

**PETERSBURG BOROUGH
ORDINANCE #2022-08**

AN ORDINANCE PROPOSING AN AMENDMENT TO SECTION 14.02A (SERVICES TO BE PROVIDED ONLY BY SERVICE AREA) OF THE HOME RULE CHARTER OF THE PETERSBURG BOROUGH, AND DIRECTING THAT THE PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE QUALIFIED VOTERS OF THE BOROUGH

WHEREAS, Section 14.02A, *Services to be Provided Only by Service Area*, of the Borough Charter lists powers of the Borough that are to be exercised only through the establishment of service areas; and

WHEREAS, this listing at paragraph 3 of Section 14.02A includes the collection of solid waste; and

WHEREAS, this listing at paragraph 4 of Section 14.02A includes water, sewer and electric services; and

WHEREAS, except for paragraphs 3 and 4, the powers listed in Section 14.02A are ones generally paid for through general real property taxation, rather than by costs charged directly to individual property owners; and

WHEREAS, paragraph 3 would purport to require creation of a new service area outside of Service Area No. 1 even in an instance where an individual property owner wishes to obtain and pay for garbage collection; and

WHEREAS, paragraph 4 would purport to require creation of a new service area outside of Service Area No. 1 even where the costs of extension of utility service to a property are being requested and paid for wholly by the property owner to receive the service; and

WHEREAS, requiring creation of a service area in such instances -- where the cost of utility installation is voluntarily paid for in full by the new service holder, or where an individual property owner wants to obtain waste collection -- is not a practical application of service area requirements and would substantially hinder borough residents who live outside of Service Area No. 1 and who wish to pay the costs to hook up to or access nearby utilities; and

WHEREAS, in each instance, the property owner would be charged the standard utility rates established in borough code for the service, and a service area is not needed to collect monthly charges imposed after service is initiated; and

WHEREAS, nothing in this amendment would alter the intent of Section 14.02A, to ensure that residents did not receive services from the borough that they don't want without the opportunity to vote on those services; and

WHEREAS, Petersburg Borough Charter Section 18.02, entitled Election, specifies that any proposed charter amendment shall be submitted to the qualified voters of the Borough.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, that the following proposed amendment to the Home Rule Charter of the Petersburg Borough be submitted to the qualified voters of the Borough at the next regular or special election occurring more than 90 days after adoption of this ordinance.

Section 1. Classification: This is a non-code ordinance, however the proposed borough charter amendment set out below is of a permanent nature and, if approved by the voters, shall be reflected in the Petersburg Borough Charter.

Section 2. Purpose: The purpose of this ordinance is to propose a charter amendment to the Borough voters that would allow for extension of water, sewer, electric, and solid waste collection services to properties without establishment of a service area where any costs and expenses of any installation of the service, and monthly charges thereafter, would be paid for by the property owner receiving the new service.

Section 3. Substantive Provisions:

a) Proposed Charter Amendment – Sections 14.02A of the Charter: The new language proposed is in **red and underlined**.

Section 14.02 - Services to be Provided Only by Service Area.

A. The following powers shall be exercised only through service areas:

1. The establishment and operation of police departments, the hiring of police officers or the contracting for the services of police officers;
2. The establishment and operation of fire and emergency medical services departments, the hiring of firefighters and the contracting for fire fighting services;
3. The collection but not disposal of solid waste, **except where collection is being requested and voluntarily paid for by the owner of the property to receive such service;**
4. Water, sewer and electric services, **except where the extension of such utility service is being requested and voluntarily paid for by the owner of the property to receive such service;**
5. Street construction and maintenance;
6. Building code enforcement;
7. Parks and recreation; and
8. Animal control

B. Until otherwise changed, those areas which were, at the time this Charter was approved, a part of the former City of Petersburg's public water system or sanitary sewage system or which were within the boundaries of the former City of Petersburg shall be included within a service area for each and all of the above powers and for the power to build, operate, maintain and replace the public water system, sanitary sewage services, roads, bridges, sidewalks, culverts, storm sewers and drainage ways.

C. All other service areas in existence on the date this Charter becomes effective shall continue in effect until such time as changed as provided in this article and the borough shall exercise the same powers within those service areas as were exercised by the former governing body.

D. Nothing in this Charter except section 14.06 prohibits the borough from exercising any other power on a non-areawide basis or through service areas.

E. No areawide power shall be interpreted to include or authorize any of the powers described in 14.02 A.

b) Submittal to Voters: The question to be submitted to the voters shall read substantially as follows:

Proposition #___

Providing that Creation of a Service Area is not Required when Extension of Utility Service to a Property is Requested and Paid for by the Property Owner

Shall Section 14.02A(4) of the Petersburg Borough Charter be amended to provide that the creation of a service area is not required where the extension of water, sewer, electric or solid waste collection to a property is requested and will be paid for by the property owner?

- YES
- NO

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

Section 5. Effective Date: This ordinance shall be effective upon adoption. The proposed borough charter amendment set forth herein, if approved by the voters, shall become effective immediately upon certification of the election results.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 5th day of July, 2022.

Jeigh Stanton Gregor, Vice Mayor

ATTEST:

Rebecca A. Regula, Deputy Borough Clerk

Adopted:
Published:
Effective: Ordinance effective upon adoption. Charter Amendment effective upon Voter Approval and Certification of Election Results.