

**PETERSBURG BOROUGH
ORDINANCE #2014-16**

**AN ORDINANCE AMENDING SECTION 4.28.130 OF THE PETERSBURG
BOROUGH CODE RELATING TO THE SALES TAX EXEMPTION FOR SENIORS, TO
ADD A ONE YEAR RESIDENCY REQUIREMENT TO QUALIFY FOR A SENIOR
CITIZEN EXEMPTION AND TO ADD A REQUIREMENT OF PRESENCE IN THE
BOROUGH TO MAINTAIN THE CARD, AND DIRECTING THAT THE AMENDMENT
BE SUBMITTED TO THE VOTERS OF THE BOROUGH**

Section 1. Classification: This ordinance is of a permanent nature and the amendment set out herein shall be codified in the Petersburg Borough Code upon ratification by the voters of the Borough.

Section 2. Purpose: The purpose of this ordinance is to amend section 4.28.130 of the Borough Code relating to the sales tax exemption for seniors, and to direct that the amendment be submitted to the voters of the borough for ratification.

Section 3. Substantive Provisions: The Petersburg Borough Code shall be amended as follows:

Section 4.28.130, Exemption for the elderly, introductory language and subparagraph A(1), are amended as follows, by inserting, for qualification purposes, a one year residency requirement, and for maintenance purposes, a physical presence requirement within the borough, with the language proposed for deletion struck through, and the new language in bold and underlined:

4.28.130 - Senior Citizen ~~Exemption for the elderly.~~

A sale to a qualified senior citizen is exempt from borough sales tax in accordance with the provisions of this section.

A. For purposes of this section:

1. A ~~qualified local resident~~ senior citizen is **a person who has obtained and maintained a senior citizen tax exemption card. A person is eligible to receive a tax exemption card if the person** ~~anyone~~ **(i) is** ~~is~~ sixty-five years of age or older, **(ii) who has a their permanent place of abode** ~~physical address~~ within the Petersburg Borough prior to requesting a sales tax exemption card, **(iii) has resided within the Petersburg Borough for at least one year immediately preceding the date of application and with intent intends** ~~to remain in the Petersburg Borough indefinitely and to make a home in the Petersburg Borough and~~ **(iv) was physically present in the Borough a minimum of 185 days in the 12 month period immediately preceding the date of application.** A person demonstrates ~~intent~~ **residency** under this subsection by maintaining a principal place of abode in the borough, by **maintaining** ~~obtaining~~ a valid driver's license or valid voter registration card **with a residence within the borough,** and/or by providing other acceptable proof of residency within the borough boundaries **acceptable to the finance director, including demonstrating eligibility for a permanent fund dividend under A.S. 43.23.005 at a residence within the borough.** A **qualified** ~~local resident~~ may apply for and be issued by the finance director, or director's designee, a senior citizen sales tax exemption card free of charge. The card is only valid while residency is maintained within the borough boundaries.

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 the application to other persons or circumstances shall not be affected.

Section 5. Submission to Voters:

A. In accordance with subsection 12.02B of the Borough Charter, the Borough Clerk shall submit the amendment set out in Section 3, as a single proposition, to the voters of the borough at the next regular election to be held on October 7, 2014.

B. The proposition to be submitted to the voters shall read substantially as follows:

Proposition #6

Establishing a One Year Residency and Physical Presence Requirement for Purposes of obtaining a Senior Citizen Sales Tax Exemption

Shall Ordinance #2014-16, requiring that a senior citizen be a resident of the Petersburg Borough for at least one year, and physically present in the Borough for 185 days in the 12 month period immediately prior to application, in order to be eligible for a senior citizen tax exemption, be ratified (approved) by the voters?

☐ Yes
☐ No

Section 6. Effective Date/Coordination with Ordinance 2014-12: The amendment set forth in this ordinance, if ratified (approved) by the majority of the qualified voters of the borough voting on the question, shall become effective January 1, 2015. Ordinance 2014-12 makes an additional exemption eligibility change to subsection 4.28.130(A)(1) and is also separately before the voters at the October 7, 2014 election. If both ordinances are ratified, the amendment set forth in Ordinance 2014-12 will be incorporated into subsection (A)(1) as specified in section 6 of that Ordinance.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of July, 2014.

Mark Jensen, Mayor

ATTEST:

Kathy O'Rear, Clerk

Adopted:
Published:
Effective: