

## **Chapter 04. Classification of Municipalities.**

### **Section**

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### **Sec. 29.04.010. Home rule.**

A home rule municipality is a municipal corporation and political subdivision. It is a city or a borough that has adopted a home rule charter, or it is a unified municipality. A home rule municipality has all legislative powers not prohibited by law or charter. (§ 3 ch 74 SLA 1985)

**Sec. 29.04.020. General law.**

A general law municipality is a municipal corporation and political subdivision and is an unchartered borough or city. It has legislative powers conferred by law. (§ 3 ch 74 SLA 1985)

**Sec. 29.04.030. Classes of general law.**

General law municipalities are of five classes:

- (1) first class boroughs;
- (2) second class boroughs;
- (3) third class boroughs;
- (4) first class cities;
- (5) second class cities. (§ 3 ch 74 SLA 1985)

**Sec. 29.04.040. Reclassification of cities.**

(a) A second class city may be reclassified as a first class city. A first class or home rule city may be reclassified as a second class city. Reclassification is proposed by filing a petition with the department. The department shall investigate the proposal and report its findings to the Local Boundary Commission with its recommendations. The commission shall hold at least one public hearing in the city on the proposal. The commission may amend the petition and may impose conditions on the reclassification. If the commission determines that the reclassification, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations, meets the standards for incorporation under AS 29.05.011 for the class of city proposed in the reclassification petition, and is in the best interests of the state, it may accept the petition. Otherwise, it shall reject the petition. The commission shall notify the city of its decision. The decision may be appealed under AS 44.62 (Administrative Procedure Act)

(b) A petition proposing reclassification may be filed by

- (1) a number of voters equal to 15 percent of the number of votes cast in the city at the preceding regular election; or
- (2) the council.

(c) *[Repealed, § 31 ch 58 SLA 1994.]*

(d) The council shall, within 30 days after receiving notification from the Local Boundary Commission that a petition has been accepted, order an election on the question of reclassification. The election shall be held at least 30 days after the order and not later than the next regular election occurring after the 30-day period. If more than one question is to be voted on at the election, each shall appear separately on the ballot.

(e) The council shall certify the election results to the department. If the majority of votes cast is favorable, the city is reclassified 30 days after certification of the election results. (§ 3 ch 74 SLA 1985; am §§ 2 — 5, 31 ch 58 SLA 1994; am §1 ch 86 SLA 1999)

**Effect of amendments.** — The 1999 amendment, effective September 28, 1999, made changes to subsection (a). The 1994 amendment, effective August 22, 1994, in subsection (a), rewrote the first sentence, made a related stylistic change, and added the second through eighth sentences; in subsection (b), rewrote the introductory language, deleted “may file a petition

with the council” following “regular election” in paragraph (1), and deleted “may propose reclassification” following “the council” from the end of paragraph (2); repealed subsection (c), relating to reclassification public hearings; in subsection (d), in the first sentence, substituted “after receiving notification from the Local Boundary Commission that a petition has been accepted” for “after its findings have been made public”; and, in subsection (e), in the second sentence, substituted “is reclassified 30 days after certification” for “shall be considered reclassified to first class status 30 days after certification.”

**Sec. 29.04.050. Reclassification of second class boroughs.**

A second class borough may reclassify as a first class borough in the manner provided by AS 29.35.320 - 29.35.330 for the addition of an areawide power by a first or second class borough, except the petition or proposal requests reclassification instead of requesting addition of a power. (§ 3 ch 74 SLA 1985)

**Sec. 29.04.060. Reclassification of third class boroughs.**

(a) A third class borough may reclassify as a first or second class borough in the manner provided by AS 29.35.320 - 29.35.330 for the addition of an areawide power by a first or second class borough, except the petition or proposal requests reclassification instead of requesting addition of a power. At the time of voting on reclassification of a third class borough to first or second class status, voters shall vote also on whether the borough shall, on reclassification, retain a combined assembly and school board or elect a separate assembly and board as otherwise provided for first and second class boroughs.

(b) If a combined assembly and school board are approved at the reclassification election, the assembly serving at the time of the election continues to serve as the assembly and board on voter approval of reclassification and until terms of assembly members expire as provided before reclassification.

(c) If a separate assembly and school board are approved at the reclassification election, a school board shall be elected in conformity with AS 14.12.030 - 14.12.100 at the next regular election, if it occurs within 90 days of the date of the reclassification election, or otherwise at a special election within 90 days of the date of the reclassification election. Expiration dates of terms of school board members elected at a special election must coincide with the date of the regular election. Until a board is elected and qualified, the assembly continues to serve as the board. (§ 3 ch 74 SLA 1985)