

KENAI PENINSULA BOROUGH

ORDINANCE NO. 56

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE KENAI PENINSULA BOROUGH TO PROVIDE FOR THE ESTABLISHMENT OF SERVICE AREAS TO EXERCISE ONE OR MORE GOVERNMENTAL POWERS AUTHORIZED BY LAW.

BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. The Code of Ordinances of the Kenai Peninsula Borough is hereby amended by adding Title 27, to be entitled "Service Areas", and a new chapter under that title, including sections 27.10.05 - 27.10.10, to read as follows:

CHAPTER 10. SERVICE AREAS

Section 27.10.05. Initiation of Service Areas by Petition

(a) Initiation. The citizens of any given area may petition the borough assembly for establishment of a service area to perform one or more governmental services authorized by law.

(b) Form and Requirements. The petition shall be in a form prescribed by the borough assembly and shall include (1) a designation of the governmental service to be exercised by the service area, (2) a map which includes a legal description of the area to be encompassed by the proposed service area, and (3) the signatures of eligible voters within the area comprising the proposed service area in a number equal to at least fifteen (15%) percent of the eligible voters within the area comprising the proposed service area who voted in the last general election of the Kenai Peninsula Borough. The petition when signed shall be filed with the borough clerk. The borough clerk shall proceed to make a determination as to the validity of the signatures on the petition and whether the petition contains the required number of signatures. The borough clerk shall then deliver the petition to the chairman.

(c) Chairman action. Upon receipt by the chairman of the petition from the borough clerk, the chairman shall make a survey and report to the assembly concerning the need for and the estimated cost of the service area.

The report shall contain a plan defining the service area, stating the total assessed valuation within the area proposed to be established as a service area and giving the population of the area proposed to be established as a service area. The report of the chairman shall be made to the assembly in written form at least fifteen (15) days before a public hearing on the necessity for the proposed service area.

(d) Public Hearing. The assembly or chairman shall fix the time and place of a public hearing within the boundaries of the area proposed to be established as a service area, which public hearing may be continued from time to time as the assembly may decide. The public hearing shall consider the necessity for the proposed service area. Notice of the hearing shall be published in a newspaper of general circulation in the proposed service area not less than one (1) week prior to the hearing, the notice of the hearing to be posted in each post office which is utilized by the residents of the proposed service area. After hearing the interested persons favoring or opposing the proposed service area, the assembly may extend or shorten the boundaries of the proposed service area and may introduce an ordinance at the next regular meeting of the borough assembly to establish the proposed service area with whatever boundary changes are made by the assembly as a result of the information received on the petition and at the public hearing.

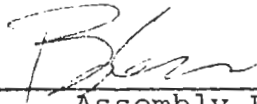
(e) Service Area Ordinance. The ordinance establishing a service area may provide for appointed or elected boards to supervise the furnishing of special services in the service area, and determine that the new service cannot be provided by any existing service area, or by annexation to a city or incorporation as a city.

(f) Election. If the borough assembly shall by ordinance establish a service area, the proposition whether or not to exercise the particular governmental power for which the service area has been established shall be placed on the ballot at the next general or a special election of the borough. If the ordinance establishing the service area has provided for elected boards to supervise the furnishing of special services in the service area, then the candidates for election to such board shall be placed on the ballot at the same election for election by the qualified voters residing within the service area.

Section 27.10.10. Establishment of Service Areas by Assembly Action. The borough assembly may at any time initiate its own inquiry into the need for service areas for the performance of governmental services within the Kenai Peninsula Borough and may call for a public hearing pursuant to this chapter within any such areas where it determines there may be a need for the establishment of service areas.

Section 2. This ordinance becomes effective immediately upon its passage and approval according to law.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 17 DAY OF October, 1967.



Assembly President

ATTEST:



Borough Clerk

