

Title 10

SERVICE AREAS

Chapters:

10.01 Procedures for the Establishment of Service Areas

Chapter 10.01 Procedures for the Establishment of Service Areas

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10.01.010 Criteria

An area within the Borough may be designated a service area to provide services not provided on an areawide basis or to provide a higher level of service than that provided on an areawide basis if:

- A. there is a demonstrated need for the municipal service or services proposed to be provided;
- B. the proposed service area can provide the designated service or services in an economical manner; and
- C. the proposed service or services cannot be provided by an existing service area, by

10.01.020 Initiation by Petition

The formation of a service area may be initiated by the filing of a petition with the borough clerk.

10.01.030 Petition Form and Content

A service area petition shall contain the following:

- A. A description for the governmental service or services to be provided within the proposed service area.
- B. A map and/or legal description of the area to be included within the proposed service area.

- C. The signatures of eligible voters within the proposed service area, numbering at least twenty-five percent (25%) of the number of eligible voters within the proposed service area who voted in the most recent general election.
- D. The date the petition was first circulated.
- E. The residence and mailing address of each signer, the date of signature, and evidence that the necessary signatures were secured within sixty (60) days from the date the petition was first circulated.
- F. Evidence that the petitioned for services cannot be provided by an existing service area, by alteration of an existing service area, by annexation to an existing city or by incorporation as a city.
- G. A proposed budget, including methods of financing and any taxes proposed to be levied in order to pay for the service or services to be provided.
- H. The name and address of the person designated by the petitioners to whom correspondence from the Borough is to be directed.

10.01.040 Petition Filing Fee

A filing fee of five hundred dollars (\$500.) shall be paid when a petition to form a service area is filed with the Borough Clerk. The filing fee is to defray a portion of the administrative costs associated with formation of a service area.

10.01.050 Petition Review

A service area petition shall be reviewed for compliance with the form and content requirements of Section 10.01.030 as follows:

- A. **Borough Clerk Review.** A petition accompanied by the required filing fee shall initially be reviewed by the Borough Clerk within ten (10) days of filing, to determine the number and validity of signatures and verify the dates of circulation. A petition with insufficient valid signatures or signatures obtained in an untimely manner shall be returned by the Borough Clerk to the designated person with a statement identifying the deficiencies in the petition.
- B. **Borough Manager Review.** If the Borough Clerk determines that sufficient valid signatures have been obtained in a timely manner, the petition shall be forwarded to the Borough Manager who shall review the petition for compliance with the other requirements set forth in Section 10.010.030. The Borough Manager shall have ten (10) days after receiving the petition from the Borough Clerk to notify the petitioners' designated person that the petition is either acceptable or deficient as to form and content. If the Borough Manager finds the petition deficient, the notice shall also identify the deficiencies and state that the deficiencies must be corrected within thirty (30) days of the notice or the Borough Manager will forward the petition to the Assembly with a recommendation that it be rejected.

10.01.060 Manager's Report

Within forty-five (45) days after a petition has been accepted as to form and content, the Borough Manager shall provide the Assembly with a written report regarding the proposed service area, which shall address the need for the proposed service area, the estimated cost of providing the proposed service or services, whether the methods of financing proposed by the petition will be sufficient to fund the estimated cost of providing the service or services, the population of the service area, and whether the service or services could reasonably be provided by an existing service area, by alteration of an existing service area, by annexation to an existing city or by incorporation as a city. The Assembly may extend the time for submitting the report, but in no case shall the report be submitted less than seven (7) days before the public hearing on the necessity for the proposed service area. The Borough Manager shall provide the petitioners' designated person with a copy of the report.

10.010.070 Public Hearing

Within thirty (30) days of receiving the Borough Manager's report, the Assembly shall fix the time and place for a public hearing to consider the need for the proposed service area. The public hearing shall be held at a location within the proposed service area or at a public place as close to the proposed service area as practicable. Notice of the time and place for the public hearing shall be published no less than ten (10) days in advance of the public hearing. As used in this section, "published" shall mean mailing to each city or village administrator within the proposed service area and to the person designated in the petition as the person to whom correspondence from the Borough is to be directed, as well as publication by such other media as the Assembly shall direct.

10.010.080 Action by the Assembly

Following the public hearing, the Assembly may introduce an ordinance to establish the proposed service area with whatever boundary, service or other changes the Assembly determines appropriate based on the information received through the public hearing and the Borough Manager's report. An ordinance to establish a service area, if the assembly determines it is in the best interests of the borough and the service area residents that a service area be formed, shall be introduced within thirty (30) days of the date of the public hearing on the proposed service area. Any such ordinance shall:

- A. set forth the boundaries and area to be included in the service area;
- B. designate the service or services to be provided;
- C. state whether the method of financing will be by levy of a tax, assessments, or other charges and provide that funds raised thereby shall not be used for any purpose outside the service area;
- D. include a determination that the service or services cannot be provided by an existing service area, by annexation to an existing city or by incorporation as a city; and
- E. provide that the ordinance shall not take effect unless the qualified voters residing within the proposed service area approve it and also approve any tax proposed to be levied to fund provision of the service or services to be provided.

Should the assembly determine the service area is not feasible and will not serve the best interests of the borough and the service area residents, the petitioners will be notified within thirty (30) days of the public hearing.

10.01.090 Service Area Election

Within sixty (60) days following the adoption of a service area ordinance, the question whether to establish the service area shall be submitted to the qualified voters residing within the proposed service area at a special election called for that purpose. The ballot for the election shall contain the proposition whether the specified municipal services shall be exercised within the proposed service area, contain a clear description of the geographic area included, and separately describe each proposed service to be provided with a statement of the estimated cost of the service and the method of financing it. If a tax is to be levied to finance the provision of the proposed service or services, the ballot shall include the proposition whether the tax shall be adopted.

10.010.100 Effect of Unsuccessful Election

If a proposed service area initiated by petition is defeated at the service area election, a new petition for the same or substantially similar service area may not be filed sooner than twelve (12) months after the service area election.

10.010.110 Service Area Management

The Assembly shall manage service areas unless provision is made by ordinance for the appointment or election of a board of directors or commission to supervise the service area, subject at all times to the paramount legislative authority of the Assembly, which may review and accept, reject or modify the budget, annual plans, contracts, and other actions of a service area board of directors or commission.

10.10.120 Initiation by Assembly

The Assembly may at any time initiate its own inquiry into the need for service areas for the performance of municipal services and nothing in this chapter is intended to limit or abrogate the Assembly's authority to establish, alter, consolidate or abolish service areas, or add to or eliminate services from a service area following public hearing and approval by the qualified voters residing within a service area or proposed service area.