolished as provided by sec.
2 110 of this chapter.

3 (b) A municipal voter is eligible to serve on the
4 school board.

5 (c) An election is held every year on the first Tuesday
6 of October to choose school board members for staggered three-
7 year terms. The regular term of office begins on the first
8 Monday following the election.

9 (d) This section applies to home rule and general law
10 municipalities.

11 Sec. 29.23.320. FILLING A VACANCY. If a vacancy occurs
12 in the board, the board shall designate a person to fill the
13 vacancy until the next regular election.

14 ARTICLE 6. UTILITY BOARDS.

15 Sec. 29.23.340. UTILITY BOARDS. (a) The assembly or
16 council of a municipality operating a public utility may
17 provide by ordinance for a managing board of five members and
18 define the board's powers and duties.

19 (b) Members of the board serve staggered three-year terms.
20 As determined by ordinance, they are appointed by the munici-
21 pal executive and confirmed by the assembly or council or
22 elected at a regular or special election.

23 (c) Vacancies in the board are filled by the municipal
24 executive. Executive appointments shall be confirmed by the
25 assembly or council. A person selected to fill a vacancy on
26 an elected utility board serves until the next regular elec-
27 tion. A person selected to fill a vacancy on an appointed
28 utility board serves until the expiration of the term.

29 (d) Unless otherwise provided by ordinance the board

1 shall

2 (1) choose its chairman and secretary;

3 (2) appoint the manager of the public utility for
4 a term not longer than five years and set his salary;

5 (3) formulate and enforce the general rules and
6 policies of the utility.

7 ARTICLE 7. OTHER OFFICERS AND EMPLOYEES.

8 Sec. 29.23.360. APPOINTMENT OF OFFICERS. The municipal
9 clerk, attorney, treasurer, and police chief are appointed by
10 the chief executive and administrative officer or by the
11 assembly or council, as determined by ordinance. Officers
12 serve at the pleasure of the appointing authority. Appoint-
13 ments by the chief executive are subject to confirmation by
14 the governing body.

15 Sec. 29.23.370. MUNICIPAL ATTORNEY. The municipal
16 attorney is the legal advisor of the council or assembly, the
17 school board and the other officers of the municipality. He
18 represents the municipality as attorney in civil and criminal
19 proceedings. The school board shall have the right to hire
20 independent counsel when in its judgment such is needed.

21 Sec. 29.23.380. MUNICIPAL CLERK. (a) The municipal
22 clerk shall

23 (1) give notice of the time and place of meetings
24 to the assembly or the council and to the public;

25 (2) attend meetings and keep the journal;

26 (3) arrange publication of notices, ordinances,
27 and resolutions;

28 (4) maintain and make available for public inspec-
29 tion an indexed file including the municipal ordinances, reso-

1 lutions, rules, regulations, and codes;

2 (5) attest deeds and other documents;

3 (6) perform other duties specified in this title
4 or prescribed by the chief executive or by the governing body.

5 (b) The assembly or council may combine the office of
6 clerk with that of treasurer. If the offices are combined,
7 the clerk shall, as required of the treasurer, give his bond
8 to the municipality for the faithful performance of his duties
9 as clerk-treasurer.

10 Sec. 29.23.390. MUNICIPAL TREASURER. (a) The treasurer
11 is the custodian of all municipal funds. He shall keep an
12 itemized account of money received and disbursed. He shall
13 pay money on vouchers drawn against appropriations.

14 (b) The treasurer shall give bond to the municipality
15 in a sum which the assembly or council directs.

16 Sec. 29.23.395. POLICE CHIEF. (a) The police chief
17 shall have the following duties:

18 (1) supervision of the municipal police;

19 (2) enforcement of municipal ordinances within the
20 municipality;

21 (3) enforcement of state criminal laws within the
22 municipality to the extent and subject to the policy proce-
23 dures and standards which the commissioner of public safety
24 shall prescribe;

25 (4) other duties specified in this title or law-
26 fully prescribed by the assembly or council;

27 (b) Municipal law enforcement powers extend to the
28 municipal corporate limits, except as otherwise provided by
29 law.

1 (c) The assembly or council may by ordinance establish
2 a citizens committee to advise the governing body on law
3 enforcement policies and administration of police functions
4 and to promote sound relations between the police and
5 citizenry.

6 (d) This section applies to home rule and general law
7 municipalities.

8 ARTICLE 8. ADOPTION OR REPEAL OF MANAGER PLAN.

9 Sec. 29.23.410. APPLICATION. A municipality may adopt
10 a manager plan of government.

11 Sec. 29.23.420. PETITION. A petition for the adoption
12 of a manager plan is submitted to the assembly or council.
13 The petition must be signed by a number of municipal voters
14 equal to the following per cent of the votes cast at the
15 preceding regular election:

16 (1) 25 per cent when the municipality has fewer
17 than 7,500 persons;

18 (2) 15 per cent when the municipality has 7,500
19 persons or more.

20 Sec. 29.23.430. ELECTION. Upon receipt of the petition,
21 the assembly or council shall provide by ordinance or reso-
22 lution for a vote on the question at the next regular or
23 special election. Notice of the election shall be published
24 at least 30 days before the election.

25 Sec. 29.23.440. ADOPTION. (a) If the manager plan is
26 approved, the assembly or council shall adopt the plan by
27 ordinance or resolution.

28 (b) The assembly or council shall notify the Local
29 Affairs Agency of the adoption of the manager plan.

1 Sec. 29.23.450. APPOINTMENT. The assembly or council
2 shall appoint a manager by a majority vote of its membership.
3 He is chosen solely on the basis of his executive and adminis-
4 trative qualifications and receives the compensation set by
5 the assembly or council. An elected municipal official may
6 not be appointed manager of the municipality sooner than one
7 year after leaving office, except that, by a vote of three-
8 fourths of its authorized membership, the assembly or council
9 may at any time appoint one of its members or other elected
10 municipal officials as manager.

11 Sec. 29.23.460. TERM. Subject to the contract of
12 employment, the manager holds office at the pleasure of the
13 assembly or council.

14 Sec. 29.23.470. APPOINTMENT OF TEMPORARY OR NEW MANAGER.
15 In the absence or disability of the manager the assembly or
16 council shall appoint a temporary manager. If the office
17 becomes vacant the assembly or council shall appoint a new
18 manager.

19 Sec. 29.23.480. REPEAL. A municipality may repeal the
20 manager plan in the same manner used for its adoption. At
21 its first meeting after repeal the assembly or council shall
22 enact provisions for the reorganization of the municipal
23 executive.

24 ARTICLE 9. MISCELLANEOUS PROVISIONS.

25 Sec. 29.23.500. OATHS OF OFFICE. Municipal officers,
26 before taking office, shall affirm in writing that they will
27 honestly, faithfully, and impartially perform their duties.
28 The oath is filed with the municipal clerk.

29 Sec. 29.23.510. COMBINING OFFICES. The assembly or

1 council may combine two or more appointive or administrative
2 offices.

3 Sec. 29.23.520. BONDING. The executive and the other
4 municipal officers or employees which the assembly or council
5 may designate shall give bond in the amount and with the
6 surety prescribed by the assembly or council. Premiums on
7 bonds are paid by the municipality.

8 Sec. 29.23.530. SALARIES OF ELECTED OFFICERS NOT TO BE
9 VARIED. The assembly or council may fix by ordinance the
10 salaries of elected officers before they are elected. Sala-
11 ries may not be changed during terms of office. An elected
12 officer may not receive any other compensation for service
13 to the municipality.

14 Sec. 29.23.540. PROHIBITIONS. (a) No person may be
15 appointed to or removed from municipal office or in any way
16 favored or discriminated against with respect to a municipal
17 position because of his race, color, sex, creed, national
18 origin or, unless otherwise contrary to law, because of his
19 political opinions or affiliations.

20 (b) This section applies to home rule and general law
21 municipalities.

22 Sec. 29.23.550. PERSONNEL SYSTEM. All appointments and
23 promotions of municipal officers and employees are made on
24 the basis of merit. The assembly or council may provide for
25 a personnel system.

26 Sec. 29.23.560. REPORTS. Home rule and general law
27 municipalities shall file with the Local Affairs Agency

28 (1) maps and descriptions of all annexed or
29 excluded territory,

- 1 (2) a copy of the annual audit,
2 (3) tax assessment figures as requested.

3 Sec. 29.23.570. VACANCIES. An elected municipal office
4 is vacated under the following conditions and upon the decla-
5 ration of vacancy by the assembly or council. The assembly
6 or council shall declare an elective office vacant when the
7 person elected

8 (1) fails to qualify or take office within 30 days
9 after his election or appointment,

10 (2) is physically absent from the municipality for
11 a 90-day period, unless excused by the assembly or council,

12 (3) resigns and his resignation is accepted,

13 (4) is physically unable to attend assembly or
14 council meetings,

15 (5) is removed from office,

16 (6) misses three consecutive regular meetings,
17 unless excused.

18 Sec. 29.23.580. MEETINGS PUBLIC. Meetings of all muni-
19 cipal bodies shall be public as provided in AS 44.62.310.
20 The assembly and council shall provide reasonable opportunity
21 for the public to be heard at regular and special meetings.
22 The public may be heard on a particular matter both at the
23 time the matter is being considered and at a time designated
24 by the assembly or council for public participation at meet-
25 ings. This section applies to home rule and general law
26 municipalities.

27 CHAPTER 28. ELECTIONS.

28 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

29 Sec. 29.28.010. ADMINISTRATION. The borough assembly

1 or city council shall prescribe the general rules for conduct-
2 ing municipal elections and appoint at least three judges for
3 each polling place. The municipality may require voter regis-
4 tration by charter or ordinance, ratified by a majority of the
5 voters, but may not otherwise alter qualification requirements.
6 Elections are nonpartisan. This section applies to home rule
7 and general law municipalities.

8 Sec. 29.28.012. UNIFORM FILING DATES. The assembly shall
9 fix uniform opening and closing dates for filing for election
10 to borough and city offices. The period for filing between
11 opening and closing dates shall be not less than 14 calendar
12 days. The closing date for filing shall be not less than 14
13 calendar days before the date of the election for the offices.
14 This section applies to home rule and general law municipalities.

15 Sec. 29.28.015. NOMINATIONS. (a) The assembly or
16 council shall provide by ordinance for nominations of elected
17 officers by providing for declaration of candidacy or petition
18 requiring the signatures of not more than 50 voters, or both.

19 (b) A person may be nominated for and occupy more than
20 one office, but he may not serve simultaneously as borough
21 chairman and as a member of the borough assembly or as mayor
22 and as a member of the council of a first class city.

23 Sec. 29.28.020. ELECTION DATES. (a) The date of a
24 regular municipal election is the first Tuesday of October
25 of each year. This date applies to home rule and general
26 law municipalities.

27 (b) The assembly or council may call a special election
28 upon 30 days' notice.

29 Sec. 29.28.030. VOTER QUALIFICATION. A person may vote

1 if he is a qualified voter in Alaska, is a resident of the
2 municipality, and meets voter registration requirements which
3 may be prescribed by the municipality. This section applies
4 to home rule and general law municipalities.

5 Sec. 29.28.035. REMOVAL OF NAMES FROM BALLOT. If a
6 candidate withdraws or dies after election ballots have been
7 printed, his name shall be removed from or obliterated on
8 the ballot. This section applies to home rule and general
9 law municipalities.

10 Sec. 29.28.040. MAJORITY ELECTIONS. The assembly or
11 council may by ordinance require a majority vote for election
12 of officials. A runoff election or other means of obtaining
13 a majority may be used.

14 ARTICLE 2. INITIATIVE AND REFERENDUM.

15 Sec. 29.28.060. RESERVATION OF POWERS. The powers of
16 the initiative and referendum are reserved to the residents
17 of municipalities, subject to the restrictions of sec. 7,
18 art. XI, of the state constitution.

19 Sec. 29.28.070. PETITION. A petition for initiative or
20 referendum is filed with the municipal clerk. The petition
21 must be signed by a number of municipal voters equal to the
22 following per cent of the votes cast at the preceding regular
23 election:

24 (1) 25 per cent when the municipality has fewer
25 than 7,500 persons;

26 (2) 15 per cent when the municipality has 7,500
27 persons or more.

28 Sec. 29.28.073. EXAMINATIONS FOR SUFFICIENCY. Within
29 10 days from the filing date, the municipal clerk shall

1 certify on the petition whether or not it bears the required
2 number of signatures.

3 Sec. 29.28.075. SUPPLEMENTAL PETITION. (a) If the
4 petition is insufficient, it may be supplemented by addition-
5 al signatures within 10 days.

6 (b) Within 10 days after supplementary filing the clerk
7 shall recertify the petition. If it is still insufficient,
8 the petition is rejected and filed as a public record.

9 Sec. 29.28.077. NEW PETITION. Failure to secure
10 sufficient signatures does not preclude the filing of a new
11 initiative or referendum petition. However, a new petition
12 may not be filed sooner than six months after a petition is
13 rejected.

14 Sec. 29.28.080. PRESENTATION OF INITIATIVE. When a
15 petition seeks enactment of an ordinance or resolution within
16 the powers of the assembly or council, the clerk shall present
17 it to the assembly or council at its next meeting. Unless
18 the petition is granted within 30 days of its submission to
19 the assembly or council, the clerk shall, with the assistance
20 of the municipal attorney, prepare an ordinance or resolution
21 to implement the petition and shall submit it to the voters
22 at the next regular or special election. If no regular or
23 special election occurs within 75 days after the final date
24 on which the assembly or council may grant the petition, the
25 assembly or council shall hold a special election within 75
26 days of that date. If a majority of those voting favor the
27 proposal, it becomes effective. The assembly or council may
28 at any time not less than 10 days from the date of election
29 adopt an ordinance or resolution to implement the petition.

1 In that event, no election shall be held.

2 Sec. 29.28.090. PRESENTATION OF REFERENDUM. When a
3 petition seeks a referendum vote on an ordinance or resolution,
4 the clerk shall submit the ordinance to the voters of the
5 municipality at the next regular or special election. If
6 no regular or special election occurs within 75 days of the
7 filing of a sufficient petition with the clerk, the assembly
8 or council shall hold a special election within 75 days of
9 filing. If a majority of those voting favor the legislation,
10 it remains in effect. If a majority rejects the legislation,
11 it is repealed.

12 Sec. 29.28.100. PRESENTATION OF CHARTER AMENDMENT.
13 When an initiative petition seeks a charter amendment, the
14 executive shall submit the amendment to the voters at the
15 next regular or special election. If no regular or special
16 election occurs within 75 days of the filing of a sufficient
17 petition with the clerk, the assembly or council shall hold
18 a special election within 75 days of filing. If a majority
19 of those voting favor the amendment, it becomes effective
20 immediately.

21 Sec. 29.28.110. EFFECT. (a) The assembly or council
22 may not, within one year, act in any way to modify or negate
23 the effect of a successful initiative, referendum, or charter
24 amendment.

25 (b) An unsuccessful initiative, referendum, or charter
26 amendment precludes the filing of a new petition for the
27 same purpose sooner than six months after voter disapproval
28 of the initiative, referendum, or charter amendment.

29 ARTICLE 3. RECALL.

1 Sec. 29.28.130. RECALL. An elected official of a home
2 rule or general law municipality may be recalled by the voters
3 after he has served six months in office.

4 Sec. 29.28.140. GROUNDS. Grounds for recall are mis-
5 conduct in office, incompetence, or failure to perform pre-
6 scribed duties.

7 Sec. 29.28.150. PETITION. (a) A petition seeking
8 recall of one or more officers is filed with the municipal
9 clerk. The petition must be signed by a number of voters not
10 less than 25 per cent of the votes cast in the preceding
11 regular election.

12 (b) A statement of the grounds for recall must appear
13 at the head of each copy of a petition circulated. The
14 grounds shall be stated with particularity.

15 Sec. 29.28.160. EXAMINATION FOR SUFFICIENCY. Within
16 10 days from the filing date, the municipal clerk shall
17 certify on the petition whether or not it bears the required
18 number of signatures. Until the petition is certified, a
19 petition signer may withdraw his signature upon written
20 application to the clerk.

21 Sec. 29.28.170. SUPPLEMENTAL PETITION. (a) If the
22 petition is insufficient, it may be supplemented by addition-
23 al signatures within 10 days.

24 (b) Within 10 days after supplementary filing the clerk
25 shall recertify the petition. If it is still insufficient,
26 the petition is rejected and filed as a public record.

27 Sec. 29.28.180. NEW PETITION. Failure to secure suffi-
28 cient signatures does not preclude the filing of a new recall
29 petition. However, a new petition may not be filed sooner

1 than six months after a petition is rejected.

2 Sec. 29.28.190. SUBMISSION. If a recall petition is
3 sufficient, the clerk shall immediately submit it to the
4 assembly or council.

5 Sec. 29.28.200. ELECTION. (a) If a regular election
6 occurs within 75 days of the submission, the assembly or
7 council shall submit the recall at that election.

8 (b) If no regular election will occur within 75 days,
9 the assembly or council shall hold a special election within
10 75 days of submission.

11 (c) If a vacancy occurs in the office after a recall
12 petition is filed, the petition shall not be submitted to the
13 voters.

14 Sec. 29.28.210. FORM OF RECALL BALLOTS. A recall ballot
15 contains

16 (1) the grounds as stated in the recall petition;

17 (2) the officer's statement of 200 words or less,
18 if the statement is filed with the clerk for publication and
19 public inspection not later than 20 days before the election;

20 (3) the following question: "Shall (name of
21 person) be recalled from the office of (office)? Yes
22 No .

23 Sec. 29.28.220. ELECTION PROCEDURE. Procedures for
24 conducting a recall election are those of a regular election.

25 Sec. 29.28.230. MAJORITY REQUIRED. A two-thirds
26 majority vote on the question is required to recall an
27 officer.

28 Sec. 29.28.240. EFFECT. If an incumbent is not recall-
29 ed at the recall election, a petition to recall the same

1 encumbent may not be filed sooner than six months after the
2 recall election.

3 Sec. 29.28.250. ELECTION OF SUCCESSOR. If the voters
4 recall an officer, the clerk shall conduct an election for a
5 successor to fill the unexpired term, the election shall be
6 held at least 10 but not more than 45 days from the date of
7 the recall election. However, if a regular or special elec-
8 tion occurs within 75 days of the recall election, the
9 successor to the recalled official shall be chosen at that
10 regular or special election. The procedures and requirements
11 for the regular election for the office from which the incum-
12 bent is recalled apply to the election conducted under this
13 section.

14 CHAPTER 33. AREAWIDE BOROUGH POWERS AND DUTIES.

15 ARTICLE 1. SCOPE.

16 Sec. 29.33.010. SCOPE OF AREAWIDE POWERS. Home rule
17 and general law boroughs shall exercise the powers as speci-
18 fied and in the manner specified in this chapter on an area-
19 wide basis, both inside and outside cities within their
20 boundaries. No city, whether home rule or not, may exercise
21 an areawide power once that power is being exercised by a
22 borough.

23 ARTICLE 2. ASSESSMENT AND COLLECTION OF TAXES.

24 Sec. 29.33.030. ASSESSMENT AND COLLECTION. Boroughs
25 shall assess and collect property, sales, and use taxes
26 levied within their boundaries, subject to ch. 53 of this
27 title. Taxes levied by cities and collected by a borough
28 are returned in full to levying cities.

29 ARTICLE 3. EDUCATION.

1 Sec. 29.33.050. EDUCATION. (a) Each borough consti-
2 tutes a borough school district and shall establish, maintain,
3 and operate a system of public schools on an areawide basis,
4 and shall do so in the manner provided by law for city school
5 districts, except as otherwise provided in this title.

6 (b) The borough assembly may by ordinance require that
7 all school money be deposited in a centralized treasury with
8 all other borough money. The borough chairman shall have the
9 custody of, invest, and manage all money in the centralized
10 treasury. However, the borough assembly, with the consent of
11 the borough school board, may by ordinance delegate to the
12 borough school board the responsibilities of a centralized
13 treasury.

14 (c) When the borough school board by resolution con-
15 sents, the borough assembly may by ordinance provide a
16 centralized accounting system for school and all other
17 borough operations. The system shall be operated in accor-
18 dance with accepted principles of governmental accounting.
19 However, the borough assembly, with the consent of the
20 borough school board, may by ordinance delegate to the
21 borough school board the responsibilities of the accounting
22 system.

23 (d) The borough school board shall submit the school
24 budget to the borough assembly for approval of the total
25 amount. The assembly shall then determine the total amount
26 of money to be made available for school purposes, shall
27 furnish the borough school board with a statement of the sum
28 to be made available, and shall appropriate the amount from
29 any borough money available for the purpose.

1 (e) The borough executive shall determine the location
2 of school buildings with due consideration to the recommenda-
3 tions of the borough school board. The determination of the
4 executive is subject to the approval of the borough assembly
5 by resolution.

6 (f) The borough school board has the responsibility
7 for design of school buildings, subject to the approval of
8 the borough assembly by resolution.

9 (g) The borough school board shall provide custodial
10 services and routine maintenance for school buildings and
11 shall appoint, compensate, and otherwise control personnel
12 for these purposes. The borough assembly and borough
13 executive shall provide for all major rehabilitation, all
14 construction, and major repair of school buildings.

15 (h) The state law relating to teacher salaries and
16 tenure, to financial support, to supervision by the Department
17 of Education and other general laws relating to schools,
18 govern the exercise of the functions by the borough. The
19 school board shall appoint, compensate, and otherwise control
20 all school employees and administrative officers.

21 ARTICLE 4. PLANNING, PLATTING AND ZONING.

22 Sec. 29.33.070. PLANNING, PLATTING AND ZONING. (a)
23 Boroughs shall provide for planning, platting, zoning and
24 building and housing codes on an areawide basis.

25 (b) If a city within a borough is located more than 25
26 miles from the borough seat, the assembly by ordinance may:

27 (1) designate the council of the city as a board
28 of adjustment within the city;

29 (2) grant the city the authority to administer and

1 enforce building and housing codes within the city and author-
2 ize it extra territorial jurisdiction for that purpose;

3 (3) delegate other planning and zoning administra-
4 tive and enforcement responsibilities to the city, provided
5 that borough jurisdiction is not impaired;

6 (4) withdraw powers delegated under this subsection.

7 Sec. 29.33.080. PLANNING COMMISSION. (a) The borough
8 planning commission consists of no more than nine citizens.
9 Commission membership shall be apportioned so that the number
10 of members from first class cities reflects the proportion of
11 borough population residing within such cities. Members shall
12 be appointed by the borough executive, with due consideration
13 given to the recommendations of the mayors of first class
14 cities, and confirmed by the assembly for a term of three
15 years. Members first appointed shall draw lots for one, two,
16 and three-year terms. Appointments to fill vacancies are for
17 the unexpired term. The compensation and expenses of the
18 planning commission and its staff are paid as directed by the
19 assembly.

20 (b) The commission shall prepare and recommend to the
21 assembly:

22 (1) a comprehensive plan consisting of maps and
23 related texts for the systematic development of the borough;

24 (2) a zoning ordinance to implement the plan;

25 (3) a subdivision ordinance;

26 (4) the official map of the borough;

27 (5) building and housing codes;

28 (6) modifications to the documents specified in

29 (1)-(5) of this section.

1 (c) The commission shall publish notice of and hold at
2 least one hearing before submitting its recommendations under
3 (b) of this section to the assembly.

4 (d) The commission shall:

5 (1) act as the platting board;

6 (2) act upon requests for variances;

7 (3) act upon requests for conditional uses.

8 (e) The commission shall designate its presiding officer
9 and shall meet as frequently as is necessary. Meetings shall
10 be public and minutes shall be kept. Minutes and records
11 shall be filed with the municipal clerk and retained as public
12 records.

13 Sec. 29.33.085. COMPREHENSIVE PLAN. (a) The compre-
14 hensive plan is a compilation of policy statements, goals,
15 standards, and maps for guiding the physical, social and
16 economic development, both private and public, of the borough,
17 and may include, but is not limited to, the following:
18 statements of policies, goals, standards, a land use plan,
19 a community facilities plan, a transportation plan, and
20 recommendations for plan execution.

21 (b) The assembly shall adopt a comprehensive plan
22 based upon the recommendations of the planning commission.
23 The assembly may modify the plan, provided that it first
24 obtains the recommendations of the planning commission.

25 Sec. 29.33.090. ZONING. (a) In accordance with the
26 comprehensive plan, the assembly shall regulate and restrict
27 the construction, alteration, or use of land and improvements
28 by districts. Regulations shall be uniform for each class or
29 kind of building, structure, land or water area within each

1 district, but the regulations may differ among districts.

2 (b) Regulations adopted under (a) of this section may
3 include but are not limited to, restriction of:

- 4 (1) land use,
- 5 (2) building location and use,
- 6 (3) the height and size of structures,
- 7 (4) the number of stories in buildings,
- 8 (5) the percentage of lot that may be covered,
- 9 (6) the size of open spaces,
- 10 (7) population density and distribution,

11 (c) Zoning regulations are designed to:

- 12 (1) provide for orderly development,
- 13 (2) lessen street congestion,
- 14 (3) promote fire safety and public order,
- 15 (4) protect the public health and general welfare.
- 16 (5) prevent overcrowding,
- 17 (6) stimulate systematic development of transpor-
- 18 tation, water, sewer, school, park, and other public facili-
- 19 ties.

20 Sec. 29.33.095. OFFICIAL MAP. The assembly may adopt
21 and modify an official map based upon the recommendations of
22 the planning commission. The map may show existing and pro-
23 posed future streets, highways, parkways, parks, playgrounds,
24 public lands and facilities, and the area needed to acquire,
25 widen and enlarge them and shall be prepared in sufficient
26 detail to permit the establishment of the future acquisition
27 lines on the ground and shall be attested to by a registered
28 land surveyor. After adoption a certified copy of the map
29 shall be recorded in each recording district within which any

1 of the land shown on the map is located.

2 (b) After an official map has been adopted and recorded,
3 the borough may prohibit the construction or location of any
4 building or structure within the public areas designated in
5 (a) of this section as shown on the map and may deny a build-
6 ing permit for such construction or location. The adoption
7 of an official map does not of itself give the borough any
8 right, title, or interest in areas identified for public
9 purposes, but does authorize the borough to acquire such
10 interest without paying compensation for buildings or struc-
11 tures erected in such areas without a permit or in violation
12 of the conditions of a permit. The borough must within seven
13 years acquire the property shown on the map as public area
14 or release the property from the restrictions imposed by the
15 filing of the map.

16 Sec. 29.33.100. BUILDING AND HOUSING CODES. The assem-
17 bly shall adopt and administer codes regulating minimum
18 occupancy, construction, heating, electrical, plumbing and
19 other building requirements and specifications.

20 Sec. 29.33.110. BOARD OF ADJUSTMENT. (a) The assembly
21 is the board of adjustment, but it may delegate by ordinance
22 part or all of its functions to the planning commission or
23 other borough boards. Meetings of the board are held at the
24 call of the presiding officer. He may administer oaths and
25 compel attendance of witnesses. Meetings and hearings of the
26 board shall be open to the public and the board shall keep
27 minutes of its proceedings as a public record.

28 (b) The board of adjustment shall hear and decide:

29 (1) appeals regarding alleged errors in enforcement

1 of zoning ordinances and building codes,

2 (2) appeals from the decisions of the planning
3 commission on requests for conditional uses,

4 (3) appeals from the decisions of the planning
5 commission on requests for variances from the terms of the
6 zoning ordinance which are not contrary to the public inter-
7 est, when a literal enforcement would deprive a property
8 owner of rights commonly enjoyed by other properties in the
9 same district. A variance shall not be granted because of
10 special conditions caused by actions of the person seeking

11 relief or for reasons of pecuniary hardship or incon-
12 venience. A variance shall not be granted which will permit
13 a land use in any district in which such use is prohibited.

14 Sec. 29.33.120. ADJUSTMENT PROCEDURE. An interested
15 party including a borough official may file with the board of
16 adjustment an appeal specifying his objections. Copies are
17 filed with the administrative officer involved and with the
18 borough clerk within the time required by the zoning ordinance.
19 The officer shall provide the board with all pertinent re-
20 cords, including his written decision. An appeal to the
21 board stays enforcement proceedings unless the board or a
22 court issues an enforcement order based on a certificate of
23 imminent peril to life or property made by the enforcement
24 officer.

25 Sec. 29.33.130. JUDICIAL REVIEW. (a) The assembly
26 shall provide by ordinance for appeals from the board of
27 adjustment to the superior court.

28 (b) A municipal officer, a taxpayer, or a person or
29 persons, jointly or severally aggrieved, may appeal an action

1 of the board to the superior court by filing with the borough
2 clerk within the time fixed by ordinance, a notice of appeal
3 specifying grounds. When the notice of appeal is filed, the
4 board shall at once transmit to the superior court clerk
5 copies of all the papers constituting the record in the case.

6 (c) An appeal from the board of adjustment stays
7 enforcement proceedings unless the court issues an enforce-
8 ment order based on a certificate of imminent peril to life
9 or property made by the board.

10 (d) The appeal is heard and tried de novo in the
11 superior court. After trial of an appeal on the merits, the
12 court may reverse or affirm, wholly or partly, the decision
13 appealed from. Costs are allowed against the board only when
14 it appears to the court that it acted with gross negligence,
15 in bad faith, or with malice in making its decision.

16 (e) Issues in proceedings under this section have
17 preference over all other civil actions and proceedings. An
18 appeal lies from the decision of the superior court as in
19 other civil cases.

20 Sec. 29.33.140. HAZARDS AND NUISANCES. (a) The
21 assembly may provide by ordinance (1) for the condemnation
22 and abatement of fire or health hazards or public nuisances,
23 and (2) for the removal or screening by topography, land-
24 scaping, or fencing of accumulations of junk and debris, and,
25 after a hearing on 30 days notice to the owner or his agent,
26 order or cause their removal or demolition, or screening.
27 The owner must be given 30 days after the hearing to comply
28 with the order before the borough may proceed. If the
29 borough removes the hazard or nuisance, or removes or screens

1 the junk or debris the cost is chargeable to the property,
2 first against the salvaged material, which may be sold at
3 public auction, and the balance of the cost, if any, against
4 the land as in the case of taxes.

5 (b) In the event that service of notice may not readily
6 be had upon the owner or agent, the notice to the owner or his
7 agent required under (a) of this section shall be sufficient
8 if made upon the person in possession or if a copy of such
9 notice is mailed by certified mail to that person listed upon
10 the tax rolls of the borough as the person to whom the proper-
11 ty is to be taxed.

12 (c) The assembly may prohibit the abandonment or
13 dumping of junk and debris on public or private property.

14 (d) The terms junk and debris as used in this section
15 mean any second hand and used machinery, scrap iron, copper,
16 lead, zinc, aluminum, or other metals, wrecked automobiles,
17 abandoned automobiles, inoperable automobiles kept for the
18 purpose of salvage parts or land stabilization and fill,
19 tools, implements, rags, used building materials, abandoned
20 structures not affixed to the ground, rubber, paper, cans,
21 bottles and other similar household wastes.

22 Sec. 29.33.150. PLATTING JURISDICTION AND POWER. The
23 planning commission acting as the platting board has juris-
24 diction over platting and shall adopt and publish rules and
25 regulations to implement this power. Jurisdiction includes,
26 but is not limited to, the control of

27 (1) form, size, and other aspects of subdivisions,
28 dedications, and vacations of land;

29 (2) dimensions of lots or tracts;

1 (3) street width, arrangement, and right-of-way,
2 including allowance for access to lots and installation of
3 street paving, curbs, gutters, sidewalks, sewers, water lines,
4 and other public utility facilities and improvements.

5 Sec. 29.33.160. PROCEDURE. (a) The platting board
6 shall within 60 days of filing approve or disapprove the plat
7 or shall return it to the applicant for modification or
8 correction. If the board fails to act, the plat is considered
9 approved and a certificate of approval shall be issued by the
10 board on demand. The applicant for plat approval may consent
11 to the extension of the period for action by the board. The
12 board shall state on its record and in writing to the appli-
13 cant its reason for disapproval of a plat.

14 (b) The platting board shall submit an approved plat to
15 the district recorder in compliance with AS 40.15.010 - 40.-
16 15.020.

17 Sec. 29.33.170. WAIVER IN CERTAIN CASES. The platting
18 board may in individual cases waive the preparation, submis-
19 sion, and recording of a plat upon satisfactory evidence that

20 (1) a conveyance of part of a larger tract is not
21 made for the purpose of, or in connection with, a present or
22 projected subdivision development;

23 (2) the transaction constitutes an isolated trans-
24 action which does not fall within the general intent of this
25 chapter;

26 (3) no dedication of a street, alley, thoroughfare,
27 park or other public area is involved or required.

28 Sec. 29.33.180. INFORMATION REQUIRED. A plat shall
29 show initial point of survey, original or re-established

1 corners and their descriptions, and actual traverse showing
2 area of closure and all distances, angles and calculations
3 required to determine initial point, corners and distances
4 of the plat, as well as other information which may be re-
5 quired by ordinance.

6 Sec. 29.33.190. PENALTIES. (a) The owner or agent of
7 the owner of land located within a subdivision who transfers,
8 sells, or enters into a contract to sell land in a subdivi-
9 sion before a plat of the subdivision has been prepared,
10 approved, and recorded is guilty of a misdemeanor, and upon
11 conviction is punishable by a fine of not more than \$300 for
12 each lot or parcel transferred, sold, or included in a con-
13 tract to be sold. The platting board may enjoin a transfer,
14 sale, or contract to sell, and may recover the penalty by
15 appropriate legal action.

16 (b) No person may record a plat or seek to have a plat
17 recorded unless it bears the approval of the platting board.
18 A person who knowingly violates this requirement is punish-
19 able upon conviction by a fine of not more than \$300.

20 Sec. 29.33.200. ALTERATION OR REPLAT PETITION. No
21 recorded plat may be altered or replatted except upon peti-
22 tion of the owners of a majority of the land affected by the
23 alteration or replat or by the platting board. No platted
24 street may be vacated, except upon petition of the owners of
25 the majority of the front feet of the land fronting the part
26 of the street sought to be vacated. The petition shall be
27 filed with the platting board. It shall be accompanied by a
28 copy of the existing plat showing the proposed alteration or
29 replat.

1 Sec. 29.33.210. NOTICE OF HEARING. The platting board
2 shall fix a time for a hearing on the petition which shall
3 not be more than 60 days after the filing. The clerk shall
4 publish a notice stating when and by whom the petition was
5 filed, its purpose, and the time and place of the hearing.
6 The notice shall generally describe the alteration or replat
7 sought. The notice shall be published once a week for two
8 consecutive weeks in a newspaper of general circulation in
9 the area. The clerk shall also mail a copy of the notice to
10 each affected property owner not signing the petition.

11 Sec. 29.33.220. HEARING AND DETERMINATION. At the
12 hearing the platting board shall consider the alteration or
13 replat and make its decision on the merits of the proposal.

14 Sec. 29.33.230. RECORDING. If the alteration or replat
15 is approved, the revised plat must be recorded by the platting
16 board, and is thereafter the lawful plat.

17 Sec. 29.33.240. TITLE TO VACATED AREA. The title to
18 the street or other public area vacated on a plat attaches to
19 the lots or lands bordering on the area in equal proportions,
20 except that where the area was originally dedicated by
21 different persons, original boundary lines shall be adhered
22 to so that the street area which lies on one side of the
23 boundary line shall attach to the abutting property on that
24 side, and the street area which lies on the other side of
25 the boundary line shall attach to the property on that side.
26 The portion of a vacated street which lies within the limits
27 of a platted addition attaches to the lots of the platted
28 addition bordering on the area. If a public square is
29 vacated, the title to it vests in the city if it lies within

1 the city and to the borough if it lies within the borough
2 outside a city. If the property vacated is a lot or tract,
3 title vests in the rightful owner.

4 Sec. 29.33.245. HEARING OFFICER. The assembly may by
5 ordinance authorize the planning commission, the platting
6 board, and the board of adjustment to designate a hearing
7 officer to hear and decide cases under this chapter. The
8 assembly shall prescribe procedures for hearings and appeals.
9 The commission or board shall hear and decide appeals de novo.

10 ARTICLE 5. ADDITIONAL AREAWIDE POWERS.

11 Sec. 29.33.250. ADDITIONAL AREAWIDE POWERS. First and
12 second class boroughs acquire additional areawide general law
13 municipal powers by transfer from a city or by holding an
14 areawide election on the question.

15 Sec. 29.33.260. TRANSFER BY CITY. (a) A city may
16 transfer to the first or second class borough in which it is
17 located any of its powers or functions, subject to the
18 approval of the borough assembly.

19 (b) First and second class boroughs shall exercise all
20 powers transferred to them by cities.

21 (c) A city may not revoke the transfer of any power or
22 function to the borough unless a petition for the dissolution
23 of the borough is approved or the borough fails to exercise
24 the power transferred to it.

25 Sec. 29.33.270. PETITION FOR POWER. An election on the
26 question of adding an areawide power may be initiated in two
27 ways:

28 (1) a number of voters equal to 15 per cent of the
29 number of votes cast in the borough at the preceding regular

1 election may file a petition with the assembly; or

2 (2) the assembly may propose the acquisition of
3 the power.

4 Sec. 29.33.280. INVESTIGATION. The assembly shall hold
5 at least one public hearing in the borough on the question.
6 The assembly shall then evaluate the ability of the borough
7 to exercise the powers and make its findings public.

8 Sec. 29.33.290. ELECTION. (a) The assembly shall,
9 within 30 days after its findings have been made public,
10 order an election to be held no less than 30 days after the
11 order nor later than the next regular election.

12 (b) If more than one power is proposed, each appears
13 separately on the ballot.

14 (c) The chairman shall certify the election results to
15 the Local Affairs Agency. If the majority of votes cast on
16 the question is favorable, the borough shall assume the
17 added power within 30 days of certification of the election
18 results.

19 CHAPTER 38. BOROUGH POWERS AND DUTIES IN THE
20 AREA OUTSIDE CITIES.

21 Sec. 29.38.010. FIRST CLASS BOROUGH. The first class
22 borough may exercise in the area outside cities any general
23 law municipal power. Before exercising a power outside cities
24 only, the borough shall seek to have the identical power trans-
25 ferred from cities within the borough or propose joint borough-
26 city exercise of the power.

27 Sec. 29.38.020. SECOND CLASS BOROUGH. The second class
28 borough may exercise in the area outside cities municipal
29 powers approved at incorporation, conferred by AS 29.48.020,

1 or added as provided in this chapter. Before exercising a
2 power outside cities only, the borough shall seek to have the
3 identical power transferred from cities within the borough or
4 propose joint borough-city exercise of the power.

5 Sec. 29.38.030. ADDITIONAL POWERS. The second class
6 borough may initiate the acquisition of additional powers
7 outside cities in either of two ways:

8 (1) a number of voters equal to 15 per cent of the
9 number of votes cast in the area outside cities at the pre-
10 ceding regular election may file a petition with the assembly;
11 or

12 (2) the assembly may place the question on the
13 ballot.

14 Sec. 29.38.040. INVESTIGATION. The assembly shall hold
15 at least one public hearing in the borough on the question.
16 The assembly shall then evaluate the ability of the borough
17 to exercise the powers and make its findings public.

18 Sec. 29.38.050. ELECTION. (a) The assembly shall,
19 within 30 days after its findings have been made public,
20 order an election to be held not less than 30 days after the
21 order and not later than the next regular election.

22 (b) If more than one power is proposed, each appears
23 separately on the ballot.

24 (c) The chairman shall certify the election results to
25 the Local Affairs Agency. If the majority of votes cast on
26 the question is favorable, the borough shall assume the
27 added power within 30 days of certification of election
28 results.

29 CHAPTER 43. POWERS OF CITIES OUTSIDE BOROUGHS.

1 Sec. 29.43.010. ADDITIONAL POWERS. In addition to the
2 powers granted by ch. 48 of this title, cities outside boroughs
3 are granted the powers specified in this chapter.

4 Sec. 29.43.020. ASSESSMENT AND TAX COLLECTION. Home
5 rule and general law first class cities outside boroughs may
6 assess, levy, and collect a general property tax. A property
7 tax if levied must be assessed, levied, and collected as
8 provided by ch. 53 of this title for boroughs. Home rule
9 and general law cities outside boroughs may levy and collect
10 sales and use taxes as provided by ch. 53 of this title for
11 boroughs.

12 Sec. 29.43.030. EDUCATION. Home rule and general law
13 first class cities outside boroughs constitute city school
14 districts and shall establish, maintain, and operate a system
15 of public schools as provided by AS 29.23.310 - 29.23.320 and
16 29.33.050 for boroughs.

17 Sec. 29.43.040. PLANNING AND ZONING. Home rule and
18 general law first class cities outside boroughs shall, and
19 second class cities outside boroughs may, provide for planning,
20 platting, zoning, and building and housing codes as provided
21 by AS 29.33.070 - 29.33.245 for boroughs.

22 Sec. 29.43.050. EXTRATERRITORIAL POWERS. (a) Within
23 five miles in all directions of its boundaries, a home rule or
24 general law city outside a borough may

25 (1) provide for planning, platting, zoning, and
26 building and housing codes,

27 (2) regulate or prohibit the offering for sale,
28 exposure for sale, sale, use, or explosion of fireworks,

29 (3) provide for the licensing, impounding, and

1 disposition of animals.

2 (b) An ordinance adopted under this section must state
3 that it applies both inside and outside the city.

4 Sec. 29.43.060. BOUNDARY LINES. If the boundaries of
5 a home rule or general law city lie within 10 miles of the
6 boundaries of another city, extraterritorial jurisdiction of
7 each city terminates at a point equidistant from their re-
8 spective boundaries or at another point agreed upon by the
9 councils of the cities.

10 Sec. 29.43.070. PLANNING COMMISSION. The planning com-
11 mission of a home rule or general law city exercising extra-
12 territorial planning, platting, zoning, and building code
13 power shall include one or more members who are residents of
14 the area lying outside the city.

15 Sec. 29.43.080. ENFORCEMENT. The council of a home
16 rule or general law city exercising extraterritorial powers
17 under this chapter may provide for the enforcement of its
18 regulations in the area outside the city in the same manner
19 as the regulations inside the city are enforced.

20 CHAPTER 48. POWERS APPLICABLE TO ALL MUNICIPALITIES.

21 ARTICLE 1. GENERAL POWERS.

22 Sec. 29.48.010. GENERAL POWERS. Municipalities have
23 the following general powers, subject to other provisions of
24 law:

25 (1) to establish and prescribe the functions of
26 municipal departments, offices, or agencies;

27 (2) to establish and prescribe salaries for the
28 elected and appointed municipal officers and employees;

29 (3) to make investigations of the affairs of the

1 municipality and make inquiries into the conduct of a
2 municipal department;

3 (4) to enter into agreements, including those for
4 cooperative or joint administration of any functions or
5 powers with a local government, with the state, or with the
6 United States;

7 (5) to require periodic and special reports from a
8 municipal department to be submitted through the municipal
9 executive;

10 (6) to sue and be sued;

11 (7) to levy taxes and special assessments;

12 (8) to enforce ordinances and to prescribe
13 penalties for violations;

14 (9) to acquire and dispose of real and personal
15 property;

16 (10) to acquire membership in organizations which
17 promote legislation for the good of the municipality;

18 (11) to borrow money and issue evidences of indebt-
19 edness.

20 Sec. 29.48.020. SECOND CLASS BOROUGH POWERS OUTSIDE
21 CITIES. A second class borough may in the area outside cities

22 (1) regulate or prohibit the offering for
23 sale, exposure for sale, sale, use, or explosion of fireworks,

24 (2) provide for the licensing, impounding, and
25 disposition of animals.

26 ARTICLE 2. FACILITIES, SERVICES AND REGULATION.

27 Sec. 29.48.030. MUNICIPAL FACILITIES AND SERVICES. (a)
28 A municipality may exercise the powers necessary to provide
29 the following public facilities and services:

- 1 (1) streets and sidewalks,
- 2 (2) sewers and sewage treatment facilities,
- 3 (3) harbors, wharves, and other marine facilities,
- 4 (4) watercourse and flood control facilities,
- 5 (5) health services and hospital facilities,
- 6 (6) cemeteries,
- 7 (7) police protection and jail facilities,
- 8 (8) cold storage plants,
- 9 (9) telephone systems,
- 10 (10) light, power and heat,
- 11 (11) water,
- 12 (12) transportation systems,
- 13 (13) community centers,
- 14 (14) libraries,
- 15 (15) recreation facilities,
- 16 (16) airport and aviation facilities,
- 17 (17) garbage disposal service and facilities,
- 18 (18) fire protection service and facilities,
- 19 (19) parking and parking facilities.

20 (b) First and second class boroughs may exercise the
21 powers conferred by (a) of this section only after they have
22 been assumed under AS 29.33.250 - 29.33.290 or 29.38.010 -
23 29.38.050 or are conferred by sec. 20 of this chapter.

24 Sec. 29.48.035. REGULATORY POWERS. (a) A municipality
25 may regulate the operation and use of its public facilities
26 and services. It may also regulate the following:

- 27 (1) operation of motor vehicles,
- 28 (2) licensing of drivers of taxicabs, for-hire
29 automobiles, motor buses, or other vehicles for the transpor-

1 tation of passengers or baggage,

2 (3) transportation fares,

3 (4) licensing, impounding and disposition of
4 animals.

5 (5) peddling and hawking in public places,

6 (6) selling of food,

7 (7) radio interference,

8 (8) abandoned property,

9 (9) dangerous and disorderly conduct,

10 (10) alcoholic beverages as provided by AS 04. -
11 15.070,

12 (11) recreational devices as provided by AS 05.-
13 20.100,

14 (12) control of insects and rodents,

15 (13) offering for sale, exposure for sale, sale,
16 use, or explosion of fireworks,

17 (14) other functions affecting the general health,
18 safety, and welfare of its inhabitants.

19 (b) First and second class boroughs may exercise the
20 powers conferred by (a) of this section only after they have
21 been assumed under AS 29.33.250 - 29.33.290 or 29.38.010 -
22 29.38.050 or are conferred by sec. 20 of this chapter.

23 Sec. 29.48.037. EXTRATERRITORIAL JURISDICTION. (a) A
24 municipality may provide parks, playgrounds, cemeteries and
25 airports outside its boundaries, subject to AS 29.33.010. A
26 municipality may adopt ordinances to protect its water supply
27 and may enforce them outside its boundaries. An ordinance
28 adopted under this section must state that it applies outside
29 the municipality.

1
2
3
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

(b) Before any jurisdiction granted in this section may be exercised within the boundaries of any other municipality, the approval of that municipality must be given by ordinance.

(c) This section applies to home rule and general law municipalities.

Sec. 29.48.040. MUNICIPALLY-OWNED UTILITIES. A municipality owning or operating utilities may extend service to contiguous areas outside its municipal limits, subject to the authority of a municipality within which any extended service lies to franchise and regulate as provided in sec. 50 of this chapter. For that purpose the municipality may acquire and operate extensions, pole lines, mains, pipelines and other equipment together with necessary real property outside its limits. This section applies to home rule and general law municipalities.

Sec. 29.48.050. FRANCHISES AND RATES. (a) The assembly acting for the area outside cities and the council acting for the area within a city may by ordinance grant franchises to municipally or privately owned utilities to allow the construction, operation and maintenance of services and facilities and permit the use of streets and other public places for a period not to exceed 20 years. Franchises must be approved at a referendum election. Thirty days' notice of a franchise election must be given. Election results are canvassed by the assembly or council in a public session. Franchises may be renewed or extended in the manner provided in this section for the granting of initial franchises.

(b) The assembly acting for the area outside cities and the council acting for the area within a city shall

1 regulate the rates and charges for utility services furnished
2 to the municipality or its inhabitants by a municipally
3 owned utility, by a privately owned utility, or otherwise.
4 It may require a reasonable security deposit. Rates, charges,
5 and regulations must be fair, reasonable and just.

6 Sec. 29.48.060. HEARING. If the assembly or council
7 decides to fix, change or approve utility rates, it shall
8 call a hearing. Notice must be given by publication at least
9 once a week for three consecutive weeks in a newspaper of
10 general circulation in the area, by posting in three public
11 places, and by service of written notice upon the utilities
12 whose rates are to be fixed, changed, or approved and by ser-
13 vice of written notice upon each municipality within whose
14 boundaries the utility operates.

15 Sec. 29.48.070. PROCEEDINGS. At least a quorum of the
16 assembly or council shall be present at the hearing. At the
17 conclusion of the hearing the parties interested may make
18 arguments before the assembly or council, either in person
19 or by attorney as they consider proper, touching the matters
20 at issue, and thereafter the assembly or council shall proceed
21 to regulate, approve or fix the rates by ordinance. The date
22 upon which the rates fixed, regulated or approved go into
23 effect is stated in the ordinance and may not be less than 10
24 days after its passage and approval.

25 Sec. 29.48.080. RIGHT TO PARTICIPATE AND COMPEL TESTI-
26 MONY. At a utility rate hearing all parties and their counsel
27 interested in the matter must be heard. The municipality and
28 all interested parties may call witnesses and introduce evi-
29 dence. All parties may compel the attendance of witnesses,

1 and subpoenas may be issued by the municipal clerk. Subpoenas
2 requiring the production of books and papers may be issued in
3 like manner upon request. If a person fails to obey a sub-
4 poena, the superior court shall order the witness to appear
5 and testify, or compel the production of the books or papers.

6 Sec. 29.48.090. APPLICATION. In a case of conflict
7 between the provisions of this title and the provisions of
8 Title 42, the provisions of Title 42 shall prevail.

9 ARTICLE 3. MUNICIPAL ENACTMENTS.

10 Sec. 29.48.130. ACTS REQUIRED TO BE BY ORDINANCE. (a)

11 In addition to other actions which this title requires to be
12 by ordinance, the assembly or council of a home rule or gen-
13 eral law municipality shall use ordinances to

14 (1) establish, alter or abolish municipal
15 departments;

16 (2) fix the compensation of members of the
17 assembly or council;

18 (3) provide for a fine or other penalty, or
19 establish a rule or regulation for violation of which a fine
20 or other penalty is imposed;

21 (4) provide for the levying of taxes;

22 (5) make appropriations and supplemental appro-
23 priations, or transfer appropriations;

24 (6) grant, renew, or extend a franchise;

25 (7) regulate the rate charged by a public utility;

26 (8) provide for the borrowing of money;

27 (9) adopt, modify or repeal the comprehensive plan,
28 the zoning and subdivision ordinances, the building and
29 housing codes, and the official map;

1 (10) approve the transfer of a power to a borough
2 from a city;

3 (11) designate the borough seat.

4 (b) This section grants no authority but requires the
5 assembly or council to use ordinances in exercising certain
6 of its powers.

7 Sec. 29.48.140. FORM OF ORDINANCES. Ordinances are
8 introduced in writing in the form required by the assembly
9 or council.

10 Sec. 29.48.150. ORDINANCE PROCEDURE. (a) The follow-
11 ing procedure governs the enactment of all ordinances except
12 emergency ordinances. An ordinance may be introduced by a
13 member or committee of the assembly or council or by the
14 municipal executive. An ordinance shall be set for hearing by
15 the affirmative vote of a majority of the votes authorized on
16 the question. A summary of the ordinance and its amendments
17 is published together with a notice of time and place for
18 public hearing. The hearing follows publication by at least
19 seven days. Copies of the ordinance must be available to all
20 persons present or the ordinance must be read in full. The
21 assembly or council shall hear all interested persons wishing
22 to be heard. After the hearing, the assembly or council shall
23 consider the ordinance and may adopt it with or without amend-
24 ment. The assembly or council shall print and make available
25 copies of adopted ordinances.

26 (b) Ordinances take effect 15 days after adoption or at
27 a later date specified in the ordinance.

28 Sec. 29.48.160. EMERGENCY ORDINANCES. (a) To meet a
29 public emergency the assembly or council may adopt ordinances

1 and subpoenas may be issued by the municipal clerk. Subpoenas
2 requiring the production of books and papers may be issued in
3 like manner upon request. If a person fails to obey a sub-
4 poena, the superior court shall order the witness to appear
5 and testify, or compel the production of the books or papers.

6 Sec. 29.48.090. APPLICATION. In a case of conflict
7 between the provisions of this title and the provisions of
8 Title 42, the provisions of Title 42 shall prevail.

9 ARTICLE 3. MUNICIPAL ENACTMENTS.

10 Sec. 29.48.130. ACTS REQUIRED TO BE BY ORDINANCE. (a)
11 In addition to other actions which this title requires to be
12 by ordinance, the assembly or council of a home rule or gen-
13 eral law municipality shall use ordinances to

14 (1) establish, alter or abolish municipal
15 departments;

16 (2) fix the compensation of members of the
17 assembly or council;

18 (3) provide for a fine or other penalty, or
19 establish a rule or regulation for violation of which a fine
20 or other penalty is imposed;

21 (4) provide for the levying of taxes;

22 (5) make appropriations and supplemental appro-
23 priations, or transfer appropriations;

24 (6) grant, renew, or extend a franchise;

25 (7) regulate the rate charged by a public utility;

26 (8) provide for the borrowing of money;

27 (9) adopt, modify or repeal the comprehensive plan,
28 the zoning and subdivision ordinances, the building and
29 housing codes, and the official map;

1 (10) approve the transfer of a power to a borough
2 from a city;

3 (11) designate the borough seat.

4 (b) This section grants no authority but requires the
5 assembly or council to use ordinances in exercising certain
6 of its powers.

7 Sec. 29.48.140. FORM OF ORDINANCES. Ordinances are
8 introduced in writing in the form required by the assembly
9 or council.

10 Sec. 29.48.150. ORDINANCE PROCEDURE. (a) The follow-
11 ing procedure governs the enactment of all ordinances except
12 emergency ordinances. An ordinance may be introduced by a
13 member or committee of the assembly or council or by the
14 municipal executive. An ordinance shall be set for hearing by
15 the affirmative vote of a majority of the votes authorized on
16 the question. A summary of the ordinance and its amendments
17 is published together with a notice of time and place for
18 public hearing. The hearing follows publication by at least
19 seven days. Copies of the ordinance must be available to all
20 persons present or the ordinance must be read in full. The
21 assembly or council shall hear all interested persons wishing
22 to be heard. After the hearing, the assembly or council shall
23 consider the ordinance and may adopt it with or without amend-
24 ment. The assembly or council shall print and make available
25 copies of adopted ordinances.

26 (b) Ordinances take effect 15 days after adoption or at
27 a later date specified in the ordinance.

28 Sec. 29.48.160. EMERGENCY ORDINANCES. (a) To meet a
29 public emergency the assembly or council may adopt ordinances

1 effective on adoption. Every emergency ordinance must con-
2 tain a finding by the assembly or council that an emergency
3 exists and a statement of the facts upon which the finding is
4 based. The ordinance may be adopted, amended and adopted, or
5 rejected at the meeting at which it is introduced. The
6 affirmative vote of all members present, or the affirmative
7 vote of three-fourths of the total membership, whichever is
8 less, is required for adoption. The assembly must print and
9 make available copies of adopted emergency ordinances.

10 (b) An emergency ordinance may not be used to levy
11 taxes, to grant, renew or extend a franchise, or to regulate
12 the rate charged by a public utility for its services.

13 (c) Emergency ordinances are effective for 60 days.

14 Sec. 29.48.170. CODES OF TECHNICAL REGULATIONS. The
15 assembly or council may in a single ordinance adopt or amend
16 by reference provisions of any standard published code of
17 technical regulations. The regular ordinance procedure
18 applies except that neither the ordinance nor its amendments
19 need be distributed to the public or read in full at the
20 hearings. For a period of 15 days before adoption at least
21 five copies of the code must be made available for public
22 inspection at a time and place set out in the hearing notice.
23 Only the adopting ordinance need be printed after adoption.
24 The assembly or council shall provide for the adopted code
25 to be sold to the public.

26 Sec. 29.48.180. CODIFICATION. (a) Each ordinance and
27 resolution after adoption shall be given a serial number and,
28 together with the date of adoption and the designation of the
29 adopting authority, shall be entered by the municipal clerk

1 in a properly indexed book kept for that purpose.

2 (b) Within three years after incorporation of the
3 municipality, the municipal executive, with the advice and
4 assistance of a legal advisor, shall have prepared a general
5 codification of all municipal ordinances and resolutions
6 having the force and effect of law. The municipal code shall
7 be revised and printed at least every five years, unless the
8 code is kept current by regular supplements.

9 Sec. 29.48.190. BUDGET AND CAPITAL PROGRAM. (a) The
10 municipal fiscal year shall begin on July 1 of each year.
11 The assembly or council shall establish the manner for the
12 preparation and submission of the budgets and capital pro-
13 grams by the executive. After public hearing, the assembly
14 or council may approve the budgets with or without amendments
15 and shall appropriate the funds required for the approved
16 budgets.

17 (b) A bond, contract, lease or other obligation re-
18 quiring the payment of funds from the appropriations of a
19 later fiscal year or of more than one fiscal year shall be
20 made or approved by ordinance by a majority of the votes
21 authorized on the question.

22 (c) The assembly or council may make supplemental and
23 emergency appropriations. No payment may be authorized or
24 made and no obligation incurred except in accordance with
25 appropriations.

26 (d) Nothing in this section is intended to prevent the
27 authorizing of payment or making of contracts for capital
28 improvements to be financed wholly or partly by the issuance
29 of bonds.

1 Sec. 29.48.200. PENALTIES. For the violation of an
2 ordinance, the assembly or council may prescribe punishment
3 not to exceed a fine of \$300, or imprisonment for 30 days,
4 or both, together with costs of prosecution.

5 Sec. 29.48.210. EXPENDITURE OF BOROUGH REVENUES.
6 Borough revenues levied and collected on an areawide basis
7 by a home rule or general law borough may be expended on
8 general administrative costs and on areawide functions only.
9 Revenues levied and collected in the area outside cities
10 only may be expended on general administrative costs and
11 functions which render service to the area outside cities
12 only.

13 Sec. 29.48.220. POST AUDIT. The assembly or council
14 shall provide for an annual independent audit of the accounts
15 and financial transactions of the municipality and its
16 departments. To make the audit the assembly or council shall
17 designate a public accountant who has no personal interest,
18 direct or indirect, in the fiscal affairs of the municipality
19 or its departments. Copies of the audit shall be available
20 to the public upon request. This section applies to home
21 rule and general law municipalities.

22 ARTICLE 4. MISCELLANEOUS PROVISIONS.

23 Sec. 29.48.250. CENTRALIZED PURCHASING. The assembly
24 or council may provide for centralized purchasing, storage
25 and distribution of supplies, material and equipment for the
26 municipality and its departments. However, the municipal
27 school board may determine the policy and provide for the
28 purchase of supplies and equipment of a kind not used by
29 other municipal departments.

1 Sec. 29.48.260. MUNICIPAL PROPERTIES. (a) A municipi-
2 pality may acquire and hold real and personal property or
3 interest in property, and may sell, lease or otherwise dispose
4 of property no longer required for municipal purposes.

5 (b) A municipality may sell, lease, donate or exchange
6 with the United States, the state, or a political subdivision
7 real estate or other property, or interest in property, when
8 in the judgment of the assembly or council it is advantageous
9 to the municipality to do so.

10 (c) The assembly or council shall by ordinance estab-
11 lish a formal procedure for the sale, lease or disposition
12 of real property or interest in real property. The ordinance
13 shall require (1) an estimated value of the property by a
14 qualified appraiser or the assessor, (2) a notice of sale
15 published in a newspaper of general circulation within the
16 municipality at least 30 days before the date of the sale,
17 lease, or disposition, or posted within that time in at least
18 three public places in the municipality, (3) public opening
19 of sealed bids, if any, and (4) other terms and conditions
20 fixed by the assembly or council. However, no ordinance for
21 the sale, lease, or disposition of real property or interest
22 in real property valued at \$25,000 or more is valid unless
23 ratified by a majority of the qualified voters voting at a
24 general or special election at which the question of the
25 ratification of the ordinance is submitted. Thirty days'
26 notice shall be given of the election and during that period
27 the assembly or council shall have published at least once
28 a week in a newspaper published in the municipality a notice
29 stating the time of the election and the place of voting,

1 describing the property to be sold, leased or disposed of,
2 giving a brief statement of the terms and conditions of the
3 sale and the consideration, if any, and stating the title and
4 date of passage of the ordinance. Notice shall also be given
5 by posting a copy of it in at least three public places in
6 the municipality at least 30 days before the election. If
7 no newspaper of general circulation is published in the
8 municipality, the notice given by posting is sufficient for
9 the purposes of this section.

10 (d) The assembly or council may by ordinance establish
11 a formal procedure for acquisition from the state of land or
12 rights in land and disposal of those lands or rights in land,
13 in which event the provisions of subsection (c) do not apply.

14 (e) A municipality, in order to make sites available
15 for beneficial new industries, may acquire and hold real
16 property, either inside or outside the corporate limits, and
17 may sell, lease or dispose of it to persons who agree to
18 operate a beneficial new industry upon the terms and conditions
19 the assembly or council considers advantageous to the munici-
20 pality.

21 CHAPTER 53. MUNICIPAL ASSESSMENT AND TAXATION.

22 ARTICLE 1. BOROUGH PROPERTY TAX.

23 Sec. 29.53.010. GENERAL PROPERTY TAX. Home rule and
24 general law boroughs may levy (1) an areawide property tax
25 for areawide functions, and (2) a property tax limited to the
26 area outside cities for functions limited to the area outside
27 cities. A property tax if levied must be assessed, levied
28 and collected on real and personal property as provided in
29 this chapter.

1 Sec. 29.53.020. REQUIRED EXEMPTIONS. (a) The following
2 property is exempt from taxation:

3 (1) municipal, state or federally-owned property,
4 (2) household goods and personal effects not used
5 for business, rent or profit,

6 (3) property used exclusively for nonprofit re-
7 ligious, eleemosynary, charitable, cemetery, hospital or
8 educational purposes,

9 (4) property of a nonbusiness organization composed
10 entirely of U. S. war veterans and its auxiliaries,

11 (5) money on deposit,

12 (6) intangible personal property not including
13 leasehold interests.

14 (b) "property used exclusively for religious purposes"
15 includes the following property owned by a religious organi-
16 zation:

17 (1) the residence of the pastor, priest, rabbi,
18 minister or religious order of a recognized religious
19 organization.

20 (2) a structure, its furniture and its fixtures
21 used solely for public worship, charitable purposes,
22 religious education or a nonprofit hospital.

23 (3) lots supporting and adjacent to a structure or
24 residence mentioned in (1) or (2) of this subsection which
25 are necessary to convenient use,

26 (4) lots required by local ordinance for parking
27 near a structure defined in (2) of this subsection,

28 (c) Property described in (a) or (b) of this section
29 from which income is derived is exempt only if such income is

1 solely from use of the property by non-profit religious,
2 eleemosynary, charitable, hospital or educational groups for
3 classroom space.

4 (d) Laws exempting certain property from execution
5 under the Code of Civil Procedure do not exempt the property
6 from taxes levied and collected by municipalities.

7 Sec. 29.53.025. OPTIONAL PERSONAL PROPERTY EXEMPTIONS.

8 (a) The assembly may by ordinance, ratified by a majority
9 of the qualified voters voting on the question, exclude
10 personal property from taxation or classify and exempt from
11 taxation any class or classes of personal property. The
12 ordinance as presented to the voters shall specify (1) the
13 current estimated full and true value of the personal property
14 or classes of personal property to be exempted or excluded
15 and (2) the amount of money which is equivalent to the amount
16 which would be raised from the current mill levy on the full
17 and true value of the personal property to be exempted or
18 excluded.

19 (b) For purposes of this section commercial fishing
20 vessels registered with the Department of Fish and Game may
21 be considered as a separate class of personal property.

22 (c) A borough which on the effective date of this Act
23 exempts or excludes personal property or any class or classes
24 of personal property from taxation may continue the exemption
25 or exclusion only upon adopting an ordinance as required by
26 (a) of this section.

27 Sec. 29.53.030. MINING CLAIMS. The assessed value of
28 an unimproved, unpatented mining claim which is not producing,
29 and a nonproducing patented mining claim upon which the

1 improvements originally required for patent have become use-
2 less and valueless through depreciation, removal or otherwise,
3 is fixed at \$200 for each 20 acres or fraction of 20 acres.
4 If the surface ground of a claim has a separate and independ-
5 ent value for nonmining uses, the real and personal property
6 is assessed at its full and true value.

7 Sec. 29.53.040. MOBILE HOMES. Mobile homes, trailers,
8 housetrailers, trailer coaches and similar property used or
9 intended to be used for residential, office or commercial
10 purposes and attached to the land or connected to water, gas,
11 electric or sewage facilities are classed as real property
12 for tax purposes. This section does not apply to house
13 trailers and mobile homes which are unoccupied and held for
14 sale by persons engaged in the business of selling mobile
15 homes.

16 Sec. 29.53.050. TAX LIMITATION. Municipalities may
17 levy property taxes to pay or secure the payment of principal
18 and interest on general obligation bonds without limitation
19 as to rate or amount. They may not levy property taxes for
20 other purposes in excess of three per cent of the assessed
21 property valuation.

22 Sec. 29.53.060. FULL AND TRUE VALUE. (a) The assessor
23 shall assess property at its full and true value as of
24 January 1 of the assessment year, except as provided in this
25 section and secs. 30 and 160 of this chapter. The full and
26 true value is the amount which the property would bring on
27 an open market in a sale on normal payment terms between a
28 willing seller and a willing buyer both conversant with the
29 property and with prevailing general price levels.

1 (b) Assessment of business inventories may be based on
2 the average monthly method of assessment rather than the value
3 existing on January 1. The method used to assess business
4 inventories shall be prescribed by the borough assembly.

5 Sec. 29.53.070. RETURNS. (a) The assembly may require
6 every person having ownership or control of or an interest in
7 property to submit a return in the form prescribed by the as-
8 sessor, based on property values existing on January 1, except
9 as otherwise provided in this chapter.

10 (b) The assessor may, by written notice, require a
11 person to provide additional information within 30 days.

12 Sec. 29.53.080. INDEPENDENT INVESTIGATION. (a) The
13 assessor is not bound to accept a return as correct. He may
14 make an independent investigation of property returned or of
15 taxable property upon which no return has been filed. In
16 either case, the assessor may make his own valuation of the
17 taxable property, which is prima facie evidence.

18 (b) For investigation, the assessor or his agent may
19 enter any premise during reasonable hours and may examine
20 property on the premises. He may examine all property records
21 involved. A person shall, upon request, furnish to the
22 assessor or his agent every facility and assistance for the
23 purposes of the investigation. If refused entry, the assessor
24 may seek a court order to compel entry.

25 (c) An assessor may examine a person on oath. Upon
26 request, the person shall present himself for examination by
27 the assessor.

28 Sec. 29.53.090. STATEMENT. A person who fails to file
29 a statement required by ordinance or who knowingly makes a

1 false affidavit to a statement required by a tax ordinance
2 relative to the amount, location, kind or value of property
3 subject to taxation with intent to evade the taxation, is
4 guilty of a misdemeanor. Upon conviction, he is punishable
5 by a fine of not more than \$300 or by imprisonment for not
6 more than 30 days, or by both, together with costs of prose-
7 cution.

8 Sec. 29.53.100. ASSESSMENT ROLL. (a) The assessor
9 shall prepare an annual assessment roll. The roll contains

- 10 (1) a description of all taxable property,
11 (2) the assessed value of all taxable property,
12 (3) the names and addresses of persons with
13 property subject to assessment and taxation.

14 (b) The assessor may list real property by any descrip-
15 tion that may be made certain. Real property is assessed to
16 the owner of record as shown in the records of the district
17 recorder, who shall at least monthly provide the assessor a
18 copy of each recorded change of ownership and the address of
19 the party recording the change of ownership. Other persons
20 having an interest in the property may be listed on the
21 assessment records with the owner. The person in whose name
22 property is listed as owner is conclusively presumed to be
23 the legal owner of record. If the property owner is unknown,
24 the property may be assessed to "Unknown Owner". No assess-
25 ment is invalidated by a mistake, omission or error in the
26 name of the owner, if the property is correctly described.

27 Sec. 29.53.110. ASSESSMENT NOTICE. (a) The assessor
28 shall give every person named in the assessment roll a
29 notice of assessment, showing the assessed value of his

1 property. On each notice is printed a brief summary of the
2 dates when taxes are payable, delinquent and subject to
3 penalty and interest and the dates when the board of equali-
4 zation will sit.

5 (b) Sufficient assessment notice is given if mailed by
6 first class mail 30 days before the equalization hearings.
7 If the address is not known to the assessor, the notice may
8 be addressed to the person at the post office nearest the
9 property. Notice is effective on the date of mailing.

10 Sec. 29.53.120. CORRECTIONS. (a) A person receiving
11 an assessment notice shall advise the assessor of errors or
12 omissions in the assessment of his property. The assessor
13 may correct errors or omissions in the roll before the board
14 of equalization hearing.

15 (b) If errors found in the preparation of the assess-
16 ment roll are adjusted, the assessor shall mail a corrected
17 notice allowing 30 days for appeal to the board.

18 Sec. 29.53.130. APPEAL. (a) A person whose name
19 appears on the assessment roll or his agent or assigns may
20 appeal to the board of equalization for relief from an alleged
21 error in valuation not adjusted by the assessor to the tax-
22 payer's satisfaction.

23 (b) The appellant shall, within 30 days from date of
24 mailing of notice of assessment, submit to the assessor a
25 written appeal specifying grounds in the form which the
26 board may require. Otherwise, the right of appeal ceases
27 unless the board finds that the taxpayer was unable to comply.

28 (c) The assessor shall notify appellants by mail of
29 the time and place of their hearing.

1 (d) The assessor shall prepare for use by the board a
2 summary of assessment data relating to each assessment which
3 is appealed.

4 Sec. 29.53.135. BOARD OF EQUALIZATION. The assembly is
5 the board of equalization. It may delegate all or part of its
6 functions as the board of equalization to an appointed board
7 consisting of not less than five nor more than nine members.
8 The assembly shall by ordinance adopt rules for the member-
9 ship and conduct of the board.

10 Sec. 29.53.140. HEARING. (a) If an appellant fails
11 to appear, the board of equalization may proceed with the
12 hearing in his absence.

13 (b) The appellant bears the burden of proof.

14 (c) The only grounds for adjustment is proof of unequal
15 value or excessive valuation based on facts stated in a valid
16 written appeal timely filed.

17 (d) The board shall certify its actions to the assessor
18 within three days.

19 (e) The assessor shall enter the changes and certify
20 the final assessment roll by June 1.

21 (f) An appellant may appeal to the superior court for
22 review de novo of the board's action.

23 Sec. 29.53.150. SUPPLEMENTARY ASSESSMENT ROLLS. The
24 assessor shall include property omitted from the assessment
25 roll on a supplementary roll, using the procedures outlined
26 by this chapter for the original roll.

27 Sec. 29.53.160. TAX ADJUSTMENTS ON PROPERTY AFFECTED
28 BY A NATURAL DISASTER. (a) The assembly may provide for a
29 reassessment and reduction of taxes for property destroyed,

1 damaged, or otherwise reduced in value as a result of a
2 natural disaster.

3 (b) A reassessment may be made by the assessor only
4 upon the receipt of a sworn statement of the taxpayer that
5 his losses exceed \$1,000. A reduction of taxes may be made
6 only on losses in excess of \$1,000 for the remainder of the
7 year following the disaster. Upon reassessment the borough
8 shall recompute this tax and refund taxes which have already
9 been paid.

10 (c) The borough shall make notice of assessment or re-
11 assessment and shall hold an equalization hearing as provided
12 in this chapter, except that a notice of appeal is filed with
13 the board of equalization within 10 days after notice of
14 assessment is given to the person appealing. Otherwise, the
15 right of appeal ceases unless the board finds that the tax-
16 payer is unable to comply.

17 (d) In enacting an ordinance or resolution authorized
18 by this section, the assembly may, consistent with this sec-
19 tion, prescribe procedures, restrictions and conditions of
20 assessing or reassessing property and of remitting, refunding
21 or forgiving taxes.

22 (e) In this section "disaster" means a major disaster
23 declared by the President of the United States under the
24 provisions of the Federal Disaster Act of 1950, Title 42,
25 United States Code, Sec. 1855-1855g, or other federal law.

26 Sec. 29.53.170. TAX LEVY AND RATE. (a) The power
27 granted to the assembly to assess, levy and collect a general
28 property tax shall be exercised by means of general ordinances,
29 but the rate of levy, the date of equalization and the date

1 when taxes become delinquent shall be fixed by resolution.

2 (b) The assembly shall annually determine the rate of
3 levy before June 15. The tax collector shall mail tax state-
4 ments by July 1.

5 Sec. 29.53.180. RATES OF PENALTY AND INTEREST. If the
6 taxpayer is required to pay the entire tax on the due date
7 set by the assembly, a penalty not to exceed 10 per cent may
8 be added to all delinquent taxes, and interest at the rate of
9 eight per cent a year shall accrue upon all unpaid taxes, not
10 including penalty, from the due date until paid in full. If
11 the taxpayer is given the right to pay the tax in two install-
12 ments and the first half is not paid when due, the entire tax
13 becomes delinquent and penalty and interest accrue as follows.

14 (1) If the first half is paid when due, the second
15 half is payable on the due date fixed by the assembly for the
16 second half and if not paid is delinquent after that date.

17 (2) A penalty not to exceed eight per cent shall
18 be added to all taxes delinquent until the due date fixed
19 for payment of the second half, and interest at the rate of
20 eight per cent a year shall be charged on the whole of the
21 unpaid taxes, not including penalty, from due date until paid
22 in full.

23 (3) After the due date for the payment of the
24 second half a total penalty of not more than 10 per cent may
25 be added to all delinquent taxes, and interest at the rate of
26 eight per cent a year shall accrue upon all unpaid taxes,
27 not including penalties, from due date until date paid in full.

28 ARTICLE 2. ENFORCEMENT OF TAX LIENS.

29 Sec. 29.53.200. VALIDITY. Certified assessment and tax

1 rolls are valid and binding on all persons, notwithstanding
2 any defect, error, omission or invalidity in the assessment
3 rolls or proceedings pertaining to the assessment roll.

4 Sec. 29.53.210. TAX LIABILITY. (a) The owner of
5 personal property assessed is personally liable for the
6 amount of taxes assessed against his property. The tax,
7 together with penalty and interest, may be collected in a
8 personal action brought in the name of the borough.

9 (b) Real property taxes, together with penalty and
10 interest, are a lien upon the property assessed, and the
11 lien is prior and paramount to other liens or encumbrances
12 against the property.

13 Sec. 29.53.220. ENFORCEMENT OF PERSONAL PROPERTY TAX
14 LIENS BY DISTRAINT AND SALE. The lien of personal property
15 taxes may be enforced by distraint and sale of the property.
16 The assembly shall provide the procedure for distraint and
17 sale by ordinance. No seizure, levy or distraint is legal
18 unless demand is first made of the person assessed for the
19 amount of the tax, penalty and interest, and no sale is
20 valid unless made at public auction after 15 days' notice
21 given by posting or publication. The seizure is made by
22 virtue of a warrant issued by the borough clerk to a peace
23 officer. If the property sold is not sufficient to satisfy
24 the tax, penalty, interest, and costs of sale, the warrant
25 may authorize the seizure of other personal property suffi-
26 cient to satisfy the tax, penalty, interest and costs of sale.

27 Sec. 29.53.230. REAL PROPERTY TAX COLLECTION. (a) The
28 borough shall enforce delinquent real property tax liens by
29 annual foreclosure, unless otherwise provided by ordinance.

1 (b) If the tax on property described in sec. 40 of this
2 chapter or on a leasehold interest in tax exempt property is
3 not paid when due, a borough may enforce the tax by a personal
4 action against the delinquent taxpayer brought in the magis-
5 trate or superior court, in addition to other remedies avail-
6 able to the borough to enforce the lien.

7 Sec. 29.53.240. FORECLOSURE LIST. (a) The borough
8 shall

9 (1) by July 1 of each year in which foreclosure is
10 undertaken, present a petition for judgment and a certified
11 copy of the foreclosure list for the previous year's de-
12 linquent taxes to the superior court for judgment;

13 (2) publish the foreclosure list for four consecu-
14 tive weeks in a newspaper of general circulation in the
15 borough, or, if there is no newspaper of general circulation,
16 post the list at three public places;

17 (3) within 10 days after the first publication or
18 posting, mail to the last known owner of each property as his
19 name and address appear on the list a notice advising of the
20 foreclosure proceeding on which a judgment of foreclosure
21 has been taken and describing the property and the amount due
22 as stated on the list.

23 (b) The list includes

24 (1) the last known owner,

25 (2) the property description as stated on the
26 assessment roll,

27 (3) years and amounts of delinquency,

28 (4) penalty and interest due,

29 (5) a statement that the list is available for

1 public inspection at the clerk's office,

2 (6) a statement that the list has been presented
3 to the superior court with a petition for judgment and decree.

4 (c) Completion of the requirements of (a) of this sec-
5 tion constitutes and has the same force and effect as the
6 filing of an individual and separate complaint and service
7 of summons to foreclose a lien against each property des-
8 cribed on the foreclosure list.

9 Sec. 29.53.250. CLEARING DELINQUENCIES. During the
10 publication or posting of the foreclosure list and up to the
11 time of transfer to the borough a person may pay the taxes,
12 together with the penalty, interest and costs. The collector
13 shall note payment on the foreclosure list.

14 Sec. 29.53.260. LIST TO LIENHOLDER. A holder of a
15 mortgage or other lien on real property may request the clerk
16 to send by certified mail notice of a foreclosure list which
17 includes such real property.

18 Sec. 29.53.270. GENERAL FORECLOSURE. The borough shall
19 bring one general foreclosure proceeding in rem against the
20 properties included in the list. If the owner is unknown,
21 the property is proceeded against as belonging to "Unknown
22 Owner". Tax foreclosure proceedings have priority over all
23 other civil proceedings except board of adjustment appeals as
24 provided in AS 29.33.130(e).

25 Sec. 29.53.280. ANSWER AND OBJECTION. A person having
26 an interest in a tract on the foreclosure list may file an
27 answer within 30 days of the date of publication, specifying
28 his objection. The court shall make its decision in summary
29 proceedings. The foreclosure list is prima facie evidence

1 that the assessment and levy of the tax is valid and that the
2 tax is unpaid.

3 Sec. 29.53.290. JUDGMENT. The court shall in a proper
4 case give judgment and decree that the tax liens be fore-
5 closed. It is a several judgment against and a lien on each
6 parcel.

7 Sec. 29.53.300. TRANSFER AND APPEAL. (a) Foreclosed
8 properties are transferred to the borough for the lien amount.
9 When answers are filed the court may enter judgment against
10 and order the transfer to the borough of all other properties
11 on the list pending determination of the matters in contro-
12 versy. The court shall hear and determine the issues raised
13 by the complaint and answers in the same manner and under the
14 same rules as it hears and determines other actions.

15 (b) The court clerk shall deliver a certified copy of
16 the judgment and decree to the borough clerk. The certified
17 judgment and decree constitutes a transfer to the borough.

18 (c) The judgment and decree estops objections to it
19 which could have been presented before judgment and decree.

20 (d) Appeal from a judgment and decree of foreclosure,
21 or from a final order in the proceeding, may be taken in the
22 manner provided for appeals in civil actions.

23 Sec. 29.53.310. REDEMPTION PERIOD. (a) Properties
24 transferred to the borough are held by the borough for at least
25 one year. During the redemption period a party having an
26 interest in the property may redeem it by paying the lien
27 amount plus penalties, interest and costs. Property redeemed
28 is subject to all taxes, assessments, liens and claims as
29 though it had continued in private ownership. Only the amount

1 applicable under the judgment and decree must be paid in order
2 to redeem the property.

3 (b) A person holding a mortgage or other lien of record
4 covering a part only of a parcel of real property included in
5 the judgment and decree of foreclosure may redeem that part
6 by paying the proportionate amount applicable under the
7 judgment and decree.

8 Sec. 29.53.320. EFFECT. Receipt of redemption money
9 by the clerk releases all claims of the borough to the
10 property. The clerk shall record the redemption and issue a
11 certificate containing a property description, the redemption
12 amount, and the dates of judgment and decree of foreclosure.
13 The clerk shall file the certificate with the recorder and
14 collect the recording fee from the person redeeming at the
15 time of redemption. The court clerk shall file the certifi-
16 cate as part of the judgment roll.

17 Sec. 29.53.330. ADDITIONAL LIENS. If a property in-
18 cluded in a foreclosure list is removed after payment of
19 delinquencies or redemption by another lienholder, the receipt
20 for payment constitutes an additional lien on the property,
21 collectible in the same manner as the original lien.

22 Sec. 29.53.340. POSSESSION DURING REDEMPTION PERIOD.
23 Foreclosure does not affect the former owner's right to
24 possession during the redemption period. In the event that
25 waste is committed by the former owner, or by anyone acting
26 under his permission or control, the borough may declare an
27 immediate forfeiture of the right to possession.

28 Sec. 29.53.350. EXPIRATION. Not earlier than 30 days
29 before the expiration of the redemption period the clerk shall

1 publish a redemption period expiration notice stating the
2 owner's name, property lien, the dates of judgment, and the
3 date of conveyance by deed to the borough. The notice is
4 published once a week for four consecutive weeks in a news-
5 paper of general circulation within the borough. If there is
6 no newspaper of general circulation within the borough, the
7 notice is posted in three public places for at least four
8 consecutive weeks. The clerk shall send a copy of the pub-
9 lished notice by certified mail to each record owner of
10 property against whom a judgment of foreclosure has been
11 taken. The notice shall be mailed within five days of the
12 first publication. The right of redemption shall expire
13 30 days after the date of the first publication notice.

14 Sec. 29.53.360. DEED TO BOROUGH OR CITY. (a) Unre-
15 deemed properties in the area of the borough outside cities
16 are deeded to the borough by the clerk of the court. Unre-
17 deemed properties within a city are deeded to the city.

18 (b) Conveyance gives the borough or the city clear
19 title except for prior recorded liens of the United States
20 and the state.

21 (c) If unredeemed property lies within a city and if
22 the city has no immediate public use for the property but the
23 borough does have an immediate public use, the city shall
24 deed the property to the borough. If unredeemed property
25 lies within the borough outside a city and if the borough
26 does not have an immediate public use for the property but
27 the city does have an immediate public use, the borough may
28 deed the property to the city.

29 (d) No deed is invalid for irregularities, omissions or

1 defects, unless the former owner has been misled to his
2 injury. After two years from the date of the deed its vali-
3 dity is conclusively presumed.

4 Sec. 29.53.370. SALE OF FORECLOSED PROPERTIES. Tax
5 foreclosed properties conveyed to a borough or city by tax
6 foreclosure may be sold. Before the sale of any property
7 held for a public purpose, the assembly or council by ordi-
8 nance shall determine that the public need no longer exists.

9 Sec. 29.53.375. REPURCHASE BY RECORD OWNER. (a) The
10 record owner at the time of tax foreclosure of property
11 acquired by a borough or city, or his assigns, may, at any
12 time before the sale or contract of sale of the tax foreclosed
13 property by the borough or city, repurchase the property. The
14 borough or city shall sell the property for the full amount
15 applicable to the property under the judgment and decree, with
16 interest at the rate of eight per cent a year from the date
17 of entry of the judgment of foreclosure to the date of re-
18 purchase, together with delinquent taxes assessed and levied
19 as though it had continued in private ownership.

20 (b) After termination of the right of redemption there
21 is no right to repurchase property held for, or devoted to,
22 a public purpose authorized by law.

23 Sec. 29.53.380. PROCEEDS OF TAX SALE. Upon sale of
24 real or personal property for satisfaction of tax liens, the
25 borough or city shall divide the proceeds, less cost of
26 collection, between the borough and city having tax liens or
27 special assessment liens against the property. The division
28 is in proportion to the respective municipal tax liens which
29 existed on the property at the time of foreclosure.

1 Sec. 29.53.385. PAYMENT OF TAX LIENS UPON PUBLIC
2 UTILIZATION. If a city or borough holds or takes title to
3 tax foreclosed property for a public purpose, the city or
4 borough shall satisfy tax liens against the property held
5 by other municipalities, with accrued interest but without
6 penalty. If the amount required to satisfy such tax liens
7 exceeds the assessed valuation of the property, the city or
8 borough shall pay such lienholders the assessed valuation,
9 which shall be divided between the lien-holding municipalities
10 in proportion to their respective tax liens.

11 Sec. 29.53.390. REFUND OF TAXES. (a) If a taxpayer
12 pays taxes under protest, he may bring suit in the superior
13 court against the borough for recovery of the taxes. If
14 judgment for recovery is given against the borough, the
15 borough shall refund the amount of the taxes to the taxpayer.

16 (b) If, in payment of taxes legally imposed, a remit-
17 tance by a taxpayer through error or otherwise exceeds the
18 amount due, and the borough, on audit of the account in
19 question, is satisfied that this is the case, the borough
20 shall refund the excess with interest at six per cent to the
21 taxpayer. A claim for refund filed after three years of the
22 due date of the tax is forever barred.

23 (c) When real property is acquired for public use by
24 the state, an agency of the state, or a municipality, the
25 borough shall prorate property taxes so that a taxpayer pays
26 taxes only for the length of time that the real property is
27 owned by him. The borough shall make a refund with interest
28 at six per cent upon the taxpayer's application and proof of
29 transfer. A claim for refund filed after three years of the

1 taking for public use is forever barred.

2 ARTICLE 3. CITY PROPERTY TAX.

3 Sec. 29.53.400. POWER OF LEVY. Home rule and first
4 class cities within boroughs may levy a general property tax.
5 A property tax if levied must be levied upon all property
6 within the city listed as taxable on the borough assessment
7 roll and is subject to sec. 50 of this chapter. The council
8 shall by June 15 of each year present to the borough assembly
9 a statement of the city's rate of levy.

10 ARTICLE 4. BOROUGH SALES AND USE TAXES.

11 Sec. 29.53.410. SALES AND USE TAX. (a) A borough may
12 levy and collect a sales tax not exceeding three per cent on
13 sales prices, on rents, and on services made within the
14 borough. The sales tax may apply to any or all of these
15 sources. Exemptions may be granted by ordinance.

16 (b) A borough levying a sales tax may also levy a use
17 tax on the storage, use or consumption of tangible personal
18 property within the borough. The use tax rate must equal
19 the sales tax rate.

20 (c) A person who furnishes proof, in the form required
21 by the borough tax collector, that he has paid a sales tax on
22 a source on which a use tax is levied by the borough is
23 required to pay the use tax only to the extent of the differ-
24 ence between the amount of the sales tax paid and the amount
25 of the use tax levied by the borough. This subsection
26 applies to a sales tax levied in any taxing jurisdiction,
27 whether in or outside the state.

28 Sec. 29.53.420. REFERENDUM, ADOPTION AND MODIFICATION.

29 (a) The assembly shall hold a referendum vote on the

1 question of levy of sales and use taxes. Borough sales or
2 use tax propositions may be presented only once in any 12-
3 month period.

4 (b) If the proposition receives a majority of the votes
5 cast, the assembly may enact the sales tax as a levy upon
6 either buyers or sellers; the use tax shall be levied only
7 upon buyers. The sales tax is collected at the time of sale
8 or at the time of payment in credit transactions and trans-
9 mitted to the borough.

10 ARTICLE 5. CITY SALES AND USE TAXES.

11 Sec. 29.53.440. POWER OF LEVY. Home rule or general
12 law cities, within a borough which levies and collects sales
13 or use taxes for areawide borough functions, may levy sales
14 or use taxes upon all sources taxed by the borough, but only
15 in the manner provided for boroughs.

16 Sec. 29.53.450. POWER OF LEVY AND COLLECTION. Home rule
17 and general law cities, within a borough which does not levy
18 and collect sales or use taxes for areawide borough functions,
19 may levy and collect sales or use taxes, but only in the
20 manner provided for boroughs.

21 Sec. 29.53.460. COMBINING SALES TAX WITH INCORPORATION.
22 A petition for second class city incorporation may request
23 that a sales tax proposal be placed on the same ballot. The
24 petition must state the proposed tax rate. The petition may
25 request that incorporation be dependent upon the passage of
26 the sales tax proposition. If so, the incorporation
27 proposition fails if the sales tax fails.

28 CHAPTER 58. MUNICIPAL DEBT.

29 ARTICLE 1. TAX ANTICIPATION NOTES.

1 Sec. 29.58.010. TAX ANTICIPATION NOTES. A municipality
2 may borrow money in the form of negotiable or non-negotiable
3 notes to meet the appropriations for a fiscal year in antici-
4 pation of the collection of taxes and revenues for that year.
5 The aggregate principal amount borrowed may not at any time
6 exceed 50 per cent of the appropriations for the fiscal year.

7 Sec. 29.58.020. FORM AND TERMS. The assembly or
8 council shall authorize by ordinance the sale of tax antici-
9 pation notes. Notes are in the form and denominations
10 determined by the assembly or council, with a maturity date
11 not to exceed the end of the next fiscal year from the date
12 of issue.

13 Sec. 29.58.030. SECURITY. Tax anticipation notes are
14 a general obligation of the municipality and payment is
15 secured by its full faith, credit, taxing power, and re-
16 sources. The municipality may levy ad valorem taxes for
17 payment without limitation of rate or amount.

18 Sec. 29.58.040. SALE OF NOTES. The municipality shall
19 sell tax anticipation notes in the manner and at the price
20 it determines, at either public or private sale.

21 ARTICLE 2. BOND ANTICIPATION NOTES.

22 Sec. 29.58.060. BOND ANTICIPATION BORROWING. A munici-
23 pality may borrow money in anticipation of the sale of
24 general obligation and revenue bonds if

25 (1) the general obligation bonds to be sold have
26 been authorized by the assembly or council and ratified by a
27 majority vote at a regular or special election,

28 (2) the revenue bonds to be sold have been author-
29 ized by ordinance.

1 Sec. 29.58.070. ISSUANCE OF NOTES. The assembly or
2 council shall issue negotiable or non-negotiable notes for
3 the amounts borrowed with a maturity date not to exceed one
4 year from the date of issue. All notes and the interest on
5 them are payable at a fixed place, on or before a fixed time,
6 from the proceeds of the sale of bonds in anticipation of
7 which the original note or notes were issued, unless the bonds
8 have not been sold by the maturity date of the notes.

9 Sec. 29.58.080. ISSUANCE OF NEW NOTES. If the sale of
10 the bonds has not occurred before the maturity of the notes
11 issued in anticipation of the sale, the assembly or council
12 shall issue new notes in order to meet payment of the notes
13 then maturing or shall renew the outstanding bond anticipa-
14 tion notes. New notes issued or renewals of outstanding bond
15 anticipation notes shall bear a maturity date not to exceed
16 one year from the date of issue. Notes, new notes, and re-
17 newals of notes shall not be outstanding for a total elapsed
18 time of more than three years unless the 20 year bond average
19 interest rates which exist three months before the maturity
20 date of the notes are higher than the rates which existed
21 upon issuance of the original notes. In this case notes may
22 be renewed in an amount one-twentieth less than the original
23 amount. Each succeeding reissue must be in an amount de-
24 clining at a rate of not less than one-twentieth of the
25 original amount.

26 Sec. 29.58.090. REPAYMENT OF NOTES. Every note is
27 payable from the proceeds of the sale of bonds which the
28 notes anticipated or from the proceeds of the sale of new
29 bond anticipation notes.

1 Sec. 29.58.100. SECURITY. (a) Notwithstanding any
2 other provisions of this chapter as to payment of notes, notes
3 issued in anticipation of the sale of general obligation bonds
4 and the interest on them are secured by the full faith,
5 credit, taxing power and resources of the municipality. The
6 municipality may levy ad valorem taxes for payment without
7 limitation of rate or amount.

8 (b) Notes issued in anticipation of the sale of revenue
9 bonds and the interest on them are secured in the same manner
10 as are the revenue bonds in anticipation of which the notes
11 are issued.

12 Sec. 29.58.110. LIMITATION. The total amount of notes
13 issued and outstanding shall at no time exceed the total
14 amount of bonds authorized to be issued.

15 Sec. 29.58.120. USE OF PROCEEDS. The proceeds from
16 the sale of notes shall be used only for the purposes for
17 which the proceeds from the sale of bonds may be used or to
18 meet payment of outstanding bond anticipation notes.

19 Sec. 29.58.130. SALE OF NOTES. Notes issued under this
20 chapter shall be sold by the municipality in the manner and
21 at the price it determines, at either public or private sale,
22 but no note may be sold for less than par and accrued inter-
23 est.

24 ARTICLE 3. GENERAL OBLIGATION BONDS.

25 Sec. 29.58.150. GENERAL OBLIGATION BONDS. A munici-
26 pality may acquire, construct, improve and equip capital
27 improvements and issue negotiable or non-negotiable general
28 obligation bonds for these purposes.

29 Sec. 29.58.160. VOTE AND NOTICE OF EXISTING INDEBTEDNESS

1 REQUIRED. (a) A municipality may incur general obligation
2 bond debt only after a bond authorization ordinance is approved
3 by a majority of those voting on the question at a regular or
4 special election. Any municipal voter may vote in the bond
5 election, except as otherwise provided by charter or law. The
6 assembly or council shall prescribe procedures for bond
7 authorization elections.

8 (b) Before a general obligation bond issue election,
9 the assembly or council shall publish a notice of the munici-
10 pality's total existing bonded indebtedness at least once a
11 week for three consecutive weeks in a newspaper of general
12 circulation in the municipal area. The first notice shall be
13 published at least 20 days before the date of the election.

14 A notice shall contain

15 (1) the current total bonded indebtedness,
16 including authorized but unsold bonds of the municipality;

17 (2) the cost of the debt service on the current
18 indebtedness;

19 (3) the total assessed valuation within the munici-
20 pality.

21 Sec. 29.58.170. FORM AND TERMS OF SALE. The assembly
22 or council shall fix the date of the bonds, denominations,
23 maturities, rate of interest, place and manner of payment,
24 redemption terms, registration privileges, manner of execution,
25 and signatures required. If an officer whose signature ap-
26 pears on the bonds or coupons ceases to be an officer before
27 delivery of the bonds, his signature is valid as if he had
28 remained in office until delivery.

29 Sec. 29.58.180. PAYMENT. (a) The full faith, credit,

1 taxing power and resources of a municipality are pledged for
2 the payment of principal and interest on general obligation
3 bonds. The municipality may levy ad valorem taxes for pay-
4 ment without limitation of rate or amount.

5 (b) General obligation bonds issued for acquiring, con-
6 structing, improving and equipping a municipally-owned
7 utility or other revenue generating enterprise may be addi-
8 tionally secured by a pledge of the revenue derived from
9 operation. Bonds so secured are not subject to a debt
10 limitation imposed by a borough or city home rule charter.

11 ARTICLE 4. REVENUE BONDS.

12 Sec. 29.58.200. REVENUE BONDS. A municipality may
13 acquire, construct, improve and equip capital improvements
14 to be operated upon a revenue-producing basis, and bonds for
15 these purposes are payable solely from unpledged revenue of
16 the public facilities for which the bonds are issued.

17 Sec. 29.58.205. NO ELECTION REQUIRED. No election is
18 required to authorize the issuance and sale of revenue bonds,
19 unless otherwise provided by ordinance.

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

28 Sec. 29.58.220. PAYMENT. Bonds issued under secs. 200
29 - 220 of this chapter or the proceedings of the assembly or

1 council authorizing their issuance may contain the covenants
2 which the assembly or council considers advisable concerning

3 (1) the rates or fees to be charged for services
4 rendered by the public facilities, the revenue of which is
5 pledged to the payment of the bonds,

6 (2) the deposit and use of the revenue of the
7 public facilities,

8 (3) the issuance of additional bonds payable from
9 revenue of the public facilities,

10 (4) the rights of the bondholders in case of de-
11 fault in the payment of the principal or interest on the
12 bonds, including the appointment of a receiver to operate the
13 public facilities.

14 ARTICLE 5. REFUNDING BONDS.

15 Sec. 29.58.240. AUTHORIZATION. If a municipality has
16 outstanding general obligation or revenue bonds and the
17 assembly or council determines that it would be financially
18 advantageous to refund the bonds, the assembly or council
19 may provide by ordinance for the issuance of general obli-
20 gation or revenue refunding bonds.

21 Sec. 29.58.250. EFFECT OF BONDS. The refunding bonds
22 may take up and refund all or any part of outstanding bonds
23 at or before their maturity or redemption date. The assembly
24 or council may include various series and issues of bonds in
25 a single issue of refunding bonds.

26 Sec. 29.58.260. NO ELECTION REQUIRED. No election is
27 required to authorize the issuance and sale of refunding
28 bonds. Their issuance may be authorized and all proceedings
29 with reference to them prescribed by ordinance of the

1 assembly or council. However, when it is desirable to use
2 general obligation bonds to refund a revenue bond issue, the
3 governing body shall call an election on the question.

4 Sec. 29.58.270. PAYMENT OF REFUNDING BONDS. General
5 obligation refunding bonds are payable according to sec. 180
6 of this chapter. Revenue refunding bonds are payable accord-
7 ing to sec. 220 of this chapter.

8 Sec. 29.58.280. SALE. General obligation or revenue
9 refunding bonds may, in the discretion of the assembly or
10 council, be exchanged at par for the bonds being refunded,
11 or may be sold at public sale at a price not less than par
12 and accrued interest. They may be issued and delivered at
13 any time before the date of maturity or redemption of the
14 refunded bonds.

15 ARTICLE 6. MISCELLANEOUS PROVISIONS.

16 Sec. 29.58.300. PUBLIC SALE. The municipality shall
17 sell all bonds except bonds of authorized issues of \$50,000
18 or less and having a maximum maturity of not more than
19 five years at public sale upon sealed bids after at least
20 10 days' notice published at least once in a financial
21 publication carrying municipal bond notices and having a large
22 national circulation among municipal bond dealers. Bonds
23 of authorized issues of \$50,000 or less and maturing in
24 five years or less and all notes may be sold at private
25 sale as provided by ordinance. No bonds may be sold at
26 less than par value.

27 Sec. 29.58.310. INTEREST RATE. No municipal bond or
28 note shall bear an interest rate exceeding six per cent a
29 year.

1
2
3
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

Sec. 29.58.320. REDEMPTION BEFORE MATURITY. A bond or note may be made subject to redemption before maturity as stated in the authorization or in the bond or note.

Sec. 29.58.330. FISCAL ADVISOR PROHIBITED FROM BIDDING.

(a) No person who provides financial programming or marketing assistance to a municipality, whether home rule or not, in connection with the issuance or sale of bonds of the municipality may bid on the bonds, if offered at public sale, or negotiate for their purchase, if sold at private sale.

(b) The sale of bonds of a municipality to a person prohibited from bidding on, or negotiating for the sale of, bonds under (a) of this section is against public policy and the sale is void.

(c) In this section, "person" means an individual, firm, agent, factor, intermediary, partnership, corporation, association, bond house, stockbroker, or bond broker.

Sec. 29.58.340. INDEBTEDNESS. Boroughs may incur indebtedness

(1) on an areawide basis for areawide functions, or

(2) on a noncity basis for functions performed in the area outside cities only, or

(3) on a service area basis for functions performed in a service area only.

Sec. 29.58.350. APPLICATION OF CHAPTER. This chapter applies to home rule and general law municipalities.

CHAPTER 63. SPECIAL ASSESSMENTS AND SERVICE AREAS.

ARTICLE 1. SPECIAL ASSESSMENTS.

Sec. 29.63.010. ASSESSMENT AND PROPOSAL. The assembly or council may by ordinance assess against real property

1 benefited all or a portion of the cost of constructing or
2 improving capital improvements. An improvement proposal may
3 be initiated by (1) petition to the assembly or council or
4 the owners of one-half in value of the property to be bene-
5 fited, or (2) the assembly or council.

6 Sec. 29.63.020. DECISION AND NOTICE. (a) When an
7 improvement proposal has been filed with the municipal clerk
8 and presented to the assembly or council, the assembly or
9 council shall find by resolution whether (1) the improvement
10 request is necessary and should be made, and (2) the request
11 has sufficient and proper petitioners. The findings of the
12 assembly or council are conclusive.

13 (b) If the assembly or council passes a resolution
14 approving an improvement proposal with the necessary findings,
15 it shall develop a proposed improvement plan including cost
16 estimate and the percentage of the improvement plan cost to
17 be assessed against the property benefited. This plan is to
18 be filed with the municipal clerk.

19 (c) The assembly or council shall set a time for public
20 hearing on the improvement plan and shall publish a notice
21 at least once a week for four consecutive weeks in a news-
22 paper of general circulation within the municipality.

23 Sec. 29.63.030. OBJECTIONS AND REVISION. (a) Objec-
24 tions to the improvement plan may be filed not less than 30
25 nor more than 60 days after publication of notice on a date
26 specified by the assembly or council. The assembly or council
27 may by resolution approve the plan and proceed with the
28 improvement if the owners of one-half in value of the proper-
29 ty to be benefited do not object in writing.

1 (b) If objections are made by the owners of property
2 bearing one-half of the estimated cost of the improvement,
3 the assembly or council may not proceed with the improvement
4 unless it revises the plan to meet the objections. A revised
5 plan is approved and adopted as an original plan.

6 Sec. 29.63.040. ASSESSMENT AND ROLL. (a) At any time
7 after project approval, the assembly or council shall assess
8 the authorized percentage of the cost against tracts in
9 proportion to benefit received. Assessments may not exceed
10 actual costs.

11 (b) The special assessment roll contains property
12 descriptions, names of owners of record and assessment
13 amounts.

14 (c) The assembly or council shall fix a time to hear
15 objections to the roll. The municipal clerk shall send an
16 assessment and hearing notice by mail to each record owner
17 of an assessed tract 15 days before the hearing. The person
18 in whose name property is listed on the municipal property
19 tax roll as owner is conclusively presumed to be the legal
20 owner of record. If the owner is unknown, the assessment
21 may be made against "Unknown Owner".

22 Sec. 29.63.050. HEARING AND SETTLEMENT. After the
23 public hearing, the assembly or council shall correct errors
24 and any inequalities in the roll. When the roll is corrected,
25 the clerk shall so certify.

26 Sec. 29.63.060. PAYMENT. (a) The assembly or council
27 shall fix times of payment and delinquency of assessments.
28 Payment may not be required sooner than 60 days after assess-
29 ment nor sooner than 60 days before improvement work begins.

1 Payment may be in one sum or by installments. Penalty and
2 interest are the same as for real property taxes.

3 (b) Within 30 days after fixing the time of payment, the
4 municipal clerk shall mail a statement to the owner of record
5 of each property assessed. The statement designates the
6 property, the assessment amount, the time of delinquency, and
7 penalties.

8 (c) Within five days after the statements are mailed,
9 the clerk shall publish notice that the statements have been
10 mailed.

11 (d) Assessments are liens upon the property assessed
12 and are prior and paramount to all liens except municipal
13 tax liens. They may be enforced as provided in AS 29.53.200
14 - 29.53.390 for enforcement of property tax liens.

15 Sec. 29.63.070. REASSESSMENT. (a) The assembly or
16 council shall within one year correct any deficiency in a
17 special assessment found by a court.

18 (b) Notice and hearing must conform to the initial
19 assessment procedures.

20 (c) Payments on the initial assessment are credited to
21 the property upon reassessment.

22 ARTICLE 2. SERVICE AREAS.

23 Sec. 29.63.090. SERVICE AREAS. (a) Service areas to
24 provide special services within a home rule or general law
25 borough may be established, operated, altered or abolished
26 by the assembly by ordinance.

27 (b) The assembly may levy or authorize the levying of
28 taxes, charges, or assessments in service areas to finance
29 the special services. No special assessment may be levied

1 except as provided by secs. 10 - 70 of this chapter.

2 (c) The assembly may provide for appointed or elected
3 boards to supervise the furnishing of special services in
4 service areas.

5 (d) A new service area may not be established if the new
6 service can be provided by an existing service area, by an-
7 nexation to a city, or by incorporation as a city.

8 (e) The assembly may delegate to a service area any powers
9 which may be exercised by a first class borough in the area out-
10 side cities. In a second class borough, each delegated power
11 must be approved by majority vote at a regular or special elec-
12 tion held within the service area. The rate of taxation and
13 the issuance of bonds are subject to assembly approval.

14 CHAPTER 68. ALTERATION OF BOUNDARIES.

15 ARTICLE 1. ANNEXATION AND EXCLUSION.

16 Sec. 29.68.010. ANNEXATION AND EXCLUSION. (a) The local
17 boundary commission may consider any proposed local government
18 boundary change. It may present proposed changes to the
19 legislature during the first 10 days of any regular session.
20 The change shall become effective 45 days after presentation
21 or at the end of the session, whichever is earlier, unless
22 disapproved by a resolution concurred in by a majority of the
23 members of each house.

24 (b) In addition to the regulations governing annexation by
25 local action adopted under AS 44.19.260, the Local Boundary
26 Commission shall, within 90 days of the effective date of this
27 Act, establish procedures for annexation and exclusion of ter-
28 ritory by cities by local action. The procedures established
29 under this subsection shall include:

1 (1) a provision requiring that a proposed annexa-
2 tion and exclusion must be approved by a majority of the voters
3 voting on the question residing within the area proposed to be
4 annexed or excluded;

5 (2) provisions that municipally owned property
6 adjoining the municipality may be annexed by ordinance without
7 voter approval; and

8 (3) provisions that an area adjoining the munici-
9 pality may be annexed by ordinance if all property owners and
10 voters within the area petition the assembly or council.

11 (c) This section applies to home rule and general law
12 municipalities.

13 ARTICLE 2. MERGER AND CONSOLIDATION.

14 Sec. 29.68.030. METHODS OF MERGER OR CONSOLIDATION.

15 Two methods may be used to initiate merger or consolidation of
16 home rule and general law municipalities:

17 (1) petition to the Local Boundary Commission under
18 regulations adopted by the commission, or

19 (2) the local option method specified in secs. 40 -
20 90 of this chapter.

21 Sec. 29.68.040. PETITION. (a) Residents of two or more
22 municipalities may file a merger or consolidation petition
23 with the Local Affairs Agency. The petition must be signed
24 by a number of municipal voters of each municipality equal to
25 at least 25 per cent of the number of votes cast in its last
26 regular election.

27 (b) The petition includes

28 (1) the name and class of each municipality,

29 (2) the name and class of the proposed municipality,

1 (3) the proposed composition and apportionment of
2 the assembly or council,

3 (4) maps, documents, and other information which
4 show that the proposed municipality meets the standards for
5 municipal incorporation.

6 Sec. 29.68.050. REVIEW. The Local Affairs Agency shall
7 review a petition for content and signatures and shall return
8 a deficient petition for correction or completion.

9 Sec. 29.68.060. INVESTIGATION. If the petition contains
10 the required information and signatures, the Local Affairs
11 Agency shall investigate the proposal.

12 Sec. 29.68.070. REPORT AND HEARING. (a) The Local
13 Affairs Agency shall report its findings to the Local
14 Boundary Commission with its recommendations regarding the
15 merger or consolidation.

16 (b) The Local Boundary Commission shall hold at least
17 one public hearing in each of the municipalities included
18 in the merger or consolidation petition, unless officials of
19 the municipalities agree to a single hearing.

20 Sec. 29.68.080. DECISION. If the Local Boundary Com-
21 mission determines that the proposed municipality fails to
22 meet the standards for incorporation, it shall reject the
23 petition. If the commission determines that the proposed
24 municipality meets these standards, it shall accept the
25 petition. If the commission determines that the proposed
26 boundaries or the composition and apportionment of the
27 assembly or council can be altered to meet the standards, it
28 may change the proposal and accept the petition. The deci-
29 sion may be appealed under the Administrative Procedure Act

1 (AS 44.62).

2 Sec. 29.68.090. ELECTION. (a) The Local Boundary
3 Commission shall immediately notify the secretary of state of
4 its acceptance of a merger or consolidation petition. Within
5 30 days after notification, the secretary of state shall
6 order an election within the area to be included in the new
7 municipality to determine whether the voters desire merger
8 or consolidation. The election is held not less than 30 nor
9 more than 90 days after the election order.

10 (b) A voter who is a resident of the area to be included
11 within the proposed municipality may vote.

12 (c) The secretary of state shall supervise the election
13 in the general manner prescribed by the Alaska Election Code
14 (AS 15.05 - 15.60). The state shall pay all election costs.

15 (d) The secretary of state shall certify the election
16 results. If merger or consolidation is approved, he shall
17 within 10 days set a date for election of officers of the
18 new municipality under AS 29.18.120. The election date is
19 not less than 60 nor more than 90 days after the election
20 order. This date is the effective date for the merger or
21 consolidation.

22 Sec. 29.68.100. ASSETS AND LIABILITIES. (a) When two
23 or more municipalities merge, one municipality succeeds to
24 the rights, powers, duties, assets and liabilities of the
25 others.

26 (b) When two or more municipalities consolidate, the
27 newly-incorporated municipality succeeds to the rights,
28 powers, duties, assets and liabilities of the consolidated
29 municipalities.

1 Sec. 29.68.110. ORDINANCES. The ordinances, resolutions,
2 rules, regulations, procedures and orders of the former
3 municipalities remain in force within their respective
4 territories until superseded by the action of the successor
5 municipality.

6 ARTICLE 3. DISSOLUTION.

7 Sec. 29.68.130. METHODS OF DISSOLUTION. (a) Two
8 petition methods may be used to initiate dissolution of home
9 rule and general law municipalities:

10 (1) petition to the Local Boundary Commission
11 under regulations adopted by the commission, or

12 (2) the local option method specified in secs.
13 140 - 200 of this chapter.

14 (b) A home rule or general law borough is dissolved
15 when its entire territory is included within a home rule or
16 first class city or cities. A city is dissolved when all its
17 powers become areawide borough powers.

18 (c) The Local Affairs Agency shall investigate a muni-
19 cipality which it considers to be inactive and shall report
20 to the Local Boundary Commission on the status of the muni-
21 cipality. The commission may submit its recommendation to
22 the legislature that the municipality be dissolved in the
23 manner provided for submission of boundary changes in sec. 12,
24 art. X, of the state constitution.

25 Sec. 29.68.140. PETITION. (a) Municipal residents
26 may file a dissolution petition with the Local Affairs Agency
27 in the form prescribed by the agency. The petition must be
28 signed by a number of municipal voters equal to at least
29 25 per cent of the number of votes cast in the last regular

1 municipal election.

2 (b) The petition includes

3 (1) the name of the municipality,

4 (2) maps, documents and other information showing
5 that the municipality meets the standards for dissolution.

6 Sec. 29.68.150. STANDARDS. (a) Except as provided in
7 (b) of this section, a municipality may petition for dis-
8 solution when (1) it is free of debt, or if in debt, each of
9 its creditors is satisfied with a method of repayment, and
10 (2) either it no longer meets the minimum standards pre-
11 scribed for incorporation by ch. 18 of this title, or it
12 ceases to use each and every one of its mandatory powers.

13 (b) A home rule or general law city in a borough may
14 petition for dissolution if the borough consents to assume
15 the city's rights, powers, duties, assets and liabilities.
16 The consent must be ratified by a majority of borough voters
17 voting on the question.

18 Sec. 29.68.160. REVIEW. The Local Affairs Agency shall
19 review a petition for content and signatures and shall return
20 a deficient petition for correction or completion.

21 Sec. 29.68.170. INVESTIGATION. If the petition con-
22 tains the required information and signatures, the Local
23 Affairs Agency shall investigate the proposal.

24 Sec. 29.68.180. REPORT AND HEARING. (a) The Local
25 Affairs Agency shall report its findings to the Local
26 Boundary Commission with its recommendations regarding the
27 dissolution.

28 (b) The Local Boundary Commission shall hold at least
29 one public hearing in the area proposed to be dissolved.

1 Sec. 29.68.190. DECISION. If the Local Boundary Com-
2 mission determines that the municipality fails to meet the
3 standards for dissolution, it shall reject the petition.
4 If the commission determines that the municipality meets the
5 standards, it shall accept the petition.

6 Sec. 29.68.200. ELECTION. (a) The Local Boundary
7 Commission shall immediately notify the secretary of state
8 of its acceptance of a dissolution petition. Within 30 days
9 after notification, the secretary of state shall order an
10 election within the municipality to determine whether the
11 voters desire dissolution. The election is not less than
12 30 nor more than 90 days after the election order.

13 (b) A voter who is a resident of the municipality may
14 vote in the dissolution election.

15 (c) The secretary of state shall supervise the election
16 in the general manner prescribed by the Alaska Election Code
17 (AS 15.05 - 15.60). The state shall pay all election costs.

18 (d) The secretary of state shall certify the election
19 results. If dissolution is approved, he shall declare that
20 the municipality is dissolved effective on the date of
21 certification.

22 Sec. 29.68.210. SUCCESSION. The government succeeding
23 to a dissolved municipality succeeds to all its rights, powers,
24 duties, assets and liabilities as provided in AS 29.18.140 -
25 150.

26 CHAPTER 73. MISCELLANEOUS PROVISIONS.

27 Sec. 29.73.010. ACTIONABLE CLAIMS AGAINST A MUNICIPALITY.

28 (a) A person or corporation having a contract, quasi-contract,
29 or tort claim against a municipality may bring an action

1 against the municipality in the superior court. However, no
2 action may be brought under this section if the claim

3 (1) is an action for tort, and is based upon an
4 act or omission of a municipal officer or employee, exer-
5 cising due care, in the execution of a municipal ordinance,
6 resolution, or order, whether or not such ordinance, resolu-
7 tion, or order is valid; or is an action for tort, and is
8 based upon the exercise or performance or the failure to
9 exercise or perform a discretionary function or duty on the
10 part of a municipal officer or employee, whether or not the
11 discretion involved is abused;

12 (2) is for damages caused by the imposition or
13 establishment of a quarantine by a municipality.

14 (b) This section applies to home rule and general law
15 municipalities.

16 Sec. 29.73.015. UNDERTAKING. At the time of filing the
17 complaint in an action against a municipality, the plaintiff
18 shall file an undertaking in a sum fixed by the court. The
19 undertaking shall be conditioned upon payment by the plaintiff
20 of costs incurred by the municipality in the action if the
21 plaintiff fails to prosecute the action or fails to recover
22 judgment. This section applies to home rule and general law
23 municipalities.

24 Sec. 29.73.020. EMINENT DOMAIN. Home rule and general
25 law municipalities may exercise the powers of eminent domain
26 and declaration of taking as provided in AS 09.55.240 -
27 09.55.460.

28 Sec. 29.73.030. ADVERSE POSSESSION. A home rule or
29 general law municipality may not be divested of title to

1 real property by adverse possession.

2 CHAPTER 78. GENERAL PROVISIONS.

3 Sec. 29.78.010. DEFINITIONS. In this title unless
4 otherwise provided or the context otherwise requires

5 (1) "borough" means a general law first or second
6 class organized borough;

7 (2) "city" means a general law first or second
8 class city;

9 (3) "municipality" means a general law municipal
10 corporation, which is a first or second class borough or city,
11 incorporated under the laws of the state;

12 (4) "consolidation" means dissolution of two or
13 more municipalities and their incorporation as a new munici-
14 pality;

15 (5) "merger" means dissolution of a municipality
16 and its absorption by another municipality;

17 (6) "general election" means the state election
18 held on the Tuesday after the first Monday in November of
19 even-numbered years;

20 (7) "regular election" means the municipal election
21 held annually on the first Tuesday in October;

22 (8) "majority" means a simple majority;

23 (9) "owner", "record owner", or "owner of record"
24 means owner of record or purchaser of record;

25 (10) "property" means real and personal property;

26 (11) "real property" means land and improvements
27 and all possessory rights and privileges appurtenant to the
28 property, and includes personal property affixed to the land
29 or improvements;

1 (12) "personal property" means tangible property
2 other than real property, such as merchandise and stock in
3 trade, machinery and equipment, furniture and fixtures, motor
4 vehicles and vehicles, boats and vessels and aircraft;

5 (13) "published" means appearing in a newspaper of
6 general circulation at least once within the municipality or,
7 if there is no newspaper of general circulation within the
8 municipality, posting in three public places for at least
9 seven days;

10 (14) "street" includes streets, avenues, boulevards,
11 roads, lanes, alleys and other ways;

12 (15) "subdivision" means the division of a tract
13 or parcel of land into more than two lots, sites or other
14 divisions for the purpose, whether immediate or future, of
15 sale or building development, and includes resubdivision and,
16 when appropriate to the context, relates to the process of
17 subdividing or to the land or areas subdivided;

18 (16) "voter" means a U.S. citizen who has been a
19 resident of Alaska for one year and of the municipality for
20 30 days immediately preceding the election and who meets
21 registration requirements of the municipality and is not
22 disqualified under art. V of the state constitution;

23 (17) "conditional use" means exception, special
24 exception, special use, or special permit designated in the
25 zoning ordinance.

26 * Sec. 2. The following laws are repealed: AS 42.35; AS
27 40.15.070 - 40.15.180; AS 18.10.060 - 18.10.260; AS 18.75.010 -
28 18.75.030; AS 18.75.050 - 18.75.060; AS 03.55.040 - 03.55.060.

29