

Introduced by: Mayor  
Date: 10/27/15  
Hearing: 12/08/15  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2015-26**

**AN ORDINANCE AMENDING THE NOTICE REQUIREMENTS IN KPB 5.35.150(C)  
AND KPB 14.31.100(B) TO ALLOW ORDINANCES OF ASSESSMENT TO BE HEARD  
AT LEAST 13 DAYS AFTER INTRODUCTION AS ALLOWED IN KPB 1.12.010**

- WHEREAS**, KPB Chapter 5.35 sets out the procedure for utility special assessment district (USAD) formation; and
- WHEREAS**, KPB Chapter 14.31 sets out the procedure for road improvement assessment district (RIAD) formation; and
- WHEREAS**, KPB 1.12.010 establishes the procedure for the introduction, hearing, and vote on ordinances; and
- WHEREAS**, KPB 1.12.010 was amended by Ordinance 2014-38, which reduced the amount of time between the date certain ordinances are introduced and the date of public hearing and assembly vote from 25 days to at least 13 days; and
- WHEREAS**, ordinances that may be heard at least 13 days between the date of introduction and the public hearing under KPB 1.12.010 are those that are not emergency ordinances or which do not add to, amend, or repeal any provision in the Kenai Peninsula Borough Code; and
- WHEREAS**, under KPB 5.35.150 and KPB 14.31.100, the clerk is required to provide 15 days notice of the ordinances of assessment by mailing such notice directly to the affected property owners; and
- WHEREAS**, the 15-day notice requirement means that ordinances of assessment cannot take advantage of the shorter hearing schedule now allowed; and
- WHEREAS**, amending KPB 5.35.150 and KPB 14.31.100 to allow ordinances of assessment to be heard at least 13 days after introduction is in the best interests of the borough as it is consistent with the purpose of Ordinance 2014-38, to improve borough efficiency; and
- WHEREAS**, this amendment would have no impact on the ability of the assembly to schedule the hearing for a later date or postponing it;

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

**SECTION 1.** That KPB 5.35.150(C) is hereby amended as follows:

**5.35.150—Ordinance of assessment.**

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- C. Prior to enactment of the ordinance of assessment, the assembly shall:
1. Fix a time to hear objections to the assessment roll;
  2. Provide that the borough clerk publish notice of the ordinance of assessment as required under KPB 22.40.010(D); and
  3. Provide that the borough clerk notify the owners of record of the parcels to be assessed for the improvement by regular mail not less than [15] 10 days before the hearing; the notice shall include notice of individual assessment and notice of the time and place of the hearing.

**SECTION 2.** That KPB 14.31.100(B) is hereby amended as follows:

**14.31.100—Ordinance levying assessments.**

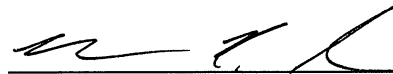
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- B. The borough clerk shall give notice of the public hearing on the ordinance:
1. By regular mail mailed not less than [15] 10 days before the date of the hearing to each record owner of a parcel in the district; and
  2. By publication as required by KPB 22.40.010(D).

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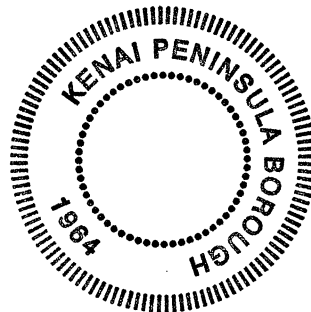
**SECTION 3.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF DECEMBER, 2015.**

  
Blaine Gilman, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, McClure, Ogle, Welles, Gilman  
No: None  
Absent: None