

**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 2012-40**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE AT TITLE 23, CHAPTER 20 ENTITLED "COMMERCIAL RECREATIONAL USE OF MUNICIPAL LANDS AND FACILITIES" TO CLARIFY BARANOF WARM SPRINGS AND ITS BOARDWALK AND OTHER MUNICIPAL PROPERTY BEYOND SITKA ROAD SYSTEM IS SUBJECT TO COMMERCIAL RECREATIONAL USE PERMIT REQUIREMENTS**

1. **CLASSIFICATION.** This Ordinance is of a permanent nature and is intended to become 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 circumstances shall not be affected.

3. **PURPOSE.** This Ordinance amends SGC 20.23 entitled "Commercial Recreational Use Of Municipal Lands And Facilities" to clarify that Baranof Warm Springs and other municipal property beyond the Sitka road system is subject to commercial recreational permit requirements.

4. **NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka, that SGC 23.20 is amended as follows (new language underlined; deleted language stricken):

**23.20.010 Policy.**

A. The policy of the city and borough of Sitka concerning the commercial recreational use of municipal lands is to:

1. Maintain and improve municipal lands including parks, open spaces, recreation areas, boardwalks and trails for their primary use by the public and preserve them from activities inconsistent with that primary use;

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4. Charge for commercial recreational use of municipal lands and facilities, including lands beyond the Sitka road system, at a fair rate which reflects the cost of providing any improvements, maintenance, services, and administration necessary for the use;

\* \* \*

**23.20.020 Lands regulated.**

This title applies to all municipal lands and facilities related to commercial recreational use, including Baranof Warm Springs and other locations beyond the Sitka road system. This title also applies to all trails owned by and easements held by the city and borough of Sitka for parks and recreation purposes. This title also applies to trails for which the city and borough holds joint jurisdiction with an agency of the state of Alaska or the United States government.

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**23.20.090 Definitions.**

As used in this chapter:

“Commercial recreational use” or “commercial purpose” means the sale, delivery, or solicitation to provide, goods or services in exchange for valuable consideration. The term includes a service offered in conjunction with another sale of goods or services whether or not it is incidental to, advertised with, or specifically offered in the other sale. All guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash or other commercial means is required, expected or received beyond the normal and customary, equally shared cost of food and fuel for any portion of activities conducted on city lands, trails, boardwalks or easements. Commercial recreational use also includes but is not limited to: fishing; hunting; hiking; biking; photography; nature or cultural history tours; etc.

\* \* \*

“Trail” means footpaths, bridle paths, bicycle paths, ski trails, dog sled trails, motorized vehicle trails, a road or street that is open to public and used as a trail and other paths and trails along highways, streets, ~~or~~ roads or boardwalks, maintained by the city and borough of Sitka.

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

6. **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this 27<sup>th</sup> day of November, 2012.

  
Mim McConnell, Mayor

ATTEST:



Colleen Ingman, MMC  
Municipal Clerk