

ALASKA LEGISLATURE COMMITTEE FILES 1971 - 1972 8672

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1 a vacancy in the office of mayor occurring within six months of a  
2 regular election shall be filled by the council. The person designated  
3 shall serve until the next regular election and until a successor is  
4 elected and has qualified. If a councilman is chosen, he shall resign  
5 his council seat. If a vacancy occurs more than six months before a  
6 regular election, the council shall call a special election to fill the  
7 unexpired term.

8 (b) In a second class city, a vacancy in the office of mayor is  
9 filled by and from the council.

10 Sec. 29.23.290. POWERS AND DUTIES OF CITY MANAGER. If the city  
11 has a manager, he is the chief ~~executive~~ and administrative officer.  
12 The manager shall

13 (1) appoint city employees and administrative officers,  
14 except as provided otherwise in sec. 360 of this chapter and AS 29.33.-  
15 050; he may hire necessary administrative assistants and may authorize  
16 an appointive administrative officer to appoint, suspend, or remove  
17 subordinates in his department;

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

21 (3) supervise enforcement of city law;

22 (4) prepare the annual budget and capital improvement  
23 program for the council;

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

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

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

29 (8) prepare and make available for public distribution an

1 annual report on city affairs;

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

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

6 ARTICLE 5. SCHOOL BOARDS.

7 Sec. 29.23.310. ELECTION. Each borough and city school district  
8 has a school board. Members are elected at the regular municipal  
9 election held on the Tuesday after the first Monday in November for  
10 two-year terms and until their successors take office. However, the  
11 board may by ordinance provide for different terms not to exceed three  
12 years. All board members are elected at large, but school zones for  
13 the election of borough school boards may be established, altered, or  
14 abolished as provided by sec. 100 of this chapter.

15 ARTICLE 6. UTILITY BOARDS.

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

20 (b) Members of the board are appointed by the municipal executive  
21 and confirmed by the assembly or council as are elected at the  
22 regular municipal election on the Tuesday following the first Monday  
23 in November. The term of a utility board member is two years and until  
24 a successor is elected and has qualified. However, the assembly or  
25 council may by ordinance provide for a different term not to exceed  
26 four years.

27 (c) Vacancies in the board are filled by the municipal executive.  
28 Executive appointments shall be confirmed by the assembly or council.  
29 A person selected to fill a vacancy on a utility board serves until

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1 the expiration of the term and until a successor is elected and has  
2 qualified.

3 (d) Unless otherwise provided by ordinance, the board shall

4 (1) choose its chairman and secretary;

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

7 (3) formulate and enforce the general rules and policies  
8 of the utility.

9 ARTICLE 7. OTHER OFFICERS AND EMPLOYEES.

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

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

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

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

25 (2) attend meetings and keep the journal;

26 (3) arrange publication of notices, ordinances, and resolu-  
27 tions;

28 (4) maintain and make available for public inspection an  
29 indexed file including the municipal ordinances, resolutions, rules,

1 regulations, and codes;

2 (5) attest deeds and other documents;

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

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

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

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

15 ARTICLE 8. ADOPTION OR REPEAL OF MANAGER PLAN.

16 Sec. 29.23.410. APPLICATION. A municipality may adopt a manager  
17 plan of government.

18 Sec. 29.23.420. PETITION. Adoption of a manager plan may be  
19 initiated either by petition or upon motion of the assembly or  
20 council. A petition for the adoption of a manager plan is submitted  
21 to the assembly or council. The petition must be signed by a number  
22 of municipal voters equal to the following per cent of the votes cast  
23 at the preceding regular election:

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

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

28 Sec. 29.23.430. ELECTION. Upon receipt of the petition or upon  
29 its motion, the assembly or council shall provide by ordinance or

1 resolution for a vote on the question at the next regular or special  
2 election. Notice of the election shall be published at least 30 days  
3 before the election.

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

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

8 Sec. 29.23.450. APPOINTMENT. The assembly or council shall  
9 appoint a manager by a majority vote of its membership. He is chosen  
10 solely on the basis of his executive and administrative qualifications  
11 and receives the compensation set by the assembly or council. An  
12 elected municipal official may not be appointed manager of the munici-  
13 pality sooner than one year after leaving office, except that, by a  
14 vote of three-fourths of its authorized membership, the assembly or  
15 council may at any time appoint one of its members or other elected  
16 municipal officials as manager.

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

19 Sec. 29.23.470. APPOINTMENT OF TEMPORARY OR NEW MANAGER. In the  
20 absence or disability of the manager, the assembly or council shall  
21 appoint a temporary manager. If the office becomes vacant, the  
22 assembly or council shall appoint a new manager.

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

27 ARTICLE 9. MISCELLANEOUS PROVISIONS.

28 Sec. 29.23.500. OATHS OF OFFICE. Municipal officers, before  
29 taking office, shall affirm in writing that they will honestly, faith-

1 fully, and impartially perform their duties. The oath is filed with  
2 the municipal clerk.

3 Sec. 29.23.510. COMBINING OFFICES. The assembly or council may  
4 combine two or more appointive or administrative offices.

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

9 Sec. 29.23.530. SALARIES OF ELECTED OFFICERS NOT TO BE VARIED.  
10 The assembly or council may fix by ordinance the salaries of elected  
11 officers before they are elected. Salaries may not be changed during  
12 a term of office. An elected officer may not receive any other com-  
13 pensation for service to the municipality. Per diem payments or  
14 reimbursements for expenses are not compensation under this section.

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

20 (b) This section applies to home rule and general law municipali-  
21 ties.

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

25 Sec. 29.23.560. REPORTS. (a) Home rule and general law municipali-  
26 ties shall file with the Local Affairs Agency:

27 (1) maps and descriptions of all annexed or excluded terri-  
28 tory;

29 (2) a copy of the annual audit or in the case of second

1 class cities an audit or statement of annual income and  
2 expenditures;

3 (3) tax assessment figures as requested;

4 (4) reports relating to long-term debt as provided in  
5 AS 44.19.205.

6 (b) Compliance with the provisions of this section is a prerequi-  
7 site to receipt of state shared-revenues under AS 43.18. The state  
8 shall withhold annual allocations under that chapter in the event of  
9 noncompliance until such time as the report requirements are complied  
10 with.

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

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

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

19 (3) resigns and his resignation is accepted;

20 (4) is physically or mentally unable to perform the duties  
21 of his office;

22 (5) is removed from office;

23 (6) misses three consecutive regular meetings unless excused;

24 or

25 (7) is convicted of a felony or of an offense involving a  
26 violation of his oath of office.

27 Sec. 29.23.580. MEETINGS PUBLIC. Meetings of all municipal  
28 bodies shall be public as provided in AS 44.62.310. The assembly and  
29 council shall provide reasonable opportunity for the public to be

1 heard at regular and special meetings. This section applies to home  
2 rule and general law municipalities.

3 CHAPTER 28. ELECTIONS.

4 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

5 Sec. 29.28.010. ADMINISTRATION. (a) The borough assembly or  
6 city council shall prescribe the general rules for conducting municipal  
7 elections and appoint at least three judges for each polling place.  
8 The municipality may require voter registration by charter or ordinance,  
9 ratified by a majority of the voters, but may not otherwise alter  
10 qualification requirements. Elections are nonpartisan.

11 (b) This section applies to home rule and general law municipali-  
12 ties.

13 Sec. 29.28.015. NOMINATIONS. (a) The assembly or council shall  
14 provide by ordinance for nominations of elected officers by providing  
15 for declaration of candidacy, or petition requiring the signatures of  
16 not more than 10 voters, or both.

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

21 Sec. 29.28.020. ELECTION DATES. (a) The date of a regular  
22 municipal election in home rule and general law municipalities is the  
23 Tuesday after the first Monday in November every even-numbered year,  
24 or at an interval of years provided by ordinance.

25 (b) The assembly or council may call a special election upon at  
26 least 20 days notice.

27 Sec. 29.28.030. VOTER QUALIFICATION. A person may vote only if  
28 he is a United States citizen who has been a resident of Alaska for  
29 one year and of the municipality for 30 days immediately preceding the

1 election and who is registered to vote in state elections or meets  
2 registration requirements of the municipality if any and is not dis-  
3 qualified under art. V of the state constitution. This section  
4 applies to home rule and general law municipalities.

5 Sec. 29.28.040. MAJORITY ELECTIONS. The assembly or council may  
6 by ordinance require a majority vote for election of officials. A  
7 runoff election or other means of obtaining a majority may be used.

8 Sec. 29.28.050. ELECTION CONTEST AND APPEAL. (a) The assembly  
9 or council may provide by ordinance the time and procedure for the  
10 contest of an election.

11 (b) Unless otherwise provided by ordinance an election may be  
12 contested only upon the filing, before or at the time of the first  
13 canvass of ballots by the assembly or council, by a person qualified  
14 to vote in the municipality of his written affidavit specifying with  
15 particularity the grounds for the contest or invalidity of the election.

16 (c) Unless otherwise provided by ordinance, the assembly or  
17 council shall declare the election results at the first meeting to  
18 canvass the election and record the results in the minutes of that  
19 meeting. *(should have been...)*

20 (d) The contestant shall pay all costs and expenses incurred in  
21 a recount of an election demanded by the contestant if the recount *facts*  
22 reverses any result of the election.

23 (e) No person may appeal or seek judicial review of a city or  
24 borough election for any cause or reason unless the person is qualified  
25 to vote in the municipality, has exhausted his administrative remedies  
26 before the assembly or council and has commenced, within 10 days after  
27 the assembly or council has finally declared the election results, an  
28 action in the superior court in the judicial district in which the  
29 municipality is located. If no such action is commenced within the

1 10-day period, the election and election results shall be conclusive,  
2 final and valid in all respects.

3 ARTICLE 2. INITIATIVE AND REFERENDUM.

4 Sec. 29.28.060. RESERVATION OF POWERS. The powers of initiative  
5 and referendum are reserved to the residents of municipalities except  
6 the powers do not extend to matters restricted by sec. 7, art. XI, of  
7 the state constitution.

8 Sec. 29.28.062. PETITION. A petition for initiative or referendum  
9 is filed with the municipal clerk and an initiative petition must be  
10 filed not less than 90 days before the next regular election.

11 Sec. 29.28.065. CONTESTS OF PETITION. A petition for an initia-  
12 ti e or referendum shall:

- 13 (1) embrace only a single comprehensive subject;
- 14 (2) set out fully the ordinance or resolution sought by the  
15 petition;
- 16 (3) state upon the petition, when circulated, the date of  
17 first circulation of the petition;
- 18 (4) contain the statement, when circulated, that the signa-  
19 tures on the petition must be secured within 90 days from the date of  
20 the first circulation;
- 21 (5) have the required signatures, dates of signatures and  
22 resident addresses of the signers.

23 Sec. 29.28.070. REQUIRED SIGNATURES. (a) The necessary signa-  
24 tures on a petition shall be secured within 90 days from the date of  
25 the first circulation of the petition. The petition shall be signed  
26 in ink or indelible pencil.

27 (b) Every petition for either the initiative or referendum in  
28 the government of a municipality shall be signed by a number of quali-  
29 fied voters residing within the territorial limits of the municipality,

1 or, if the act sought to be initiated or referred pertains exclusively  
2 to the area outside cities or to a service area, by a number of  
3 qualified voters residing within the area outside cities or within the  
4 service area, as the case may be, equal to the following per cent of  
5 the total number of votes cast at the last general election in the  
6 city or borough or borough area concerned, or special election called  
7 for the purpose of electing city or borough officers:

8 (1) 25 per cent, when a city or borough has fewer than  
9 7,500 persons, or

10 (2) 15 per cent, when a city or borough has 7,500 persons  
11 or more.

12 (c) When signing a petition each voter shall write or print after  
13 his signature the date of signing the petition and his resident  
14 address.

15 (d) Illegible signatures unless accompanied by a legible printed  
16 name may be rejected by the municipal clerk.

17 (e) A petition signer may withdraw his signature upon written  
18 application to the clerk within seven days after the petition has been  
19 filed with the clerk.

20 Sec. 29.28.073. SUFFICIENCY OF PETITION. (a) Within 10 days  
21 from the filing date, the municipal clerk shall certify on the petition  
22 whether or not it is sufficient.

23 (b) If the petition is insufficient, it may be amended or supple-  
24 mented within 10 days after the filing date.

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

28 Sec. 29.28.075. PROTEST. If the municipal clerk certifies the  
29 petition is insufficient, a signer of the petition may file a protest

1 with the municipal executive within seven days after the certification  
2 and the municipal executive shall present the protest at the next  
3 regular meeting to the assembly or council which shall hear and decide  
4 the protest.

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

9 Sec. 29.28.080. PRESENTATION OF INITIATIVE. (a) When a petition  
10 seeks enactment of an ordinance or resolution within the powers of the  
11 assembly or council and not otherwise restricted by sec. 60 of this  
12 chapter, the clerk shall present it to the assembly or council at its  
13 next meeting after certification. The assembly or council may reject  
14 the petition if the subject matter of the initiative or referendum is  
15 within the restrictions of sec. 60 of this chapter.

16 (b) Unless the petition is granted within 30 days of its sub-  
17 mission to the assembly or council, the clerk shall, with the assistance  
18 of the municipal attorney, prepare an ordinance or resolution to imple-  
19 ment the petition and shall submit it to the voters at the next regular  
20 election. The ordinance or resolution shall be published in full in  
21 the notice of election but may be summarized on the ballot to indicate  
22 clearly the proposal submitted.

23 (c) If a majority of those voting favor the proposal, it becomes  
24 effective when the election results are officially declared.

25 (d) The assembly or council may at any time not less than 10  
26 days from the date of election adopt an ordinance or resolution to  
27 implement the petition. In that event an election shall not be held.

28 Sec. 29.28.090. PRESENTATION OF REFERENDUM. (a) When a petition  
29 seeks a referendum vote on an ordinance or resolution, the clerk shall

1 submit the ordinance to the voters of the municipality at the next  
2 regular or special election. If no regular or special election occurs  
3 within 75 days of the filing of a sufficient petition with the clerk,  
4 the assembly or council shall hold a special election within 75 days  
5 of filing.

6 (b) If a sufficient petition for referendum is filed within 30  
7 days after final passage of the ordinance, or before the effective  
8 date of the ordinance, the ordinance against which the petition is  
9 filed shall be suspended pending the referendum on the ordinance.  
10 During the period of suspension the council may not enact an ordinance  
11 substantially similar to the suspended ordinance but may repeal the  
12 suspended ordinance.

13 (c) If a majority of those voting favor the referendum legisla-  
14 tion, it remains in effect. If a majority rejects the legislation,  
15 it is repealed. A municipal charter may be amended as provided in  
16 the charter or by initiative and referendum as provided in secs. 60 -  
17 110 of this chapter.

18 Sec. 29.28.110. EFFECT. (a) The assembly or council may not,  
19 within two years, act in any way to modify or negate the effect of a  
20 successful initiative or referendum. If an ordinance against which a  
21 referendum directed has been repealed by the assembly or council after  
22 a petition has been filed but before the referendum, the council or  
23 assembly may not enact substantially similar legislation for a period  
24 of one year after repeal.

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

28 ARTICLE 3. RECALL.

29 Sec. 29.28.130. RECALL. An elected official of a home rule or

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general law municipality may be recalled by the voters after he has served six months in office.

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

Sec. 29.28.150. PETITION. (a) A petition seeking recall of one or more municipal officials is filed with the municipal clerk. The petition shall contain

(1) the signatures and resident addresses of a number of voters as prescribed in sec. 70(b) of this chapter for initiative and referendum;

(2) the date each voter signed the petition; and

(3) a statement of the grounds of the recall stated with particularity as to specific instances.

(b) A petition for recall must be filed with the clerk within 60 days after the date of the earliest signature on the petition.

Sec. 29.28.160. EXAMINATION FOR SUFFICIENCY. The municipal clerk shall review the petition for content and signatures and shall certify on the petition within 10 days of the filing date whether it is accepted or rejected. Until the petition is accepted, a petition signer may withdraw his signature upon written application to the clerk.

Sec. 29.28.170. SUPPLEMENTAL PETITION. (a) If the petition is rejected because of insufficient signatures, it may be supplemented by additional signatures within 10 days after the date of rejection. If the petition is insufficient for any other reason, it shall be rejected and filed as a public record.

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

1           Sec. 29.28.180. NEW PETITION. Failure to secure sufficient  
2 signatures does not preclude the filing of a new recall petition.  
3 However, a new petition may not be filed sooner than six months after  
4 a petition is rejected.

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

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

10           (b) If no regular election will occur within 75 days, the assem-  
11 bly or council shall hold a special election within 75 days of sub-  
12 mission.

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

15           Sec. 29.28.210. FORM OF RECALL BALLOTS. A recall ballot con-  
16 tains:

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

18                   (2) the officer's statement of 200 words or less, if the  
19 statement is filed with the clerk for publication and public inspection  
20 within 20 days before the election;

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

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

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

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

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

10           CHAPTER 33. AREAWIDE BOROUGH POWERS AND DUTIES.

11                   ARTICLE 1. SCOPE.

12           Sec. 29.33.010. SCOPE OF AREAWIDE POWERS. (a) Boroughs shall  
 13 exercise the powers as specified and in the manner specified in this  
 14 chapter on an areawide basis, both inside and outside cities within  
 15 their boundaries.

16           (b) No city, whether home rule or not, may exercise an areawide  
 17 power once that power is being exercised by a borough.

18                   ARTICLE 2. ASSESSMENT AND COLLECTION OF TAXES.

19           Sec. 29.33.030. ASSESSMENT AND COLLECTION. Boroughs shall  
 20 assess and collect property, sales, and use taxes levied within their  
 21 boundaries, subject to ch. 53 of this title. Taxes levied by a city  
 22 and collected by a borough are returned in full to the levying city.

23                   ARTICLE 3. EDUCATION.

24           Sec. 29.33.050. EDUCATION. (a) Each borough constitutes a  
 25 borough school district and shall establish, maintain, and operate a  
 26 system of public schools on an areawide basis.

27           (b) The borough assembly may by ordinance require that all school  
 28 money be deposited in a centralized treasury with all other borough  
 29 money. The borough chairman shall have the custody of, invest and

1 manage all money in the centralized treasury. However, the borough  
2 assembly, with the consent of the borough school board, may by ordi-  
3 nance delegate to the borough school board the responsibility of a  
4 centralized treasury.

5 (c) When the borough school board by resolution consents, the  
6 borough assembly may by ordinance provide a centralized accounting  
7 system for school and all other borough operations. The system shall  
8 be operated in accordance with accepted principles of governmental  
9 accounting. However, the assembly, with the consent of the borough  
10 school board, may by ordinance delegate to the borough school board  
11 the responsibilities of the accounting system.

12 (d) The borough school board shall submit the school budget for  
13 the following school year to the borough assembly by April 1 for  
14 approval of the total amount. Within 30 days after receipt of the  
15 budget the assembly shall determine the total amount of money to be  
16 made available from local sources for school purposes and shall furnish  
17 the school board with a statement of the sum to be made available.  
18 If the assembly does not, within 30 days, furnish the school board  
19 with a statement of the sum to be made available, the amount requested  
20 in the budget is automatically approved. By May 31, the assembly  
21 shall appropriate the amount to be made from local sources from money  
22 available for the purpose.

23 (e) The borough assembly shall determine the location of school  
24 buildings with due consideration to the recommendations of the borough  
25 school board.

26 (f) The borough school board is responsible for the design  
27 criteria of school buildings. Subject to the approval of the assembly,  
28 the school board shall select the appropriate professional personnel  
29 to develop the designs. The school board shall submit preliminary and

1 subsequent designs for a school building to the assembly for approval  
2 or disapproval; if the design is disapproved, a revised design shall  
3 be prepared and presented to the assembly.

4 (g) The borough school board shall provide custodial services  
5 and routine maintenance for school buildings and shall appoint, compen-  
6 sate, and otherwise control personnel for these purposes. The borough  
7 assembly through the borough executive, shall provide for all major  
8 rehabilitation, all construction and major repair of school buildings.  
9 The recommendations of the school board shall be considered in carrying  
10 out the provisions of this section.

11 (h) State law relating to teacher salaries and tenure, to finan-  
12 cial support, to supervision by the Department of Education and other  
13 general laws relating to schools, governs the exercise of the functions  
14 by the borough. The school board shall appoint, compensate, and other-  
15 wise control all school employees and administration officers in  
16 accordance with AS 14.

17 ARTICLE 4. PLANNING, PLATTING AND ZONING.

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

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

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

24 (2) delegate other planning and zoning administrative and  
25 enforcement responsibilities to the city, provided that borough juris-  
26 diction is not impaired;

27 (3) withdraw powers delegated under this subsection.

28 Sec. 29.33.080. PLANNING COMMISSION. (a) The borough planning  
29 commission consists of five residents unless a greater number is

1 otherwise provided by ordinance. Commission membership shall be ap-  
2 portioned so that the number of members from first class cities re-  
3 flects the proportion of borough population residing within those  
4 cities. Members shall be appointed by the borough executive for a term  
5 of three years subject to confirmation by the assembly, except that  
6 appointments of members from first class cities are selected from a  
7 list of recommendations submitted by the city council. Members first  
8 appointed shall draw lots for one-, two- and three-year terms.  
9 Appointments to fill vacancies are for the unexpired term. The comp-  
10 ensation and expenses of the planning commission and its staff are  
11 paid as directed by the assembly.

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

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

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

23 (d) The commission shall

- 24 (1) act as the platting board;  
25 (2) act upon requests for variances;  
26 (3) act upon requests for conditional uses.

27 (e) No platting request, variance or conditional use may be  
28 granted except upon an affirmative vote of a majority of the commission.

29 (f) The commission shall designate its presiding officer and

1 shall meet as frequently as is necessary. The commission shall estab-  
2 lish, subject to approval by the assembly, rules and regulations for  
3 the conduct of its meetings. Meetings shall be public and minutes  
4 shall be kept. Minutes and records shall be filed with the municipal  
5 clerk and retained as public records.

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

13 (b) The assembly shall adopt a comprehensive plan based upon the  
14 recommendations of the planning commission. The assembly may modify  
15 the plan, provided that it first obtains the recommendations of the  
16 planning commission. The planning commission shall undertake an over-  
17 all review of the plan at least once every two years and shall present  
18 recommendations based on the review to the assembly.

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

24 (b) Zoning regulations adopted under (a) of this section may  
25 include, but are not limited to, restriction of

- 26 (1) land use;
- 27 (2) building location and use;
- 28 (3) the height and size of structures;
- 29 (4) the number of stories in buildings;

- 1 (5) the percentage of lot which may be covered;
- 2 (6) the size of open spaces;
- 3 (7) population density and distribution.

4 (c) Zoning regulations are designed to

- 5 (1) provide for orderly development;
- 6 (2) lessen street congestion;
- 7 (3) promote fire safety and public order;
- 8 (4) protect the public health and general welfare;
- 9 (5) prevent overcrowding;
- 10 (6) stimulate systematic development of transportation,

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

12 (d) The designation of zoning purposes does not confer police  
13 powers upon a borough except as authorized by this title nor does it  
14 prohibit cities within the borough from exercising police powers as  
15 to those purposes.

16 Sec. 29.33.110. BOARD OF ADJUSTMENT. (a) The assembly is the  
17 board of adjustment for areas outside cities, but it may delegate by  
18 resolution or ordinance part or all of its functions to other borough  
19 boards. The city council is the board of adjustment for the area  
20 within the city boundaries but may delegate by resolution or ordinance  
21 part or all of its functions to the borough. Meetings of the borough  
22 board are held at the call of the presiding officer and of the city  
23 board by the mayor. The presiding officer or mayor may administer  
24 oaths and compel attendance of witnesses. Meetings and hearings of  
25 the board shall be open to the public and the board shall keep minutes  
26 of its proceedings as a public record.

27 (b) The board of adjustment shall hear and decide

- 28 (1) appeals regarding alleged errors in enforcement of
- 29 zoning ordinances and building codes;

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

3 (3) appeals from the decisions of the planning commission  
4 on requests for variances from the terms of the zoning ordinance which  
5 are not contrary to the public interest, when a literal enforcement  
6 would deprive a property owner of rights commonly enjoyed by other  
7 properties in the same district;

8 (4) in the case of borough boards, appeals from cities  
9 regarding the borough official map.

10 (c) A variance shall not be granted because of special conditions  
11 caused by actions of the person seeking relief or for reasons of  
12 pecuniary hardship or inconvenience. A variance shall not be granted  
13 which will permit a land use in a district in which that use is pro-  
14 hibited.

15 Sec. 29.33.120. ADJUSTMENT PROCEDURE. An interested party,  
16 including but not limited to a borough or city official, may file  
17 with the board of adjustment an appeal specifying his objections.  
18 Copies are filed with the administrative officer involved and with  
19 the borough clerk within the time required by the zoning ordinance.  
20 The officer shall provide the board with all pertinent records,  
21 including his written decision. An appeal to the board stays enforce-  
22 ment proceedings unless the board or a court issues an enforcement  
23 order based on a certificate of imminent peril to life or property  
24 made by the enforcement officer.

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

28 (b) A municipal officer, a taxpayer, or a person, jointly or  
29 severally aggrieved, may appeal an action of the board to the superior

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

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

9 (d) The appeal is heard upon the record by the superior court,  
10 and the court may reverse or affirm, wholly or partly, the decision  
11 appealed from.

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

15 Sec. 29.33.150. PLATTING JURISDICTION AND POWER. The planning  
16 commission acting as the platting board has jurisdiction over platting  
17 and shall adopt and publish rules and regulations to implement this  
18 power. Jurisdiction includes, but is not limited to, the control of

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

21 (2) dimensions of lots or tracts;

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

26 Sec. 29.33.160. PROCEDURE. (a) The platting board shall within  
27 60 days of filing approve or disapprove the plat or shall return it to  
28 the applicant for modification or correction. If the board fails to  
29 act, the plat is considered approved and a certificate of approval

1 shall be issued by the board on demand. The applicant for plat approv-  
2 al may consent to the extension of the period for action by the board.  
3 The board shall state on its record and in writing to the applicant its  
4 reason for disapproval of a plat.

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

7 Sec. 29.33.170. WAIVER IN CERTAIN CASES. The platting board  
8 may in individual cases waive the preparation, submission, and recording  
9 of a plat upon satisfactory evidence that

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

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

15 (3) no dedication of a street, alley, thoroughfare, park or  
16 other public area would be involved or required.

17 Sec. 29.33.180. INFORMATION REQUIRED. A plat shall show initial  
18 point of survey, original or reestablished corners and their descrip-  
19 tions, and actual traverse showing area of closure and all distances,  
20 angles and calculations required to determine initial point, corners  
21 and distances of the plat, as well as other information which may be  
22 required by ordinance.

23 Sec. 29.33.190. PENALTIES. (a) The owner or agent of the owner  
24 of land located within a subdivision who transfers, sells, or enters  
25 into a contract to sell land in a subdivision before a plat of the  
26 subdivision has been prepared, approved, and recorded, is guilty of a  
27 misdemeanor and upon conviction is punishable by a fine of not more  
28 than \$500 for each lot or parcel transferred, sold, or included in a  
29 contract to be sold. The platting board may enjoin a transfer, sale,

1 or contract to sell, and may recover the penalty by appropriate legal  
2 action.

3 (b) No person may record a plat or seek to have a plat recorded  
4 unless it bears the approval of the platting board. A person who  
5 knowingly violates this requirement is punishable upon conviction by  
6 a fine of not more than \$500.

7 Sec. 29.33.200. ALTERATION OR REPLAT PETITION. No recorded  
8 plat may be altered or replatted except upon petition of the owners of  
9 a majority of the land affected by the alteration or replat or by the  
10 platting board. No platted street may be vacated, except upon petition  
11 of the municipality or owners of the majority of the front feet of  
12 the land fronting the part of the street sought to be vacated. The  
13 petition shall be filed with the platting board. It shall be ac-  
14 companied by a copy of the existing plat showing the proposed alteration  
15 or replat.

16 Sec. 29.33.210. NOTICE OF HEARING. The platting board shall fix  
17 a time for a hearing on the petition which shall not be more than 60  
18 days after the filing. The board shall publish a notice stating when  
19 and by whom the petition was filed, its purpose, and the time and  
20 place of the hearing. The notice shall generally describe the altera-  
21 tion or replat sought. The notice shall be published once a week for  
22 two consecutive weeks in a newspaper of general circulation in the  
23 area. The board shall also mail a copy of the notice to each affected  
24 property owner not signing the petition.

25 Sec. 29.33.220. HEARING AND DETERMINATION. At the hearing the  
26 platting board shall consider the alteration or replat and make its  
27 decision on the merits of the proposal. No vacation of a city street  
28 may be made without the consent of the city council. No vacation of  
29 a street in the borough area outside cities may be made without the

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consent of the borough assembly. The assembly or council shall have 30 days from the decision in which to veto the board decision. If no veto is received by the board within the 30-day period, the consent of the city or borough shall be considered to have been given to the vacation.

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

Sec. 29.33.240. TITLE TO VACATED AREA. (a) The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

(b) If the borough or city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the borough or city other than required subdivision platting, before the final act of vacation the fair market value of the street or public area shall be deposited with the platting authority to be paid over to the borough or city on final vacation.

Sec. 29.33.245. HEARING OFFICER. The assembly may by ordinance

1 authorize the planning commission, the platting board and the board  
2 of adjustment to designate a hearing officer, or one or more members  
3 of the commission or board, to hear and decide cases under this  
4 chapter. The assembly shall prescribe procedures for hearings and  
5 appeals. The commission or board shall hear and decide appeals de novo.

6 ARTICLE 5. ADDITIONAL AREAWIDE POWERS.

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

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

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

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

17 (1) a number of voters equal to 15 per cent of the number  
18 of votes cast in the borough at the preceding regular election may  
19 file a petition with the assembly, or

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

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

25 Sec. 29.33.290. ELECTION. (a) The assembly shall, within 30  
26 days after its findings have been made public, order an election to  
27 be held on the question. The election shall be held at least 30 days  
28 after the order and not later than the next regular election occurring  
29 after the 30-day period.

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

3 (c) The chairman shall certify the election results to the Local  
4 Affairs Agency. If the majority of votes cast on the question is  
5 favorable, the borough shall assume the added power within 30 days  
6 of certification of the election results. Upon acquisition of an area-  
7 wide power the borough succeeds to all of the rights, powers and duties  
8 of any city or service area with respect to that power. The borough suc-  
9 ceeds to claims, franchises and other contractual obligations, liability  
10 for bonded and all other indebtedness and to all of the right, title and  
11 interest in the real and personal property held by the city or service  
12 area for the exercise of the power. The borough assembly may levy and  
13 collect special charges, taxes or assessments including interest for  
14 the purpose of amortizing bonded indebtedness previously incurred by  
15 the city or service area for continuing services in the area. When a  
16 city or service area had previously incurred bonded indebtedness, no  
17 less than all property that was within the city or service area at the  
18 time the bonds were issued shall remain subject to taxation to pay the  
19 principal of and interest on the bonds for as long as they remain out-  
20 standing. Upon acquisition of additional areawide powers the borough, in  
21 consultation with the city or service area personnel, shall arrange for  
22 an orderly and equitable transfer of rights, assets, liabilities, powers  
23 duties and other matters related to acquisition of the areawide powers.  
24 This section applies to home rule and general law cities.

25 CHAPTER 38. BOROUGH POWERS AND DUTIES

26 IN THE AREA OUTSIDE CITIES.

27 Sec. 29.38.010. FIRST CLASS BOROUGH. The first class borough  
28 may exercise in the area outside cities any general law municipal  
29 power. Before exercising a power outside cities only, the borough

1 shall seek to have the identical power transferred from cities within  
2 the borough or propose joint borough-city exercise of the  
3 power.

4 Sec. 29.38.020. SECOND CLASS BOROUGH. The second class bor-  
5 ough may exercise in the area outside cities municipal powers  
6 approved at incorporation, conferred by AS 29.48.020, or added as  
7 provided in this chapter. Before exercising a power outside cities  
8 only, the borough shall seek to have the identical power transferred  
9 from cities within the borough or propose joint borough-city exercise  
10 of the power.

11 Sec. 29.38.030. ADDITIONAL POWERS. The second class borough  
12 may initiate the acquisition of additional powers outside cities in  
13 either of two ways:

14 (1) a number of voters equal to 15 per cent of the  
15 number of votes cast in the area outside cities at the pre-  
16 ceding regular election may file a petition with the assembly,  
17 or

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

19 Sec. 29.38.040. INVESTIGATION. The assembly shall hold at  
20 least one public hearing in the borough on the question. The  
21 assembly shall then evaluate the ability of the borough to exercise  
22 the powers and make its findings public.

23 Sec. 29.38.050. ELECTION. (a) The assembly shall, within  
24 30 days after its findings have been made public, order an election  
25 on the question. The election shall be held at least 30 days after  
26 the order and not later than the next regular election occurring  
27 after the 30-day period.

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

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

CHAPTER 41. POWERS C.

THIRD CLASS BOROUGHS.

Sec. 29.41.010. POWERS OF THIRD CLASS BOROUGHS. (a) A third class borough shall exercise the areawide powers of education and tax assessment and collection in the manner provided for second class boroughs. Provisions of law relative to first and second class organized boroughs apply with respect to third class boroughs only to the extent they are consistent with this chapter.

(b) A third class borough may establish, operate, alter or abolish service areas in the manner provided for second class boroughs.

Sec. 29.41.020. ASSEMBLY TO SERVE AS SCHOOL BOARD. The borough assembly is the borough school board for third class boroughs. Where applicable, weighted voting shall apply to board decisions. The borough executive is the presiding officer of the borough assembly and president of the school board. The borough executive has all powers of a borough executive except for the veto power.

CHAPTER 43. POWERS OF CITIES

OUTSIDE BOROUGHS.

Sec. 29.43.010. ADDITIONAL POWERS. In addition to the powers granted by ch. 48 of this title, cities outside boroughs are granted the powers specified in this chapter. Powers of this chapter which are incorporated by reference to laws governing

1 boroughs apply to home rule cities outside boroughs only  
2 in those cases in which they are made applicable to home rule  
3 boroughs in the provisions incorporated.

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

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

15 Sec. 29.43.040. PLANNING AND ZONING. Home rule and  
16 first class cities outside boroughs shall, and second class cities  
17 outside boroughs may, provide for planning, platting and zoning,  
18 as provided by AS 29.33.070 - 29.33.245 for boroughs.  
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CHAPTER 48. POWERS APPLICABLE TO ALL MUNICIPALITIES.

ARTICLE 1. GENERAL POWERS.

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

- (1) to establish and prescribe the functions of municipal departments, offices or agencies;
- (2) to establish and prescribe salaries for the elected and appointed municipal officers and employees;
- (3) to make investigations of the affairs of the municipality and make inquiries into the conduct of a municipal department;
- (4) to enter into agreements, including those for cooperative or joint administration of any functions or powers with a local government, with the state, or with the United States;
- (5) to require periodic and special reports from a municipal department to be submitted through the municipal executive;
- (6) to sue and be sued;
- (7) to levy taxes and special assessments;
- (8) to enforce ordinances and to prescribe penalties for violations;
- (9) to acquire and dispose of real and personal property;
- (10) to acquire membership in organizations which promote legislation for the good of the municipality;
- (11) to expend funds for community purposes for the good of the municipality;
- (12) to borrow money and issue evidences of indebtedness.

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

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

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

3 (3) regulate the licensing and operation of motor vehicles  
4 and operators;

5 (4) regulate snow vehicles as provided in AS 05.30.070;

6 (5) provide for garbage and solid waste collection and  
7 disposal;

8 (6) provide for water pollution control.

9 ARTICLE 2. FACILITIES, SERVICES AND REGULATION.

10 Sec. 29.48.030. MUNICIPAL FACILITIES AND SERVICES. (a) A muni-  
11 cipality may exercise the powers necessary to provide the following  
12 public facilities and services:

13 (1) streets and sidewalks;

14 (2) sewers and sewage treatment facilities;

15 (3) harbors, wharves, and other marine facilities;

16 (4) watercourse and flood control facilities;

17 (5) health services and hospital facilities;

18 (6) cemeteries;

19 (7) police protection and jail facilities;

20 (8) cold storage plants;

21 (9) telephone systems;

22 (10) light, power and heat;

23 (11) water;

24 (12) transportation systems;

25 (13) community centers;

26 (14) libraries;

27 (15) recreation facilities;

28 (16) airport and aviation facilities;

29 (17) garbage and solid-waste collection and disposal service

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and facilities subject to sec. 33 of this chapter;  
(18) fire protection service and facilities;  
(19) parking and parking facilities;  
(20) housing and urban renewal, rehabilitation and develop-  
ment.

(b) First and second class boroughs may exercise the powers conferred by (a) of this section only after they have been assumed in the manner required under AS 29.33.250 - 29.33.290 for areawide exercise or in the manner required under AS 29.38.010 - 29.38.050 for exercise in the borough area outside cities, or are conferred by sec. 20 of this chapter for exercise in the borough area outside cities.

Sec. 29.48.033. GARBAGE COLLECTION AND DISPOSAL SERVICES. (a) The municipality may by ordinance provide for the establishment, maintenance and operation of a system of garbage collection and disposal for the entire municipality or for districts or portions of it; require all persons within the municipality or district to use the system and to dispose of their garbage as provided in the ordinance; award contracts for collection and disposal, or provide for the collection and disposal of garbage by municipal officials and employees; pay for garbage collection and disposal from available funds; require property owners or occupants of premises to use the garbage collection and disposal system provided by the municipality and fix charges against the property owners or occupants of premises for the collection and disposal; provide that charges for collection and disposal shall be paid by the property owner or occupants of the premises; and provide penalties for violations of the ordinances.

(b) The council of a first or second class city may not prohibit a person holding a valid permit from the Alaska Transportation Commission from continuing to collect and dispose of garbage and provide

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1 other related services in an area annexed by the city if the permit  
2 authorizes the collection and disposal of garbage and the providing of  
3 other services in the area annexed by the city and the permit was  
4 originally issued before the area was annexed by the city. If a city  
5 provides for a garbage collection and disposal system in an annexed  
6 area already serviced by a person allowed to continue under this sub-  
7 section, the city may not charge less than the rate set for garbage  
8 collection and disposal by the Alaska Transportation Commission for  
9 common carriers.

10 (c) If the council determines that it is not in the public inter-  
11 est for the city to provide garbage collection and disposal and related  
12 services under the restrictions of (b) of this section, it may exer-  
13 cise the power of eminent domain to acquire, at the fair market  
14 value, from the person providing the services, that portion of the  
15 operating authority representing the services within the city. The  
16 fair market value shall be based on the economic loss to the permit  
17 holder. If an eminent domain proceeding is instituted, the council  
18 may exercise the power through the filing of a declaration of taking  
19 with the complaint or at any time after the filing of the complaint,  
20 but before judgment.

21 (d) This section applies to home rule and general law municipi-  
22 palities.

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

26 (1) licensing and operation of motor vehicles, including  
27 snow vehicles, and operators;

28 (2) licensing of drivers of taxicabs, for-hire automobiles,  
29 motor buses, or other vehicles for the transportation of passengers

1 or baggage;

2 (3) vehicle parking and traffic;

3 (4) transportation fares;

4 (5) licensing, impounding and disposition of animals;

5 (6) selling of goods;

6 (7) selling of food;

7 (8) abandoned property;

8 (9) dangerous and disorderly conduct;

9 (10) alcoholic beverages as provided by AS 04.15.070;

10 (11) recreational devices as provided by AS 05.20.100;

11 (12) control of insects and rodents;

12 (13) offering for sale, exposure for sale, sale, use, or  
13 explosion of fireworks;

14 (14) building, housing and related codes, which may be pro-  
15 vided by cities within cities or, in the manner required in (b) or (c)  
16 of this section, by first or second class boroughs in the borough  
17 area outside cities or areawide;

18 (15) condemnation and abatement of public nuisances and  
19 hazards;

20 (16) garbage and solid-waste collection and disposal;

21 (17) water pollution control;

22 (18) other powers and functions affecting the general health,  
23 safety, well-being and welfare of its inhabitants.

24 (b) First and second class boroughs may exercise the powers con-  
25 ferred by (a) of this section only after they have been assumed in the  
26 manner required under AS 29.33.250 - 29.33.290 for areawide exercise  
27 or in the manner required under AS 29.38.010 - 29.38.050 for exercise  
28 in the borough area outside cities or are conferred by sec. 20 of this  
29 chapter for exercise in the borough area outside cities.

*only to be given more  
power to commit law*

*Handwritten notes:*  
power of borough  
effect of this act  
to agree, they continue  
to exercise powers  
of the city and borough  
on an areawide basis

(c) The provisions of (b) of this section notwithstanding, boroughs which on the effective date of this Act are exercising building, housing or related code powers on an areawide basis or in the borough area outside cities shall, subject to acquisition of the powers on an areawide basis by transfer or election as provided in (b) of this section, exercise the powers in the borough area outside cities and, upon agreement of the city and borough, within any city, home rule or otherwise, in which the powers are being exercised on the effective date of this Act; if the city does not agree to continued borough exercise of the powers within the city, the city shall exercise the powers within the city.

Sec. 29.48.037. EXTRATERRITORIAL JURISDICTION. (a) A municipality may provide parks, roads, trails, playgrounds, cemeteries and airports outside its boundaries, subject to AS 29.33.010, and may regulate their use and operation. A regulation adopted under this section must state that it applies outside the municipality.

(b) A municipality may adopt ordinances to protect its water supply and watershed and may enforce them outside its boundaries. Before this power may be exercised within the boundaries of another municipality, the approval of that municipality must be given by ordinance. This section applies to general law and home rule municipalities.

Sec. 29.48.040. MUNICIPALLY-OWNED UTILITIES. A municipality owning or operating utilities may extend service to adjacent areas outside its municipal limits. For that purpose the municipality may acquire, maintain and operate utility facilities together with necessary real property interests in real property outside its limits. This section applies to home rule and general law municipalities.

Sec. 29.48.050. FRANCHISES AND PERMITS. (a) The assembly acting

1 for the area outside cities and the council acting for the area within  
2 a city may grant franchises, including exclusive franchise privileges,  
3 for the construction, operation and maintenance of bus transportation  
4 systems and public utilities not regulated under AS 42.05 and may  
5 permit them the use of streets and other public places under regulations  
6 prescribed by ordinance.

7 (b) No franchise is valid until it has been submitted to the  
8 qualified voters of the city or borough area outside cities in which  
9 it applies, and at least 55 per cent of the votes cast are in favor  
10 of the franchise. At least 30 days notice of a franchise referendum  
11 election shall be given in the same manner as is provided for notice  
12 of regular municipal elections, and the notice shall specify the  
13 purpose of the election. The ordinance granting a franchise shall  
14 provide for its submission for ratification to the qualified voters  
15 of the city or borough area outside cities at either a general or  
16 special election, and the result of the election shall be canvassed  
17 publicly by the council or assembly and spread upon the records of the  
18 minutes and the result declared and certified in the same manner as  
19 in a regular election.

20 (c) Public utilities regulated under AS 42.05 have the right to  
21 use the streets and other public places, upon payment of a reasonable  
22 permit fee and on reasonable terms and conditions and with reasonable  
23 exceptions the assembly or council requires. A dispute as to whether  
24 fees, terms, conditions, or exceptions are reasonable shall be decided  
25 by the Alaska Public Utilities Commission.

26 Sec. 29.48.060. PUBLIC UTILITIES RATES. The assembly acting  
27 for the area outside cities and the council acting for the area within  
28 a city may regulate, fix, establish and change, as it considers  
29 proper, the rates and charges imposed for utilities services given to

1 the municipality or its inhabitants by a public service association,  
2 corporation, or individual not regulated under AS 42.05 and may regu-  
3 late and provide what is a reasonable deposit for meters and security  
4 for service to be given, provided that interest be paid on the deposit.  
5 All rates, charges and regulations shall be reasonable and shall permit  
6 a fair and reasonable return on invested capital.

7 Sec. 29.48.070. HEARING FOR REGULATION OF UTILITIES RATES. If  
8 the assembly or council considers it advisable to regulate, change, or  
9 fix the rates to be charged by a public service corporation, associa-  
10 tion or individual not regulated under AS 42.05, it shall order a  
11 hearing to be held before the governing body at a time and place speci-  
12 fied. Notice of the hearing shall be given by at least one publication  
13 in a newspaper of general circulation distributed within the munici-  
14 pality or, if no newspaper of general circulation is distributed within  
15 the municipality, notice shall be given by posting a notice in three  
16 public places within the city or borough area outside cities receiving  
17 the utilities services and by serving written notice upon the corpora-  
18 tions, associations and individuals whose rates are to be regulated,  
19 fixed, or changed in the same manner that summonses are served. The  
20 notices shall be published or posted and served at least 15 days before  
21 the hearing.

22 Sec. 29.48.080. RIGHT TO PARTICIPATE AND COMPEL TESTIMONY. At  
23 a hearing held under sec. 70 of this chapter, all public service cor-  
24 porations, associations, or individuals affected by or interested in  
25 the matters to be heard may be present and may be represented by counsel.  
26 The municipality and all interested parties may produce witnesses and  
27 examine them and introduce evidence to prove or disprove the facts in  
28 issue or matters to be established or inquired into at the hearing.  
29 All parties may compel the attendance of witnesses, and subpoenas

1 requiring attendance shall be issued by the municipal clerk under his  
2 hand and the seal of the municipality. Subpoenas duces tecum requiring  
3 the production of books and papers shall be issued in like manner upon  
4 request. If a person fails to obey a subpoena, the party at whose  
5 request the subpoena issued may petition the superior court for an  
6 order compelling the attendance of the disobedient witness or the pro-  
7 duction of the books or papers referred to in a subpoena duces tecum.  
8 The superior court shall order the witness to appear and testify or  
9 compel the production of the books or papers. A violation of the order  
10 of the court is a contempt of court. If a witness appears and refuses  
11 to testify concerning a matter material to the facts inquired about at  
12 the hearing and to establish or determine which the hearing was had,  
13 an application may be made to the superior court to compel the witness  
14 to testify and answer questions put to him concerning the matters  
15 inquired about, and the court shall make an order compelling the wit-  
16 ness to testify. Violation of the order is contempt of court.

17 Sec. 29.48.090. FURTHER PROCEEDINGS. A hearing under sec. 70  
18 of this chapter shall begin at the time stated in the notice but may  
19 be continued from time to time. At least a quorum of the assembly or  
20 council shall be present at the hearing. At the conclusion of the  
21 hearing the parties interested may make such arguments before the  
22 assembly or council, either in person or by attorney as they consider  
23 proper, touching the matters at issue, and thereafter the assembly or  
24 council shall proceed to regulate and fix the rates by ordinance. The  
25 date upon which the rates fixed or regulated take effect shall be  
26 stated in the ordinance and shall be at least 10 days after passage and  
27 approval of the ordinance.

28 Sec. 29.48.100. APPLICATION. (a) In the case of conflict between  
29 the provisions of secs. 50 - 70 of this chapter and the provisions of

1 AS 42.05 as to the regulation of rates of a utility, the provisions of  
2 AS 42.05 shall prevail.

3 (b) Secs. 50 - 100 of this chapter apply to home rule and  
4 general law municipalities.

5 ARTICLE 3. MUNICIPAL ENACTMENTS.

6 Sec. 29.48.130. ACTS REQUIRED TO BE BY ORDINANCE. (a) In addition  
7 to other actions which this title requires to be by ordinance,  
8 the assembly or council of a municipality shall 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 for establishing  
13 rules or regulations for violation of which a fine or other penalty  
14 is imposed;

15 (4) provide for the levying of taxes;

16 (5) make appropriations and supplemental appropriations or  
17 transfer appropriations;

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

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

20 (8) adopt, modify or repeal the comprehensive plan, zoning  
21 and subdivision ordinances, building and housing codes, and the official  
22 map;

23 (9) approve the transfer of a power to a borough from a  
24 city;

25 (10) 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  
29 in writing in the form required by the assembly or council.

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

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

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

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

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

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

12 Sec. 29.48.180. CODIFICATION. (a) Each ordinance and resolution  
13 after adoption shall be codified.

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

20 (c) In (a) of this section, codified means

21 (1) the ordinance has been given a serial number or other  
22 permanent identifying number and, bearing a notation of the date of  
23 adoption and the designation of the adopting authority, it has been  
24 entered by the municipal clerk in a properly indexed book maintained  
25 for the purposes of organizing and recording the ordinances; or

26 (2) the ordinance is a provision included, or to be included,  
27 in a code of ordinances or other complete system of positive law promul-  
28 gated by the council and kept current by the city at reasonable inter-  
29 vals.

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

3 Sec. 29.48.190. BUDGET AND CAPITAL PROGRAM. (a) The fiscal  
4 year of home rule and general law municipalities begins on July 1 of  
5 each year.

6 (b) The assembly or council shall establish the manner for the  
7 preparation and submission of the budgets and capital programs by the  
8 executive. After public hearing, the assembly or council may approve  
9 the budgets with or without amendments and shall appropriate the funds  
10 required for the approved budgets.

11 (c) A bond, contract, lease, or other obligation requiring the  
12 payment of funds from the appropriations of a later fiscal year or of  
13 more than one fiscal year shall be made or approved by ordinance adopted  
14 by a majority of the votes authorized on the question.

15 (d) The assembly or council may make supplemental and emergency  
16 appropriations. No payment may be authorized or made and no obligation  
17 incurred except in accordance with appropriations.

18 (e) Nothing in this section is intended to prevent the authorizing  
19 of payment or making of contracts for capital improvements to be  
20 financed wholly or partly by the issuance of bonds.

21 Sec. 29.48.200. PENALTIES. For the violation of an ordinance,  
22 the assembly or council may prescribe punishment not to exceed a fine  
23 of \$500 or imprisonment for 30 days, or both. However, the punishment  
24 authorized under this subsection may be imposed only if an ordinance  
25 is codified and copies of the ordinance are made available for distri-  
26 bution to the public.

27 Sec. 29.48.210. EXPENDITURE OF BOROUGH REVENUES. Borough revenues  
28 levied and collected on an areawide basis by a home rule or general law  
29 borough may be expended on general administrative costs and on areawide

1 functions only. Revenues levied and collected in the area outside  
2 cities only may be expended on general administrative costs and func-  
3 tions which render service to the area outside cities only.

4 Sec. 29.48.220. POST AUDIT. The assembly or council shall provide  
5 for an annual independent audit of the accounts and financial trans-  
6 actions of the municipality or in the case of a second class city an  
7 audit or statement of annual income and expenditures. To make the  
8 audit the assembly or council shall designate a public accountant who  
9 has no personal interest, direct or indirect, in the fiscal affairs  
10 of the municipality. Copies of the audit shall be available to the  
11 public upon request. This section applies to home rule and general  
12 law municipalities.

13 ARTICLE 4. MISCELLANEOUS PROVISIONS.

14 Sec. 29.48.250. CENTRALIZED PURCHASING. The assembly or council  
15 may provide for centralized purchasing, storage and distribution of  
16 supplies, material and equipment for the municipality and its depart-  
17 ments. However, the municipal school board may determine the policy  
18 and provide for the purchase of supplies and equipment of a kind not  
19 used by other municipal departments.

20 Sec. 29.48.260. MUNICIPAL PROPERTIES. (a) A municipality may  
21 acquire and hold real and personal property or interest in property,  
22 and may sell, lease or otherwise dispose of property no longer required  
23 for municipal purposes.

24 (b) Notwithstanding the provisions of (c) of this section, a  
25 municipality may sell, lease donate or exchange with the United States,  
26 the state, or a political subdivision real estate or other property,  
27 or interest in property, when in the judgment of the assembly or  
28 council it is advantageous to the municipality to do so.

29 (c) The assembly or council shall by ordinance establish a formal

1 procedure for the sale, lease or disposition of real property or inter-  
 2 est in real property. The ordinance shall require (1) an estimated  
 3 value of the property by a qualified appraiser or the assessor; (2) a  
 4 notice of sale published in a newspaper of general circulation distri-  
 5 buted within the municipality at least 30 days before the date of the  
 6 sale, lease, or disposition, or posted within that time in at least  
 7 three public places in the municipality; (3) public auction or opening  
 8 of sealed bids, if any; and (4) other terms and conditions fixed by  
 9 the assembly or council. However, no ordinance for the sale, lease, or  
 10 disposition of real property or interest in real property valued at  
 11 \$25,000 or more is valid unless ratified by a majority of the qualified  
 12 voters voting at a general or special election at which the question of  
 13 the ratification of the ordinance is submitted. Thirty days notice  
 14 shall be given of the election and during that period the assembly or  
 15 council shall have published at least once a week in a newspaper of  
 16 general circulation distributed within the municipality a notice  
 17 stating the time of the election and the place of voting, describing  
 18 the property to be sold, leased or disposed of, giving a brief state-  
 19 ment of the terms and conditions of the sale and the consideration, if  
 20 any, and stating the title and date of passage of the ordinance. Notice  
 21 shall also be given by posting a copy of it in at least three public  
 22 places in the municipality at least 30 days before the election. If  
 23 no newspaper of general circulation is distributed within the munic-  
 24 ipality, the notice given by posting is sufficient for the purposes of  
 25 this section.

26 (d) The assembly or council may by ordinance establish a formal  
 27 procedure for acquisition from the state of land or rights in land and  
 28 the disposal of the land or rights in land, in which event the pro-  
 29 visions of (c) of this section do not apply.

1 (e) A municipality, in order to make sites available for benefi-  
2 cial new industries, may acquire and hold real property, either inside  
3 or outside the corporate limits, and may sell, lease or dispose of it  
4 to persons who agree to operate a beneficial new industry upon the  
5 terms and conditions the assembly or council considers advantageous to  
6 the municipality.

7 Sec. 29.48.270. EMERGENCY DISASTER POWERS. (a) A municipality  
8 which is wholly or partially within an area which is declared by the  
9 President to be a disaster area may participate in and provide for  
10 housing and urban renewal and redevelopment in the same manner as a  
11 home rule city. The exercise of these powers by a borough is limited  
12 to the area outside a city in the borough.

13 (b) A borough may exercise the powers for a housing or urban  
14 renewal and redevelopment project transferred to it by a city located  
15 in the borough as provided by AS 29.33.260.

16 (c) AS 29.38.020 - 29.38.050 are not applicable to the housing  
17 and urban renewal and redevelopment powers granted by this section.

18 (d) Powers granted by this section must be initiated within a  
19 period of not more than five years from the date of declaration of a  
20 natural disaster by the President, but these powers may be extended for  
21 an additional period of not more than three years.

22 ARTICLE 5. CONSTRUCTION OF POWERS.

23 Sec. 29.48.310. GENERAL CONSTRUCTION. A liberal construction  
24 shall be given to all powers and functions of boroughs and cities con-  
25 ferred in this title.

26 Sec. 29.48.320. EXTENT OF POWERS. Unless otherwise limited by  
27 law, boroughs and cities have and may exercise all powers and functions  
28 necessarily or fairly implied in or incident to the object or purpose  
29 of all powers and functions conferred in this title.

1           Sec. 29.48.330. ENUMERATION OF POWERS. Specific examples within  
2 an enumerated power or function conferred upon boroughs or cities in  
3 this title are illustrative of the object and not a limitation or  
4 exclusion upon the exercise of the power or function.

5           CHAPTER 53. MUNICIPAL ASSESSMENT AND TAXATION.

6           ARTICLE 1. BOROUGH PROPERTY TAX.

7           Sec. 29.53.010. GENERAL PROPERTY TAX. Home rule and general law  
8 boroughs may levy (1) an areawide property tax for areawide functions,  
9 and (2) a property tax limited to the area outside cities for functions  
10 limited to the area outside cities. A property tax if levied must be  
11 assessed, levied and collected on real and personal property as pro-  
12 vided in this chapter.

13           Sec. 29.53.020. REQUIRED EXEMPTIONS. (a) The following property  
14 is exempt from general taxation:

15           (1) municipal, state or federally owned property, except  
16 that private leaseholds, contracts or other interest in the property  
17 shall be taxable to the extent of those interests;

18           (2) household furniture of the head of a family or a house-  
19 holder not exceeding \$500 in value;

20           (3) property used exclusively for nonprofit religious,  
21 charitable, cemetery, hospital or educational purposes;

22           (4) property of a nonbusiness organization composed entirely  
23 of persons with 90 days or more of active service in the armed forces  
24 of the United States whose conditions of service and separation were  
25 other than dishonorable, or the property of the auxiliary of such  
26 organization;

27           (5) money on deposit.

28           (b) "property used exclusively for religious purposes" includes  
29 the following property owned by a religious organization:

1 (1) the residence of the pastor, priest, rabbi, minister or  
2 religious order of a recognized religious organization;

3 (2) a structure, its furniture and its fixtures used solely  
4 for public worship, charitable purposes, religious education or a non-  
5 profit hospital;

6 (3) lots supporting and adjacent to a structure or residence  
7 mentioned in (1) or (2) of this subsection which are necessary to  
8 convenient use;

9 (4) lots required by local ordinance for parking near a  
10 structure defined in (2) of this subsection.

11 (c) Property described in (a) or (b) of this section from which  
12 income is derived is exempt only if that income is solely from use of  
13 the property by nonprofit religious, charitable, hospital, or educa-  
14 tional groups for classroom space.

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

18 Sec. 29.53.025. OPTIONAL EXEMPTIONS AND EXCLUSIONS. (a) Munici-  
19 palities may exclude or exempt property from taxation by ordinance  
20 ratified by the voters at a regular or special election.

21 (b) Municipalities may by ordinance

22 (1) classify boats and vessels for purposes of taxation and  
23 may establish the assessed valuation of boats and vessels on the basis  
24 of their registered or certificated net tonnage; a tax based upon a  
25 tonnage valuation shall not exceed \$5 a year for a boat or vessel of  
26 less than five net tons and shall not exceed \$15 a year for a boat or  
27 vessel of more than five net tons;

28 (2) classify and exempt from taxation

29 (A) the household furniture over \$500 in value and the

1 effects of the head of a family or a householder; and

2 (B) the property of an organization not organized for  
3 business or profit-making purposes and used exclusively for  
4 community purposes, provided that income derived from rental of  
5 such property does not exceed the actual cost to the owner of the  
6 use by the renter.

7 (c) The provisions of (a) of this section notwithstanding,

8 (1) a home rule or first or second class borough may, by  
9 ordinance adopted without weighted voting, adjust its property tax  
10 structure in whole or in part to the property tax structure of a city  
11 within it, including but not limited to, excluding personal property  
12 from taxation, establishing exemptions, and extending the redemption  
13 period;

14 (2) a home rule or first class city shall have the same  
15 power to grant exemptions or exclude property from borough taxes that  
16 it has as to city taxes, provided that the exemptions or exclusions have  
17 been adopted as to city taxes and further provided that the city  
18 appropriate to the borough sufficient money to equal revenues lost by  
19 the borough because of the exemptions or exclusions, the amount to be  
20 determined annually by the assembly without weighted voting.

21 (d) Exemptions or exclusions from property tax which have been  
22 granted by home rule municipalities in addition to exemptions author-  
23 ized or required by law, and which are in effect on the effective date  
24 of this Act and not later withdrawn, are not affected by this Act.

25 Sec. 29.53.030. MINING CLAIMS. The assessed value of an unim-  
26 proved unpatented mining claim which is not producing, and a nonproduc-  
27 ing patented mining claim upon which the improvements originally  
28 required for patent have become useless and valueless through depreci-  
29 ation, removal or otherwise, is fixed at \$200 for each 20 acres or

1 fraction of 20 acres. If the surface ground of a claim has a separate  
2 and independent value for nonmining uses, the real and personal property  
3 is assessed at its full and true value.

4 Sec. 29.53.035. FARM OR AGRICULTURAL LANDS. (a) Farm use lands  
5 shall be assessed on the basis of full and true value for farm use,  
6 and shall not be assessed as if subdivided or used for some other non-  
7 farm purpose. The assessor shall maintain separate assessment records  
8 evaluating the farm use land for other than farm use purposes, where  
9 applicable. Should the farm use land be sold, leased, or otherwise  
10 disposed of, for other than farm use purposes, the owner shall be  
11 liable to pay the additional tax for the preceding two years, and the  
12 applicable portion of the current tax year, as though the land had  
13 not been assessed for farm use purposes.

14 (b) An owner of farm use land must, to secure the assessment,  
15 make application to the assessor before February 1 of each year in which  
16 the assessment is desired. The application shall be made upon forms  
17 prepared and supplied by the assessor and shall include information  
18 which may reasonably be required to determine the entitlement of the  
19 applicant.

20 (c) In this section "farm use" means the use of land for raising  
21 and harvesting crops or for the feeding, breeding and management of  
22 livestock or for dairying or another agricultural or horticultural use  
23 or any combination thereof and includes the preparation of the products  
24 raised on the farm use land and disposal by marketing or otherwise. It  
25 includes the construction and use of dwellings and other buildings  
26 customarily provided in conjunction with the farm use. To be farm use  
27 land, the owner must be actively engaged in farming the land, and  
28 derive at least one-fourth of his yearly gross income from the farm use  
29 land. The provisions of this section shall not apply to land which

1 the owner has granted, and has outstanding, a lease or option to buy  
2 the surface rights.

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

10 Sec. 29.53.050. TAX LIMITATION. Municipalities may levy property  
11 taxes to pay or secure the payment of principal and interest on  
12 general obligation bonds without limitation as to rate or amount. They  
13 may not levy property taxes for other purposes in excess of three  
14 per cent of the assessed property valuation including the combined  
15 levy of borough and city taxes within a city.

16 Sec. 29.53.060. FULL AND TRUE VALUE. (a) The assessor of a  
17 municipality shall assess property at its full and true value as of  
18 January 1 of the assessment year, except as provided in this section  
19 and secs. 30, 35 and 160 of this chapter. The full and true value  
20 is the amount which the property would bring on an open market in a  
21 sale on normal payment terms between a willing seller and a willing  
22 buyer both conversant with the property and with prevailing general  
23 price levels.

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

28 Sec. 29.53.070. RETURNS. (a) The assembly may require every  
29 person having ownership or control of or an interest in property to

1 submit a return in the form prescribed by the assessor, based on  
2 property values existing on January 1, except as otherwise provided in  
3 this chapter.

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

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

11 (b) For investigation, the assessor or his agent may enter  
12 any premise during reasonable hours and may examine property on the  
13 premises. He may examine all property records involved. A person  
14 shall, upon request, furnish to the assessor or his agent every facili-  
15 ty and assistance for the purposes of the investigation. If refused  
16 entry, the assessor may seek a court order to compel entry.

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

19 Sec. 29.53.090. STATEMENT. A person who fails to file a state-  
20 ment required by ordinance or who knowingly makes a false affidavit  
21 to a statement required by a tax ordinance relative to the amount,  
22 location, kind or value of property subject to taxation with intent  
23 to evade the taxation, is guilty of a misdemeanor. Upon conviction,  
24 he is punishable by a fine of not more than \$500, or by imprisonment  
25 for not more than 30 days, or by both, together with costs of prosecu-  
26 tion.

27 Sec. 29.53.100. ASSESSMENT ROLL. (a) The assessor shall pre-  
28 pare an annual assessment roll. The roll contains

29 (1) a description of all taxable property;

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(2) the assessed value of all taxable property;

(3) the names and addresses of persons with property subject to assessment and taxation.

(b) The assessor may list real property by any description that may be made certain. Real property is assessed to the owner of record as shown in the records of the district recorder, who shall at least monthly provide the assessor a copy of each recorded change of ownership and the address of the party recording the change of ownership. Other persons having an interest in the property may be listed on the assessment records with the owner. The person in whose name property is listed as owner is conclusively presumed to be the legal owner of record. If the property owner is unknown, the property may be assessed to "unknown owner". No assessment is invalidated by a mistake, omission or error in the name of the owner, if the property is correctly described.

Sec. 29.53.110. ASSESSMENT NOTICE. (a) The assessor shall give every person named in the assessment roll a notice of assessment, showing the assessed value of his property. On each notice is printed a brief summary of the dates when taxes are payable, delinquent and subject to penalty and interest, and the dates when the board of equalization will sit.

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

Sec. 29.53.120. CORRECTIONS. (a) A person receiving an assessment notice shall advise the assessor of errors or omissions in the assessment of his property. The assessor may correct errors or omissions

1 in the roll before the board of equalization hearing.

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

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

9 (b) The appellant shall, within 30 days from the date of mailing  
10 of notice of assessment, submit to the assessor a written appeal speci-  
11 fying grounds in the form which the board may require. Otherwise, the  
12 right of appeal ceases unless the board finds that the taxpayer was  
13 unable to comply.

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

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

18 (e) A city may appeal an assessment to the board of equalization  
19 in the same manner as a taxpayer. Within five days after receipt of  
20 the appeal, the assessor shall notify the person whose property  
21 assessment is being appealed by the city.

22 Sec. 29.53.135. BOARD OF EQUALIZATION. The assembly is the  
23 board of equalization. It may delegate all or part of its functions  
24 at the board of equalization to an appointed board consisting of not  
25 fewer than five or more than nine members. The assembly shall by  
26 ordinance adopt rules for the membership and conduct of the board.

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

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

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1 (c) The only grounds for adjustment is proof of unequal, exces-  
2 sive or improper valuation based on facts stated in a valid written  
3 appeal timely filed or proved at the hearing.

4 (d) The board shall certify its actions to the assessor within  
5 ~~three~~ <sup>Seven</sup> days.

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

8 (f) An appellant may appeal to the superior court for <sup>de novo</sup> review  
9 de novo of the board's action.

10 Sec. 29.53.150. SUPPLEMENTARY ASSESSMENT ROLLS. The assessor  
11 shall include property omitted from the assessment roll on a supple-  
12 mentary roll, using the procedures set out in this chapter for the  
13 original roll.

14 Sec. 29.53.160. TAX ADJUSTMENTS ON PROPERTY AFFECTED BY A NATURAL  
15 DISASTER. (a) The assembly may provide for reassessment and reduction  
16 of taxes for property destroyed, damaged, or otherwise reduced in  
17 value as a result of a natural disaster.

18 (b) A reassessment may be made by the assessor only upon the  
19 receipt of a sworn statement of the taxpayer that his losses exceed  
20 \$1,000. A reduction of taxes may be made only on losses in excess of  
21 \$1,000 for the remainder of the year following the disaster. Upon  
22 reassessment, the borough shall recompute this tax and refund taxes  
23 which have already been paid.

24 (c) The borough shall make notice of assessment or reassessment  
25 and shall hold an equalization hearing as provided in this chapter,  
26 except that a notice of appeal is filed with the board of equalization  
27 within 10 days after notice of assessment is given to the person  
28 appealing. Otherwise, the right of appeal ceases unless the board  
29 finds that the taxpayer is unable to comply.

1 (d) In enacting an ordinance or resolution authorized by this  
2 section, the assembly may, consistent with this section, prescribe  
3 procedures, restrictions and conditions of assessing or reassessing  
4 property and of remitting, refunding or forgiving taxes.

5 (e) In this section "disaster" means a major disaster declared  
6 by the President of the United States under the provisions of the  
7 Federal Disaster Act of 1950, Title 42, United States Code, sec. 1855-  
8 1855g, or other federal law.

9 Sec. 29.53.170. TAX LEVY AND RATE. (a) The power granted to  
10 the assembly to assess, levy and collect a general property tax shall  
11 be exercised by means of general ordinances, but the rate of levy, the  
12 date of equalization and the date when taxes become delinquent shall  
13 be fixed by resolution.

14 (b) The assembly shall annually determine the rate of levy before  
15 June 15. By July 1 the tax collector shall mail tax statements  
16 setting out the levy, dates when taxes are payable and delinquent, and  
17 penalties and interest.

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

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

29 (2) a penalty not to exceed eight per cent shall be added

1 to all taxes delinquent until the due date fixed for payment of the  
2 second half, and interest at the rate of eight per cent a year shall  
3 be charged on the whole of the unpaid taxes, not including penalty,  
4 from due date until paid in full;

5 (3) after the due date for the payment of the second half,  
6 a total penalty of not more than 10 per cent may be added to all  
7 delinquent taxes, and interest at the rate of eight per cent a year  
8 shall accrue upon all unpaid taxes, not including penalties, from due  
9 date until date paid in full.

10 ARTICLE 2. ENFORCEMENT OF TAX LIENS.

11 Sec. 29.53.200. VALIDITY. Certified assessment and tax rolls are  
12 valid and binding on all persons, notwithstanding any defect, error,  
13 omission or invalidity in the assessment rolls or proceedings pertain-  
14 ing to the assessment roll.

15 Sec. 29.53.210. TAX LIABILITY. (a) The owner of personal pro-  
16 perty assessed is personally liable for the amount of taxes assessed  
17 against his property. The tax, together with penalty and interest, may  
18 be collected in a personal action brought in the name of the borough.

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

22 Sec. 29.53.220. ENFORCEMENT OF PERSONAL PROPERTY TAX LIENS BY  
23 DISTRAINT AND SALE. The lien of personal property taxes may be en-  
24 forced by distraint and sale of the property. The assembly shall  
25 provide the procedure for distraint and sale by ordinance. No seizure,  
26 levy or distraint is legal unless demand is first made of the person  
27 assessed for the amount of the tax, penalty and interest, and no sale  
28 is valid unless made at public auction after 15 days notice given by  
29 posting or publication. The seizure is made by virtue of a warrant

1 issued by the borough clerk to a peace officer. If the property sold  
2 is not sufficient to satisfy the tax, penalty, interest, and costs of  
3 sale, the warrant may authorize the seizure of other personal property  
4 sufficient to satisfy the tax, penalty, interest and costs of sale.

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

8 (b) If the tax on property described in sec. 40 of this chapter  
9 or on a leasehold interest in tax exempt property is not paid when  
10 due, a borough may enforce the tax by a personal action against the  
11 delinquent taxpayer brought in the district or superior court, in  
12 addition to other remedies available to the borough to enforce the  
13 lien.

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

15 (1) annually present a petition for judgment and a certified  
16 copy of the foreclosure list for the previous year's delinquent taxes  
17 to the superior court for judgment;

18 (2) publish the foreclosure list for four consecutive weeks  
19 in a newspaper of general circulation distributed within the borough  
20 or, if there is no newspaper of general circulation distributed within  
21 the borough, post the list at three public places for at least 30 days;

22 (3) within 10 days after the first publication or posting,  
23 mail to the last known owner of each property as his name and address  
24 appear on the list a notice advising of the foreclosure proceeding in  
25 which a petition for judgment of foreclosure has been filed and  
26 describing the property and the amount due as stated on the list.

27 (b) The list shall be arranged in alphabetical order as to the  
28 last name and shall include

29 (1) the last known owner;

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

3 (3) years and amounts of delinquency;

4 (4) penalty and interest due;

5 (5) a statement that the list is available for public  
6 inspection at the clerk's office;

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

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

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

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

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

27 Sec. 29.53.280. ANSWER AND OBJECTION. A person having an interest  
28 in a tract on the foreclosure list may file an answer within 30 days  
29 of the date of last publication, specifying his objection. The court

1 shall make its decision in summary proceedings. The foreclosure list  
2 is prima facie evidence that the assessment and levy of the tax is  
3 valid and that the tax is unpaid.

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

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

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

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

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

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

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

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

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

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

Sec. 29.53.350. EXPIRATION. Not earlier than 30 days before the expiration of the redemption period the clerk shall publish a redemption period expiration notice. The notice shall contain the date of judgment, the date of expiration of the period of redemption and a warning to the effect that all properties ordered sold under the judgment, unless redeemed, shall be deeded to the borough or city immediately on expiration of the period of redemption and that every right or

1 interest of any person in the properties will be forfeited forever to  
2 the borough or city. The notice is published once a week for four  
3 consecutive weeks in a newspaper of general circulation distributed  
4 within the borough. If there is no newspaper of general circulation  
5 distributed within the borough, the notice is posted in three public  
6 places for at least four consecutive weeks. The clerk shall send a  
7 copy of the published notice by certified mail to each record owner  
8 of property against whom a judgment of foreclosure has been taken.  
9 The notice shall be mailed within five days of the first publication.  
10 The mailing shall be sufficient if mailed to the property owner at the  
11 last address of record. The right of redemption shall expire 30 days  
12 after the date of the first publication notice.

13 Sec. 29.53.360. DEED TO BOROUGH OR CITY. (a) Unredeemed properties  
14 in the area of the borough outside cities are deeded to the borough  
15 by the clerk of the court. Unredeemed properties within a city are  
16 deeded to the city subject to the payment by the city of unpaid borough  
17 taxes and costs of foreclosure levied against th property before fore-  
18 closure. The deeds shall be recorded in the recording district in  
19 which the property is located.

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

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

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

1 unless the former owner has been misled to his injury. After two  
2 years from the date of the deed its validity is conclusively presumed  
3 and any claim of the former owner is forever barred.

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

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

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

21 Sec. 29.53.380. PROCEEDS OF TAX SALE. Upon sale of foreclosed  
22 real or personal property the borough or city shall divide the proceeds  
23 less cost of collection, between the borough and the city having unpaid  
24 taxes against the property. The division is in proportion to the  
25 respective municipal taxes against the property at the time of fore-  
26 closure.

27 Sec. 29.53.385. PAYMENT OF TAXES UPON PUBLIC UTILIZATION. If a  
28 city or borough holds or takes title to tax-foreclosed property for a  
29 public purpose, the city or borough shall satisfy unpaid taxes and

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1 assessments against the property held by other municipalities, with  
2 accrued interest but without penalty. If the amount required to satis-  
3 fy the unpaid taxes and assessments exceeds the assessed valuation of  
4 the property, the city or borough shall pay the other municipalities  
5 the assessed valuation, which shall be divided between the other muni-  
6 cipalities in proportion to their respective taxes and assessments  
7 against the property at the time of foreclosure.

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

13 (b) If, in payment of taxes legally imposed, a remittance by a  
14 taxpayer through error or otherwise exceeds the amount due, and the  
15 borough, on audit of the account in question, is satisfied that this  
16 is the case, the borough shall refund the excess to the taxpayer. A  
17 claim for refund filed after one year of the due date of the tax is  
18 forever barred.

19 ARTICLE 3. CITY PROPERTY TAX.

20 Sec. 29.53.400. POWER OF LEVY. Home rule and first class cities  
21 within boroughs may levy a general property tax. A property tax, if  
22 levied, is subject to secs. 50 and 310 - 350 of this chapter. The  
23 council shall by June 15 of each year present to the borough assembly  
24 a statement of the city's rate of levy, unless a different date is  
25 agreed upon by the borough and city.

26 Sec. 29.53.405. DIFFERENTIAL TAX ZONES. Cities may by ordinance  
27 establish, alter and abolish differential tax zones to provide and levy  
28 property taxes for services not provided generally within the city or  
29 a different level of service than that provided generally within the

1 city.

2 ARTICLE 4. BOROUGH SALES AND USE TAXES.

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

7 (b) A borough levying a sales tax may also by ordinance levy a  
8 use tax on the storage, use or consumption of tangible personal  
9 property within the borough. The use tax rate must equal the sales  
10 tax rate and the use tax shall be levied only upon buyers.

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

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

22 (b) If the proposition receives a majority of the votes cast,  
23 the assembly may enact the sales tax as a levy upon buyers, sellers,  
24 or both. The sales tax is collected at the time of sale or at the  
25 time of payment in credit transactions and transmitted to the borough.

26 ARTICLE 5. CITY SALES AND USE TAXES.

27 Sec. 29.53.440. POWER OF LEVY. Cities within a borough which  
28 levies and collects sales or use taxes for areawide borough functions  
29 may levy sales or use taxes upon all sources taxed by the borough in

1 the manner provided for boroughs.

2 Sec. 29.53.450. POWER OF LEVY AND COLLECTION. Cities within a  
3 borough which does not levy and collect sales or use taxes for areawide  
4 borough functions may levy and collect sales or use taxes in the manner  
5 provided for boroughs.

6 Sec. 29.53.460. COMBINING SALES TAX WITH INCORPORATION. A peti-  
7 tion for second class city incorporation may request that a sales tax  
8 proposal be placed on the same ballot. The petition must state the  
9 proposed tax rate. The petition may request that incorporation be  
10 dependent upon the passage of the sales tax proposition. If so, the  
11 incorporation proposition fails if the sales tax fails.

12 CHAPTER 58. MUNICIPAL DEBT.

13 ARTICLE 1. TAX ANTICIPATION NOTES.

14 Sec. 29.58.010. TAX ANTICIPATION NOTES. A municipality may  
15 borrow money in the form of negotiable or nonnegotiable notes to meet  
16 the appropriations for a fiscal year in anticipation of the collection  
17 of taxes and revenues for that year. The aggregate principal amount  
18 borrowed may not at any time exceed 50 per cent of the appropriations  
19 for the fiscal year.

20 Sec. 29.58.020. FORMS AND TERMS. The assembly or council shall  
21 authorize by resolution or ordinance the sale of tax anticipation notes.  
22 Notes are in the form and denominations determined by the assembly or  
23 council, with a maturity date not to exceed the end of the next fiscal  
24 year from the date of issue.

25 Sec. 29.58.030. SECURITY. Tax anticipation notes are a general  
26 obligation of the municipality and payment is secured by its full  
27 faith, and credit. The municipality may levy ad valorem taxes for  
28 payment without limitation of rate or amount.

29 Sec. 29.56.040. SALE OF NOTES. The municipality may sell tax

1 anticipation notes in the manner and at the price it determines, at  
2 either public or private sale.

3 ARTICLE 2. BOND ANTICIPATION NOTES.

4 Sec. 29.58.060. BOND ANTICIPATION BORROWING. A municipality may  
5 borrow money in anticipation of the sale of general obligation and  
6 revenue bonds if

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

10 (2) the revenue bonds to be sold have been authorized by  
11 ordinance.

12 Sec. 29.58.070. ISSUANCE OF NOTES. The assembly or council shall  
13 issue negotiable or nonnegotiable notes for the amounts borrowed with  
14 a maturity date not to exceed one year from the date of issue. All  
15 notes and the interest on them are payable at fixed places on or before  
16 a fixed time, from the proceeds of the sale of bonds in anticipation  
17 of which the original note or notes were issued, unless the bonds have  
18 not been sold by the maturity date of the notes.

19 Sec. 29.58.080. ISSUANCE OF NEW NOTES. If the sale of the bonds  
20 has not occurred before the maturity of the notes issued in anticipation  
21 of the sale, the assembly or council shall issue new notes in order  
22 to meet payment of the notes then maturing or shall renew the outstand-  
23 ing bond anticipation notes. New notes issued or renewals of out-  
24 standing bond anticipation notes shall bear a maturity date not to  
25 exceed one year from the date of issue. Notes, new notes, and renewals  
26 of notes shall not be outstanding for a total elapsed time of more than  
27 three years.

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

1 the proceeds of the sale of new bond anticipation notes.

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

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

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

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

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

22 ARTICLE 3. GENERAL OBLIGATION BONDS.

23 Sec. 29.58.150. GENERAL OBLIGATION BONDS. A municipality may  
24 acquire, construct, improve and equip capital improvements and issue  
25 negotiable or nonnegotiable general obligation bonds for these purposes.

26 Sec. 29.58.160. VOTE AND NOTICE OF EXISTING INDEBTEDNESS REQUIRED.  
27 (a) A municipality may incur general obligation bond debt only after  
28 a bond authorization ordinance is approved by a majority of those voting  
29 on the question at a regular or special election. Any municipal voter

1 may vote in the bond election, except as otherwise provided by charter  
2 or law.

3 (b) Before a general obligation bond issue election, the assembly  
4 or council shall have published a notice of the municipality's total  
5 existing bond indebtedness at least once a week for three consecutive  
6 weeks. The first notice shall be published at least 20 days before  
7 the date of the election. A notice shall include

8 (1) the current total general obligation bonded indebtedness,  
9 including authorized by unsold bonds of the municipality;

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

11 (3) the total assessed valuation within the municipality.

12 Sec. 29.58.170. FORM AND TERMS OF SALE. The assembly or council  
13 shall fix the date of the bonds, denominations, maturities, rate of  
14 interest, place and manner of payment, redemption terms, registration  
15 privileges, manner of execution, and signatures required. If an offi-  
16 cer whose signature appears on the bonds or coupons ceases to be an  
17 officer before delivery of the bonds, his signature is valid as if he  
18 had remained in office until delivery.

19 Sec. 29.58.180. PAYMENT. (a) The full faith and credit of a  
20 municipality are pledged for the payment of principal and interest on  
21 general obligation bonds. The municipality may levy ad valorem taxes  
22 for payment without limitation of rate or amount.

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

28 ARTICLE 4. REVENUE BONDS.

29 Sec. 29.58.200. REVENUE BONDS. A municipality may acquire,

1 construct, improve and equip capital improvements to be operated upon  
2 a revenue-producing basis, and bonds for these purposes are payable  
3 solely from unpledged revenue of the public facilities for which the  
4 bonds are issued.

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

8 Sec. 29.58.210. FORMS AND TERMS. The assembly or council shall  
9 fix the date of the bonds, denominations, maturities, rate of interest,  
10 place and manner of payment, redemption terms, registration privileges,  
11 manner of execution and signatures required. If an officer whose  
12 signature appears on the bonds or coupons ceases to be an officer before  
13 delivery of the bonds, his signature is valid as if he had remained in  
14 office until delivery.

15 Sec. 29.58.220. PAYMENT. Bonds issued under secs. 200 - 220 of  
16 this chapter or the proceedings of the assembly or council authorizing  
17 their issuance may contain the covenants which the assembly or council  
18 considers advisable concerning

19 (1) the rates or fees to be charged for services rendered  
20 by the public facilities, the revenue of which is pledged to the pay-  
21 ment of the bonds;

22 (2) the deposit and use of the revenue of the public  
23 facilities;

24 (3) the issuance of additional bonds payable from revenue  
25 of the public facilities;

26 (4) the rights of the bondholders in case of default in  
27 the payment of the principal or interest on the bonds, including the  
28 appointment of a receiver to operate the public facilities.

29 ARTICLE 5. REFUNDING BONDS.

1           Sec. 29.58.240. AUTHORIZATION. If a municipality has outstanding  
 2 general obligation or revenue bonds and the assembly or council deter-  
 3 mines that it would be financially advantageous to refund the bonds,  
 4 the assembly or council may provide by ordinance for the issuance of  
 5 general obligation or revenue refunding bonds.

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

10          Sec. 29.58.260. NO ELECTION REQUIRED. No election is required  
 11 to authorize the issuance and sale of refunding bonds. Their issuance  
 12 may be authorized and all proceedings with reference to them prescribed  
 13 by ordinance of the assembly or council. However, when it is desirable  
 14 to use general obligation bonds to refund a revenue bond issue, the  
 15 governing body shall call an election on the question.

16          Sec. 29.58.270. PAYMENT OF REFUNDING BONDS. General obligation  
 17 refunding bonds are payable according to sec. 180 of this chapter.  
 18 Revenue refunding bonds are payable according to sec. 220 of this  
 19 chapter.

20          Sec. 29.58.280. SALE. General obligation or revenue refunding  
 21 bonds may, in the discretion of the assembly or council, be exchanged  
 22 at par for the bonds being refunded, or may be sold at public or private  
 23 sale for an amount not less than par and accrued interest. They may  
 24 be issued and delivered at any time before the date of maturity or  
 25 redemption of the refunded bonds.

26                   ARTICLE 6. MISCELLANEOUS PROVISIONS.

27          Sec. 29.58.300. PUBLIC SALE. The municipality shall sell all  
 28 bonds at a public or private sale as provided by ordinance. No bonds  
 29 may be sold at less than par value.

1           Sec. 29.58.310. INTEREST RATE. No municipal bond or note may  
2 bear an interest rate exceeding the contract usury rate of interest  
3 provided by law.

4           Sec. 29.58.320. REDEMPTION BEFORE MATURITY. A bond or note may  
5 be made subject to redemption before maturity as stated in the authori-  
6 zation or in the bond or note.

7           Sec. 29.58.340. BOROUGH INDEBTEDNESS. (a) Boroughs may incur  
8 indebtedness

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

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

12                   (3) on a service area basis for functions performed in a  
13 service area only; payment of debt principal and interest as well as  
14 other costs shall be limited to the service area, except that the  
15 full faith and credit of the entire borough may be pledged to guarantee  
16 payment of principal and interest.

17           (b) If the bonded debt to be incurred by a borough is an areawide  
18 debt, the vote is areawide; if the full faith and credit of the entire  
19 borough is pledged for the payment of the debt of the area outside  
20 cities or of a service area, an areawide election is held and the  
21 proposition must pass both areawide and in the area which will benefit  
22 from the improvement; if the bonded indebtedness to be incurred is  
23 limited to areas outside cities only or to service areas, the vote is  
24 limited to voters in those areas.

25           Sec. 29.58.350. INTENT. Nothing in this title authorizes the  
26 council of a second class city to levy ad valorem taxes unless such  
27 a levy is necessary to avoid a default upon payment of principal and  
28 interest of bonded or other indebtedness which is secured by a pledge  
29 to levy ad valorem or other taxes without limit to meet debt payments.

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In that case, assessment, levy and collection shall be made in the manner of a first class city within or outside a borough, as the case may be.

CHAPTER 63. SPECIAL ASSESSMENTS AND SERVICE AREAS.

ARTICLE 1. SPECIAL ASSESSMENTS.

Sec. 29.63.010. ASSESSMENT AND PROPOSAL. The assembly or council may assess against the property of a governmental unit and private real property benefited all or a portion of the cost of constructing or improving capital improvements. The state shall pay an assessment levied, except as otherwise provided by law and subject to its right of protest under sec. 15(8) of this chapter. If a governmental unit other than the state benefited by an assessment refuses to pay the assessment, it shall be denied the benefit of the improvement. An improvement proposal may be initiated by

- (1) petition to the assembly or council of the owners of one-half in value of the property to be benefited or
- (2) the assembly or council.

Sec. 29.63.015. PROCEDURE. (a) The assembly or council may prescribe by ordinance the complete special assessment procedure for local improvements, including and subect to the following:

- (1) the procedure for filing petitions;
- (2) a survey and report by the borough or city executive concerning the need for, desirable extent of, and estimated cost of each proposed local improvement;
- (3) a public hearing on the necessity for the local improvement;
- (4) a resolution of the assembly or council determining to proceed or not to proceed with the proposed local improvement;
- (5) a public hearing by the assembly or council on the

1 special assessment roll for the local improvement:

2 (6) published notice of each public hearing required by this  
3 section and mailing notice to each legal owner of record of real pro-  
4 perty within the special assessment district;

5 (7) a resolution confirming the special assessment roll for  
6 the local improvement;

7 (8) if protests as to the necessity of a local improvement  
8 are made by owners of property which will bear 50 per cent or more of  
9 the estimated cost of the improvement, the assembly or council shall  
10 not proceed with the improvement until the objections have been reduced  
11 to less than 50 per cent, except upon approval of not fewer than  
12 three-fourths of the assembly or council.

13 (b) If the assembly or council does not prescribe a procedure  
14 for special assessments as permitted by this section, the assembly or  
15 council shall comply with the special assessment procedures set out  
16 in secs. 20 - 70 of this chapter.

17 Sec. 29.63.020. DECISION AND NOTICE. (a) When an improvement  
18 proposal has been filed with the municipal clerk and presented to the  
19 assembly or council, the assembly or council shall find by resolution  
20 whether (1) the improvement request is necessary and should be made,  
21 and (2) the request has sufficient and proper petitioners. The  
22 findings of the assembly or council are conclusive.

23 (b) If the assembly or council passes a resolution approving an  
24 improvement proposal with the necessary findings, it shall develop a  
25 proposed improvement plan including cost estimate and the percentage of  
26 the improvement plan cost to be assessed against the property benefited.  
27 This plan is to be filed with the municipal clerk.

28 (c) The assembly or council shall set a time for public hearing  
29 on the improvement plan. The assembly or council shall publish a

1 notice at least once a week for four consecutive weeks in a newspaper  
2 of general circulation if distributed within the municipality and shall  
3 send notice by mail to every record owner of property within the  
4 special assessment district.

5 Sec. 29.63.025. RECORD OWNER. The person in whose name property  
6 is listed on the municipal property tax roll as owner is conclusively  
7 presumed to be the legal owner of record. If the owner is unknown, the  
8 assessment may be made against "unknown owner".

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

15 (b) If objections are made by the owners of property bearing  
16 one-half of the estimated cost of the improvement, the assembly or  
17 council may not proceed with the improvement unless it revises the  
18 plan to meet the objections and the objections are reduced to less than  
19 50 per cent. A revised plan shall be approved and adopted as an ori-  
20 ginal plan.

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

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

27 (c) The assembly or council shall fix a time to hear objections  
28 to the roll. The municipal clerk shall send an assessment and hearing  
29 notice by mail to each record owner of an assessed tract not less than

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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notice at least once a week for four consecutive weeks in a newspaper of general circulation if distributed within the municipality and shall send notice by mail to every record owner of property within the special assessment district.

Sec. 29.63.025. RECORD OWNER. The person in whose name property is listed on the municipal property tax roll as owner is conclusively presumed to be the legal owner of record. If the owner is unknown, the assessment may be made against "unknown owner".

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

(b) If objections are made by the owners of property bearing one-half of the estimated cost of the improvement, the assembly or council may not proceed with the improvement unless it revises the plan to meet the objections and the objections are reduced to less than 50 per cent. A revised plan shall be approved and adopted as an original plan.

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

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

(c) The assembly or council shall fix a time to hear objections to the roll. The municipal clerk shall send an assessment and hearing notice by mail to each record owner of an assessed tract not less than

1 15 days before the hearing.

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

5 Sec. 29.63.060. PAYMENT. (a) The assembly or council shall fix  
6 times of payment, rate of interest on unpaid installments, and delin-  
7 quency of assessments. Payment may not be required sooner than 60 days  
8 after assessment. Payment may be in one sum or by installments, but  
9 a sum or installment may not exceed 25 per cent of the assessed value  
10 of the property affected. Penalty and interest are the same as for  
11 real property taxes.

12 (b) Within 30 days after fixing the time of payment, the municipa  
13 clerk shall mail a statement to the owner of record of each property  
14 assessed. The statement designates the property, the assessment  
15 amount, the time of delinquency, and penalties.

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

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

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

25 (b) Notice and hearing must conform to the initial assessment  
26 procedures.

27 (c) Payments on the initial assessment are credited to the  
28 property upon reassessment.

29 (d) The reassessment becomes a charge upon the property

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notwithstanding failure to comply with any provision of the assessment procedure.

Sec. 29.63.080. OBJECTION AND APPEAL. (a) The regularity or validity of an assessment may not be contested by a person who did not file with the municipal clerk a written objection to the assessment roll before its confirmation.

(b) The decision of the assembly or council upon an objection may be appealed to the superior court within 30 days of the date of confirmation of the assessment roll.

(c) If no objection is filed or an appeal taken within the time provided in this section, the assessment procedure shall be considered regular and valid in all respects.

Sec. 29.63.085. SPECIAL ASSESSMENT BONDS. The assembly or council may by ordinance authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal and interest of bonds issued shall be payable solely from the levy of special assessments against the property to be benefited. The assessments shall constitute a sinking fund for the payment of principal and interest on the bonds. The property benefited may be pledged by the assembly or council to secure a payment.

(b) Upon default in a payment due on a special assessment bond, a bondholder may enforce payment of principal and interest and costs of collection in a civil action in the same manner and with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure shall be against all property on which assessments are in default. The period for redemption shall be the same as in the case of a mortgage foreclosure on real property.

(c) Before the assembly or council may issue special assessment

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1 bonds, it shall establish a guarantee fund and appropriate to the fund  
2 annually a sum adequate to cover any deficiency in meeting payments  
3 of principal and interest of bonds issued by reason of nonpayment of  
4 assessments when due. Money received from actions taken against  
5 property for nonpayment of assessments shall be credited to the  
6 guarantee fund. Interest on the guarantee funds shall be a cost of  
7 the improvement district.

8 ARTICLE 2. SERVICE AREAS.

9 Sec. 29.63.090. SERVICE AREAS. (a) Service areas to provide  
10 special services within a borough may be established, operated,  
11 altered or abolished by the assembly by ordinance. Special services  
12 include services not provided on an areawide basis within the borough  
13 or the borough area outside cities or a higher or different level of  
14 service than that provided on an areawide basis or in the borough area  
15 outside cities. In a first class borough the assembly may exercise  
16 within a service area any power granted a first class city by general  
17 law; in a second class borough an exercise of the powers must be  
18 approved by a majority of the qualified voters residing within the  
19 service area and voting on the question.

20 (b) The assembly may levy or authorize the levying of taxes,  
21 charges, or assessments in service areas to finance the special ser-  
22 vices.

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

25 (d) A new service area may not be established if, consistent  
26 with the purposes of art. X of the constitution, the new service can  
27 be provided by an existing service area, by annexation to a city, or  
28 by incorporation as a city.

29 (e) The assembly may exercise or delegate to a service area any

1 powers which may be exercised by a first class borough in the area  
 2 outside cities. In a second class borough, each exercised or delegated  
 3 power must be approved by a majority vote at a regular or special  
 4 election held within the service area. The rate of taxation and the  
 5 issuance of bonds are subject to assembly approval.

6 CHAPTER 68. ALTERATION OF BOUNDARIES.

7 ARTICLE 1. ANNEXATION AND EXCLUSION.

8 Sec. 29.68.010. LOCAL BOUNDARY COMMISSION. (a) The Local  
 9 Boundary Commission may consider any proposed local government boundary  
 10 change. It may present proposed changes to the legislature during the  
 11 first 10 days of any regular session. The change shall become effec-  
 12 tive 45 days after presentation or at the end of the session, whichever  
 13 is earlier, unless disapproved by a resolution concurred in by a  
 14 majority of the members of each house.

15 (b) In addition to the regulations governing annexation by local  
 16 action adopted under AS 44.19.260, the Local Boundary Commission shall,  
 17 within 90 days of the effective date of this Act, establish procedures  
 18 for annexation and exclusion of territory by cities and boroughs by  
 19 local action. The procedures established under this subsection shall  
 20 include

21 (1) a provision requiring that a proposed annexation and  
 22 exclusion must be approved by a majority of the voters voting on the  
 23 question/residing within the area proposed to be annexed or excluded;

24 (2) provisions that municipally-owned property adjoining  
 25 the municipality may be annexed by ordinance without voter approval;  
 26 and

27 (3) provisions that an area adjoining the municipality may  
 28 be annexed by ordinance without an election if all property owners  
 29 and voters within the area petition the assembly or council.

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ARTICLE 2. MERGER AND CONSOLIDATION.

Sec. 29.68.030. METHODS OF MERGER OR CONSOLIDATION. Two methods may be used to initiate merger or consolidation 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. 40 - 110 of this chapter.

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

(b) The petition includes

(1) the name and class of each municipality;

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

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

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

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

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

Sec. 29.68.070. REPORT AND HEARING. (a) The Local Affairs Agency shall report its findings to the Local Boundary Commission with

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its recommendations regarding the merger or consolidation.

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

Sec. 29.68.080. DECISION. If the Local Boundary Commission determines that the proposed municipality fails to meet the standards for incorporation, it shall reject the petition. If the commission determines that the proposed municipality meets these standards, it shall accept the petition. If the commission determines that the proposed boundaries or the composition and apportionment of the assembly or council can be altered to meet the standards, it may change the proposal and accept the petition. The decision may be appealed under the Administrative Procedure Act (AS 44.62).

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

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

(c) The lieutenant governor shall supervise the election in the general manner prescribed by the Alaska Election Code (AS 15.05 - 15.60). The state shall pay all election costs.

(d) The lieutenant governor shall certify the election results. If merger or consolidation is approved, he shall, within 10 days, set a date for election of officers of the new municipality under

1 AS 29.18.120. The election date is not less than 60 nor more than  
2 90 days after the election order. This date is the effective date for  
3 the merger or consolidation.

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

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

10 Sec. 29.68.110. ORDINANCES. The ordinances, resolutions, rules,  
11 regulations, procedures and orders of the former municipalities remain  
12 in force within their respective territories until superseded by the  
13 action of the successor municipality.

14 ARTICLE 3. UNIFICATION OF LOCAL GOVERNMENTS.

15 Sec. 29.68.240. UNIFICATION OF LOCAL GOVERNMENTS AUTHORIZED. An  
16 organized borough and all cities within the borough may unite to form  
17 a single unit of home rule local government by complying with this  
18 chapter.

19 Sec. 29.68.250. UNIFICATION TO BE PROPOSED BY PETITION. (a)  
20 Unification shall be proposed by petition.

21 (b) The borough assembly, a city council, or a person living  
22 within the area of proposed unification may initiate the petition for  
23 unification.

24 Sec. 29.68.260. PETITION REQUIREMENTS. (a) The petition shall  
25 read:

26 "PETITION FOR UNIFICATION

27 We, the undersigned, qualified voters of the \_\_\_\_\_  
28 Borough do hereby petition that the following two propositions be  
29 placed before the voters as provided by law: