

ARTICLE 14. - SERVICE AREAS, AREAWIDE AND NON-AREAWIDE POWERS

Section 14.01 - Areawide and Non-areawide Powers.

Except as otherwise required by this Charter or by applicable state law, all powers of the borough may be exercised on an areawide, or non-areawide basis except those powers listed in Sections 14.02 () and 14.05 ().

Section 14.02 - Services to be Provided Only by Service Area.

- A. The following powers shall be exercised only through service areas:
 - 1. The establishment and operation of police departments, the hiring of police officers or the contracting for the services of police officers;
 - 2. The establishment and operation of fire and emergency medical services departments, the hiring of firefighters and the contracting for fire fighting services;
 - 3. The collection but not disposal of solid waste;
 - 4. Water, sewer and electric services;
 - 5. Street construction and maintenance;
 - 6. Building code enforcement;
 - 7. Parks and recreation; and
 - 8. Animal control
- B. Until otherwise changed, those areas which were, at the time this Charter was approved, a part of the former City of Petersburg's public water system or sanitary sewage system or which were within the boundaries of the former City of Petersburg shall be included within a service area for each and all of the above powers and for the power to build, operate, maintain and replace the public water system, sanitary sewage services, roads, bridges, sidewalks, culverts, storm sewers and drainage ways.
- C. All other service areas in existence on the date this Charter becomes effective shall continue in effect until such time as changed as provided in this article and the borough shall exercise the same powers within those service areas as were exercised by the former governing body.
- D. Nothing in this Charter except section 14.06 () prohibits the borough from exercising any other power on a non-areawide basis or through service areas.
- E. No areawide power shall be interpreted to include or authorize any of the powers described in 14.02 () A.

Section 14.03 - Creation, Expansion, Consolidation, Alteration and Termination of Service Areas.

Service areas may be established to provide services not provided on an areawide basis or to provide a higher level of service than that provided on an areawide basis.

- A. *Creation of Service Areas.* The assembly may create new service areas only by an ordinance that describes the boundaries of the service area and the powers to be exercised therein and, which is either:
 - 1. Approved by a majority of the voters residing within the proposed new service area; or
 - 2. Consented to in writing by all of the owners of real property within the boundaries of the proposed service area if no voters reside in the proposed service area.
- B. *Expansions or Reductions of Service Areas.* The boundaries of a service area may only be expanded or reduced by an ordinance adopted by the assembly which describes the proposed new boundaries of the service area and the powers to be exercised therein and which is approved by both:
 - 1. A majority of the voters residing within the boundaries of the existing service area or, in the case of a reduction, a majority of the voters who will remain within the boundaries of the service area after the reduction; and

2. A majority of the voters residing in the area which will be added to or subtracted from the existing service area or, if no voters reside within that area, by written consent of all owners of real property within the area which will be added to or subtracted from the existing service area.
- C. *Consolidation of Service Areas.* Service areas may be consolidated for any or all of the services provided in each service area. The consolidation shall be by an ordinance adopted by the assembly and approved by a majority of the voters residing in each of the service areas to be consolidated.
- D. *Expansion or Reduction of Powers.* When a service area has been established for the exercise of one or more powers, the borough may exercise additional service area powers in that service area or reduce the service area powers exercised in that service area only by an ordinance adopted by the assembly and approved by a majority of the voters residing within the service area. But any power, other than those listed in section 14.06 () of this Charter that was previously exercised by the City of Petersburg may, without approval of the voters, be exercised by the borough on and in the area previously known as the City of Petersburg.
- E. *Termination.* Any service area may be terminated only by an ordinance adopted by the assembly which describes the boundaries of the service area and the services to be terminated and which is either:
 1. Approved by a majority of the voters residing within the service area to be terminated; or
 2. Consented to in writing by all of the owners of real property within the boundaries of the service area to be terminated if no voters reside in the service area.The ordinance shall provide for the disposition of the service area's assets and shall provide for payment of the service area's indebtedness and ongoing operational and maintenance expenses from revenues obtained from the service area.
- F. *Majority of Voters.* For purposes of this section the term "majority of the voters" shall mean a majority of the qualified voters casting a ballot on the proposition at a general or special election.

Section 14.04 - Criteria for Establishing Service Areas.

Service areas shall be established according to criteria of need and economic operating efficiency and shall comprise the area to which the services shall be provided. A new service area shall be established only after assembly determination that such services cannot be reasonably provided by an existing service area or by alteration of an existing service area.

Section 14.05 - Financing and Management.

- A. *Service Area Taxes.* The assembly may levy taxes, assessments or other charges within a service area to pay for the costs of that service area. Funds raised by these taxes, assessments and charges shall not be used for any purpose other than to pay for the costs of the service area.
- B. *Supervision of Service Areas.* The assembly may provide for an appointed or elected board to supervise the furnishing of services in a service area or may exercise such supervision by itself. The assembly or board shall determine the cost and levels of service, the means, methods and facilities for providing the service and all requirements for receiving the service.
- C. *Use of Property and Assets of a Service Area.* Until a service area is terminated, revenues, property and assets acquired for the service area shall not be used for any other purpose. Service area equipment, assets, property and personnel may, however, be used for areas beyond the boundaries of the service area when such use is for purposes of mutual aid, intergovernmental assistance or cooperation, law enforcement or emergency services. With the approval of the assembly, service areas may participate in joint ventures, sharing of revenues, equipment, assets, property and personnel, or other mutual assistance and cooperation provided that the service area is reasonably compensated in proportion to the revenues, equipment, property, personnel, and assets it contributes. Reasonable compensation may be in the form of services, money, future obligations, or other forms determined by the assembly.

Section 14.06 - Areawide Powers.

The Borough may exercise all powers of home rule not prohibited by law or this Charter. In addition to all other powers which the borough may exercise on a service area basis, or on an areawide basis listed in other chapters of the Charter, the following powers shall be exercised on an areawide basis:

- A. The power to dispose of solid waste whether through recycling, landfilling or any other means and the power to operate, maintain, monitor, repair or remove landfills including those previously owned or operated by the City of Petersburg whether or not such landfills were in operation or were closed on the effective date of this Charter;
- B. The power to provide public libraries, civic centers, museums and associated services;
- C. The power to provide for hospital and public health services including, but not limited to, those services formerly provided by the City of Petersburg's medical center The power to provide pre-hospital emergency medical services must be exercised as provided in Section 14.02 ()
- D. The power to provide port and harbor facilities and services;
- E. The power to provide cemetery and mausoleum services.
- F. The power to provide 911 emergency dispatch services;
- G. The power to provide economic development; and
- H. The power to provide disaster planning, emergency communications and emergency response.