# NOTICE OF REGULAR ELECTION

**Petersburg Borough**

**OCTOBER 3, 2017 MUNICIPAL ELECTION**

**NOTICE IS GIVEN** that on Tuesday, October 3, 2017, there will be a Regular Election for the Petersburg Borough, Alaska, for the purpose of electing:

One Mayor

Two Assembly members

Two School Board members

Five Hospital Board members

Four Planning Commission members

Three Harbor and Ports Advisory Board members

Three Library Advisory Board members

Three Public Safety Advisory Board members

**The polls for the election will be open 8:00 a.m. to 8:00 p.m. on October 3, 2017. The polling place for the election is the Community Center Activity Room.**

## Voter Qualifications:

To vote in this election, you must: 1) Be a United States citizen qualified to vote in the State of Alaska elections and registered to vote in the State of Alaska; 2) at least eighteen (18) years of age; 3) a resident of the Petersburg Borough for at least thirty (30) days preceding the election; and 4) not disqualified under Article V of the State of Alaska Constitution as recited in Section 2.08.030.

## Absentee Voting:

Any qualified elector who is absent or expects to be absent from the Borough, or who will be unable to go to the polling place for reasons of physical disability on the day of the Election, may vote by absentee ballot. Absentee ballots will be available in the Borough Clerk’s office of the Municipal Building, 12 S. Nordic Drive, beginning Wednesday, September 13, 2017. Voters wishing to receive an absentee ballot by mail must make request for an absentee ballot to the Clerk’s office no later than 5:00 p.m., Thursday, September 28, 2017. Voters may vote by absentee ballot at the Clerk’s Office through twelve noon (12:00 p.m.), Monday October 2, 2017.

**IN ADDITION:**

There are 7 ballot proposals that will be voted upon:

**Proposition #1**

**Allowing the City of Kupreanof to Own and Operate a Harbor Facility Within the Petersburg Borough**

**Shall the Petersburg Borough Charter be amended to allow the City of Kupreanof to own and operate a harbor facility within the Petersburg Borough?**

**O YES**

**O NO**

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**Proposition #2**

**Increasing the Single Sale Exemption Cap**

**Shall the Petersburg Borough Code Chapter 4.28, entitled Sales Tax, be amended to increase the sales tax exemption cap for a single sale of goods or services within the Petersburg Borough from $1,200 to $1,500?**

**O YES**

**O NO**

*A Yes vote means that a buyer will pay Petersburg Borough sales tax on the first $1,500 of any single purchase.*

*A No vote means that a buyer will continue to pay Petersburg Borough sales tax on the first $1,200 of any single purchase.*

*A single purchase includes all goods purchased from a single retailer at the same time or within a 24-hour period, or all services purchased within a 30-day period for a specific job or task.*

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**Proposition #3**

**Limiting the Sales Tax Exemption for Sales of Goods for Use Outside the Borough**

**Shall the Petersburg Borough Code Chapter 4.28, entitled Sales Tax, be amended to limit the exemption for sales of goods to be used outside the borough to those ordered either online or by telephone or mail from outside the borough, to a buyer who resides or has its principal place of business outside the borough, and the goods are delivered to the buyer at a location outside the borough via common carrier or the U.S. Postal Service?**

**O YES**

**O NO**

*A Yes vote will limit the exemption only to sales made to nonresident buyers not physically present in the borough at the time of the sale, placing the order from outside the borough either online or by telephone or mail, where the goods purchased will be delivered for use outside of the borough.*

*A No vote means that all sales made within the borough by a nonresident buyer who is physically present in the borough at the time of the sale, where the goods purchased will be delivered for use outside of the borough, will continue to be exempt from Petersburg Borough sales tax.*

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**Proposition #4**

**Use of up to $500,000 of the Economic Fund Towards Cost Sharing the Development of a Small Vessel Haul Out and Work Yard at Scow Bay**

**Shall the Petersburg Borough be authorized to spend up to a total of $500,000 from the Borough Economic Fund for local cost sharing necessary to develop a small vessel haul out and work yard at the Scow Bay Turnaround? Additional funding needed for the project would be sought from federal and state granting agencies.**

**O YES**

**O NO**

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**Proposition #5**

**To Provide a Qualified Exemption from Municipal Real Property Taxation for Structures Containing Approved Fire Protection Systems**

**Shall two percent (2%) of the assessed value of structures containing approved fire protection systems be exempt from municipal real property taxation?**

**O YES**

**O NO**

*An exemption under this provision would be limited to an amount that does not exceed two percent of the value of the structure based on the assessment (1) for 1981, if the fire protection system was a fixture of the structure on January 1, 1981; or (2) as of January 1 of the year immediately following the installation of the fire protection system, if the fire protection system became a fixture of the structure after January 1, 1981.*

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**Proposition #6**

**Permitting the Operation of Off-Highway Vehicles on Certain Streets Within the Borough – Proposed by Initiative Petition #2017-01**

**This ordinance would amend the Borough Code to specifically permit operation of off-highway vehicles (not including snowmobiles) on Borough-owned and maintained streets subject to specific operating rules and other requirements, and to establish fines for noncompliance. This ordinance would require Borough registration of off-highway vehicles to be operated on Mitkof Island. This ordinance would not permit operation of off-highway vehicles on Mitkof Highway, South Nordic Drive or Haugen Drive.**

**Should this ordinance be enacted into law?**

**O YES**

**O NO**

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**Proposition #7**

**Prohibiting the Addition of Fluoride to the Borough Public Water System – Proposed by Initiative**

**Petition #2017-02**

**The Petersburg Borough currently adds fluoride to its public water supply. This ordinance would prohibit the Borough from continuing to fluoridate the public water supply.**

**Should this ordinance be enacted into law?**

**O YES**

**O NO**

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**The ordinances for Propositions #6 and #7 are printed in full below per the requirements of PMC 2.44.090A:**

**AN ORDINANCE TO AMEND PETERSBURG MUNICIPAL CODE TO ALLOW FOR THE OPERATION AND USE OF OFF-HIGHWAY VEHICLES ON BOROUGH-OWNED AND MAINTAINED STREETS, HIGHWAYS, OR WAYS OPEN TO THE PUBLIC AND LOCATED WITHIN THE JURISDICTION OF THE PETERSBURG BOROUGH**

**WHEREAS,** current municipal code does not allow for the operation and use of off-highway vehicles on roads within the jurisdiction of the Petersburg Borough.

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

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

**Section 2. Purpose:** The purpose of this ordinance is to submit to the voters of the Petersburg Borough the question of whether the Petersburg Borough should amend Borough Code to allow for the operation and use of off-highway vehicles (OHV) as long as operators and equipment conform with the provisions set forth in this ordinance. This ordinance only allows for the operation of OHVs on Borough-owned and maintained streets within the jurisdiction of the Petersburg Borough.

**Section 3. Substantive Provisions:** Amending the Petersburg Borough Code as follows: to amend paragraphs A-E of section 11.12.020 to add references to off-highway vehicles; to add a new paragraph L to section 11.12.020, permitting off highway vehicle usage on borough-owned and maintained roads and imposing conditions on such usage; to add a new section 11.30 requiring registration of off highway vehicles when used on Mitkof Island; and to impose fines for violations of the conditions on such usage, under section 1.16.030. The language proposed for addition to the Code is in **bold and underlined**:

I. Amended Section: 11.12.020 Miscellaneous operating rules.

1. *Drivers must be licensed.* It is unlawful for a person to operate a motor vehicle **or off-highway** **vehicle (OHV)**, or exercise any degree of physical control of a motor vehicle **or OHV**, upon a street, highway or way open to the public within the borough, without having, in his or her possession, a valid driver's license.
2. *Driving while license is canceled, suspended, revoked, or in violation of a limitation.* It is unlawful for a person to drive a motor vehicle **or OHV**, upon a street, highway, or way open to the public within the borough at a time when that person's driver’s license has been canceled, suspended or revoked, or in violation of a limitation placed upon that person’s license.
3. *Permitting unauthorized person to drive.* It is unlawful for a person to authorize or knowingly permit a motor vehicle **or OHV** owned by the person, to be driven upon a street, highway or way open to the public within the borough who is not validly licensed.
4. *Reckless driving.* It is unlawful for a person to drive a motor vehicle **or OHV** in the borough in a manner that creates a substantial unjustifiable risk of harm to a person or property. A substantial and unjustifiable risk is a risk of such a nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.
5. *Negligent driving.* It is unlawful for a person to drive a motor vehicle **or OHV** in the borough in a manner that creates an unjustifiable risk of harm to a person or to property and who, as a result of the creation of the risk, actually endangers a person or property. An unjustifiable risk is a risk of such a nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person would observe in the situation.

*[There are no amendments to paragraphs F – K]*

**L. *Off-Highway Vehicles (OHVs).* Pursuant to the authority granted in 13 AAC 02.455(a)(3), and in addition to the circumstances set out in paragraphs (a)(1)-(2), (4), (f) and (g), off highway vehicles may be driven on a roadway or shoulder of a borough-owned and maintained highway in accordance with the following restrictions:**

**1. It is unlawful to operate a vehicle supported in part by skis, including vehicles commonly referred to as snowmobiles, on a street, highway, or way open to the public and located within the Petersburg Borough;**

**2. No person shall operate an OHV faster than the posted speed limit;**

**3. OHVs may be driven only on the extreme right-hand side of the roadway and in the same direction as the roadway motor traffic. OHVs are prohibited from impeding traffic and they are required to pull over at the next available turnout to allow traffic to pass if two or more vehicles are immediately behind them;**

**4. OHVs, except two wheeled vehicles, must be equipped with a fluorescent orange or pink flag measuring at least four inches by ten inches, mounted on the rear of the off- highway vehicle at a height no less than six feet from the ground;**

**5. No person under the age of 18 shall drive, or be a passenger on, an OHV without a DOT approved helmet. OHVs equipped with a full roll cage are exempt from requiring helmets if they are equipped with other passenger restraints such as seat belts;**

**6. Passenger restraints in OHVs must be used at all times by the operator and all passengers when the vehicle is in motion;**

**7. OHVs are not permitted to pass other moving vehicles on the roadway traveling in the same direction;**

**8. All wheels of the OHV must remain in contact with the ground at all times;**

**9. All OHV operators, except those with a motorcycle license, shall carry a certificate of completion of a Borough approved ATV safety course. The online course from the ATV Safety Institute (atvsafety.org) meets the requirements of this provision. Other off-highway vehicle safety courses may be approved by resolution of the Borough Assembly;**

**10. All OHV drivers shall carry proof of liability insurance, covering use and operation of the OHV, with limits equal to or greater than the minimum requirements for operating a normal passenger vehicle in the State of Alaska;**

**11. Persons operating OHVs must comply with all other motor vehicle laws of the State of Alaska, and any other applicable Petersburg municipal codes;**

**12. OHV use is prohibited on Private, State, and Federal land without permission from the owner or responsible authority. OHV use is prohibited on Mitkof Highway, South Nordic Drive, and Haugen Drive.**

II. New Section: 11.30 OFF HIGHWAY VEHICLE REGISTRATION

**11.30.010 -Registration requirements.**

1. **Registration is required for all off-highway vehicles to be operated on Mitkof Island. Registration is not required for OHV use in other parts of the borough.**
2. **A registration sticker shall be affixed to a prominent location on the exterior of the OHV.**
3. **One registration sticker is required for each OHV operated on Mitkof Island.**
4. **Petersburg Borough shall administer OHV registrations. The Petersburg Borough shall verify proof of insurance and compliance with State of Alaska registration laws at the time of registration.**
5. **The Petersburg Borough shall charge $100 for each two year OHV registration sticker.**

III. Amended Section: 1.16.030 Fine Schedule

1.16.030 Fine schedule

The following fines are added:

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| --- | --- | --- |
| Section Number | Description of Violation/Traffic Infraction | Fine Amount |
| Vehicles | | |
| **11.12.020 L3** | **Operation of OHV on roadway; impeding traffic with an OHV** | **$40.00** |
| **11.12.020 L4** | **Operating an OHV without a flag** | **$25.00** |
| **11.12.020 L5** | **Minor operating or riding as a passenger on OHV without required helmet** | **$25.00** |
| **11.12.020 L6** | **Failure to use passenger restraints** | **$25.00** |
| **11.12.020 L7** | **Passing another vehicle with an OHV** | **$40.00** |
| **11.12.020 L9** | **Failure to carry proof of completion of an ATV safety course** | **$10.00** |
| **11.12.020 L10** | **Driving an OHV without proof of insurance** | **$500.00** |
| **11.30.010** | **Operating an unregistered OHV** | **$35.00** |

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of the ordinance and application to any person and circumstances shall not be affected.

**Section 5. Effective Date:** This ordinance, if approved by the voters, shall become effective on 11/21/2017 subject to the certification of the municipal election results.

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**A NON-CODE ORDINANCE OF THE PETERSBURG BOROUGH PROHIBITING THE ADDITION OF FLUORIDE TO THE BOROUGH WATER SYSTEM**

**Section 1. Classification:** This ordinance is of a permanent nature if approved by the electors and shall not be codified in the Petersburg Borough Code.

**Section 2. Purpose:** The purpose of this ordinance is to stop the current practice of adding fluoride to the municipal water system.

**Section 3. Substantive Provisions:**

**Therefore, the People of the Petersburg Borough Ordain as follows:**

The Borough is prohibited from adding fluoride, or any chemical containing fluoride for the purpose of fluoridation, to the Borough’s public water system.

**Section 5. Severability:**  If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

**Section 6. Effective Date:** This ordinance, if approved by the voters, shall become effective immediately upon the certification of the municipal election results.

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Borough Clerk