

HOUSE BILL NO. 185

TITLE 29. MUNICIPAL GOVERNMENT

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1 IN THE HOUSE

BY THE LOCAL GOVERNMENT COMMITTEE

2 HOUSE BILL NO. 185

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to revise and codify the law relating to cities
7 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 AS 29 and 7 are repealed and re-enacted to read: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 which are not
13 within the boundaries of an organized borough constitute a single un-
14 organized borough.

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

22 CHAPTER 8. CLASSIFICATION OF MUNICIPALITIES.

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

27 Sec. 29.08.020. GENERAL LAW. A "general law municipality" is a
28 municipal corporation and is an unchartered borough or city. It has
29 legislative powers conferred by law.

1 **Sec. 29.08.030. CLASSES OF GENERAL LAW.** General law municipali-
2 ties are of four classes:

- 3 (1) first class boroughs;
4 (2) second class boroughs;
5 (3) first class cities;
6 (4) second class cities.

7 **Sec. 29.08.040. RECLASSIFICATION.** (a) A second class city
8 may be reclassified as a first class city in the manner provided
9 in AS 29.33.270 - 29.33.290 for the addition of powers by boroughs
10 if the Local Affairs Agency determines from the best figures avail-
11 able that the population of the city has reached 400 permanent resi-
12 dents.

13 (b) A second class borough may reclassify as a first class
14 borough in the manner provided by AS 29.33.270 - 29.33.290 for the
15 addition of powers by boroughs. Instead of requesting the addition
16 of powers, the petition or proposal requests reclassification.

17 **Sec. 29.08.050. TRANSITION.** (a) Upon the effective date of
18 this Act, second and third class cities incorporated before the
19 effective date of this Act and having 400 or more permanent residents
20 are reclassified as first class cities.

21 (b) Upon the effective date of this Act, fourth class cities
22 incorporated before the effective date of this Act are reclassified
23 as second class cities subject to reclassification under sec. 40 of
24 this chapter.

25 (c) The Local Boundary Commission shall, within two years of
26 the effective date of this chapter, hold a public hearing in each city
27 which was first, second, or third class on the effective date of
28 this chapter and whose population is under 400 permanent residents.
29 The commission shall determine in each case whether the city should be

1 classified as first or second class under the new classification. The
2 commission decision must be published at least once. If no objection
3 is filed by a resident of the city within 60 days, the classification
4 recommended by the commission becomes effective on the 61st day. If
5 an objection is filed by a resident of the city, the commission shall
6 submit its recommendation to the legislature in the manner provided
7 for submission of boundary changes in sec. 12, art. 10 of the state
8 constitution.

9 CHAPTER 13. HOME RULE

10 MUNICIPALITIES.

11 ARTICLE 1. CHARTERS.

12 Sec. 29.13.010. MUNICIPAL CHARTER ADOPTION. A first class
13 municipality may adopt a charter for its own government. A home rule
14 municipality may amend its charter or adopt a new one. A charter is
15 framed by a charter commission of seven members chosen by the municipal
16 voters at a regular or special election. A candidate for the commis-
17 sion must be a voter of the municipality. A charter commission elec-
18 tion is called by filing a petition with the borough assembly or the
19 city council. The petition must be signed by a number of municipal
20 voters equal to 10 per cent of the votes cast in the last regular
21 election.

22 Sec. 29.13.020. NOMINATION. Charter commission candidates are
23 nominated by petitions signed by 50 voters or a number of municipal
24 voters equal to 10 per cent of the number of votes cast in the last
25 regular election, whichever is less.

26 Sec. 29.13.030. ELECTION. At the charter commission election,
27 the voters consider the question "Shall a charter commission be
28 elected to frame a proposed new charter?" and select the members of
29 the commission. If the question is approved, the seven candidates

1 receiving the highest number of votes shall immediately organize as a
2 charter commission.

3 **Sec. 29.13.040. PREPARATION OF CHARTER.** The charter commission
4 shall, within one year, prepare a municipal charter. The proposed
5 charter must be signed by a majority of the charter commissioners and
6 filed in the office of the municipal clerk. Within 15 days, the
7 borough assembly or city council shall have the charter published once
8 in a newspaper of general circulation. The clerk shall post copies of
9 the proposed charter in at least three public places and make copies
10 available at the office of the clerk. The commission shall give
11 published notice of and hold at least one public hearing on the pro-
12 posed charter before signing and filing of the charter.

13 **Sec. 29.13.050. INITIATIVE AND REFERENDUM.** (a) Municipal
14 charters shall provide for the initiative and referendum, subject to
15 the restrictions of sec. 7, art. XI, of the state constitution.

16 (b) A charter may not require an initiative or referendum peti-
17 tion to have a number of signatures greater than 25 per cent of the total
18 votes cast at the last regular municipal election.

19 **Sec. 29.13.060. CHARTER ELECTION.** The charter is submitted to
20 the municipal voters at a regular or special election held not less
21 than 30 days nor more than 90 days from the publication of the charter.

22 **Sec. 29.13.070. CHARTER ADOPTION.** If a majority of those voting
23 on the question favor the proposed charter, it becomes the organic law
24 of the municipality. Thereafter the court shall take judicial notice
25 of the charter. The municipality shall file the indicated number of
26 copies of the charter with the

- 27 (1) secretary of state - two copies;
28 (2) Local Affairs Agency - two copies;
29 (3) district recorder - one copy;

1 (4) municipal clerk - one copy.

2 Sec. 29.13.080. CHARTER AMENDMENT. A municipal charter is amended
3 as provided in the charter or by initiative as provided in AS 29.28.100,
4 provided that no amendment is effective unless ratified by the voters.

5 ARTICLE 2. HOME RULE LIMITATIONS.

6 Sec. 29.13.100. LIMITATION OF HOME RULE POWERS. The following
7 provisions apply as indicated in the provisions to home rule munici-
8 palities, which are prohibited from acting otherwise than as provided.
9 They supersede existing and prohibit future home rule enactments which
10 provide otherwise:

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

- 1 (15) AS 29.28.130 - 29.28.250 (recall)
- 2 (16) AS 29.33.010 - 29.33.245 (areawide borough powers)
- 3 (17) AS 29.43.020 - 29.43.080 (powers of cities outside
- 4 boroughs)
- 5 (18) AS 29.48.037 (extraterritorial jurisdiction)
- 6 (19) AS 29.48.040 (municipally-owned utilities)
- 7 (20) AS 29.48.130 (acts required to be by ordinance)
- 8 (21) AS 29.48.210 (expenditure of borough revenue)
- 9 (22) AS 29.48.220 (post audit)
- 10 (23) AS 29.53.010 - 29.53.400 (borough and city property tax)
- 11 (24) AS 29.53.440 - 29.53.450 (sales and use taxes of cities
- 12 within boroughs)
- 13 (25) AS 29.58.010 - 29.58.350 (municipal debt)
- 14 (26) AS 29.63.090 (borough service areas)
- 15 (27) AS 29.68.010 - 29.68.210 (municipal annexation, ex-
- 16 clusion, merger, consolidation and dissolution)
- 17 (28) AS 29.73.010 - 29.73.030 (actionable claims, eminent
- 18 domain, and adverse possession)

19 CHAPTER 18. INCORPORATION.

20 ARTICLE 1. REQUIREMENTS.

21 Sec. 29.18.010. FIRST CLASS CITIES. (a) Except as provided in
 22 (c) of this section, a community having 400 or more permanent residents
 23 and lying outside an organized borough may petition for incorporation
 24 as a first class city.

25 (b) A community having 400 or more permanent residents and lying
 26 within an organized borough may petition for incorporation as a first
 27 class city.

28 (c) An Indian community having 400 or more permanent residents
 29 which is located on an Indian reserve or reservation and which maintains

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

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

6 Sec. 29.18.030. ORGANIZED BOROUGHES. An area may incorporate as
7 an organized borough if it conforms to the following standards:

8 (1) the population of the area is interrelated and inte-
9 grated as to its social, cultural, and economic activities, and is
10 large and stable enough to support organized borough government;

11 (2) the boundaries of the proposed borough conform generally
12 to natural geography and include all areas necessary for full develop-
13 ment of local services;

14 (3) the economy encompasses a trading area with human and
15 financial resources capable of providing local services; evaluation of
16 an area's economy includes land use, property valuations, total economic
17 base, total personal income, resource and commercial development, anti-
18 cipated functions, expenses, and income of the proposed borough;

19 (4) land, water, and air transportation facilities allow
20 the communication and exchange necessary for the development of
21 integrated local government.

22 **ARTICLE 2. PROCEDURES.**

23 Sec. 29.18.050. PETITION. Municipal incorporation is proposed
24 by filing a petition with the Local Affairs Agency. The petition
25 includes the following information about the proposed municipality:

26 (1) class;

27 (2) name;

28 (3) boundaries;

29 (4) composition and apportionment of the borough assembly or

1 city council;

2 (5) for a first class borough, a designation of areawide
3 powers to be exercised;

4 (6) for a second class borough, a designation of areawide
5 powers to be exercised and of powers to be exercised in the area out-
6 side cities only;

7 (7) maps, documents, and other information required by the
8 Local Affairs Agency to show that the proposed municipality meets
9 the standards for incorporation;

10 (8) for first class city incorporation, the signature and
11 resident address of 50 voters;

12 (9) for second class city incorporation, the signature and
13 resident address of 10 voters;

14 (10) for borough incorporation, the signature and resident
15 address of 15 per cent of the voters based on the number who voted in
16 the area in the last general election.

17 Sec. 29.18.060. REVIEW. The Local Affairs Agency shall review
18 petitions for content and signatures and shall return deficient peti-
19 tions for correction or completion.

20 Sec. 29.18.070. INVESTIGATION. (a) If the petition contains
21 the required information and signatures, the Local Affairs Agency shall
22 investigate the proposal. It may use U.S. Census Bureau reports or
23 other reliable information to determine most accurately the population
24 of the proposed municipality.

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

27 Sec. 29.18.080. REPORT AND HEARING. (a) The Local Affairs Agency
28 shall report its findings to the Local Boundary Commission with its
29 recommendations regarding the incorporation.

1 (b) The Local Boundary Commission shall hold at least one public
2 hearing in the area proposed to be incorporated for the purpose of
3 gauging public sentiment on the incorporation proposal.

4 Sec. 29.18.090. DECISION ON BOROUGH INCORPORATION. (a) If the
5 Local Boundary Commission determines that a proposed borough fails to
6 meet the standards for incorporation, it shall reject the petition.
7 If the commission determines that the proposed borough meets the stan-
8 dards, it shall accept the petition. If the commission determines
9 that the proposed boundaries can be altered to meet the standards, it
10 may change the boundaries and accept the petition. The decision may
11 be appealed under the Administrative Procedure Act (AS 44.62).

12 (b) The commission may recommend additional areawide powers for
13 a proposed borough.

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

18 (b) The commission may reject a petition for incorporation of a
19 city lying within a borough if it determines that desired municipal
20 services can be more practically and economically provided by the
21 borough or by annexation to an existing city.

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

24 Sec. 29.18.110. INCORPORATION ELECTION. (a) The Local Boundary
25 Commission shall immediately notify the secretary of state of its
26 acceptance of an incorporation petition. Within 30 days after notifi-
27 cation, the secretary of state shall order an election in the proposed
28 municipality to determine whether the voters desire incorporation. The
29 election is held not less than 30 nor more than 90 days after the

1 date of the election order. The election order must specify the dates
2 during which nomination petitions may be filed.

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

5 (c) Areawide borough powers recommended by the Local Boundary
6 Commission are placed on the ballot so that each is voted on separately.
7 The adoption of an added areawide power requires a majority of the
8 votes cast on the question. Areawide powers included in the incorpora-
9 tion petition are considered to be part of the incorporation question.
10 In an election for the incorporation of a second class borough, each
11 power to be exercised outside cities only is placed separately on the
12 ballot. Adoption of the power requires a majority of the votes cast
13 on the question, and the vote is limited to the voters residing outside
14 cities.

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

18 Sec. 29.18.120. ELECTION OF INITIAL OFFICERS. (a) If incorpora-
19 tion is approved, the secretary of state shall, within 10 days of
20 certification, order an election to choose an initial slate of
21 officers. The election is held not less than 60 nor more than 90
22 days after the date of the election order.

23 (b) Nominations for initial officers are made by petition. The
24 petition is in the form prescribed by the secretary of state and
25 includes the name and address of the nominee and a statement of the
26 nominee that he is qualified under the provisions of this title for
27 the office that he seeks. A person may file for and occupy more than
28 one office, but he may not serve simultaneously as borough chairman and
29 as a member of the borough assembly or as mayor and as a member of the

1 council of a first class city. Petitions to nominate officers of a
2 second class city must include the signature and resident address of
3 10 voters in the area of the proposed city. Petitions to nominate
4 borough assemblymen must include the signature and resident address of
5 50 voters who are residents of the proposed borough in the area outside
6 first class cities. Petitions to nominate other municipal officers
7 must include the signature and resident address of 50 voters in the area
8 of the proposed municipality.

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

13 (d) Elected municipal officials take office on the first Monday
14 following certification of their election. Borough assembly members
15 representing first class cities are appointed by the city council and
16 serve until the first Tuesday of the following October and until their
17 successors are elected and have qualified. All other elected municipal
18 officials serve until the first regular election occurring after they
19 have served two years in office and until their successors are elected
20 and have qualified.

21 Sec. 29.18.130. INTEGRATION OF SPECIAL DISTRICTS AND SERVICE
22 AREAS. Special service districts and service areas in a newly in-
23 corporated borough or city shall be integrated into the borough or
24 city within two years after the date of incorporation. On integration,
25 the borough or city succeeds to all the rights, powers, duties, assets
26 and liabilities of the districts and service areas. After integra-
27 tion, the borough assembly or city council may exercise within a
28 former district or service area all of the rights and powers held by
29 the former district or service area at the time of integration, and

1 may levy and collect special charges, taxes, or assessments to amortize
2 bonded indebtedness incurred by the district or service area or by a
3 borough or city as successor to the district or service area. No less
4 than all property in the district or service area at the time the bonds
5 were issued remains subject to taxation to pay the principal of and
6 interest on the bonds. The provisions of this section shall apply to
7 all organized boroughs whether incorporated or organized prior to or
8 after the effective date of this Act.

9 Sec. 29.18.140. TRANSITION. (a) The powers and functions exercised by
10 cities, service areas, and special districts which are succeeded to by
11 a newly incorporated borough or city are exercised by them until the new
12 borough or city assumes the powers and functions, which may not exceed
13 two years after the date of incorporation. Ordinances, rules, resolutions,
14 procedures, and orders in effect before the transfer remain in effect
15 until superseded by the action of the new borough or city.

16 (b) The borough or city shall give written notice of its assumption
17 of the powers, duties, and other items enumerated in secs. 140 - 150 of
18 this chapter, to the city, service area, or special district concerned
19 before the assumption. Borough or city officials shall consult with the
20 officials of the city service area, or special district concerned and
21 arrange an orderly transfer.

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

25 Sec. 29.18.150. CHALLENGE OF LEGALITY. No person may challenge
26 the formation of a municipality except within six months of the date
27 of its incorporation.

28 ARTICLE 3. BOROUGH TRANSITIONAL ASSISTANCE.

29 Sec. 29.18.180. ORGANIZATION GRANTS. (a) For the purpose of

1 defraying the cost of transition to borough government and in order to
2 provide for development and interim governmental operations, each organ-
3 ized borough is entitled to an organization grant equal to \$10 for every
4 voter in the borough who voted in the last general election. However,
5 each borough is entitled to at least \$25,000.

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

9 (c) Within 30 days after the completion of its findings, or as
10 soon thereafter as money is appropriated to it for the purpose, the
11 Local Affairs Agency shall transmit to the borough the total amount
12 of money to which the borough is entitled.

13 Sec. 29.18.190. STATE LANDS. A borough may select 10 per cent
14 of the vacant, unappropriated, unreserved state lands located within
15 its boundaries within five years after the date of availability of state
16 lands in the borough. Nothing in this section affects a valid exist-
17 ing claim, location, or entry under the laws of the state or the United
18 States whether for homestead, mineral, right-of-way or other purpose
19 or affects the rights of an owner, claimant, locator, or entryman to
20 the full use and enjoyment of the land so occupied.

21 Sec. 29.18.200. SELECTION PROCEDURE. (a) All selections must
22 be made in reasonably compact tracts, taking into account the situation
23 and potential uses of the lands involved. The authority to make
24 selections may not be alienated or bargained away, in whole or in
25 part, by the borough.

26 (b) If lands desired by the borough are unsurveyed at the time
27 of their selection, the Department of Natural Resources shall survey
28 the exterior boundaries of the area requested without interior sub-
29 division and shall issue a patent for the selected area in terms of the

1 exterior boundary survey. The cost of survey is borne by the borough.
2 If lands desired by the borough have been surveyed at the time of their
3 selection, the boundaries of the areas requested must conform to the
4 public land subdivisions established by the approval of the survey.
5 Lands selected by the borough under this chapter are patented to the
6 borough by the Department of Natural Resources.

7 (c) After the selection of the lands by the borough but before the
8 issuance of final patent, the borough may execute conditional leases and
9 make conditional sales of selected lands.

10 **CHAPTER 23. MUNICIPAL OFFICERS AND EMPLOYEES.**

11 **ARTICLE 1. BOROUGH ASSEMBLY.**

12 **Sec. 29.23.010. GENERAL POWER.** The legislative power of a
13 borough is vested in the assembly.

14 **Sec. 29.23.020. STANDARDS FOR COMPOSITION AND APPORTIONMENT.** (a)
15 The assembly of a home rule or a general law borough is composed ac-
16 cording to the following standards.

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

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

25 (2) If there is one first class city in the borough, the
26 assembly is composed of at least two assemblymen from the first class
27 city.

28 (b) The assembly seats are apportioned as follows: Except as
29 provided in (a)(2) of this section, each first class city has the

1 number of seats designated in the following table, unless a lesser
2 number is approved by a resolution of the council of the city concerned:

3

Population	Assembly Seats
4 under 2,000	1
5 2,000-6,000	2
6 6,001-12,000	3
7 12,001-30,000	4
8 over 30,000	5

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

12 Sec. 29.23.030. ELECTION AND APPOINTMENT. Members of the assembly
13 are appointed or elected according to the apportionment determined by
14 the incorporation petition approved by the voters until the assembly
15 is reapportioned. Members representing first class cities are appointed
16 by and from the city councils, unless provided otherwise by city charter
17 or ordinance. Members representing the area outside first class cities
18 are elected.

19 Sec. 29.23.040. REGULAR TERM OF OFFICE. In home rule and general
20 law boroughs an election is held every year on the first Tuesday of
21 October to choose assemblymen from outside first class cities for
22 staggered two-year terms. The regular term begins on the first Monday
23 following the regular borough election. City councilmen on the assembly
24 may not be replaced by the council unless their terms expire or they
25 cease to be a member of either the assembly or the council. The as-
26 sembly may provide for different terms by ordinance, but they must be
27 staggered and none may exceed four years.

28 Sec. 29.23.050. QUALIFICATIONS. A resident of a home rule or
29 general law borough is eligible to be an assemblyman if he is a

1 borough voter. An assemblyman who ceases to be a borough voter im-
2 mediately forfeits his office. If an assemblyman elected from an area
3 outside first class cities or from a section becomes a resident of a
4 first class city or another section he may continue to serve only until
5 the next regular election. The assembly may by ordinance establish
6 residency requirements for assemblymen elected from outside first class
7 cities not exceeding three years.

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

13 (b) The assembly shall elect from among its members a presiding
14 officer and a deputy presiding officer to serve at its pleasure. If
15 the presiding officer is not present or disqualifies himself, the
16 deputy presiding officer shall preside.

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

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

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

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

1 affecting the final outcome of the ordinance or resolution.

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

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

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

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

25 Sec. 29.23.070. DEPARTMENTS. (a) The assembly may establish
26 departments and distribute administrative functions among them.

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

1 more departments.

2 **Sec. 29.23.080. FILLING VACANCIES.** (a) A vacancy in the city
3 council representation on the assembly is filled by a councilman desig-
4 nated by the council to serve until the next regular election.

5 (b) A vacancy in the representation for the area outside a first
6 class city is filled by the assemblymen representing the area outside
7 first class cities, who designate a voter residing outside first class
8 cities, and if there are borough sections established, a resident of
9 the borough section from which he will serve, to serve until the next
10 regular election.

11 **Sec. 29.23.090. REAPPORTIONMENT.** (a) The assembly may be reap-
12 portioned by either of the following methods:

13 (1) the assembly shall reapportion itself when the apporportion-
14 ment does not meet the standards provided in sec. 20 of this chapter;
15 the proposal must be submitted to the Local Affairs Agency for review;

16 (2) fifty voters in a borough may petition the assembly or
17 the Local Affairs Agency to reapportion the assembly; the petition
18 must include evidence that the apportionment of the assembly does not
19 meet the prescribed standards; if it is found from U.S. Census Bureau
20 reports or other reliable information that the standards are not met,
21 the assembly or the Local Affairs Agency shall reapportion the assembly;
22 a reapportionment by the Local Affairs Agency prevails over one by an
23 assembly; Reapportionment by the assembly or the agency is subject to
24 judicial review for abuse of discretion.

25 (b) The reapportionment is effective beginning with the next
26 regular election to the assembly. If reapportionment results in an
27 increase of representation on the assembly, the assembly may determine
28 that the reapportionment is effective before the next regular election.
29 If the assembly makes this determination, the additional seats are

1 filled as prescribed in sec. 80(a) and (b) of this chapter for filling
2 vacancies, except that additional seats outside first class cities may
3 be filled without regard to sections.

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

5 Sec. 29.23.100. BOROUGH SECTIONS. (a) The borough assembly may,
6 by ordinance adopted without weighted voting, establish, alter, or
7 abolish sections for the election of assemblymen in the area outside
8 first class cities, except that sections may not be abolished unless a
9 majority of the assemblymen outside first class cities approve. If it
10 establishes sections, members representing the area outside first class
11 cities represent the sections in which they reside. The ordinance must
12 state whether assemblymen are elected by all voters outside first class
13 cities or only by the voters of the section in which they reside. The
14 number of sections equals the number of assemblymen representing the
15 area outside first class cities. Section boundaries are established
16 in such a way as to provide, insofar as possible, clarity of boundaries,
17 compactness of area, equal voter representation among sections, and
18 homogeneity of interest. A section may not have a number of voters
19 which is less than 85 per cent that of any other section, as determined
20 from the records of the last general election.

21 (b) Borough sections shall be reapportioned in the manner pre-
22 scribed in sec. 90 of this chapter for reapportionment of the assembly.

23 ARTICLE 2. BOROUGH EXECUTIVE.

24 Sec. 29.23.130. EXECUTIVE POWER. (a) The executive and adminis-
25 trative power of the borough is vested in an elected chairman or in an
26 appointed manager.

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

29 (c) The chairman's regular term of office is two years and begins

1 on the first Monday following his election which is held the first
2 Tuesday of October. The assembly may provide by ordinance for a
3 different term not to exceed four years, except that the current term
4 of the incumbent chairman may not be altered.

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

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

14 Sec. 29.23.140. POWERS AND DUTIES OF BOROUGH EXECUTIVE. (a) The
15 borough executive, as the chief administrative officer, is responsible
16 for the proper administration of all borough affairs. The executive of
17 a home rule or general law borough shall

18 (1) appoint borough employees and administrative officers,
19 except as provided otherwise in sec. 360 of this chapter and AS 29.33.-
20 050; he may hire necessary administrative assistants and may authorize
21 an appointive administrative officer to appoint, suspend, or remove
22 subordinates in his department;

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

26 (3) supervise enforcement of borough law;

27 (4) prepare the annual budget and capital improvements
28 program for the assembly;

29 (5) execute the budget and capital improvement program as

1 adopted;

2 (6) make monthly reports to the assembly on borough finances
3 and operations;

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

6 (8) prepare and make available for public distribution an
7 annual report on borough affairs;

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

10 (10) direct and supervise the administration of:

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

13 (B) the care and custody of all borough buildings and
14 of all real and personal property of the borough, except as pro-
15 vided otherwise by AS 29.33.050;

16 (C) the construction, maintenance, and operation of all
17 borough roads, bridges, drains, buildings, and other public works;

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

20 Sec. 29.23.150. EXECUTIVE ABSENCE. The assembly presiding officer
21 shall act as chairman during the chairman's temporary absence or dis-
22 ability. If a manager plan has been adopted, the assembly shall desig-
23 nate by resolution a borough administrative officer to act as manager
24 during his absence or disability.

25 Sec. 29.23.160. ASSEMBLY PARTICIPATION. The chairman may take
26 part in the discussion of all matters before the assembly but may not
27 vote.

28 Sec. 29.23.170. VETO. (a) Except as provided in (b) of this
29 section, the chairman may veto any ordinance, resolution, motion

1 or other action of the assembly and may, by veto, strike or reduce
2 items in appropriation ordinances. He shall submit to the assembly at
3 its next regular meeting a written statement advising of his veto and
4 giving his reasons. His veto may be overridden by three-fourths of
5 all the votes to which the assembly is entitled on the question.

6 (b) The chairman may not veto actions of the assembly taken under
7 sec. 130(d) of this chapter or actions of the board of equalisation and
8 the board of adjustment.

9 Sec. 29.23.180. FILLING A VACANCY. A vacancy in the office of
10 chairman occurring within six months of a regular election shall be
11 filled by the assembly. The person designated shall serve until the
12 next regular election. If an assemblyman is chosen he shall resign
13 his assembly seat. If a vacancy occurs more than six months before a
14 regular election the assembly shall call a special election to fill
15 the unexpired term.

16 ARTICLE 3. CITY COUNCIL.

17 Sec. 29.23.200. COMPOSITION, ELIGIBILITY, ELECTION, AND TERM.

18 (a) Each first class city has a council of six members elected by the
19 voters at large. Each second class city has a council of seven members
20 elected by the voters at large.

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

22 (c) An election is held every year on the first Tuesday in October
23 to choose councilmen for staggered two-year terms. The regular term of
24 office begins on the first Monday following the election. The council
25 may provide by ordinance for different terms not to exceed four years,
26 except that the current term of incumbent councilmen may not be altered.

27 (d) This section applies to home rule and general law cities ex-
28 cept that home rule cities may vary the number of councilmen.

29 Sec. 29.23.210. PROCEDURE. (a) The council shall meet at least

1 once every month. Special meetings may be held on the call of the mayor
2 or two councilmen upon no less than 24 hours written or oral notice
3 communicated to each member.

4 (b) The council shall determine its own rules and order of
5 business and provide for keeping a journal of its proceedings.

6 (c) Four councilmen constitute a quorum. Four affirmative votes
7 are required for the passage of an ordinance, resolution, or motion.

8 (d) The final vote on each ordinance, resolution, or substantive
9 motion is a recorded roll call vote. All councilmen present shall
10 vote unless the council for special reasons permits a member to abstain.

11 Sec. 29.23.220. FILLING A VACANCY. If a vacancy occurs in the
12 council, the council shall designate a person to fill the vacancy until
13 the next regular election.

14 ARTICLE 4. CITY EXECUTIVE.

15 Sec. 29.23.240. MAYOR. Each city has a mayor who shall preside
16 at council meetings, act as ceremonial head of the city, and sign docu-
17 ments on the city's behalf upon council authorization. In cities which
18 have not adopted a manager plan the mayor is responsible for the duties
19 listed in sec. 290 of this chapter.

20 Sec. 29.23.250. ELECTION AND TERM OF MAYOR. (a) A voter of a
21 home rule or general law city is eligible to hold the office of mayor,
22 except that a home rule city may prescribe additional residency require-
23 ments by charter.

24 (b) The mayor of a first class city is elected at large for a
25 term of two years. The council may provide by ordinance for a differ-
26 ent term not to exceed four years, except that the current term of the
27 incumbent mayor may not be altered.

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

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

5 Sec. 29.23.260. MAYOR'S VOTE. (a) The mayor of a first class
6 city is not a council member and may vote only in the case of a tie.

7 (b) The mayor of a second class city is a council member and may
8 vote on all matters.

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

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

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

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

26 Sec. 29.23.290. POWERS AND DUTIES OF CITY MANAGER. If the city
27 has a manager, he is the chief executive and administrative officer.
28 The manager shall

29 (1) appoint city employees and administrative officers,

1 except as provided otherwise in sec. 360 of this chapter and AS 29.33.-
2 050;

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

8 (3) supervise enforcement of city law;

9 (4) prepare the annual budget and capital improvement pro-
10 gram for the council;

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

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

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

16 (8) prepare and make available for public distribution an
17 annual report on city affairs;

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

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

22 **ARTICLE 5. SCHOOL BOARDS.**

23 **Sec. 29.23.310. COMPOSITION, ELIGIBILITY, ELECTION, AND TERM.**

24 (a) Each borough and city school district has a school board of five
25 members, except that a district with an average daily membership ex-
26 ceeding 5,000 pupils has a board of seven members. All board members
27 are elected at large, but school zones for the election of borough
28 school boards may be established, altered, or abolished as provided
29 by sec. 110 of this chapter.

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

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

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

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

ARTICLE 6. UTILITY BOARDS.

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

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

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

- (d) Unless otherwise provided by ordinance the board shall
- (1) choose its chairman and secretary;
 - (2) appoint the manager of the public utility for a term not longer than five years and set his salary;
 - (3) formulate and enforce the general rules and policies of

1 the utility.

2 **ARTICLE 7. OTHER OFFICERS AND EMPLOYERS.**

3 **Sec. 29.23.360. APPOINTMENT OF OFFICERS.** The municipal clerk,
4 attorney, treasurer, and police chief are appointed by the chief execu-
5 tive and administrative officer or by the assembly or council, as de-
6 termined by ordinance. Officers serve at the pleasure of the appointing
7 authority. Appointments by the chief executive are subject to confirma-
8 tion by the governing body.

9 **Sec. 29.23.370. MUNICIPAL ATTORNEY.** The municipal attorney is the
10 legal advisor of the council or assembly, the school board and the other
11 officers of the municipality. He represents the municipality as
12 attorney in civil and criminal proceedings. The school board shall
13 have the right to hire independent counsel when in its judgment such
14 is needed.

15 **Sec. 29.23.380. MUNICIPAL CLERK.** (a) The municipal clerk shall
16 (1) give notice of the time and place of meetings to the
17 assembly or the council and to the public;
18 (2) attend meetings and keep the journal;
19 (3) arrange publication of notices, ordinances, and resolu-
20 tions;
21 (4) maintain and make available for public inspection an
22 indexed file including the municipal ordinances, resolutions, rules,
23 regulations, and codes;
24 (5) attest deeds and other documents;
25 (6) perform other duties specified in this title or
26 prescribed by the chief executive or by the governing body.

27 (b) The assembly or council may combine the office of clerk with
28 that of treasurer. If the offices are combined, the clerk shall, as
29 required of the treasurer, give his bond to the municipality for the

1 faithful performance of his duties as clerk-treasurer.

2 **Sec. 29.23.390. MUNICIPAL TREASURER.** (a) The treasurer is the
3 custodian of all municipal funds. He shall keep an itemized account
4 of money received and disbursed. He shall pay money on vouchers drawn
5 against appropriations.

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

8 **Sec. 29.23.395. POLICE CHIEF.** (a) The police chief shall have
9 the following duties:

10 (1) supervision of the municipal police;

11 (2) enforcement of municipal ordinances within the municipi-
12 pality;

13 (3) enforcement of state criminal laws within the municipi-
14 pality to the extent and subject to the policy procedures and standards
15 which the commissioner of public safety shall prescribe;

16 (4) other duties specified in this title or lawfully
17 prescribed by the assembly or council;

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

20 (c) The assembly or council may by ordinance establish a citizens
21 committee to advise the governing body on law enforcement policies
22 and administration of police functions and to promote sound relations
23 between the police and citizenry.

24 (d) This section applies to home rule and general law municipali-
25 ties.

26 **ARTICLE 8. ADOPTION OR REPEAL OF MANAGER PLAN.**

27 **Sec. 29.23.410. APPLICATION.** A municipality may adopt a manager
28 plan of government.

29 **Sec. 29.23.420. PETITION.** A petition for the adoption of a

1 manager plan is submitted to the assembly or council. The petition must
2 be signed by a number of municipal voters equal to the following per
3 cent of the votes cast at the preceding regular election:

4 (1) 25 per cent when the municipality has fewer than 7,500
5 persons;

6 (2) 15 per cent when the municipality has 7,500 persons or
7 more.

8 Sec. 29.23.430. ELECTION. Upon receipt of the petition, the
9 assembly or council shall provide by ordinance or resolution for a vote
10 on the question at the next regular or special election. Notice of the
11 election shall be published at least 30 days before the election.

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

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

16 Sec. 29.23.450. APPOINTMENT. The assembly or council shall
17 appoint a manager by a majority vote of its membership. He is chosen
18 solely on the basis of his executive and administrative qualifications
19 and receives the compensation set by the assembly or council. An
20 elected municipal official may not be appointed manager of the municipi-
21 pality sooner than one year after leaving office, except that, by a
22 vote of three-fourths of its authorized membership, the assembly or
23 council may at any time appoint one of its members or other elected
24 municipal officials as manager.

25 Sec. 29.23.460. TERM. Subject to the contract of employment,
26 the manager holds office at the pleasure of the assembly or council.

27 Sec. 29.23.470. APPOINTMENT OF TEMPORARY OR NEW MANAGER. In the
28 absence or disability of the manager the assembly or council shall
29 appoint a temporary manager. If the office becomes vacant the assembly

1 or council shall appoint a new manager.

2 **Sec. 29.23.480. REPEAL.** A municipality may repeal the manager
3 plan in the same manner used for its adoption. At its first meeting
4 after repeal the assembly or council shall enact provisions for the
5 reorganization of the municipal executive.

6 **ARTICLE 9. MISCELLANEOUS PROVISIONS.**

7 **Sec. 29.23.500. OATHS OF OFFICE.** Municipal officers, before
8 taking office, shall affirm in writing that they will honestly, faith-
9 fully, and impartially perform their duties. The oath is filed with
10 the municipal clerk.

11 **Sec. 29.23.510. COMBINING OFFICES.** The assembly or council may
12 combine two or more appointive or administrative offices.

13 **Sec. 29.23.520. BONDING.** The executive and the other municipal
14 officers or employees which the assembly or council may designate shall
15 give bond in the amount and with the surety prescribed by the assembly
16 or council. Premiums on bonds are paid by the municipality.

17 **Sec. 29.23.530. SALARIES OF ELECTED OFFICERS NOT TO BE VARIED.**
18 The assembly or council may fix by ordinance the salaries of elected
19 officers before they are elected. Salaries may not be changed during
20 terms of office. An elected officer may not receive any other compensa-
21 tion for service to the municipality.

22 **Sec. 29.23.540. PROHIBITIONS.** (a) No person may be appointed
23 to or removed from municipal office or in any way favored or discrimi-
24 nated against with respect to a municipal position because of his race,
25 color, sex, creed, national origin or, unless otherwise contrary to
26 law, because of his political opinions or affiliations.

27 (b) This section applies to home rule and general law municipi-
28 palities.

29 **Sec. 29.23.550. PERSONNEL SYSTEM.** All appointments and

1 promotions of municipal officers and employees are made on the basis
2 of merit. The assembly or council may provide for a personnel system.

3 Sec. 29.23.560. REPORTS. Home rule and general law municipali-
4 ties shall file with the Local Affairs Agency

5 (1) maps and descriptions of all annexed or excluded terri-
6 tory;

7 (2) a copy of the annual audit;

8 (3) tax assessment figures as requested.

9 Sec. 29.23.570. VACANCIES. An elected municipal office is vacated
10 under the following conditions and upon the declaration of vacancy by
11 the assembly or council. The assembly or council shall declare an
12 elective office vacant when the person elected

13 (1) fails to qualify or take office within 30 days after his
14 election or appointment;

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

17 (3) resigns and his resignation is accepted;

18 (4) is physically unable to attend assembly or council meet-
19 ings;

20 (5) is removed from office;

21 (6) misses three consecutive regular meetings, unless ex-
22 cused.

23 Sec. 29.23.580. MEETINGS PUBLIC. Meetings of all municipal
24 bodies shall be public as provided in AS 44.62.310. The assembly and
25 council shall provide reasonable opportunity for the public to be
26 heard at regular and special meetings. This section applies to home
27 rule and general law municipalities.

28 CHAPTER 28. ELECTIONS.

29 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

1 **Sec. 29.28.010. ADMINISTRATION.** The borough assembly or city
2 council shall prescribe the general rules for conducting municipal elec-
3 tions and appoint at least three judges for each polling place. The
4 municipality may require voter registration by charter or ordinance,
5 ratified by a majority of the voters, but may not otherwise alter
6 qualification requirements. Elections are nonpartisan. This section
7 applies to home rule and general law municipalities.

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

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

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

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

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

28 **Sec. 29.28.030. VOTER QUALIFICATION.** A person may vote if he is
29 a qualified voter in Alaska, is a resident of the municipality, and

1 meets voter registration requirements which may be prescribed by the
2 municipality. This section applies to home rule and general law
3 municipalities.

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

8 Sec. 29.28.040. MAJORITY ELECTIONS. The assembly or council may
9 by ordinance require a majority vote for election of officials. A run-
10 off election or other means of obtaining a majority may be used.

11 ARTICLE 2. INITIATIVE AND REFERENDUM.

12 Sec. 29.28.060. RESERVATION OF POWERS. The powers of the initi-
13 ative and referendum are reserved to the residents of municipalities,
14 subject to the restrictions of sec. 7, art. XI, of the state constitu-
15 tion.

16 Sec. 29.28.070. PETITION. A petition for initiative or referen-
17 dum is filed with the municipal clerk. The petition must be signed by
18 a number of municipal voters equal to the following per cent of the
19 votes cast at the preceding regular election:

20 (1) 25 per cent when the municipality has fewer than 7,500
21 persons;

22 (2) 15 per cent when the municipality has 7,500 persons or
23 more.

24 Sec. 29.28.073. EXAMINATIONS FOR SUFFICIENCY. Within 10 days
25 from the filing date, the municipal clerk shall certify on the petition
26 whether or not it bears the required number of signatures.

27 Sec. 29.28.075. SUPPLEMENTAL PETITION. (a) If the petition is
28 insufficient, it may be supplemented by additional signatures within
29 10 days.

1 (b) Within 10 days after supplementary filing the clerk shall re-
2 certify the petition. If it is still insufficient, the petition is
3 rejected and filed as a public record.

4 Sec. 29.28.077. NEW PETITION. Failure to secure sufficient sig-
5 natures does not preclude the filing of a new initiative or referendum
6 petition. However, a new petition may not be filed sooner than six
7 months after a petition is rejected.

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

23 Sec. 29.28.090. PRESENTATION OF REFERENDUM. When a petition
24 seeks a referendum vote on an ordinance or resolution, the clerk shall
25 submit the ordinance to the voters of the municipality at the next regu-
26 lar or special election. If no regular or special election occurs with-
27 in 75 days of the filing of a sufficient petition with the clerk, the
28 assembly or council shall hold a special election within 75 days of
29 filing. If a majority of those voting favor the legislation, it remains

1 in effect. If a majority rejects the legislation, it is repealed.

2 **Sec. 29.28.100. PRESENTATION OF CHARTER AMENDMENT.** When an
3 initiative petition seeks a charter amendment, the executive shall
4 submit the amendment to the voters at the next regular or special elec-
5 tion. If no regular or special election occurs within 75 days of the
6 filing of a sufficient petition with the clerk, the assembly or council
7 shall hold a special election within 75 days of filing. If a majority
8 of those voting favor the amendment, it becomes affective immediately.

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

12 (b) An unsuccessful initiative, referendum, or charter amendment
13 precludes the filing of a new petition for the same purpose sooner than
14 six months after voter disapproval of the initiative, referendum, or
15 charter amendment.

16 **ARTICLE 3. RECALL.**

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

20 **Sec. 29.28.140. GROUNDS.** Grounds for recall are misconduct in
21 office, incompetence, or failure to perform prescribed duties.

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

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

29 **Sec. 29.28.160. EXAMINATION FOR SUFFICIENCY.** Within 10 days from

1 the filing date, the municipal clerk shall certify on the petition wheth-
2 er or not it bears the required number of signatures. Until the peti-
3 tion is certified, a petition signer may withdraw his signature upon
4 written application to the clerk.

5 Sec. 29.28.170. SUPPLEMENTAL PETITION. (a) If the petition is
6 insufficient, it may be supplemented by additional signatures within
7 10 days.

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

11 Sec. 29.28.180. NEW PETITION. Failure to secure sufficient sig-
12 natures does not preclude the filing of a new recall petition. However,
13 a new petition may not be filed sooner than six months after a petition
14 is rejected.

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

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

20 (b) If no regular election will occur within 75 days, the as-
21 sembly or council shall hold a special election within 75 days of
22 submission.

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

25 Sec. 29.28.210. FORM OF RECALL BALLOTS. A recall ballot contains
26 (1) the grounds as stated in the recall petition;
27 (2) the officer's statement of 200 words or less, if the
28 statement is filed with the clerk for publication and public inspection
29 not later than 20 days before the election;

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

3 Sec. 29.28.220. ELECTION PROCEDURE. Procedures for conducting
4 a recall election are those of a regular election.

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

7 Sec. 29.28.240. EFFECT. If an incumbent is not recalled at the
8 recall election, a petition to recall the same incumbent may not be
9 filed sooner than six months after the recall election.

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

19 CHAPTER 33. AREAWIDE BOROUGH POWERS AND DUTIES.

20 ARTICLE 1. SCOPE.

21 Sec. 29.33.010. SCOPE OF AREAWIDE POWERS. Home rule and general
22 law boroughs shall exercise the powers as specified and in the manner
23 specified in this chapter on an areawide basis, both inside and outside
24 cities within their boundaries. No city, whether home rule or not, may
25 exercise an areawide power once that power is being exercised by a
26 borough.

27 ARTICLE 2. ASSESSMENT AND COLLECTION OF TAXES.

28 Sec. 29.33.030. ASSESSMENT AND COLLECTION. Boroughs shall
29 assess and collect property, sales, and use taxes levied within their

1 boundaries, subject to ch. 53 of this title. Taxes levied by cities
2 and collected by a borough are returned in full to levying cities.

3 **ARTICLE 3. EDUCATION.**

4 **Sec. 29.33.050. EDUCATION.** (a) Each borough constitutes a
5 borough school district and shall establish, maintain, and operate a
6 system of public schools on an areawide basis, and shall do so in the
7 manner provided by law for city school districts, except as otherwise
8 provided in this title.

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

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

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

29 (e) The borough executive shall determine the location of school

1 buildings with due consideration to the recommendations of the borough
2 school board. The determination of the executive is subject to the
3 approval of the borough assembly by resolution.

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

7 (g) The borough school board shall provide custodial services
8 and routine maintenance for school buildings and shall appoint, compen-
9 sate, and otherwise control personnel for these purposes. The borough
10 assembly and borough executive shall provide for all major rehabilita-
11 tion, all construction, and major repair of school buildings.

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

17 **ARTICLE 4. PLANNING, PLATTING AND ZONING.**

18 **Sec. 29.33.070. PLANNING, PLATTING AND ZONING.** (a) Boroughs
19 shall provide for planning, platting, zoning and building and housing
20 codes on an areawide basis.

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

23 (1) designate the council of the city as a board of adjust-
24 ment within the city;

25 (2) grant the city the authority to administer and enforce
26 building and housing codes within the city and authorize it extra
27 territorial jurisdiction for that purpose;

28 (3) delegate other planning and zoning administrative and
29 enforcement responsibilities to the city, provided that borough

1 jurisdiction is not impaired;

2 (4) withdraw powers delegated under this subsection.

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

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

- 15 (1) a comprehensive plan consisting of maps and related
16 texts for the systematic development of the borough;
17 (2) a zoning ordinance to implement the plan;
18 (3) a subdivision ordinance;
19 (4) the official map of the borough;
20 (5) building and housing codes;
21 (6) modifications to the documents specified in (1) - (5)
22 of this section.

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

26 (d) The commission shall:

- 27 (1) act as the platting board;
28 (2) act upon requests for variances;
29 (3) act upon requests for conditional uses.

1 (e) The commission shall designate its presiding officer and
2 shall meet as frequently as is necessary. Meetings shall be public
3 and minutes shall be kept. Minutes and records shall be filed with
4 the municipal clerk and retained as public records.

5 Sec. 29.33.085. COMPREHENSIVE PLAN. (a) The comprehensive plan
6 is a compilation of policy statements, goals, standards, and maps for
7 guiding the physical, social and economic development, both private and
8 public, of the borough, and may include, but is not limited to, the
9 following: statements of policies, goals, standards, a land use plan,
10 a community facilities plan, a transportation plan, and recommendations
11 for plan execution.

12 (b) The assembly shall adopt a comprehensive plan based upon the
13 recommendations of the planning commission. The assembly may modify
14 the plan, provided that it first obtains the recommendations of the
15 planning commission.

16 Sec. 29.33.090. ZONING. (a) In accordance with the comprehen-
17 sive plan, the assembly shall regulate and restrict the construction,
18 alteration, or use of land and improvements by districts. Regulations
19 shall be uniform for each class or kind of building, structure, land or
20 water area within each district, but the regulations may differ among
21 districts.

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

- 24 (1) land use;
25 (2) building location and use;
26 (3) the height and size of structures;
27 (4) the number of stories in buildings;
28 (5) the percentage of lot that may be covered;
29 (6) the size of open spaces;

1 (7) population density and distribution.

2 (c) Zoning regulations are designed to:

3 (1) provide for orderly development;

4 (2) lessen street congestion;

5 (3) promote fire safety and public order;

6 (4) protect the public health and general welfare;

7 (5) prevent overcrowding;

8 (6) stimulate systematic development of transportation,

9 water, sewer, school, park, and other public facilities.

10 Sec. 29.33.095. OFFICIAL MAP. The assembly may adopt and modify
11 an official map based upon the recommendations of the planning commis-
12 sion. The map may show existing and proposed future streets, highways,
13 parkways, parks, playgrounds, public lands and facilities, and the
14 area needed to acquire, widen and enlarge them and shall be prepared in
15 sufficient detail to permit the establishment of the future acquisition
16 lines on the ground and shall be attested to by a registered land
17 surveyor. After adoption a certified copy of the map shall be recorded
18 in each recording district within which any of the land shown on the
19 map is located.

20 (b) After an official map has been adopted and recorded, the
21 borough may prohibit the construction or location of a building or
22 structure within the public areas designated in (a) of this section as
23 shown on the map and may deny a building permit for the construction or
24 location. The adoption of an official map does not of itself give the
25 borough a right, title, or interest in areas identified for public
26 purposes, but does authorize the borough to acquire an interest without
27 paying compensation for buildings or structures erected in those areas
28 without a permit or in violation of the conditions of a permit. The
29 borough must within seven years acquire the property shown on the map

1 as public areas or release the property from the restrictions imposed
2 by the filing of the map.

3 Sec. 29.33.100. BUILDING AND HOUSING CODES. The assembly shall
4 adopt and administer codes regulating minimum occupancy, construction,
5 heating, electrical, plumbing and other building requirements and
6 specifications.

7 Sec. 29.33.110. BOARD OF ADJUSTMENT. (a) The assembly is the
8 board of adjustment, but it may delegate by ordinance part or all of its
9 functions to other borough boards. Meetings of the board are held at
10 the call of the presiding officer. He may administer oaths and compel
11 attendance of witnesses. Meetings and hearings of the board shall be
12 open to the public and the board shall keep minutes of its proceedings
13 as a public record.

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

15 (1) appeals regarding alleged errors in enforcement of zon-
16 ing ordinances and building codes;

17 (2) appeals from the decisions of the planning commission on
18 requests for conditional uses;

19 (3) appeals from the decisions of the planning commission
20 on requests for variances from the terms of the zoning ordinance which
21 are not contrary to the public interest, when a literal enforcement
22 would deprive a property owner of rights commonly enjoyed by other pro-
23 perties in the same district.

24 (c) A variance shall not be granted because of special conditions
25 caused by actions of the person seeking relief or for reasons of
26 pecuniary hardship or inconvenience. A variance shall not be granted
27 which will permit a land use in any district in which such use is pro-
28 hibited.

29 Sec. 29.33.120. ADJUSTMENT PROCEDURE. An interested party

1 including a borough official may file with the board of adjustment an
2 appeal specifying his objections. Copies are filed with the administra-
3 tive officer involved and with the borough clerk within the time re-
4 quired by the zoning ordinance. The officer shall provide the board
5 with all pertinent records, including his written decision. An appeal
6 to the board stays enforcement proceedings unless the board or a court
7 issues an enforcement order based on a certificate of imminent peril
8 to life or property made by the enforcement officer.

9 Sec. 29.33.130. JUDICIAL REVIEW. (a) The assembly shall pro-
10 vide by ordinance for appeals from the board of adjustment to the
11 superior court.

12 (b) A municipal officer, a taxpayer, or a person or persons,
13 jointly or severally aggrieved, may appeal an action of the board to
14 the superior court by filing with the borough clerk within the time
15 fixed by ordinance, a notice of appeal specifying grounds. When the
16 notice of appeal is filed, the board shall at once transmit to the
17 superior court clerk copies of all the papers constituting the record
18 in the case.

19 (c) An appeal from the board of adjustment stays enforcement
20 proceedings unless the court issues an enforcement order based on a
21 certificate of imminent peril to life or property made by the board.

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

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

1 **Sec. 29.33.140. HAZARDS AND NUISANCES.** (a) The assembly may
2 provide by ordinance (1) for the condemnation and abatement of fire or
3 health hazards or public nuisances, and (2) for the removal or screening
4 by topography, landscaping, or fencing of accumulations of junk and
5 debris, and, after a hearing on 30 days' notice to the owner or
6 his agent, order or cause their removal or demolition, or screening.
7 The owner must be given 30 days after the hearing to comply with the
8 order before the borough may proceed. If the borough removes the
9 hazard or nuisance, or removes or screens the junk or debris the cost
10 is chargeable to the property, first against the salvaged material,
11 which may be sold at public auction, and the balance of the cost, if
12 any, against the land as in the case of taxes.

13 (b) If service of notice may not readily be had upon the owner or
14 agent, the notice to the owner or his agent required under (a) of this
15 section shall be sufficient if made upon the person in possession or if
16 a copy of the notice is mailed by certified mail to that person listed
17 upon the tax rolls of the borough as the person to whom the property is
18 to be taxed.

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

21 (d) The terms junk and debris as used in this section mean any
22 second hand and used machinery, scrap iron, copper, lead, zinc, alumi-
23 num, or other metals, wrecked automobiles, abandoned automobiles,
24 inoperable automobiles kept for the purpose of salvage parts or land
25 stabilization and fill, tools, implements, rags, used building materials,
26 abandoned structures not affixed to the ground, rubber, paper, cans,
27 bottles and other similar household wastes.

28 **Sec. 29.33.150. PLATTING JURISDICTION AND POWER.** The planning
29 commission acting as the platting board has jurisdiction over platting

1 and shall adopt and publish rules and regulations to implement this
2 power. Jurisdiction includes, but is not limited to, the control of

3 (1) form, size, and other aspects of subdivisions, dedica-
4 tions, and vacations of land;

5 (2) dimensions of lots or tracts;

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

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

18 (b) The platting board shall submit an approved plat to the
19 district recorder in compliance with AS 40.15.010 - 40.15.020.

20 Sec. 29.33.170. WAIVER IN CERTAIN CASES. The platting board
21 may in individual cases waive the preparation, submission, and record-
22 ing of a plat upon satisfactory evidence that

23 (1) a conveyance of part of a larger tract is not made for
24 the purpose of, or in connection with, a present or projected subdivi-
25 sion development;

26 (2) the transaction constitutes an isolated transaction which
27 does not fall within the general intent of this chapter;

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

1 **Sec. 29.33.180. INFORMATION REQUIRED.** A plat shall show initial
2 point of survey, original or re-established corners and their descrip-
3 tions, and actual traverse showing area of closure and all distances,
4 angles and calculations required to determine initial point, corners
5 and distances of the plat, as well as other information which may be
6 required by ordinance.

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

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

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

27 **Sec. 29.33.210. NOTICE OF HEARING.** The platting board shall fix
28 a time for a hearing on the petition which shall not be more than 60
29 days after the filing. The clerk shall publish a notice stating when

1 and by whom the petition was filed, its purpose, and the time and place
2 of the hearing. The notice shall generally describe the alteration or
3 replat sought. The notice shall be published once a week for two con-
4 secutive weeks in a newspaper of general circulation in the area. The
5 clerk shall also mail a copy of the notice to each affected property
6 owner not signing the petition.

7 **Sec. 29.33.220. HEARING AND DETERMINATION.** At the hearing the
8 platting board shall consider the alteration or replat and make its
9 decision on the merits of the proposal.

10 **Sec. 29.33.230. RECORDING.** If the alteration or replat is ap-
11 proved, the revised plat must be recorded by the platting board, and
12 is thereafter the lawful plat.

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

27 **Sec. 29.33.245. HEARING OFFICER.** The assembly may by ordinance
28 authorize the planning commission, the platting board, and the board
29 of adjustment to designate a hearing officer to hear and decide cases

1 under this chapter. The assembly shall prescribe procedures for hear-
2 ings and appeals. The commission or board shall hear and decide
3 appeals de novo.

4 **ARTICLE 5. ADDITIONAL AREAWIDE POWERS.**

5 **Sec. 29.33.250. ADDITIONAL AREAWIDE POWERS.** First and second
6 class boroughs acquire additional areawide general law municipal powers
7 by transfer from a city or by holding an areawide election on the
8 question.

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

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

14 (c) A city may not revoke the transfer of a power or function
15 to the borough unless a petition for the dissolution of the borough
16 is approved or the borough fails to exercise the power transferred to
17 it.

18 **Sec. 29.33.270. PETITION FOR POWER.** An election on the question
19 of adding an areawide power may be initiated in two ways:

20 (1) a number of voters equal to 15 per cent of the number of
21 votes cast in the borough at the preceding regular election may file a
22 petition with the assembly; or

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

24 **Sec. 29.33.280. INVESTIGATION.** The assembly shall hold at least
25 one public hearing in the borough on the question. The assembly shall
26 then evaluate the ability of the borough to exercise the powers and
27 make its findings public.

28 **Sec. 29.33.290. ELECTION.** (a) The assembly shall, within 30
29 days after its findings have been made public, order an election to be

1 held no less than 30 days after the order nor later than the next regu-
2 lar election.

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

5 (c) The chairman shall certify the election results to the Local
6 Affairs Agency. If the majority of votes cast on the question is
7 favorable, the borough shall assume the added power within 30 days of
8 certification of the election results.

9 CHAPTER 38. BOROUGH POWERS AND DUTIES IN THE
10 AREA OUTSIDE CITIES.

11 Sec. 29.38.010. FIRST CLASS BOROUGH. The first class borough
12 may exercise in the area outside cities any general law municipal
13 power. Before exercising a power outside cities only, the borough shall
14 seek to have the identical power transferred from cities within the
15 borough or propose joint borough-city exercise of the power.

16 Sec. 29.38.020. SECOND CLASS BOROUGH. The second class borough
17 may exercise in the area outside cities municipal powers approved at
18 incorporation, conferred by AS 29.48.020, or added as provided in this
19 chapter. Before exercising a power outside cities only, the borough
20 shall seek to have the identical power transferred from cities within
21 the borough or propose joint borough-city exercise of the power.

22 Sec. 29.38.030. ADDITIONAL POWERS. The second class borough
23 may initiate the acquisition of additional powers outside cities in
24 either of two ways:

25 (1) a number of voters equal to 15 per cent of the number
26 of votes cast in the area outside cities at the preceding regular elec-
27 tion may file a petition with the assembly; or

28 (2) the assembly may place the question on the ballot.

29 Sec. 29.38.040. INVESTIGATION. The assembly shall hold at least

1 one public hearing in the borough on the question. The assembly shall
2 then evaluate the ability of the borough to exercise the powers and
3 make its findings public.

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

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

10 (c) The chairman shall certify the election results to the Local
11 Affairs Agency. If the majority of votes cast on the question is
12 favorable, the borough shall assume the added power within 30 days of
13 certification of election results.

14 CHAPTER 43. POWERS OF CITIES OUTSIDE BOROUGHS.

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

18 Sec. 29.43.020. ASSESSMENT AND TAX COLLECTION. Home rule and
19 general law first class cities outside boroughs may assess, levy, and
20 collect a general property tax. A property tax if levied must be
21 assessed, levied, and collected as provided by ch. 53 of this title for
22 boroughs. Home rule and general law cities outside boroughs may levy
23 and collect sales and use taxes as provided by ch. 53 of this title
24 for boroughs.

25 Sec. 29.43.030. EDUCATION. Home rule and general law first class
26 cities outside boroughs constitute city school districts and shall
27 establish, maintain, and operate a system of public school as provided
28 by AS 29.23.310 - 29.23.320 and 29.33.050 for boroughs.

29 Sec. 29.43.040. PLANNING AND ZONING. Home rule and general law

1 first class cities outside boroughs shall, and second class cities out-
2 side boroughs may, provide for planning, platting, zoning, and building
3 and housing codes as provided by AS 29.33.070 - 29.33.245 for boroughs.

4 **Sec. 29.43.050. EXTRATERRITORIAL POWERS.** (a) Within five miles
5 in all directions of its boundaries, a home rule or general law city
6 outside a borough may

7 (1) provide for planning, platting, zoning, and building
8 and housing codes;

9 (2) regulate or prohibit the offering for sale, exposure
10 for sale, sale, use, or explosion of fireworks;

11 (3) provide for the licensing, impounding, and disposition
12 of animals.

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

15 **Sec. 29.43.060. BOUNDARY LINES.** If the boundaries of a home rule
16 or general law city lie within 10 miles of the boundaries of another
17 city, extraterritorial jurisdiction of each city terminates at a point
18 equidistant from their respective boundaries or at another point agreed
19 upon by the councils of the cities.

20 **Sec. 29.43.070. PLANNING COMMISSION.** The planning commission of
21 a home rule or general law city exercising extraterritorial planning,
22 platting, zoning, and building code power shall include one or more
23 members who are residents of the area lying outside the city.

24 **Sec. 29.43.080. ENFORCEMENT.** The council of a home rule or
25 general law city exercising extraterritorial powers under this chapter
26 may provide for the enforcement of its regulations in the area outside
27 the city in the same manner as the regulations inside the city are
28 enforced.

29 **CHAPTER 48. POWERS APPLICABLE TO ALL MUNICIPALITIES.**

ARTICLE 1. GENERAL POWERS.

1
2 Sec. 29.48.010. GENERAL POWERS. Municipalities have the follow-
3 ing general powers, subject to other provisions of law:

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

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

8 (3) to make investigations of the affairs of the municipality
9 and make inquiries into the conduct of a municipal department;

10 (4) to enter into agreements, including those for coopera-
11 tive or joint administration of any functions or powers with a local
12 government, with the state, or with the United States;

13 (5) to require periodic and special reports from a municipal
14 department to be submitted through the municipal executive;

15 (6) to sue and be sued;

16 (7) to levy taxes and special assessments;

17 (8) to enforce ordinances and to prescribe penalties for
18 violations;

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

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

22 (11) to borrow money and issue evidences of indebtedness.

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

25 (1) regulate or prohibit the offering for sale, exposure for
26 sale, sale, use, or explosion of fireworks;

27 (2) provide for the licensing, impounding, and disposition
28 of animals;

29 (3) regulate the licensing and operation of motor vehicles

1 and operators.

2 **ARTICLE 2. FACILITIES, SERVICES AND REGULATION.**

3 **Sec. 29.48.030. MUNICIPAL FACILITIES AND SERVICES.** (a) A municipi-
4 **ality may exercise the powers necessary to provide the following public**
5 **facilities and services:**

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

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

29 **Sec. 29.48.035. REGULATORY POWERS.** (a) A municipality may

1 regulate the operation and use of its public facilities and services.

2 It may also regulate the following:

- 3 (1) licensing and operation of motor vehicles and operators;
- 4 (2) licensing of drivers of taxicabs, for-hire automobiles,
5 motor buses, or other vehicles for the transportation of passengers or
6 baggage;
- 7 (3) transportation fares;
- 8 (4) licensing, impounding and disposition of animals;
- 9 (5) peddling and hawking in public places;
- 10 (6) selling of food;
- 11 (7) radio interference;
- 12 (8) abandoned property;
- 13 (9) dangerous and disorderly conduct;
- 14 (10) alcoholic beverages as provided by AS 04.15.070;
- 15 (11) recreational devices as provided by AS 05.20.100;
- 16 (12) control of insects and rodents;
- 17 (13) offering for sale, exposure for sale, sale, use, or
18 explosion of fireworks;
- 19 (14) other functions affecting the general health, safety,
20 and welfare of its inhabitants.

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

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

1 applies outside the municipality.

2 (b) Before a jurisdiction granted in this section may be exer-
3 cised within the boundaries of another municipality, the approval of
4 that municipality must be given by ordinance.

5 (c) This section applies to home rule and general law municipali-
6 ties.

7 Sec. 29.48.040. MUNICIPALLY-OWNED UTILITIES. A municipality own-
8 ing or operating utilities may extend service to contiguous areas out-
9 side its municipal limits, subject to the authority of a municipality
10 within which any extended service lies to franchise and regulate as
11 provided in sec. 50 of this chapter. For that purpose the municipality
12 may acquire and operate extensions, pole lines, mains, pipelines and
13 other equipment together with necessary real property outside its
14 limits. This section applies to home rule and general law municipali-
15 ties.

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

27 (b) The assembly acting for the area outside cities and the
28 council acting for the area within a city shall regulate the rates and
29 charges for utility services furnished to the municipality or its

1 inhabitants by a municipally-owned utility utility, by a privately-owned
2 utility, or otherwise. It may require a reasonable security deposit.
3 Rates, charges, and regulations must be fair, reasonable and just.

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

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

21 Sec. 29.48.080. RIGHT TO PARTICIPATE AND COMPEL TESTIMONY. At a
22 utility rate hearing all parties and their counsel interested in the
23 matter must be heard. The municipality and all interested parties may
24 call witnesses and introduce evidence. All parties may compel the
25 attendance of witnesses, and subpoenas may be issued by the municipal
26 clerk. Subpoenas requiring the production of books and papers may be
27 issued in like manner upon request. If a person fails to obey a sub-
28 poena, the superior court shall order the witness to appear and testify,
29 or compel the production of the books or papers.

1 **Sec. 29.48.090. APPLICATION.** In a case of conflict between the
2 provisions of this title and the provisions of Title 42, the provisions
3 of Title 42 shall prevail.

4 **ARTICLE 3. MUNICIPAL ENACTMENTS.**

5 **Sec. 29.48.130. ACTS REQUIRED TO BE BY ORDINANCE.** (a) In addi-
6 tion to other actions which this title requires to be by ordinance, the
7 assembly or council of a home rule or general law municipality shall
8 use ordinances to

- 9 (1) establish, alter or abolish municipal departments;
10 (2) fix the compensation of members of the assembly or
11 council;
12 (3) provide for a fine or other penalty, or establish a rule
13 or regulation for violation of which a fine or other penalty is imposed;
14 (4) provide for the levying of taxes;
15 (5) make appropriations and supplemental appropriations, or
16 transfer appropriations;
17 (6) grant, renew, or extend a franchise;
18 (7) regulate the rate charged by a public utility;
19 (8) provide for the borrowing of money;
20 (9) adopt, modify or repeal the comprehensive plan, the
21 zoning and subdivision ordinances, the building and housing codes, and
22 the official map;
23 (10) approve the transfer of a power to a borough from a
24 city;

25 (11) designate the borough seat.

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

28 **Sec. 29.48.140. FORM OF ORDINANCES.** Ordinances are introduced in
29 writing in the form required by the assembly or council.

1 **Sec. 29.48.150. ORDINANCE PROCEDURE. (a)** The following
2 procedure governs the enactment of all ordinances except emergency
3 ordinances. An ordinance may be introduced by a member or
4 committee of the assembly or council or by the municipal executive.
5 An ordinance shall be set for hearing by the affirmative vote of a
6 majority of the votes authorized on the question. A summary of the
7 ordinance and its amendments is published together with a notice of
8 time and place for public hearing. The hearing follows publication
9 by at least five days. Copies of the ordinance must be available
10 to all persons present or the ordinance must be read in full. The
11 assembly or council shall hear all interested persons wishing to be
12 heard. After the hearing, the assembly or council shall consider the
13 ordinance and may adopt it with or without amendment. The assembly
14 or council shall print and make available copies of adopted ordi-
15 nances.

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

18 **Sec. 29.48.160. EMERGENCY ORDINANCES. (a)** To meet a public
19 emergency the assembly or council may adopt ordinances effective on
20 adoption. Every emergency ordinance must contain a finding by the
21 assembly or council that an emergency exists and a statement of the
22 facts upon which the finding is based. The ordinance may be adopted,
23 amended and adopted, or rejected at the meeting at which it is intro-
24 duced. The affirmative vote of all members present, or the affirma-
25 tive vote of three-fourths of the total membership, whichever is less,
26 is required for adoption. The assembly must print and make available
27 copies of adopted emergency ordinances.

28 (b) An emergency ordinance may not be used to levy taxes, to
29 grant, renew or extend a franchise, or to regulate the rate charged by

1 a public utility for its services.

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

3 Sec. 29.48.170. CODES OF TECHNICAL REGULATIONS. The assembly or
4 council may in a single ordinance adopt or amend by reference provisions
5 of any standard published code of technical regulations. The regular
6 ordinance procedure applies except that neither the ordinance nor its
7 amendments need be distributed to the public or read in full at the
8 hearings. For a period of 15 days before adoption at least five copies
9 of the code must be made available for public inspection at a time and
10 place set out in the hearing notice. Only the adopting ordinance need
11 be printed after adoption. The assembly or council shall provide for
12 the adopted code to be sold to the public.

13 Sec. 29.48.180. CODIFICATION. (a) Each ordinance and resolution
14 after adoption shall be given a serial number and, together with the
15 date of adoption and the designation of the adopting authority, shall
16 be entered by the municipal clerk in a properly indexed book kept for
17 that purpose.

18 (b) Within three years after incorporation of the municipality,
19 the municipal executive, with the advice and assistance of a legal
20 advisor, shall have prepared a general codification of all municipal
21 ordinances and resolutions having the force and effect of law. The
22 municipal code shall be revised and printed at least every five years,
23 unless the code is kept current by regular supplements.

24 Sec. 29.48.190. BUDGET AND CAPITAL PROGRAM. (a) The municipal
25 fiscal year shall begin on July 1 of each year. The assembly or coun-
26 cil shall establish the manner for the preparation and submission of
27 the budgets and capital programs by the executive. After public hearing,
28 the assembly or council may approve the budgets with or without amend-
29 ments and shall appropriate the funds required for the approved budgets.

1 (b) A bond, contract, lease or other obligation requiring the pay-
2 ment of funds from the appropriations of a later fiscal year or of more
3 than one fiscal year shall be made or approved by ordinance by a major-
4 ity of the votes authorized on the question.

5 (c) The assembly or council may make supplemental and emergency
6 appropriations. No payment may be authorized or made and no obligation
7 incurred except in accordance with appropriations.

8 (d) Nothing in this section is intended to prevent the authorising
9 of payment or making of contracts for capital improvements to be financed
10 wholly or partly by the issuance of bonds.

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

15 Sec. 29.48.210. EXPENDITURE OF BOROUGH REVENUES. Borough revenues
16 levied and collected on an areawide basis by a home rule or general
17 law borough may be expended on general administrative costs and on area-
18 wide functions only. Revenues levied and collected in the area outside
19 cities only may be expended on general administrative costs and func-
20 tions which render service to the area outside cities only.

21 Sec. 29.48.220. POST AUDIT. The assembly or council shall pro-
22 vide for an annual independent audit of the accounts and financial
23 transactions of the municipality and its departments. To make the
24 audit the assembly or council shall designate a public accountant who
25 has no personal interest, direct or indirect, in the fiscal affairs of
26 the municipality or its departments. Copies of the audit shall be
27 available to the public upon request. This section applies to home
28 rule and general law municipalities.

29 ARTICLE 4. MISCELLANEOUS PROVISIONS.

1 **Sec. 29.48.250. CENTRALIZED PURCHASING.** The assembly or council
2 may provide for centralized purchasing, storage and distribution of
3 supplies, material and equipment for the municipality and its depart-
4 ments. However, the municipal school board may determine the policy
5 and provide for the purchase of supplies and equipment of a kind not
6 used by other municipal departments.

7 **Sec. 29.48.260. MUNICIPAL PROPERTIES.** (a) A municipality may
8 acquire and hold real and personal property or interest in property,
9 and may sell, lease or otherwise dispose of property no longer required
10 for municipal purposes.

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

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

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

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

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

21 **CHAPTER 53. MUNICIPAL ASSESSMENT AND TAXATION.**

22 **ARTICLE 1. BOROUGH PROPERTY TAX.**

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

29 **Sec. 29.53.020. REQUIRED EXEMPTIONS.** (a) The following property

1 is exempt from taxation:

- 2 (1) municipal, state or federally-owned property;
- 3 (2) household goods and personal effects not used for busi-
- 4 ness, rent or profit;
- 5 (3) property used exclusively for nonprofit religious,
- 6 eleemosynary, charitable, cemetery, hospital or educational purposes;
- 7 (4) property of a nonbusiness organization composed entirely
- 8 of U.S. war veterans and its auxiliaries;
- 9 (5) money on deposit;
- 10 (6) intangible personal property not including leasehold
- 11 interests.

12 (b) "property used exclusively for religious purposes" includes

13 the following property owned by a religious organization:

- 14 (1) the residence of the pastor, priest, rabbi, minister or
- 15 religious order of a recognized religious organization;
- 16 (2) a structure, its furniture and its fixtures used solely
- 17 for public worship, charitable purposes, religious education or a
- 18 nonprofit hospital;
- 19 (3) lots supporting and adjacent to a structure or residence
- 20 mentioned in (1) or (2) of this subsection which are necessary to con-
- 21 venient use;
- 22 (4) lots required by local ordinance for parking near a
- 23 structure defined in (2) of this subsection.

24 (c) Property described in (a) or (b) of this section from which

25 income is derived is exempt only if such income is solely from use of

26 the property by nonprofit religious, eleemosynary, charitable, hospital

27 or educational groups for classroom space.

28 (d) Laws exempting certain property from execution under the Code

29 of Civil Procedure do not exempt the property from taxes levied and

1 collected by municipalities.

2 **Sec. 29.53.025. OPTIONAL PERSONAL PROPERTY EXEMPTIONS.** (a) The
3 assembly may by ordinance, ratified by a majority of the qualified
4 voters voting on the question, exclude personal property from taxation
5 or classify and exempt from taxation any class or classes of personal
6 property. The ordinance as presented to the voters shall specify (1)
7 the current estimated full and true value of the personal property or
8 classes of personal property to be exempted or excluded and (2) the
9 amount of money which is equivalent to the amount which would be raised
10 from the current mill levy on the full and true value of the personal
11 property to be exempted or excluded.

12 (b) For purposes of this section commercial fishing vessels regis-
13 tered with the Department of Fish and Game may be considered as a
14 separate class of personal property.

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

19 **Sec. 29.53.030. MINING CLAIMS.** The assessed value of an unim-
20 proved, unpatented mining claim which is not producing, and a nonpro-
21 ducing patented mining claim upon which the improvements originally
22 required for patent have become useless and valueless through depreci-
23 ation, removal or otherwise, is fixed at \$200 for each 20 acres or
24 fraction of 20 acres. If the surface ground of a claim has a separate
25 and independent value for nonmining uses, the real and personal property
26 is assessed at its full and true value.

27 **Sec. 29.53.040. MOBILE HOMES.** Mobile homes, trailers, house-
28 trailers, trailer coaches and similar property used or intended to be
29 used for residential, office or commercial purposes and attached to the

1 land or connected to water, gas, electric or sewage facilities are
2 classed as real property for tax purposes. This section does not apply
3 to house trailers and mobile homes which are unoccupied and held for
4 sale by persons engaged in the business of selling mobile homes.

5 Sec. 29.53.050. TAX LIMITATION. Municipalities may levy property
6 taxes to pay or secure the payment of principal and interest on general
7 obligation bonds without limitation as to rate or amount. They may not
8 levy property taxes for other purposes in excess of three per cent of
9 the assessed property valuation.

10 Sec. 29.53.060. FULL AND TRUE VALUE. (a) The assessor shall
11 assess property at its full and true value as of January 1 of the
12 assessment year, except as provided in this section and secs. 30 and 160
13 of this chapter. The full and true value is the amount which the pro-
14 perty would bring on an open market in a sale on normal payment terms
15 between a willing seller and a willing buyer both conversant with the
16 property and with prevailing general price levels.

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

21 Sec. 29.53.070. RETURNS. (a) The assembly may require every
22 person having ownership or control of or an interest in property to
23 submit a return in the form prescribed by the assessor, based on
24 property values existing on January 1, except as otherwise provided
25 in this chapter.

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

28 Sec. 29.53.080. INDEPENDENT INVESTIGATION. (a) The assessor is
29 not bound to accept a return as correct. He may make an independent

1 investigation of property returned or of taxable property upon which no
2 return has been filed. In either case, the assessor may make his own
3 valuation of the taxable property, which is prima facie evidence.

4 (b) For investigation, the assessor or his agent may enter any
5 premise during reasonable hours and may examine property on the premises
6 He may examine all property records involved. A person shall, upon
7 request, furnish to the assessor or his agent every facility and as-
8 sistance for the purposes of the investigation. If refused entry, the
9 assessor may seek a court order to compel entry.

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

12 Sec. 29.53.090. STATEMENT. A person who fails to file a statement
13 required by ordinance or who knowingly makes a false affidavit to a
14 statement required by a tax ordinance relative to the amount, location,
15 kind or value of property subject to taxation with intent to evade the
16 taxation, is guilty of a misdemeanor. Upon conviction, he is punishable
17 by a fine of not more than \$300 or by imprisonment for not more than 30
18 days, or by both, together with costs of prosecution.

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

- 21 (1) a description of all taxable property;
22 (2) the assessed value of all taxable property;
23 (3) the names and addresses of persons with property subject
24 to assessment and taxation.

25 (b) The assessor may list real property by any description that
26 may be made certain. Real property is assessed to the owner of record
27 as shown in the records of the district recorder, who shall at least
28 monthly provide the assessor a copy of each recorded change of owner-
29 ship and the address of the party recording the change of ownership.

1 Other persons having an interest in the property may be listed on the
2 assessment records with the owner. The person in whose name property
3 is listed as owner is conclusively presumed to be the legal owner of
4 record. If the property owner is unknown, the property may be assessed
5 to "Unknown Owner". No assessment is invalidated by a mistake, omis-
6 sion or error in the name of the owner, if the property is correctly
7 described.

8 Sec. 29.53.110. ASSESSMENT NOTICE. (a) The assessor shall give
9 every person named in the assessment roll a notice of assessment, show-
10 ing the assessed value of his property. On each notice is printed
11 a brief summary of the dates when taxes are payable, delinquent and
12 subject to penalty and interest and the dates when the board of equali-
13 zation will sit.

14 (b) Sufficient assessment notice is given if mailed by first
15 class mail 30 days before the equalisation hearings. If the address
16 is not known to the assessor, the notice may be addressed to the person
17 at the post office nearest the property. Notice is effective on the
18 date of mailing.

19 Sec. 29.53.120. CORRECTIONS. (a) A person receiving an assess-
20 ment notice shall advise the assessor of errors or omissions in the
21 assessment of his property. The assessor may correct errors or omis-
22 sions in the roll before the board of equalisation hearing.

23 (b) If errors found in the preparation of the assessment roll are
24 adjusted, the assessor shall mail a corrected notice allowing 30 days
25 for appeal to the board.

26 Sec. 29.53.130. APPEAL. (a) A person whose name appears on the
27 assessment roll or his agent or assigns may appeal to the board of
28 equalization for relief from an alleged error in valuation not adjusted
29 by the assessor to the taxpayer's satisfaction.

1 (b) The appellant shall, within 30 days from date of mailing of no-
2 tice of assessment, submit to the assessor a written appeal specifying
3 grounds in the form which the board may require. Otherwise, the right of ap-
4 peal ceases unless the board finds that the taxpayer was unable to comply.

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

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

9 Sec. 29.53.135. BOARD OF EQUALIZATION. The assembly is the board
10 of equalization. It may delegate all or part of its functions as the
11 board of equalization to an appointed board consisting of not less than
12 five nor more than nine members. The assembly shall by ordinance adopt
13 rules for the membership and conduct of the board.

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

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

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

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

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

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

26 Sec. 29.53.150. SUPPLEMENTARY ASSESSMENT ROLLS. The assessor
27 shall include property omitted from the assessment roll on a supple-
28 mentary roll, using the procedures outlined by this chapter for the
29 original roll.

1 **Sec. 29.53.160. TAX ADJUSTMENTS ON PROPERTY AFFECTED BY A NATURAL**
2 **DISASTER. (a) The assembly may provide for a reassessment and reduc-**
3 **tion of taxes for property destroyed, damaged, or otherwise reduced in**
4 **value as a result of a natural disaster.**

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

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

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

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

25 **Sec. 29.53.170. TAX LEVY AND RATE. (a) The power granted to**
26 **the assembly to assess, levy and collect a general property tax shall**
27 **be exercised by means of general ordinance, but the rate of levy, the**
28 **date of equalization and the date when taxes become delinquent shall**
29 **be fixed by resolution.**

1 (b) The assembly shall annually determine the rate of levy before
2 June 15. The tax collector shall mail tax statements by July 1.

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

11 (1) if the first half is paid when due, the second half is
12 payable on the due date fixed by the assembly for the second half and
13 if not paid is delinquent after that date;

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

19 (3) after the due date for the payment of the second half a
20 total penalty of not more than 10 per cent may be added to all delin-
21 quent taxes, and interest at the rate of eight per cent a year shall
22 accrue upon all unpaid taxes, not including penalties, from due date
23 until date paid in full.

24 ARTICLE 2. ENFORCEMENT OF TAX LIENS.

25 Sec. 29.53.200. VALIDITY. Certified assessment and tax rolls are
26 valid and binding on all persons, notwithstanding any defect, error,
27 omission or invalidity in the assessment rolls or proceedings pertain-
28 ing to the assessment roll.

29 Sec. 29.53.210. TAX LIABILITY. (a) The owner of personal

1 property assessed is personally liable for the amount of taxes assessed
2 against his property. The tax, together with penalty and interest, may
3 be collected in a personal action brought in the name of the borough.

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

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

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

22 (b) If the tax on property described in sec. 40 of this chapter
23 or on a leasehold interest in tax exempt property is not paid when due,
24 a borough may enforce the tax by a personal action against the delin-
25 quent taxpayer brought in the magistrate or superior court, in addition
26 to other remedies available to the borough to enforce the lien.

27 Sec. 29.53.240. FORECLOSURE LIST. (a) The borough shall

28 (1) by July 1 of each year in which foreclosure is under-
29 taken, present a petition for judgment and a certified copy of the

1 foreclosure list for the previous year's delinquent taxes to the
2 superior court for judgment;

3 (2) publish the foreclosure list for four consecutive weeks
4 in a newspaper of general circulation in the borough, or, if there is
5 no newspaper of general circulation, post the list at three public
6 places;

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

12 (b) The list includes

13 (1) the last known owner;

14 (2) the property description as stated on the assessment
15 roll;

16 (3) years and amounts of delinquency;

17 (4) penalty and interest due;

18 (5) a statement that the list is available for public in-
19 spection at the clerk's office;

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

22 (c) Completion of the requirements of (a) of this section consti-
23 tutes and has the same force and effect as the filing of an individual
24 and separate complaint and service of summons to foreclosure a lien
25 against each property described on the foreclosure list.

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

1 list.

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

5 **Sec. 29.53.270. GENERAL FORECLOSURE.** The borough shall bring
6 one general foreclosure proceeding in rem against the properties in-
7 cluded in the list. If the owner is unknown, the property is proceeded
8 against as belonging to "Unknown Owner". Tax foreclosure proceedings
9 have priority over all other civil proceedings except board of adjust-
10 ment appeals as provided in AS 29.33.130(e).

11 **Sec. 29.53.280. ANSWER AND OBJECTION.** A person having an interest
12 in a tract on the foreclosure list may file an answer within 30 days
13 of the date of publication, specifying his objection. The court shall
14 make its decision in summary proceedings. The foreclosure list is
15 prima facie evidence that the assessment and levy of the tax is valid
16 and that the tax is unpaid.

17 **Sec. 29.53.290. JUDGMENT.** The court shall in a proper case give
18 judgment and decree that the tax liens be foreclosed. It is a several
19 judgment against and a lien on each parcel.

20 **Sec. 29.53.300. TRANSFER AND APPEAL.** (a) Foreclosed properties
21 are transferred to the borough for the lien amount. When answers are
22 filed the court may enter judgment against and order the transfer to
23 the borough of all other properties on the list pending determination
24 of the matters in controversy. The court shall hear and determine the
25 issues raised by the complaint and answers in the same manner and under
26 the same rules as it hears and determines other actions.

27 (b) The court clerk shall deliver a certified copy of the judg-
28 ment and decree to the borough clerk. The certified judgment and
29 decree constitutes a transfer to the borough.

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

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

6 Sec. 29.53.310. REDEMPTION PERIOD. (a) Properties transferred
7 to the borough are held by the borough for at least one year. During
8 the redemption period a party having an interest in the property may
9 redeem it by paying the lien amount plus penalties, interest and costs.
10 Property redeemed is subject to all taxes, assessments, liens and claims
11 as though it had continued in private ownership. Only the amount ap-
12 plicable under the judgment and decree must be paid in order to redeem
13 the property.

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

18 Sec. 29.53.320. EFFECT. Receipt of redemption money by the clerk
19 releases all claims of the borough to the property. The clerk shall
20 record the redemption and issue a certificate containing a property
21 description, the redemption amount, and the dates of judgment and
22 decree of foreclosure. The clerk shall file the certificate with the
23 recorder and collect the recording fee from the person redeeming at the
24 time of redemption. The court clerk shall file the certificate as
25 part of the judgment roll.

26 Sec. 29.53.330. ADDITIONAL LIENS. If a property included in a
27 foreclosure list is removed after payment of delinquencies or redemp-
28 tion by another lienholder, the receipt for payment constitutes an
29 additional lien on the property, collectible in the same manner as the

1 original lien.

2 Sec. 29.53.340. POSSESSION DURING REDEMPTION PERIOD. Foreclosure
3 does not affect the former owner's right to possession during the re-
4 demption period. In the event that waste is committed by the former
5 owner, or by anyone acting under his permission or control, the borough
6 may declare an immediate forfeiture of the right to possession.

7 Sec. 29.53.350. EXPIRATION. Not earlier than 30 days before the
8 expiration of the redemption period the clerk shall publish a redemp-
9 tion period expiration notice stating the owner's name, property lien,
10 the date of judgment, and the date of conveyance by deed to the borough.
11 The notice is published once a week for four consecutive weeks in a
12 newspaper of general circulation within the borough. If there is no
13 newspaper of general circulation within the borough, the notice is
14 posted in three public places for at least four consecutive weeks. The
15 clerk shall send a copy of the published notice by certified mail to
16 each record owner of property against whom a judgment of foreclosure
17 has been taken. The notice shall be mailed within five days of the
18 first publication. The right of redemption shall expire 30 days after
19 the date of the first publication notice.

20 Sec. 29.53.360. DEED TO BOROUGH OR CITY. (a) Unredeemed
21 properties in the area of the borough outside cities are deeded to the
22 borough by the clerk of the court. Unredeemed properties within a city
23 are deeded to the city.

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

26 (c) If unredeemed property lies within a city and if the city
27 has no immediate public use for the property but the borough does have
28 an immediate public use, the city shall deed the property to the borough.
29 If unredeemed property lies within the borough outside a city and if the

1 borough does not have an immediate public use for the property but the
2 city does have an immediate public use, the borough may deed the
3 property to the city.

4 (d) No deed is invalid for irregularities, omissions or defects,
5 unless the former owner has been misled to his injury. After two years
6 from the date of the deed its validity is conclusively presumed.

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

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

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

25 Sec. 29.53.380. PROCEEDS OF TAX SALE. Upon sale of real or
26 personal property for satisfaction of tax liens, the borough or city
27 shall divide the proceeds, less cost of collection, between the bor-
28 ough and the city having tax liens or special assessment liens against
29 the property. The division is in proportion to the respective

1 municipal tax liens which existed on the property at the time of fore-
2 closure.

3 **Sec. 29.53.385. PAYMENT OF TAX LIENS UPON PUBLIC UTILIZATION.** If
4 a city or borough holds or takes title to tax foreclosed property for a
5 public purpose, the city or borough shall satisfy tax liens against the
6 property held by other municipalities, with accrued interest but with-
7 out penalty. If the amount required to satisfy the tax liens exceeds
8 the assessed valuation of the property, the city or borough shall pay
9 the lienholders the assessed valuation, which shall be divided between
10 the lien-holding municipalities in proportion to their respective tax
11 liens.

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

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

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

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ARTICLE 3. CITY PROPERTY TAX.

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

ARTICLE 4. BOROUGH SALES AND USE TAXES.

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

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

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

Sec. 29.53.420. **REFERENDUM, ADOPTION AND MODIFICATION.** (a) The assembly shall hold a referendum vote on the question of levy of sales and use taxes. Borough sales or use tax propositions may be presented only once in any 12-month period.

(b) If the proposition receives a majority of the votes cast, the assembly may enact the sales tax as a levy upon either buyers or

1 sellers; the use tax shall be levied only upon buyers. The sales tax
2 is collected at the time of sale or at the time of payment in credit
3 transactions and transmitted to the borough.

4 **ARTICLE 5. CITY SALES AND USE TAXES.**

5 **Sec. 29.53.440. POWER OF LEVY.** Home rule or general law cities,
6 within a borough which levies and collects sales or use taxes for area-
7 wide borough functions, may levy sales or use taxes upon all sources
8 taxed by the borough, but only in the manner provided for boroughs.

9 **Sec. 29.53.450. POWER OF LEVY AND COLLECTION.** Home rule and
10 general law cities, within a borough which does not levy and collect
11 sales or use taxes for areawide borough functions, may levy and collect
12 sales or use taxes, but only in the manner provided for boroughs.

13 **Sec. 29.53.460. COMBINING SALES TAX WITH INCORPORATION.** A peti-
14 tion for second class city incorporation may request that a sales tax
15 proposal be placed on the same ballot. The petition must state the
16 proposed tax rate. The petition may request that incorporation be
17 dependent upon the passage of the sales tax proposition. If so, the
18 incorporation proposition fails if the sales tax fails.

19 **CHAPTER 58. MUNICIPAL DEBT.**

20 **ARTICLE 1. TAX ANTICIPATION NOTES.**

21 **Sec. 29.58.010. TAX ANTICIPATION NOTES.** A municipality may
22 borrow money in the form of negotiable or nonnegotiable notes to meet
23 the appropriations for a fiscal year in anticipation of the collection
24 of taxes and revenues for that year. The aggregate principal amount
25 borrowed may not at any time exceed 50 per cent of the appropriations
26 for the fiscal year.

27 **Sec. 29.58.020. FORM AND TERMS.** The assembly or council shall
28 authorize by ordinance the sale of tax anticipation notes. Notes are
29 in the form and denominations determined by the assembly or council,

1 with a maturity date not to exceed the end of the next fiscal year from
2 the date of issue.

3 Sec. 29.58.030. SECURITY. Tax anticipation notes are a general
4 obligation of the municipality and payment is secured by its full faith,
5 credit, taxing power, and resources. The municipality may levy ad
6 valorem taxes for payment without limitation of rate or amount.

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

10 ARTICLE 2. BOND ANTICIPATION NOTES.

11 Sec. 29.58.060. BOND ANTICIPATION BORROWING. A municipality may
12 borrow money in anticipation of the sale of general obligation and
13 revenue bonds if

14 (1) the general obligation bonds to be sold have been
15 authorized by the assembly or council and ratified by a majority vote
16 at a regular or special election;

17 (2) the revenue bonds to be sold have been authorized by
18 ordinance.

19 Sec. 29.58.070. ISSUANCE OF NOTES. The assembly or council shall
20 issue negotiable or nonnegotiable notes for the amounts borrowed with
21 a maturity date not to exceed one year from the date of issue. All
22 notes and the interest on them are payable at a fixed place, on or
23 before a fixed time, from the proceeds of the sale of bonds in antici-
24 pation of which the original note or notes were issued, unless the
25 bonds have not been sold by the maturity date of the notes.

26 Sec. 29.58.080. ISSUANCE OF NEW NOTES. If the sale of the bonds
27 has not occurred before the maturity of the notes issued in anticipa-
28 tion of the sale, the assembly or council shall issue new notes in
29 order to meet payment of the notes then maturing or shall renew the

1 outstanding bond anticipation notes. New notes issued or renewals of
2 outstanding bond anticipation notes shall bear a maturity date not to
3 exceed one year from the date of issue. Notes, new notes, and renewals
4 of notes shall not be outstanding for a total elapsed time of more than
5 three years unless the 20-year bond average interest rates which exist
6 three months before the maturity date of the notes are higher than the
7 rates which existed upon issuance of the original notes. In this case
8 notes may be renewed in an amount one-twentieth less than the original
9 amount. Each succeeding reissue must be in an amount declining at a
10 rate of not less than one-twentieth of the original amount.

11 Sec. 29.58.090. REPAYMENT OF NOTES. Every note is payable from
12 the proceeds of the sale of bonds which the notes anticipated or from
13 the proceeds of the sale of new bond anticipation notes.

14 Sec. 29.58.100. SECURITY. (a) Notwithstanding any other provi-
15 sions of this chapter as to payment of notes, notes issued in antici-
16 pation of the sale of general obligation bonds and the interest on them
17 are secured by the full faith, credit, taxing power and resources of
18 the municipality. The municipality may levy ad valorem taxes for pay-
19 ment without limitation of rate or amount.

20 (b) Notes issued in anticipation of the sale of revenue bonds and
21 the interest on them are secured in the same manner as are the revenue
22 bonds in anticipation of which the notes are issued.

23 Sec. 29.58.110. LIMITATION. The total amount of notes issued
24 and outstanding shall at no time exceed the total amount of bonds
25 authorized to be issued.

26 Sec. 29.58.120. USE OF PROCEEDS. The proceeds from the sale of
27 notes shall be used only for the purposes for which the proceeds from
28 the sale of bonds may be used or to meet payment of outstanding bond
29 anticipation notes.

1 **Sec. 29.58.130. SALE OF NOTES.** Notes issued under this chapter
2 shall be sold by the municipality in the manner and at the price it
3 determines, at either public or private sale, but no note may be sold
4 for less than par and accrued interest.

5 **ARTICLE 3. GENERAL OBLIGATION BONDS.**

6 **Sec. 29. 58.150. GENERAL OBLIGATION BONDS.** A municipality may
7 acquire, construct, improve and equip capital improvements and issue
8 negotiable or nonnegotiable general obligation bonds for these purposes.

9 **Sec. 29.58.160. VOTE AND NOTICE OF EXISTING INDEBTEDNESS REQUIRED.**

10 **(a)** A municipality may incur general obligation bond debt only after a
11 bond authorization ordinance is approved by a majority of those voting
12 on the question at a regular or special election. Any municipal voter
13 may vote in the bond election, except as otherwise provided by charter
14 or law. The assembly or council shall prescribe procedures for bond
15 authorization elections.

16 **(b)** Before a general obligation bond issue election, the assembly
17 or council shall publish a notice of the municipality's total existing
18 bonded indebtedness at least once a week for three consecutive weeks
19 in a newspaper of general circulation in the municipal area. The first
20 notice shall be published at least 20 days before the date of the
21 election. A notice shall contain

- 22 (1) the current total bonded indebtedness, including autho-
23 rized but unsold bonds of the municipality;
24 (2) the cost of the debt service on the current indebtedness;
25 (3) the total assessed valuation within the municipality.

26 **Sec. 29.58.170. FORM AND TERMS OF SALE.** The assembly or council
27 shall fix the date of the bonds, denominations, maturities, rate of
28 interest, place and manner of payment, redemption terms, registration
29 privileges, manner of execution, and signatures required. If an officer

1 whose signature appears on the bonds or coupons ceases to be an officer
2 before delivery of the bonds, his signature is valid as if he had re-
3 mained in office until delivery.

4 **Sec. 29.58.180. PAYMENT.** (a) The full faith, credit, taxing
5 power and resources of a municipality are pledged for the payment of
6 principal and interest on general obligation bonds. The municipality
7 may levy ad valorem taxes for payment without limitation of rate or
8 amount.

9 (b) General obligation bonds issued for acquiring, constructing,
10 improving and equipping a municipally-owned utility or other revenue
11 generating enterprise may be additionally secured by a pledge of the
12 revenue derived from operation. Bonds so secured are not subject to a
13 debt limitation imposed by a borough or city home rule charter.

14 **ARTICLE 4. REVENUE BONDS.**

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

20 **Sec. 29.58.205. NO ELECTION REQUIRED.** No election is required
21 to authorize the issuance and sale of revenue bonds, unless otherwise
22 provided by ordinance.

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

1 **Sec. 29.58.220. PAYMENT.** Bonds issued under secs. 200 - 220 of
2 this chapter or the proceedings of the assembly or council authorizing
3 their issuance may contain the covenants which the assembly or council
4 considers advisable concerning

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

8 (2) the deposit and use of the revenue of the public facili-
9 ties;

10 (3) the issuance of additional bonds payable from revenue
11 of the public facilities;

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

15 **ARTICLE 5. REFUNDING BONDS.**

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

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

25 **Sec. 29.58.260. NO ELECTION REQUIRED.** No election is required
26 to authorize the issuance and sale of refunding bonds. Their issuance
27 may be authorized and all proceedings with reference to them prescribed
28 by ordinance of the assembly or council. However, when it is desirable
29 to use general obligation bonds to refund a revenue bond issue, the

1 governing body shall call an election on the question.

2 **Sec. 29.58.270. PAYMENT OF REFUNDING BONDS.** General obligation
3 refunding bonds are payable according to sec. 180 of this chapter.
4 Revenue refunding bonds are payable according to sec. 220 of this
5 chapter.

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

12 **ARTICLE 6. MISCELLANEOUS PROVISIONS.**

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

22 **Sec. 29.58.310. INTEREST RATE.** No municipal bond or note shall
23 bear an interest rate exceeding six per cent a year.

24 **Sec. 29.58.320. REDEMPTION BEFORE MATURITY.** A bond or note may
25 be made subject to redemption before maturity as stated in the authori-
26 sation or in the bond or note.

27 **Sec. 29.58.330. FISCAL ADVISOR PROHIBITED FROM BIDDING.** (a) No
28 person who provides financial programming or marketing assistance to a
29 municipality, whether home rule or not, in connection with the issuance

1 or sale of bonds of the municipality may bid on the bonds, if offered
2 at public sale, or negotiate for their purchase, if sold at private sale.

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

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

9 Sec. 29.58.340. INDEBTEDNESS. Boroughs may incur indebtedness

10 (1) on an areawide basis for areawide functions; or

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

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

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

17 CHAPTER 63. SPECIAL ASSESSMENTS AND SERVICE AREAS.

18 ARTICLE 1. SPECIAL ASSESSMENTS.

19 Sec. 29.63.010. ASSESSMENT AND PROPOSAL. The assembly or council
20 may by ordinance assess against real property benefited all or a por-
21 tion of the cost of constructing or improving capital improvements. An
22 improvement proposal may be initiated by (1) petition to the assembly
23 or council of the owners of one-half in value of the property to be
24 benefited, or (2) the assembly or council.

25 Sec. 29.63.020. DECISION AND NOTICE. (a) When an improvement
26 proposal has been filed with the municipal clerk and presented to the
27 assembly or council, the assembly or council shall find by resolution
28 whether (1) the improvement request is necessary and should be made,
29 and (2) the request has sufficient and proper petitioners. The

1 findings of the assembly or council are conclusive.

2 (b) If the assembly or council passes a resolution approving an
3 improvement proposal with the necessary findings, it shall develop a
4 proposed improvement plan including cost estimate and the percentage
5 of the improvement plan cost to be assessed against the property bene-
6 fited. This plan is to be filed with the municipal clerk.

7 (c) The assembly or council shall set a time for public hearing
8 on the improvement plan and shall publish a notice at least once a week
9 for four consecutive weeks in a newspaper of general circulation within
10 the municipality.

11 Sec. 29.63.030. OBJECTIONS AND REVISION. (a) Objections to the
12 improvement plan may be filed not less than 30 nor more than 60 days
13 after publication of notice on a date specified by the assembly or
14 council. The assembly or council may by resolution approve the plan
15 and proceed with the improvement if the owners of one-half in value of
16 the property to be benefited do not object in writing.

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

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

26 (b) The special assessment roll contains property descriptions,
27 names of owners of record and assessment amounts.

28 (c) The assembly or council shall fix a time to hear objections
29 to the roll. The municipal clerk shall send an assessment and hearing

1 notice by mail to each record owner of an assessed tract 15 days before
2 the hearing. The person in whose name property is listed on the municipi-
3 pal property tax roll as owner is conclusively presumed to be the legal
4 owner of record. If the owner is unknown, the assessment may be made
5 against "Unknown Owner".

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

9 Sec. 29.63.060. PAYMENT. (a) The assembly or council shall fix
10 times of payment and delinquency of assessments. Payment may not be
11 required sooner than 60 days after assessment nor sooner than 60 days
12 before improvement work begins. Payment may be in one sum or by in-
13 stallments. Penalty and interest are the same as for real property
14 taxes.

15 (b) Within 30 days after fixing the time of payment, the municipi-
16 pal clerk shall mail a statement to the owner of record of each property
17 assessed. The statement designates the property, the assessment amount,
18 the time of delinquency, and penalties.

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

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

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

28 (b) Notice and hearing must conform to the initial assessment
29 procedures.

1 (c) Payments on the initial assessment are credited to the
2 property upon reassessment.

3 ARTICLE 2. SERVICE AREAS.

4 Sec. 29.63.090. SERVICE AREAS. (a) Service areas to provide
5 special services within a home rule or general law borough may be es-
6 tablished, operated, altered or abolished by the assembly by ordinance.

7 (b) The assembly may levy or authorize the levying of taxes,
8 charges, or assessments in service areas to finance the special
9 services. No special assessment may be levied except as provided by
10 secs. 10 - 70 of this chapter.

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

13 (d) A new service area may not be established if the new service
14 can be provided by an existing service area, by annexation to a city,
15 or by incorporation as a city.

16 (e) The assembly may delegate to a service area any powers which
17 may be exercised by a first class borough in the area outside cities.
18 In a second class borough, each delegated power must be approved by
19 majority vote at a regular or special election held within the service
20 area. The rate of taxation and the issuance of bonds are subject to
21 assembly approval.

22 CHAPTER 68. ALTERATION OF BOUNDARIES.

23 ARTICLE 1. ANNEXATION AND EXCLUSION.

24 Sec. 29.68.010. ANNEXATION AND EXCLUSION. (a) The local bound-
25 ary commission may consider any proposed local government boundary
26 change. It may present proposed changes to the legislature during the
27 first 10 days of any regular session. The change shall become effec-
28 tive 45 days after presentation or at the end of the session, whichever
29 is earlier, unless disapproved by a resolution concurred in by a

1 majority of the members of each house.

2 (b) In addition to the regulations governing annexation by local
3 action adopted under AS 44.19.260, the local boundary commission shall,
4 within 90 days of the effective date of this Act, establish procedures
5 for annexation and exclusion of territory by cities by local action.
6 The procedures established under this subsection shall include:

7 (1) a provision requiring that a proposed annexation and ex-
8 clusion must be approved by a majority of the voters voting on the ques-
9 tion residing within the area proposed to be annexed or excluded;

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

12 (3) provisions that an area adjoining the municipality may
13 be annexed by ordinance if all property owners and voters within the
14 area petition the assembly or council.

15 (c) This section applies to home rule and general law munic-
16 palities.

17 **ARTICLE 2. MERGER AND CONSOLIDATION.**

18 **Sec. 29.68.030. METHODS OF MERGER OR CONSOLIDATION.** Two methods
19 may be used to initiate merger or consolidation of home rule and
20 general law municipalities:

21 (1) petition to the local boundary commission under regula-
22 tions adopted by the commission; or

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

25 **Sec. 29.68.040. PETITION.** (a) Residents of two or more munici-
26 palities may file a merger or consolidation petition with the Local
27 Affairs Agency. The petition must be signed by a number of municipal
28 voters of each municipality equal to at least 25 per cent of the
29 number of votes cast in its last regular election.

1 (b) The petition includes

2 (1) the name and class of each municipality;

3 (2) the name and class of the proposed municipality;

4 (3) the proposed composition and apportionment of the
5 assembly or council;

6 (4) maps, documents, and other information which show that
7 the proposed municipality meets the standards for municipal incorpora-
8 tion.

9 Sec. 29.68.050. REVIEW. The Local Affairs Agency shall review a
10 petition for content and signatures and shall return a deficient peti-
11 tion for correction or completion.

12 Sec. 29.68.060. INVESTIGATION. If the petition contains the re-
13 quired information and signatures, the Local Affairs Agency shall
14 investigate the proposal.

15 Sec. 29.68.070. REPORT AND HEARING. (a) The Local Affairs Agency
16 shall report its findings to the local boundary commission with its
17 recommendations regarding the merger or consolidation.

18 (b) The local boundary commission shall hold at least one public
19 hearing in each of the municipalities included in the merger or con-
20 solidation petition, unless officials of the municipalities agree to
21 a single hearing.

22 Sec. 29.68.080. DECISION. If the local boundary commission
23 determines that the proposed municipality fails to meet the standards
24 for incorporation, it shall reject the petition. If the commission
25 determines that the proposed municipality meets these standards, it
26 shall accept the petition. If the commission determines that the pro-
27 posed boundaries or the composition and apportionment of the assembly
28 or council can be altered to meet the standards, it may change the
29 proposal and accept the petition. The decision may be appealed under

1 the Administrative Procedure Act (AS 44.62).

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

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

11 (c) The secretary of state shall supervise the election in the
12 general manner prescribed by the Alaska Election Code (AS 15.05 - 15.-
13 60). The state shall pay all election costs.

14 (d) The secretary of state shall certify the election results.
15 If merger or consolidation is approved, he shall within 10 days set a
16 date for election of officers of the new municipality under AS 29.18.-
17 120. The election date is not less than 60 nor more than 90 days after
18 the election order. This date is the effective date for the merger or
19 consolidation.

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

23 (b) When two or more municipalities consolidate, the newly-
24 incorporated municipality succeeds to the rights, powers, duties,
25 assets and liabilities of the consolidated municipalities.

26 **Sec. 29.68.110. ORDINANCES.** The ordinances, resolutions, rules,
27 regulations, procedures and orders of the former municipalities remain
28 in force within their respective territories until superseded by the
29 action of the successor municipality.

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ARTICLE 3. DISSOLUTION.

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

(1) petition to the local boundary commission under regulations adopted by the commission; or

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

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

(c) The Local Affairs Agency shall investigate a municipality which it considers to be inactive and shall report to the local boundary commission on the status of the municipality. The commission may submit its recommendation to the legislature that the municipality be dissolved in the manner provided for submission of boundary changes in sec. 12, art. X, of the state constitution.

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

(b) The petition includes

(1) the name of the municipality;

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

Sec. 29.68.150. STANDARDS. (a) Except as provided in (b) of this section, a municipality may petition for dissolution when (1) it

1 is free of debt, or if in debt, each of its creditors is satisfied with
2 a method of repayment, and (2) either it no longer meets the minimum
3 standards prescribed for incorporation by ch. 18 of this title, or it
4 ceases to use each and every one of its mandatory powers.

5 (b) A home rule or general law city in a borough may petition for
6 dissolution if the borough consents to assume the city's rights, pow-
7 ers, duties, assets and liabilities. The consent must be ratified by
8 a majority of borough voters voting on the question.

9 Sec. 29.68.160. REVIEW. The Local Affairs Agency shall review
10 a petition for content and signatures and shall return a deficient
11 petition for correction or completion.

12 Sec. 29.68.170. INVESTIGATION. If the petition contains the re-
13 quired information and signatures, the Local Affairs Agency shall
14 investigate the proposal.

15 Sec. 29.68.180. REPORT AND HEARING. (a) The Local Affairs
16 Agency shall report its findings to the local boundary commission with
17 its recommendation regarding the dissolution.

18 (b) The local boundary commission shall hold at least one public
19 hearing in the area proposed to be dissolved.

20 Sec. 29.68.190. DECISION. If the local boundary commission
21 determines that the municipality fails to meet the standards for dis-
22 solution, it shall reject the petition. If the commission determines
23 that the municipality meets the standards, it shall accept the peti-
24 tion.

25 Sec. 29.68.200. ELECTION. (a) The local boundary commission
26 shall immediately notify the secretary of state of its acceptance of a
27 dissolution petition. Within 30 days after notification, the secretary
28 of state shall order an election within the municipality to determine
29 whether the voters desire dissolution. The election is not less than

1 30 nor more than 90 days after the election order.

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

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

7 (d) The secretary of state shall certify the election results.
8 If dissolution is approved, he shall declare that the municipality is
9 dissolved effective on the date of certification.

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

13 CHAPTER 73. MISCELLANEOUS PROVISIONS.

14 Sec. 29.73.010. ACTIONABLE CLAIMS AGAINST A MUNICIPALITY. (a) A
15 person or corporation having a contract, quasi-contract, or tort claim
16 against a municipality may bring an action against the municipality in
17 the superior court. However, no action may be brought under this sec-
18 tion if the claim

19 (1) is an action for tort, and is based upon an act or omis-
20 sion of a municipal officer or employee, exercising due care, in the
21 execution of a municipal ordinance, resolution, or order, whether or
22 not such ordinance, resolution, or order is valid; or is an action for
23 tort, and is based upon the exercise or performance or the failure to
24 exercise or perform a discretionary function or duty on the part of a
25 municipal officer or employee, whether or not the discretion involved
26 is abused;

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

29 (b) This section applies to home rule and general law

1 municipalities.

2 **Sec. 29.73.015. UNDERTAKING.** At the time of filing the complaint
3 in an action against a municipality, the plaintiff shall file an
4 undertaking in a sum fixed by the court. The undertaking shall be
5 conditioned upon payment by the plaintiff of costs incurred by the
6 municipality in the action if the plaintiff fails to prosecute the ac-
7 tion or fails to recover judgment. This section applies to home rule
8 and general law municipalities.

9 **Sec. 29.73.020. EMINENT DOMAIN.** Home rule and general law munici-
10 palities may exercise the powers of eminent domain and declaration of
11 taking as provided in AS 09.55.240 - 09.55.460.

12 **Sec. 29.73.030. ADVERSE POSSESSION.** A home rule or general law
13 municipality may not be divested of title to real property by adverse
14 possession.

15 **CHAPTER 78. GENERAL PROVISIONS.**

16 **Sec. 29.78.010. DEFINITIONS.** In this title unless otherwise
17 provided or the context otherwise requires

18 (1) "borough" means a general law first or second class
19 organized borough;

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

21 (3) "municipality" means a general law municipal corpora-
22 tion, which is a first or second class borough or city, incorporated
23 under the laws of the state;

24 (4) "consolidation" means dissolution of two or more munici-
25 palities and their incorporation as a new municipality;

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

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

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

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

4 (9) "owner", "record owner", or "owner of record" means
5 owner of record or purchaser of record;

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

7 (11) "real property" means land and improvements and all
8 possessory rights and privileges appurtenant to the property, and
9 includes personal property affixed to the land or improvements;

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

14 (13) "published" means appearing in a newspaper of general
15 circulation at least once within the municipality or, if there is no
16 newspaper of general circulation within the municipality, posting in
17 three public places for at least seven days;

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

20 (15) "subdivision" means the division of a tract or parcel
21 of land into more than two lots, sites or other divisions for the
22 purpose, whether immediate or future, of, sale or building development,
23 and includes resubdivision and, when appropriate to the context, re-
24 lates to the process of subdividing or to the land or areas subdivided;

25 (16) "voter" means a U.S. citizen who has been a resident of
26 Alaska for one year and of the municipality for 30 days immediately pre-
27 ceding the election and who meets registration requirements of the
28 municipality and is not disqualified under art. V of the state consti-
29 tution;

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

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

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