



LAWS OF ALASKA

1968

Source

HB 287 am

Chapter No.

170

AN ACT

Relating to the incorporation and dissolution of cities.

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

* Section 1. AS 29.10.006(a) is amended to read:

Sec. 29.10.006. COMMUNITIES AUTHORIZED TO INCORPORATE. A community having 400 or more permanent inhabitants may incorporate as a first class city in the manner provided in this chapter.

* Sec. 2. AS 29.10 is amended by adding new sections to read:

Sec. 29.10.008. PETITION FOR INCORPORATION. City incorporation is proposed by filing a petition with the Local Affairs Agency. The petition shall include the following information about the proposed city:

- (1) class,
- (2) name,
- (3) boundaries,
- (4) maps, documents, and other information required by the Local Affairs Agency to show that the proposed city meets the standards of incorporation,
- (5) the signature and resident address of 50 adult permanent inhabitants of the proposed city who are at least 19 years of age.

Sec. 29.10.010. REVIEW. The Local Affairs Agency shall review petitions for content and signatures and shall

return deficient petitions for correction or completion.

Sec. 29.10.013. INVESTIGATION. (a) If the petition contains the required information and signatures, the Local Affairs Agency shall investigate the proposal. It may use U.S. Census Bureau reports or other reliable information to determine most accurately the population of the proposed city.

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

Sec. 29.10.016. REPORT AND HEARING. (a) The Local Affairs Agency shall report its findings to the Local Boundary Commission with its recommendations regarding the incorporation.

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

Sec. 29.10.019. DECISION ON INCORPORATION. (a) If the Local Boundary Commission determines that proposed city boundaries are too restrictive or too expansive for efficient local government, it may alter the boundaries and accept the petition.

(b) If the Local Boundary Commission determines that the proposed city should be incorporated as a different class from that stated in the petition, it may change the class and accept the petition.

(c) The commission may reject a petition for incorporation of a city if it determines that desired municipal services can more practically and economically be provided by a borough or by annexation to an existing city, or that it is in the best interest of the community or the state that no city be incorporated.

(d) Commission decisions under this section may be appealed under the Administrative Procedure Act (AS 44.-62).

Sec. 29.10.022. INCORPORATION ELECTION. (a) The Local Boundary Commission shall immediately notify the secretary of state of its acceptance of an incorporation petition. Within 30 days after notification, the secretary of state shall order an election in the proposed city to determine whether the voters desire incorporation. The election shall be held not less than 30 nor more than 90 days after the date of the election order. The election order shall specify the dates during which nomination petitions may be filed.

(b) An Alaska voter who has been a resident of the area within the proposed city for 30 days may vote.

(c) The secretary of state shall supervise the election in the general manner prescribed by the Alaska Election Code (AS 15.05 - 15.60). The costs of election shall be a debt of the incorporated city. If the petition

for incorporation is rejected by the voters, the state shall pay the election costs.

(d) The secretary of state shall certify the results of the election to the Local Affairs Agency. If a majority of the votes cast are in favor of incorporation, the Local Affairs Agency shall transmit a copy of the certificate of election and the boundary description to the city and shall record a copy of the certificate and boundary description in the recording district within which the city is located.

Sec. 29.10.025. NOMINATION AND ELECTION OF INITIAL OFFICERS. (a) Nominations for initial officers are made by petition filed with the secretary of state during the time specified in the election order. The petition shall be in the form prescribed by the secretary of state and shall include the name and address of the nominee and his statement that he is qualified under the provisions of this title for the office which he seeks. Petitions to nominate initial officers shall include the signature and resident address of 10 voters in the area of the proposed city.

(b) At the incorporation election, the voters shall choose by a separate ballot a council of seven members.

Sec. 29.10.029. CHALLENGE OF LEGALITY. No person may challenge the formation of a city except within six months of the date of its incorporation.

* Sec. 3. AS 29.15 is amended by adding a new section to read:

Sec. 29.15.021. INCORPORATION PROCEDURE. The procedure for the incorporation of second class cities shall be the same as that provided in AS 29.10.008 - AS 29.10.025 for first class cities, except that the petition for incorporation shall include the signatures and resident address of 15 adult permanent inhabitants of the proposed city, and five persons shall be elected to the initial board of trustees.

* Sec. 4. AS 29.20.010 is amended to read:

Sec. 29.20.010. COMMUNITIES AUTHORIZED TO INCORPORATE. The permanent inhabitants and the real property owners of a neighborhood or district, not exceeding 50 square miles in area, and not within the boundaries of a city or organized borough, may form a city of the third class.

* Sec. 5. AS 29.20 is amended by adding a new section to read:

Sec. 29.20.021. INCORPORATION PROCEDURE. The procedure for the incorporation of third class cities shall be the same as AS 29.10.008 - 29.10.025 for first class cities, except that the cost of the election shall be a debt of the state and that the petition for incorporation shall include the signature and resident address of five adult permanent inhabitants of the proposed city, and five

persons shall be elected to the initial board of trustees.

* Sec. 6. AS 29.25.030 is amended to read:

Sec. 29.25.030. VILLAGES AUTHORIZED TO INCORPORATE.

(a) A village may become incorporated if it

(1) is not included in, or part of, an organized borough, or within 10 miles of an incorporated city, or within five miles of an organized borough, except as provided in (b) of this section; and

(2) has at least 25 permanent inhabitants 19 years of age or older residing within a radius of three miles of a designated centrally located point or structure.

(b) An exception may be made to (a)(1) of this section if the Local Boundary Commission finds that although a village is within 10 miles of an incorporated city, or within five miles of an organized borough, geographical obstacles to transportation and communication make normal social, cultural and commercial exchange difficult and impractical between the village and the city or organized borough.

* Sec. 7. AS 29.25 is amended by adding a new section to read:

Sec. 29.25.041. INCORPORATION PROCEDURE. The procedure for the incorporation of villages or fourth class cities shall be the same as provided in AS 29.10.008 - 29.10.025 for first class cities, except that the cost of the election shall be a debt of the state and that the petition for incorporation shall include the signature and resident address of 10 adult permanent inhabitants of the village, and five persons shall be elected to the initial council.

* Sec. 8. AS 29.80 is amended by adding new sections to read:

Sec. 29.80.011. METHODS OF DISSOLUTION. Two methods may be used to initiate dissolution of home rule and general law cities:

(1) petition to the Local Boundary Commission under regulations adopted by the commission; or

(2) the local option method specified in secs. 21 - 81 of this chapter.

Sec. 29.80.021. PETITION. (a) City residents may file a dissolution petition with the Local Affairs Agency in the form prescribed by the agency. The petition must be signed by a number of city voters equal to at least 25 per cent of the number of votes cast in the last regular city election.

(b) The petition shall include:

(1) the name of the city;

(2) maps, documents and other information

showing that the city meets the standards of dissolution.

Sec. 29.80.031. STANDARDS. (a) Except as provided in (b) of this section, a city may be dissolved when (1) it is free of debt, or if in debt, each of its creditors is satisfied with a method of repayment, and (2) either it no longer meets the minimum standards prescribed for incorporation by ch. 10 of this title, or no election of councilmen has been held for more than one year.

(b) A general law city in an organized borough may petition for dissolution if the borough consents to assume the city's rights, powers, duties, assets and liabilities. The consent must be ratified by a majority of borough voters residing outside cities voting on the question. The ratification may be included as a separate question on the ballot at the election for the incorporation of a borough.

Sec. 29.80.041. REVIEW. The Local Affairs Agency shall review a petition for content and signatures and shall return a deficient petition for correction or completion.

Sec. 29.80.051. INVESTIGATION. If the petition contains the required information and signatures, the Local Affairs Agency shall investigate the proposal.

Sec. 29.80.061. REPORT AND HEARING. (a) The Local Affairs Agency shall report its findings to the Local Boundary Commission with its recommendation regarding the dissolution.

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

Sec. 29.80.071. DECISION. If the Local Boundary Commission determines that the city fails to meet the standards for dissolution, it shall reject the petition. If the commission determines that the city meets the standards, it shall accept the petition.

Sec. 29.80.081. ELECTION. (a) The Local Boundary Commission shall immediately notify the secretary of state of its acceptance of a dissolution petition. Within 30 days after notification, the secretary of state shall order an election within the city to determine whether the voters desire dissolution. The election shall be held not less than 30 nor more than 90 days after the election order. The election may be held at the same time as the election for the incorporation of a borough, however, the question of dissolution shall appear on a separate ballot and only city voters may vote on the question.

(b) A person who is a qualified voter of the city may vote in the dissolution election.

(c) The secretary of state 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 secretary of state shall certify the election results. If dissolution is approved, he shall declare that the municipality is dissolved effective on the date of certification. The certificate of election shall be transmitted to the Local Affairs Agency which shall record a copy in the recording district in which the dissolved city is located.

Sec. 29.80.091. SUCCESSION. The government succeeding to a dissolved city shall assume all its rights, powers, duties, assets and liabilities as provided for special districts in AS 07.10.130 - 07.10.140.

Sec. 29.80.101. CHALLENGE OF LEGALITY. No person may challenge the dissolution of a city except within six months of its dissolution.

* Sec. 9. The following laws are repealed: AS 29.10.006(b), AS 29.10.006(c), AS 29.10.009, AS 29.10.012, AS 29.10.015, AS 29.10.018, AS 29.10.021, AS 29.10.024, AS 29.10.543, AS 29.10.546, AS 29.10.549, AS 29.15.020, AS 29.15.030, AS 29.15.040, AS 29.15.050, AS 29.15.060, AS 29.15.070, AS 29.15.080, AS 29.15.090, AS 29.15.100, AS 29.20.020, AS 29.20.030, AS 29.20.040, AS 29.20.050, AS 29.25.040, AS 29.25.050, AS 29.25.060, AS 29.25.070, AS 29.25.080, AS 29.25.090, AS 29.25.100, AS 29.25.110, AS 29.25.130, AS 29.25.140, AS 29.25.150, AS 29.25.160, AS 29.25.500, AS 29.80.010, AS 29.80.020, AS 29.80.030, AS 29.80.040, AS 29.80.050.