

Bond Case Briefs

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MUNICIPAL ORDINANCE - ALASKA

Price v. Kenai Peninsula Borough

Supreme Court of Alaska - August 8, 2014 - P.3d - 2014 WL 3883419

Citizen brought action against borough, seeking injunction requiring borough clerk to prepare referendum petition for citizen's proposed referendum to repeal borough ordinance that authorized general law cities to tax non-prepared food items on a year-round basis. The Superior Court entered summary judgment in favor of borough, concluding that proposed referendum constituted local or special legislation in violation of state statute. Citizen appealed.

The Supreme Court of Alaska held that:

- Ordinance was generally applicable and thereby subject to repeal by referendum, and
- Proposed referendum, if passed, would not be not unenforceable as a matter of law.

Borough ordinance that authorized general law cities to tax non-prepared food items on a year-round basis was of borough-wide interest and did not apply to a permanently closed class, and thus ordinance was generally applicable and subject to repeal by referendum. Although ordinance was of greater concern to residents of borough's four general law cities than to residents of borough's two home-rule cities, ordinance affected all borough residents who shopped in general law cities, and ordinance applied to a class of cities that could theoretically grow in the future.