

Introduced by: Mayor
Date: May 20, 1975
Action: FAILED TO BE SET
FOR HEARING
Action: ON AUGUST 5, 1975,
RESCINDED PREVIOUS
ACTION OF MAY 20, 1975,
Hearing: August 19, 1975
Action: Failed 8/19/75
Vote: 63.66 "Yes" to 58.34 "No"

KENAI PENINSULA BOROUGH

ORDINANCE 75-40

AN ORDINANCE PROVIDING REAL PROPERTY TAX EXEMPTIONS FOR
RESIDENTIAL PROPERTY OWNED AND OCCUPIED BY RESIDENTS.

WHEREAS, rapidly escalating values of real property place a burden on owners and occupants of residential property in the borough--particularly those on fixed incomes; and

WHEREAS, AS 29.53.025 authorizes a municipality to exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election to a maximum of \$10,000 for any one residence; and

WHEREAS, it is anticipated and hoped that the Legislature of the State of Alaska will eventually raise this maximum; and

WHEREAS, the Kenai Peninsula Borough has sufficient sources of revenue in other real and personal property and sales taxes to provide for governmental needs without taxing the full assessed value of residential property owned and occupied by a resident; Now Therefore,

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

Section 1: KPC 25.05 is amended to add a new section to be numbered KPC 25.05.052 to read as follows:

- (a) One piece of residential real property, owned or partly owned, and occupied as a permanent place of abode by a resident, not subject to exemption under AS 29.53.020 (e) or KPC 25.05.051, shall be exempt from taxes levied on real property by the Kenai Peninsula Borough to the

extent allowed by AS 29.53.025 as it now exists.

- (b) Only one exemption may be granted with respect to the same property and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall decide between or among themselves which shall receive the benefit of the exemption.
- (c) No exemption under this section may be granted except upon written application for the exemption on a form prescribed by the assessor. The claimant must file the application no later than January 15 of the assessment year for which the exemption is sought and must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. The assessor may at any time require proof in the form he considers necessary of the right and amount of an exemption claimed under this section. The decision of the assessor may be appealed to the Borough Assembly.

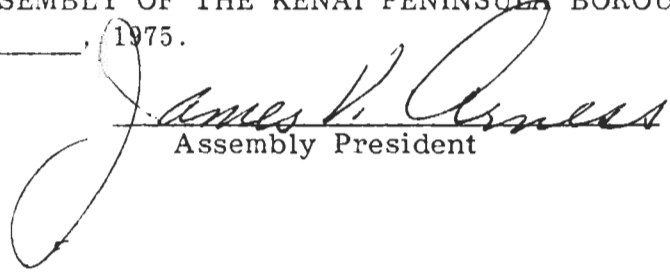
Section 2: There shall be placed on the ballot for the regular borough election of October 7, 1975, with appropriate proposition number to be designated by the Clerk, the following question:

"Shall Kenai Peninsula Borough Ordinance 75-40 providing for an exemption from real property taxes, levied by the borough only, against one piece of residential real property, owned or partly owned, and occupied as a permanent place of abode by a resident to a maximum of \$10,000?"

Section 3: Section 2 of this ordinance shall take effect on the day after its enactment, and Section 1 shall take effect after December 31, 1975, provided that this ordinance is duly ratified by the electorate at the regular borough election of October 7, 1975.

FAILED

~~ADOPTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 19 DAY OF August, 1975.


Assembly President

ATTEST:


Borough Clerk

Kenai Peninsula Borough
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Ordinance Failed

SUGGESTED AMENDMENT TO ORDINANCE 75-40

I move to amend Section 1 of Ordinance 75-40 by deleting from the fifth line of the proposed KPC 25.05.052 (a) the wording "By the Kenai Peninsula Borough" and substituting the wording "For general borough purposes" and to amend Section 2 by deleting from the ballot question the wording beginning at the end of the second line "By the borough" and substituting the wording "For general borough purposes".



SUGGESTED AMENDMENT TO ORDINANCE 75-40

I move to amend Section 1 of Ordinance 75-40 by deleting the proposed wording for KPC 25.05.052(c) and substituting the following wording:

- (c) No exemption under this section may be granted except upon written application for the exemption on a form prescribed by the assessor. The claimant must file the application no later than May 1 of the assessment year for which the exemption is sought, but during the same year the assembly for good cause shown may waive the claimant's failure to make timely application for the exemption for that year and authorize the assessor to accept the application as if timely filed. The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed within the required time and is approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If a claimant whose failure to file by May 1 of the assessment year has been waived as provided in this subsection and the application for exemption is approved, the amount of tax which the claimant may already have paid for the assessment year with respect to the property exempted in excess of the tax due after the allowance of the exemption, if any, shall be refunded to him. The assessor may at any time require proof in the form he considers necessary of the right and amount of an exemption claimed under this section. The decision of the assessor may be appealed to the borough assembly.



SUGGESTED AMENDMENT TO ORDINANCE 75-40

I move to amend Section 2 of Ordinance 75-40 by inserting at the end of the ballot question and just before the question mark the two additional words "Be ratified".

