

**PETERSBURG BOROUGH  
ORDINANCE #2017-02**

**AN ORDINANCE AMENDING PETERSBURG MUNICIPAL CODE CHAPTER 2.44,  
INITIATIVE AND REFERENDUM, TO CHANGE THE TIMING REQUIREMENTS TO SUBMIT  
MATTERS PROPOSED BY INITIATIVE OR REFERENDUM TO THE QUALIFIED VOTERS  
OF THE BOROUGH SO THAT THEY ARE THE SAME AS SUBMITTING A PROPOSED  
CHARTER AMENDMENT TO THE VOTERS, AND TO REMOVE ANY MANDATE OF  
HOLDING A SPECIAL ELECTION**

**WHEREAS**, current timing requirements to submit matters proposed by initiative or referendum to the qualified voters of the Borough differ from matters relating to submitting Borough Charter amendments to the voters, and the requirements of PMC Chapter 2.44 can force a special election under certain circumstances.

**THEREFORE THE PETERSBURG BOROUGH ORDAINS** as follows:

**Section 1. Classification:** This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

**Section 2. Purpose:** The purpose of this ordinance is to amend the Borough Code to bring the timing requirements to submit matters proposed by initiative or referendum to the qualified voters of the Borough in Borough Code into compliance with the timing requirements to submit Borough Charter amendments to the voters, and to remove any mandate of a special election.

**Section 3. Substantive Provisions:** Sections 2.44.020, 2.44.090, and 2.44.100 of the Petersburg Borough Municipal Code Chapter 2.44, Initiative and Referendum, shall be amended to read as follows:

**Chapter 2.44 INITIATIVE AND REFERENDUM**

**Sections:**

**2.44.020 - Application for petition.**

A. An initiative or referendum is proposed by filing an application with the borough clerk containing the ordinance or resolution to be initiated or the ordinance or resolution to be referred and the name and address of a contact person and an alternate to whom all correspondence relating to the petition may be sent. The application shall be signed by at least ten borough voters who will sponsor the petition. Additional sponsors may be added by submitting the name of the sponsor to the borough clerk. ~~An application for initiative petition must be filed with the borough clerk not less than 180 days before the next regular election.~~ Within two weeks of receipt of an application the borough clerk shall certify the application if the borough clerk finds it is proper in form and, for an initiative petition, conforms to paragraph B. Within two weeks of certification of the application, the borough clerk shall prepare a petition and notify the contact person in writing when the petition is available. The contact person is responsible for notifying sponsors. Copies of the petition shall be provided by the borough clerk to each sponsor who appears in the clerk's office and requests a petition.

B. A matter to be proposed by initiative must be limited to a single, comprehensive subject, must relate to a legislative rather than to an administrative matter, may not include subjects restricted by 2.44.010, and must be enforceable as a matter of law.

#### 2.44.090 - Initiative election.

A. Unless the assembly enacts the measure under paragraph C. hereof, the borough clerk shall, with the assistance of the borough attorney, submit it to the voters at the next regular or special election **occurring more than 90 days after the clerk's certification of a sufficient initiative petition**. ~~If no regular or special election occurs within 90 days of the clerk's certification of a sufficient initiative petition, the borough assembly shall submit the measure to the voters at a special election held no later than 90 days after certification~~ The ordinance or resolution shall be published in full in the notice of election but may be summarized on the ballot to indicate clearly the proposal submitted.

B. If a majority of those voting favor the proposal, it becomes effective when the election results are certified by the assembly, sitting as the canvass board, unless the ordinance or resolution provides for a different effective date.

C. The assembly may, at any time not less than six weeks from the date of the election, adopt an ordinance or resolution to implement the measure. In that event, the petition is void and the matter will not be placed before the voters.

#### 2.44.100 - Referendum election.

A. When a petition seeks a referendum vote of an ordinance or resolution, the borough clerk shall submit the ordinance or resolution to the voters of the borough at the next regular or special election **occurring more than 90 days after the clerk's certification of a sufficient referendum petition**. ~~If no regular or special election occurs within ninety days of the clerk's certification of a sufficient referendum petition, the borough assembly shall submit the measure to the voters at a special election held no later than 90 days after certification.~~

B. If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter becomes effective on certification of the election.

C. If the borough assembly repeals the ordinance or resolution at any time not less than six weeks before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

**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 of other persons or circumstances shall not be affected.

**Section 5. Effective Date:** This Ordinance shall become effective immediately upon final passage.

**Passed and approved** by the Petersburg Borough Assembly, Petersburg, Alaska this 20<sup>th</sup> day of March, 2017.

Attest:

\_\_\_\_\_  
Mark Jensen, Mayor

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Debra K. Thompson, Borough Clerk

Adopted:  
Published:  
Effective: