

**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 11  
“VEHICLES AND TRAFFIC” OF THE SITKA GENERAL CODE BY ADDING  
CHAPTER 11.85 “COMMERCIAL BUS PERMITS”**

**1. CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC).

**2. 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 or circumstance shall not be affected.

**3. PURPOSE.** The purpose of this ordinance is to establish an emission standard for commercial buses to protect the health and safety of the citizens of the municipality, and to limit the number of commercial buses on the public roadways of the municipality for the health and safety of the citizens and protection of the condition and longevity of the public roadways throughout the municipality. The intent is to (1) improve air quality, (2) improve safety and alleviate nuisances on the public roadways, (3) protect the public roadways to reduce the need for repair and replacement, (4) protect Sitka’s rural small-town character and way of life, and (5) protect Sitka’s integrity as a destination for visitors of all kinds.

**4. ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 11, entitled “Vehicles and Traffic”, be amended by adding Chapter 11.85, entitled “Commercial Bus Permits” to read as follows (new language underlined):

**Title 11  
VEHICLES AND TRAFFIC**

**Chapters:**

\* \* \*

**11.85 Commercial Bus Permits**

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**Chapter 11.85  
COMMERCIAL BUS PERMITS**

**Sections:**

11.85.010 Definitions.

11.85.020 Purpose and Applicability.

11.85.030 Permit Requirements.

11.85.040 Permit Application and Renewal.

11.85.050 Fees.

11.85.060 Penalties.

**11.85.010 Definitions.**

The following words and phrases, when used in this chapter, have the following meanings:

A. "Commercial bus" means a self-propelled motor vehicle used on public roadways to transport at least forty passengers for commercial purposes.

B. "Department" means a department of the city and borough designated by the municipal administrator.

C. "Operator" means a person that has been issued a permit under this chapter.

D. "Person" means a natural person, partnership, corporation, limited liability company, association, or other entity organized for a common purpose.

E. "The city and borough" means the city and borough of Sitka, Alaska.

**11.85.020 Purpose and Applicability.**

A. Except as provided in section (b) of this section, the requirements of this chapter apply to any commercial bus as defined in this chapter that carries forty or more passengers.

B. The requirements of this chapter do not apply to electric buses, school buses, transit buses (e.g., The Ride), and buses that hold less than forty passengers.

C. The operator of a commercial bus shall obtain a permit under this chapter before operating that commercial bus within the city and borough, except for purposes of obtaining the permit or private purposes.

D. The maximum number of permits issued under this chapter shall be ten, issued on a "first come – first served" basis. A commercial bus shall not operate for commercial purposes within the city and borough without a permit issued under this chapter.

**11.85.030 Permit Requirements.**

A. A person may not operate a commercial bus unless

1. the person has submitted the application provided by the department;

2. the person has paid the applicable fee required by this chapter; and

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95 3. the department has issued a permit to the person under this chapter for the  
96 commercial bus.

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98 B. A permit issued under this section

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100 1. is valid for one calendar year beginning the date the permit was issued and  
101 ending December 31;

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103 2. may not be transferred; and

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105 3. must be kept on the commercial bus in a reasonably accessible place.

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107 C. Each commercial bus must have a separate permit.

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109 **11.85.040 Permit Application, Renewal and Appeal.**

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111 A. Before operating a commercial bus within the city and borough, an applicant shall  
112 apply for a permit for each commercial bus subject to the permit requirements under this  
113 chapter, using a form provided by the department.

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115 B. An application submitted under this section

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117 1. must designate a contact person that is a natural person and provide contact  
118 information required by the department;

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120 2. must be accompanied by the permit fee; and

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122 3. must be accompanied by a certificate, or other satisfactory evidence, that shows  
123 emissions for the commercial bus don't exceed, whichever is less, the  
124 manufacturers standard for the year the commercial bus was manufactured or the  
125 existing EPA standard.

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127 C. Acceptance of a permit by the applicant shall constitute an agreement and  
128 acknowledgment by such applicant

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130 1. that the operator has no property right in the permit; and

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132 2. shall indemnify and hold the city and borough, its elected and appointed officers,  
133 its employees, and its agents harmless from and against any and all loss, damage or  
134 expense for any injury to or death of any person or persons, or for damage to  
135 property, resulting from or arising out of any act or omission of such operator, or any  
136 of the operator's employees, agents, representatives, customers, or contractors.

D. The city and borough, its elected and appointed officers, its employees, and its agents make no representations concerning and assume no responsibility for or regarding any goods or services sold or activities by any operator, or any of operator's employees, agents, representatives, contractors, or customers.

E. To continue operating, an operator must renew a permit issued under this chapter on or before December 31 of the year the permit expires by paying the fee and submitting the certification. If the operator operates only during the summer season, the operator must renew a permit on or before April 1 by paying the fee and submitting the certification.

F. A decision to deny an application for a permit may be appealed by the applicant to the city and borough administrator no later than seven days after notice of denial is delivered to the applicant. Notice sent to the applicant's address or email stated in the application shall constitute delivery. The notice shall include a brief statement of facts giving reason for the denial. The applicant shall have an opportunity to be heard at an informal hearing and shall have the right to call or cross-examine witnesses. Relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that makes improper the admission of evidence over objection in a civil action. Hearsay evidence may be used to supplement or explain direct evidence, but is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action. The administrator shall issue a written decision. An appeal from the decision of the administrator may be taken to the superior court for the state of Alaska no later than thirty days after the administrator sends notice of such denial to the applicant.

#### **11.85.050 Fees.**

A. At the time of application for a new permit or renewal permit, the operator of a commercial bus shall pay to the department a permit fee for each commercial bus in the amount of \$100. The applicant is responsible for all costs and fees associated with obtaining the certificate required by this chapter.

B. A fee submitted under this section is nonrefundable, except that the department will refund a permit fee or renewal permit fee under this section if an operator pays the fee but does not operate the commercial bus during the entire permit period and the operator provides documentation and demonstrates to the department's satisfaction that the commercial bus was not in operation.

C. An operator of a commercial bus business who stops operating that business remains responsible for past due fees required under this section and incurred by that operator before the business was stopped.

**11.85.060 Penalties.**

Operating a commercial bus without a permit issued under this chapter is punishable by a fine of \$100 for a first offense, and a fine of \$250 for a second or subsequent offense. A second or subsequent offense shall also bring the loss of the privilege for receiving such a permit for that particular commercial bus for two calendar years.

**5. EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska, this 27th day of February, 2024.

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Steven Eisenbeisz, Mayor

ATTEST:

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Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading: 2/13/24  
2<sup>nd</sup> and final reading: 2/27/24

Sponsors: Christianson/Pike