

**CITY OF PETERSBURG, ALASKA
ORDINANCE No. 951**

Clean Version no edits s

An Ordinance Amending Municipal Code Chapter 4.24 (Property Tax) per the State Assessor's Recommendations to Make the Code Compliant with State Statute

WHEREAS, the State Assessor's Office has reviewed the Petersburg Municipal Code, Chapter m 4.24 and has made recommendations to the Finance Director on amendments, and

WHEREAS, the Finance Committee has reviewed the recommendations made by the State Assessor's Office, as allowed by Petersburg Municipal Code, Sections 3.18.010-17 & 19, and recommends the amendments be made.

THEREFORE THE CITY OF PETERSBURG ORDAINS: s

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

Section 2. Purpose: s The purpose of this ordinance is to rewrite the Proper Tax Code for the City of Petersburg to make it compliant with State statute.

Section 3. Substantive Provisions: s

Chapter 4.24 of the Petersburg Municipal Code is amended to read as follows: m

4.24.010 Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this m chapter, have the meanings respectively ascribed to them as follows: m

- A. "Assessor" means the city treasurer or his duly authorized representative of the city m
- B. "City clerk" means the municipal clerk of the city m
- C. "City treasurer" or "treasurer" means the municipal treasurer of the city m
- D. "Clerk of the court" means Clerk of the Superior Court, First Judicial District, State of Alaska m
- E. "Council" means the city council of the city m
- F. "Court" means the Superior Court, First Judicial District, State of Alaska.
- G. "Mobile homes" means mobile homes, trailers, house trailers, trailer coaches and similar property used or intended to be used for residential, office or commercial purposes. If a mobile home is attached to the land or connected to water, gas, electric or sewer facilities, it shall be classified as real property for tax purposes. m
- H. "Real property" means land and improvements, all possessory rights and privileges m appurtenant to the property, mobile homes or personal property affixed to the land or m improvements, membrane buildings, and, containerized shipping vans removed from the m chassis and located on land for more than one hundred eighty consecutive days m
- I. "Tangible income" means income subject to taxation by the definitions prescribed by the m Internal Revenue Service. m
- J. "Qualified Resident" means an applicant who has a fixed habitation in the City of Petersburg m for at least one hundred eighty-five days per calendar year, and, when absent, intends to m return to the State of Alaska.

4.24.020 Levy, scope and limitation. s

Except as otherwise provided in Section 4.24.060, there shall be assessed, levied and collected a general tax for school and municipal purposes upon all real property of every kind and nature within the incorporated limits of the city. The levies for school and municipal purposes shall be m separately made and fixed, and the aggregate levy shall not exceed one percent of the

assessed value of the property assessed. The limitation does not apply to taxes levied or m pledged to pay or secure the payment of the principal and interest on general obligation bonds.

4.24.930 Reevaluation. s

There shall be a systematic reevaluation of all taxable real property undertaken by the m assessor on a rotating basis at intervals not to exceed every three years.

4.24.940 Preeminence of lien. s

All taxes levied pursuant to this chapter shall be a lien upon all property assessed and such lien shall be prior and paramount to all other liens or encumbrances against the property assessed.

4.24.950 Reserve. s

4.24.960 Exemptions. s

A. All property belonging to the city, the State of Alaska, and to the United States of America, m to the extent that such property is exempt from local taxation by law, and all property made m exempt by AS 29.45.030, shall be exempt from taxation under this chapter. m

B. m An interest, other than record ownership, in real property of an individual residing in the m property if the property has been developed, improved, or acquired with federal funds for low-m income housing and is owned or managed as low-income housing by the Alaska Housing m Finance Corporation under AS 18.55.000--18.55.060 or by a regional housing authority formed m under AS 18.55.096, as authorized by AS 29.45.050(1), as may be amended from time to time.

C. m Ten thousand dollars of the assessed value of real property owned and occupied as a permanent place of abode by a qualified resident who provides volunteer firefighting services m or volunteer emergency medical services in the city if two or more individuals are eligible for an exemption for the same property not more than two exemptions may be granted. Non exemption under this section may be granted except upon written application on a form prescribed by the finance director. The application must include certification from the fire marshal that the applicant meets the established exemption criteria. The completed application, along with certification, must be filed with the treasurer no later than January m 15th of the tax year for which the exemption is sought. m

D. m Exemption of up to the first one hundred fifty thousand dollars of assessed value pursuant to AS 29.45.030(e) to a qualified resident. To be eligible for tax exemption under AS 29.45.030(e) a claimant must file an application, on a form prepared by the city no later than m March 15 of the first assessment year for which the exemption is sought. Subsequent annual applications shall not be required. It shall be the responsibility of every person who obtains a m property tax exemption under this chapter to notify the city of any change in ownership, m property use, residency, permanent place of abode, status of disability or other factor m affecting qualification for the exemption. The city may at any time demand proof of current m eligibility m

4.24.970 Requirements to file a transfer of real property forms. s

The transferor and transferee of real property are required to file with the city treasurer, within m thirty days of the transfer of the real property a form providing the transferor's name, the transferee's name, the legal description of the property and the date of transfer.

4.24.980 Property list--Assigning ownership. s

A. The assessor shall complete the listing of all real property within the limits of the city m before April 15th of each year. The listing of all taxable property may be made upon m permanent, separate ledger cards, and digitally in the city computer system, which will be the combined assessment roll and tax ledger.

B. m Real property shall be assessed to the owner of record as shown in the records of the recorder for the Petersburg Recording District or the city treasurer; provided, however, that m any other person having an interest in the property may be listed on the assessment records m with the owner. The person in whose name any property is listed as owner shall be m conclusively presumed to be the legal owner of record. If the owner of land is unknown, such land may be assessed to an unknown owner or unknown owners.

C. ~~No~~ assessment shall be invalidated by ~~an~~ ~~mistaken~~ omission or error in the name of the owner of the real property ~~assessed~~, if the property ~~is~~ correctly ~~de~~scribed.

4.24.296 Property list--Describing parcels.

The assessor may list real property located in the city or in any subdivision by lot and block or tract description, and un subdivided property according to the land office section and township survey description, or by giving the boundaries thereof, or by reference to the book and page number of the records of the Petersburg Recording District where recorded, or by designation of tax lot number referring to a public record kept by the assessor of descriptions of real property, or in such other manner as to cause the description to be capable of being made certain. Initial letters, abbreviations, fractions and exponents to designate the township, range, section or part of a section, or the number of any lot or block or part thereof, or any distance, course, m bearing or direction, may be employed in any such description of real property.

4.24.400 Determination of true value.

Property shall be assessed at its full and true value, as of January first of the assessment year. In determining the full and true value of property, the person making the return or the assessor, as the case may be, shall not adopt as a criterion of value the price for which the property would sell at auction or at a forced sale, either separately or in the aggregate with all m of the property in the city, but he shall value the property at such sum as he believes the same to be fairly worth at the time of assessment.

4.24.410 Preparation and contents of assessment roll.

The assessor shall prepare an annual assessment roll, after consideration of all returns made m to him pursuant to this chapter, and after careful inquiry from such sources as he may deem m reliable. On the roll he shall enter the following particulars:

- A. The names and last known addresses of all persons with property liable to assessment and taxation;
- B. A description of all taxable property of each such person;
- C. The assessed value and quantity or amount of the property.

4.24.415 Tax Adjustments on Property Affected by Fire

(A) Reassessment of property damaged by fire. An owner of any taxable property within the city or any person liable for the taxes thereon, whose property was damaged by fire without his or her fault, may apply for reassessment of that property under this section if the loss exceeds \$1,000. In addition, the assessor may initiate such reassessment where the mayor determines that within the current assessment year taxable property located in the borough was damaged by fire.

(B) Definitions. Unless the context clearly requires a different meaning, the following words and phrases as used in this section are defined as shown below:

"Damage" means harm resulting from physical injury to property, including partial or total destruction, and a diminution in the value of improvements or land resulting from fire.

"Fire" includes manmade and act-of-nature events.

(C) Application for reassessment.

(1) The application for reassessment must be filed with the assessor within 60 days m of the fire by delivering to the assessor a written application, on a form provided by the assessor, requesting reassessment and describing the condition and value of the property m immediately before and after the damage or destruction.

(2) If no application is made and the assessor determines that within the calendar year a property has suffered damage caused by fire that may qualify the property owner for relief, the assessor may provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within 60 days of the date of the mailing of notification by the assessor but in no case more than 60 days after the occurrence of said damage by fire.

(3) Upon receiving the proper application, the assessor or assessor's designee will inspect the property and verify the prior year's full and true value of land, improvements, personal property, or the proposed or certified current year's value immediately before and after the damage or destruction by fire.

m (4) If an applicant has refused or failed to provide the assessor or the assessor's agent full access to property records reasonably requested by the assessor, the applicant shall be precluded from any reduction or relief, and any valuation or valuation issue affected by the lack of access shall be decided in favor of the assessor.

(5) Any damages to land, improvements, personal property or additions that do not appear on the assessment roll are not eligible for consideration under this section.

(D) Notice of reassessment. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the reassessment to the board of equalization within 30 days of the date of mailing the notice.

(E) Appeal. Appeals of the reassessed value shall be heard in accordance with the valuation and tax appeal procedures provided in Section 4.24.170 through 4.24.250. A decision of the board of equalization regarding reassessment issued pursuant to this section shall create no presumption regarding the value of the affected property for tax years after the date of the damage or destruction by fire.

(F) Tax roll adjustment. Any reassessed value resulting from one or more reductions in full and true value of amounts, as determined above, shall be entered as an adjustment on the assessment roll.

(G) Tax adjustment. The tax rate fixed for the property so reassessed shall be applied to the amount of the reassessment as determined in accordance with this section. A reduction of taxes may be made only on losses in excess of \$1,000 for the remainder of the year following the disaster. On reassessment, the taxes shall be recomputed. Any tax paid in excess of the total tax due shall be refunded to the taxpayer as an erroneously collected tax within 60 days of the final determination of the adjusted tax liability.

(H) Effect of revised assessment. The assessed value of the property in its damaged condition, as determined pursuant to this section, shall be the taxable value of the property until December 31st of the year in which the disaster occurred, unless the value is otherwise adjusted as allowed by law.

4.24.120 Assessments notices

A. On or before April 1st of each year, the assessor shall give to every person named in the assessment roll a notice of assessment showing the assessed value of his property.

B. Each assessment notice shall be printed with a brief summary for information of the taxpayer, the dates when the council will sit as an equalization board for equalization purposes and any other particulars specified by the council.

C. The assessment notice shall be directed to the person to whom it is to be given, and shall be sufficiently given if it is mailed by first-class mail addressed to, or is delivered at, his address as last known to the assessor.

The date on which the notice is mailed or is delivered shall be deemed to be the date on which the notice is given for purposes of this chapter.

4.24.130 Publication of notices of hearings

When all assessment notices have been mailed, the assessor shall cause to be published in a newspaper of general circulation which is published in the city at least once each week for two successive weeks a notice that the assessment rolls have been completed. The first publication shall be on or before April 10th. The notice shall state when and where the equalization hearings shall be held by the council sitting as a board of equalization. In the event no newspaper of general circulation is published in the city, the assessor shall cause such notice to be posted at two public places within the city for a period of at least two weeks.

4.24.140 Corrections by assessor.

The assessor may correct any error or supply any omission made or arising in the preparation of the assessment roll at any time before the sitting of the board of equalization.

4.24.150 Taxpayer's duty to report errors. s

It shall be the duty of every person receiving a notice of assessment to advise the assessor of any error or omission he may have observed in the assessment of his property in order that the assessor may correct the same.

4.24.160 ~~Council to sit as board~~

The council shall meet as a board of equalization, hereinafter called "board," on the second city council meeting of May of each year, and shall continue to meet as such board until it shall have completed the revision and equalization of the assessments for the current year. The board shall complete its work not later than the Friday following the second council meeting in May.

4.24.170 ~~Right to appeal to board~~

Any person who receives notices or whose name appears on the assessment roll may appeal to the board with respect to any alleged error in the valuation, overcharge or omission of the millage rate assessed to the taxpayer's satisfaction.

4.24.180 ~~Filing of appeal. s~~

Notice of appeal, in writing, specifying the grounds for the repeal, shall be filed with the board and the assessor within thirty days after the date on which the assessor's notice of assessment was given to the person appealing. If notice of appeal is not given within that period, the right of appeal shall cease as to any matter within the jurisdiction of the board, unless it is shown to the satisfaction of the board that the taxpayer was unable to appeal within the time so limited.

4.24.190 ~~Reserve~~

4.24.200 ~~Notice to board of appeal. s~~

Upon receipt of the notice of appeal, the assessor shall make a record of the same in such form as the board may direct, which record shall contain all the information shown on the assessment roll in respect of the subject matter of the appeal, and the assessor shall place the same before the board from time to time as may be required by the board.

4.24.210 ~~Notice to appellants of hearing. s~~

The board shall cause a notice of the sitting at which the appeal is to be heard to be mailed by the assessor to the person to whom the notice of appeal was given, and to every other person in respect of whom the appeal is taken, to their respective addresses as last known to the assessor.

4.24.220 ~~Board of equalization hearing of appeal.~~

A. At the time appointed for the hearing of the appeal or as soon thereafter as the appeal may be heard, the board shall hear the appellant, the assessor, other parties to the appeal and their witnesses, and consider the testimony and evidence presented, and shall determine the matters in question on the merits and render its decision accordingly.

B. If any party to whom notice was mailed as above set forth fails to appear, the board may proceed with the hearing in his absence.

C. The burden of proof in all cases shall be upon the party appealing.

D. During the sessions of the board, it shall be the duty of the assessor to be present and answer such questions as may be put to him by the members of the board as far as he is able.

4.24.230 ~~Records of decisions. s~~

The board shall, from time to time, enter in the appeal record established by the assessor under Section 4.24.200 its decision upon appeals brought before it, and shall certify to the same.

4.24.240 ~~Records of proceedings. s~~

The treasurer shall be ex officio clerk of the board of equalization and shall record in the minutes of the meeting all proceedings before the board, the names of all persons protesting assessment, and all changes, revisions, corrections and orders relating to claims or adjustments. Within three days following the final hearings of the board, the clerk shall transmit to the assessor all corrections, revisions or changes authorized and approved by the board and shall certify that the changes so reported are as approved by the board of equalization.

4.24.250 Appeal to district courts

Any person feeling aggrieved by any order of the board shall have the right of appeal to the district court for the State of Alaska in the district in which the property is located; provided, however, that the administrative remedy of this chapter has been exhausted. Appeals are heard on the record established at the hearing before the board of equalization.

4.24.260 Entry of changes by assessor. s

The assessor shall enter the changes certified by the clerk under Section 4.24.230 upon his records, and no assessed valuations shall thereafter be changed.

4.24.270 Completion of assessment roll. s

After the hearings held by the board on appeals are concluded, the assessor shall complete the annual assessment roll at a time to be fixed by the board, which assessment roll shall be based on values as of January 1st immediately preceding, and he shall certify the same no later than June 1st.

4.24.280 Roll to govern computation of taxes

A. All taxes to be levied or collected, except as otherwise provided, shall be calculated, levied and collected upon the assessed values entered in the assessment roll and certified by the assessor as correct, subject to the taxpayer's rights to appeal and to the corrections and amendments made in the roll pursuant to this chapter.

B. Every assessment roll as completed and certified by the assessor, and as corrected and amended by him from time to time in conformity with this chapter and the decisions of the board, shall, except insofar as the same may be further amended as a result of an appeal to the court as provided by this chapter, be valid and binding on all persons, notwithstanding any defect, error, omission or invalidity existing in the assessment roll or any part thereof, and notwithstanding any proceedings pertaining thereto.

4.24.290 Delivery of assessment roll to council. s

When the final assessment records have been completed by the assessor as provided in Section 4.24.260, the assessor shall deliver to the council on or before the first council meeting in June of each year a statement of the total assessed valuation of all real and personal property within the city.

4.24.300 Council to fix rate and levy taxes

The council shall thereafter, but before June 15th, fix by resolution the rate of tax to be levied and designate the number of mills upon each dollar of value of assessed taxable real property that shall be levied, and shall levy said tax in accordance therewith.

4.24.310 Mailing and forms of tax statements. s

The treasurer shall, after council action under Section 4.24.300, then prepare and mail tax statements, not later than July 1st of each year, to all persons listed as the owner of property on the tax rolls. Tax statements shall specify the date upon which the taxes will become delinquent, and that a penalty of ten percent of the tax and interest at the rate of eight percent per year upon all unpaid taxes (not including penalty) from the date of delinquency until paid, may be assessed.

4.24.320 Payments due and delinquency charges. s

A. All taxes levied in accordance with this chapter shall be due and payable on or before September 30th of each year, and shall be delinquent after five p.m. on said date. In the event September 30th falls on a Saturday, Sunday or legal holiday, such due date shall be on the next succeeding business day.

B. The treasurer is ordered, directed and empowered to collect all taxes for and on behalf of the city and to do and perform each and every act and thing necessary or requisite in the collection of such taxes. All moneys so collected shall be deposited into the general fund of the city.

4.24.330 ~~s~~Creation and ~~notice of~~foreclosure lists

A. ~~The~~ treasurer shall enforce the city's ~~liens of taxes~~ against real property ~~in~~ the manner ~~m~~ provided by ~~state~~ law. ~~The~~ treasurer shall annually ~~or~~ at such greater intervals as the treasurer ~~m~~ deems appropriate: ~~mm~~

1. ~~m~~ Present a petition for ~~judgment~~ and a certified copy ~~of~~ the foreclosure list for the ~~m~~ delinquent ~~taxes~~ in the superior court for ~~judgment~~; ~~mm~~
2. Publish the foreclosure list for four consecutive weeks ~~in~~ a newspaper of general circulation distributed in the municipality ~~or~~, if there is no newspaper of general circulation distributed in the municipality ~~or~~ post the list at three public places for at least thirty ~~days~~ ~~mm~~
3. ~~m~~ Within ten days ~~or~~ after the first publication or posting, mail to the last ~~known~~ owner of each property ~~as~~ the owner's ~~name~~ and address appear on the list a notice advising of the ~~m~~ foreclosure proceeding in which a petition for ~~judgment~~ of foreclosure has been filed and describing the property ~~and~~ the amount due as stated on the list.

B. ~~m~~ The list shall be arranged in alphabetical order as to the last name and shall include the ~~m~~ information ~~required~~ by ~~state~~ law, including: ~~mm~~

1. ~~m~~ The last ~~known~~ owner; ~~mm~~
2. ~~The~~ property ~~description~~ as stated on the assessment roll; ~~mm~~
3. ~~m~~ Years and amounts of delinquency ~~mm~~
4. Penalty ~~and~~ interest due; ~~mm~~
5. ~~m~~ A statement that the list is available for public inspection at the clerk's ~~office~~; ~~mm~~
6. ~~m~~ A statement that the list has been presented to the superior court with a petition for ~~m~~ judgment and decree.

4.24.340 ~~s~~Clearing delinquencies.

During the publication or posting of the foreclosure list and up to the time of transfer to the ~~m~~ city ~~or~~ a party ~~may~~ pay the ~~taxes~~, together with the penalty, ~~interest~~ and costs. ~~The~~ treasurer ~~m~~ shall note ~~payment~~ on the foreclosure list.

4.24.350 ~~s~~List to lienholder.

A holder of a mortgage or other lien on real property ~~may~~ ~~request~~ the treasurer to send by ~~m~~ certified mail notice of a foreclosure list that includes the real property ~~m~~

4.24.360 ~~s~~General ~~foreclosure~~.

~~The~~ city ~~shall~~ bring one general foreclosure proceeding against the properties on the ~~m~~ foreclosure list. ~~If~~ the owner is unknown, the property ~~shall~~ be proceeded against as belonging ~~m~~ to ~~unknown~~ owner. ~~mm~~

4.24.370 ~~s~~Answer and ~~objection~~.

A person having an interest in a lot on the foreclosure list ~~may~~ ~~file~~ an answer or ~~objection~~ with the superior court in accordance with state law and court rule.

4.24.400 ~~s~~Redemption periods

A party ~~having~~ an interest in foreclosed property ~~may~~ ~~redeem~~ it from the city ~~during~~ the ~~m~~ redemption period allowed by ~~state~~ law by ~~paying~~ the lien amount plus penalties, interest, and ~~m~~ all costs accrued through the date of ~~payment~~.

4.24.440 ~~s~~Expiration of ~~redemption~~ periods

At least thirty ~~days~~ ~~or~~ before the expiration of the redemption period, the treasurer shall publish a ~~m~~ redemption period ~~expiration~~ notice and provide notice by ~~mail~~ to each record owner of property ~~and~~ holders of mortgages and other liens of record in accordance with state law.

4.24.460 ~~s~~Disposition and ~~sale of~~foreclosed ~~property~~.

~~The~~ council shall determine by ~~ordinance~~ whether foreclosed property ~~needed~~ to the city ~~shall~~ ~~m~~ be retained for a public purpose or sold. ~~The~~ ordinance shall contain the information ~~required~~ ~~m~~ by ~~state~~ law. ~~The~~ treasurer shall provide notice of the council's ~~determination~~ to the former ~~m~~ record owner of the property ~~in~~ accordance with state law.

4.24.465 Repurchase by record owner. s

The record owner at the time of tax foreclosure of property acquired by the city or the assigns of that record owner may repurchase the property from the city within the time and in the manner allowed by state law.

4.24.470 Special assessments deemed taxes

The word "tax" has used in this chapter, shall apply to special assessments made and levied by the council. Both such delinquent special assessments, as well as delinquent general taxes, may be included in the same delinquent tax roll and in the foreclosure list, but when so included shall be stated separately and the penalties and interest due on each shall also be separately stated.

Section 4.s 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 to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective three days after final passage.

Passed and approved by the City Council of the City of Petersburg, Alaska on this 22nd day of November, 2010.

Al Dwyer, Mayor

Attest:

Kathy Oran, City Clerk

Adopted: 11-22-2010
Published: 11-24-2010
Effective: 11-25-2010