

HAINES BOROUGH

ORDINANCE 09-08-215

Adopted

AN ORDINANCE OF THE HAINES BOROUGH AMENDING TITLE 7, TO CHANGE THE PROCESS FOR EXPANDING OR REDUCING ROAD MAINTENANCE SERVICE AREA BOUNDARIES.

BE IT ORDAINED:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 7, to change the process for expanding or reducing road maintenance service area boundaries. The code is amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

7.04.050 Expansion, ~~or~~ reduction, or consolidation of service areas.

~~Ordinances to expand or reduce the size of the~~ **A. Ordinances expanding, reducing, or consolidating the boundaries of a service area shall require separate ratification by the voters in the area of expansion, ~~or~~ reduction, or consolidation as well as ratification by the voters in the existing or remaining service area.**

B. Exceptions

HBC 7.04.050(A) does not apply to the following (reference AS 29.25.450):

1. Voters residing in a subdivision or parcel proposed to be added to a road maintenance service area if roads maintained by the service area provide the only access to the subdivision or parcel or provide access to the subdivision or parcel that is required by the subdivision plat or by other regulation or ordinance.

2. A change in the boundaries of a road maintenance service area to exclude a subdivision or parcel that does not rely on the use of roads maintained by the service area for the subdivision's or parcel's only access or for access that is required by the subdivision plat or by other regulation or ordinance.

C. Procedures

1. Ordinances to expand, reduce, or consolidate a service area that are subject to the requirements of HBC 7.04.050(A) shall be submitted as part of a by-mail election to individuals residing in the subject areas who are registered to vote in the Haines Borough.

a. The clerk shall conduct the election according to the procedures and requirements of HBC 2.68 except that this election may be conducted solely by-mail.

b. The ordinance shall become effective immediately following successful voter ratification.

2. Expansion or reduction requests exempted under HBC 7.04.050(B) shall be subject to the following procedure:

a. Individual property owners within reasonable proximity to a service area, may petition the service area board to join or leave the service area. Petitions must be written and shall contain reasons for the request.

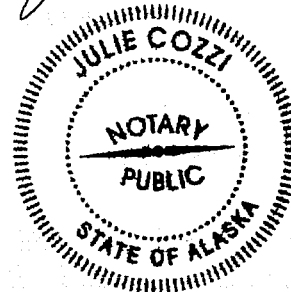
b. The board shall review the request and provide a recommendation to the borough assembly for consideration. No property owner may join or leave an existing service area without assembly approval.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THE 8TH DAY OF SEPTEMBER, 2009.

Attest:

Julie Cozzi
Julie Cozzi, Borough Clerk

Janice Hill
Janice Hill, Borough Mayor



Date Introduced: 08/11/09
Date of First Public Hearing: 08/25/09
Date of Second Public Hearing: 09/08/09 - Adopted