

Introduced by: Mayor
Date: 08/07/12
Hearing: 09/04/12
Action: Enacted as Amended
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-33**

**AN ORDINANCE AMENDING KPB 14.31.070, CIRCULATION AND FILING OF
PETITION; SIGNATURE REQUIREMENTS, TO CORRECT THE PROCESS FOR
WITHDRAWING A SIGNATURE FROM A PETITION IN SUPPORT OF A ROAD
IMPROVEMENT ASSESSMENT DISTRICT**

WHEREAS, KPB chapter 14.31 provides the process for creating road improvement assessment districts; and

WHEREAS, KPB 14.31.070 improperly provides that a signature on a petition supporting a road improvement assessment district may be withdrawn not less than six months after the date of the signature on the petition and before the filing of the petition with the borough clerk; and

WHEREAS, once the clerk certifies a petition for a road improvement assessment district, the remedy for those who signed the petition and wish to withdraw their support is to file a written objection as provided for in KPB 14.31.090(D) not withdraw their signature from the certified petition; and

WHEREAS, the road service area board at its August 14, 2012, meeting recommended enactment;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB 14.31.070 is amended as follows:

14.31.070. Circulation and filing of petition; signature requirements.

- A. After the road service area board has determined that a special assessment district should proceed, the sponsor may circulate the petition for signature. The petition must be filed with the clerk's office within 30 days of the date of the first signature on the petition.
- B. A signature on a petition may be withdrawn only by written notice from the signer filed with the borough clerk. A withdrawal is effective only if notice of the withdrawal is filed with the borough clerk[:

1. NOT LESS THAN SIX MONTHS AFTER THE DATE OF THE SIGNATURE ON THE PETITION; AND
 - 2.] [B]before the filing of the petition with the borough clerk.
- C. The sponsor shall file the signed petition with the borough clerk. If the borough clerk finds that the petition contains sufficient signatures, the borough clerk shall certify the petition and submit the petition to the mayor for preparation of a resolution to form the district and proceed with the improvement under KPB 14.31.090. The sufficiency of signatures on a petition shall be determined as of the date the petition is filed with the borough clerk. The petition contains sufficient signatures only if it contains the signatures of:
1. The record owners of more than seventy percent of the total number of parcels subject to assessment in the proposed district; and
 2. The record owners of parcels that would bear more than seventy percent of the total assessments in the proposed district.

SECTION 2. That this ordinance takes effect immediately upon its enactment.

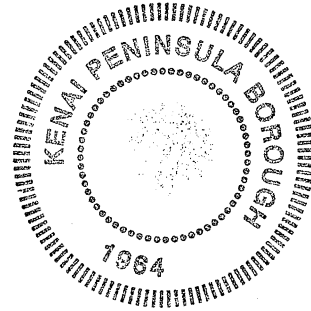
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF SEPTEMBER, 2012.



 Gary Knopp, Assembly President

ATTEST:


 Johni Blankenship, MMC, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Tauriainen, Knopp
 No: None
 Absent: Pierce