

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 14 "STREETS, SIDEWALKS AND PUBLIC PLACES" OF THE SITKA GENERAL CODE BY AMENDING CHAPTER 14.10 "COMMERCIAL RECREATIONAL USE OF MUNICIPAL LANDS AND FACILITIES"

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 improve the permit process to include expansion of definitions, establish regular public engagement to establish carrying capacities and land use guidelines, empowering staff to review and issue permits, establish a new process for application, public comment and other administrative guidelines.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 14 entitled "Streets, Sidewalks and Public Places", Chapter 14.10, entitled "Commercial Recreational Use of Municipal Lands and Facilities", at Sections 14.10.020 entitled "Lands regulated", 14.10.030 entitled "Permit required for commercial activities", 14.10.040 entitled "Commercial recreational use permit fees", 14.10.060 entitled "Permit duration", 14.10.070 entitled "General operating requirements", 14.10.080 entitled "Enforcement and penalties", 14.10.090 to be entitled "Appeals", and 14.10.100 to be added and entitled "Definitions" be amended to read as follows (deleted language stricken, new language underlined):

Title 14
STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

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14.10 Commercial Recreational Use of Municipal Lands and Facilities

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Chapter 14.10
COMMERCIAL RECREATIONAL USE OF MUNICIPAL LANDS AND FACILITIES

Sections:

- 14.10.010 Policy.
14.10.020 Lands regulated.
14.10.030 Permit required for commercial activities.
14.10.040 Commercial recreational use permit fees.
14.10.050 Insurance and indemnification.

- 53 14.10.060 Permit duration.
- 54 14.10.070 General operating requirements.
- 55 14.10.080 Enforcement and penalties.
- 56 14.10.090 ~~Definitions~~ Appeals.
- 57 14.10.100 Definitions.

\* \* \*

58  
59 **14.10.020 Lands regulated.**

60  
61 A. This title applies to all municipal lands and facilities related to commercial recreational use,  
62 including Baranof Warm Springs and other locations beyond the Sitka road system. This title  
63 also applies to all trails owned by and easements held by the city and borough of Sitka for parks  
64 and recreation purposes. This title also applies to trails for which the city and borough holds joint  
65 jurisdiction with an agency of the state of Alaska or the United States government.

66  
67 **B. Commercial recreational use plan.**

68  
69 1. The parks and recreation committee shall develop, maintain, and recommend for  
70 adoption a commercial recreational use plan that identifies municipal lands and facilities at  
71 which commercial recreational use may be permitted. The commercial recreational use plan  
72 may also contain limitations on commercial recreational use at each recreational site or  
73 facility including but not limited to hours of operation, use of recreational equipment, size  
74 and number of client groups, etc.

75  
76 2. The commercial recreational use plan shall be adopted by the city and borough  
77 assembly.

78  
79 3. The commercial recreational use plan may be reviewed periodically by the parks and  
80 recreation committee and recommended for modification and/or readoption by the city and  
81 borough assembly.

82  
83  
84 **14.10.030 Permit required for commercial activities.**

85  
86 A. No person may conduct commercial recreational activities on city and borough of Sitka  
87 lands subject to this title except as authorized by a permit issued by ~~the administrator~~ municipal  
88 staff as designated by the administrator.

89  
90 B. ~~The administrator~~ municipality may issue a permit for commercial recreational activities on  
91 city and borough lands ~~that are recommended by the parks and recreation committee after~~  
92 public hearing and notice in accordance with the commercial recreational use plan as described  
93 in 14.10.020(B) and subject to such conditions as the administrator municipality may impose  
94 and only upon a ~~determination~~ making the following findings and conclusions that the use as  
95 proposed:

96  
97 1. Will not pollute or degrade the environment, resources, facilities, or atmosphere of the  
98 area; and

99  
100 2. Will not endanger the public health, safety, and welfare; and

102 3. Will not significantly interfere with the use and enjoyment of the area by other members  
103 of the public; and

104  
105 4. Conforms to the commercial recreational use plan as adopted by the assembly.

106  
107 C. A permit may contain conditions reasonably required for the protection and use of the area  
108 for which the permit is granted, including limitations as to time, area, equipment, user loading,  
109 traffic, parking, discharges, noise, and other factors.

110  
111 D. Permit application process.

112  
113 1. The municipality shall annually establish and publish a schedule for permit application  
114 opening and due dates, public comment periods, and permit determinations.

115  
116 2. The period between permit application opening and due dates shall be no less than thirty  
117 (30) days.

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119 3. Within ten (10) days of the permit application due date, applications will be made  
120 available to the public to review. The public shall have no fewer than twenty (20) days to  
121 provide comment on any application.

122  
123 4. The municipality shall publish permit determinations. Electronic mail notice, if email  
124 address is made available, shall be sent to any person(s) who provided public comment  
125 on a permit application.

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127 E. Permit determinations. The municipality may make the following permit determinations:

128  
129 1. Approve a permit as described in the application;

130  
131 2. Approve a permit with modifications;

132  
133 3. Approve a permit with conditions;

134  
135 4. Deny a permit (reapplication or resubmittal is permitted); or

136  
137 5. Deny a permit with prejudice (reapplication or resubmittal is not allowed for one year).

138  
139 In making permit determinations and the required findings and conclusions as described in  
140 14.10.030(B), the municipality shall consider evidence submitted in the application, received  
141 through public comment, and found in municipal records.

142  
143 F. ~~D.~~ The administrator municipality may deny a proposed use permit issuance upon a written  
144 determination that the use, alone or in combination with other uses, would cause an  
145 unreasonable level of environmental degradation, or other disturbance to the area required  
146 findings and conclusions as described in 14.10.030 (B) could not be made. In making such  
147 determination, the administrator municipality shall consider public comment received, the nature  
148 and extent of the use, the number of users, and the impacts likely to result from the use,  
149 including traffic, noise, public access, loading, the availability of parking and other factors. The  
150 municipality may also deny an application for a permit with prejudice based on the permit

151 holder's past noncompliance with permit requirements and conditions and/or lack of timely  
152 payment of permit fees or other taxes or fees owed to the municipality that have occurred in the  
153 previous twelve (12) months.  
154

155 ~~G. E. A permit is transferable only with the permittee's entire business interest in activities~~  
156 ~~conducted under the permit and only to a person who has successfully completed the permit~~  
157 ~~application process. No credit will be given for any permit payments made by the previous~~  
158 ~~holder of the permit. not transferable. Any new business owner, subsidiary of the primary owner,~~  
159 ~~contractor or other person or entity that obtains the right to operate the business activities~~  
160 ~~contemplated by the permit must apply for and obtain its own permit for those activities.~~  
161

162  
163 **14.10.040 Commercial recreational use permit fees.**  
164

165 The applicant for a commercial recreational use permit shall pay a fee established by the city  
166 and borough assembly that will give the city and borough a fair and reasonable return in light of  
167 the cost of administering the activity permitted under the permit, the impact of the proposed  
168 activity on the area, the cost of any maintenance and improvements required, and the value of  
169 the benefit conferred upon the user. The fee shall be paid prior to the commencement of the  
170 permitted activity and should be based on the applicant's best estimate of the number of clients  
171 and number of days of permitted activity that he/she expects for that season. Reconciliation is  
172 done at the end of the season and can result in a ~~credit being carried over to the following~~  
173 ~~season~~ refund or additional charges. ~~The minimum fee is \$100.00, regardless of whether a~~  
174 ~~commercial operator's service days add up to that amount.~~  
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176 \* \* \*

177 **14.10.060 Permit duration.**  
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- 179 A. Permits may be issued for a period not to exceed one year.  
180  
181 B. Permits are valid only for the dates, times, activities, and areas specified.  
182  
183 C. ~~Permits are not automatically renewable. Issuance of a permit shall not entitle the permit~~  
184 ~~holder to any priority or preferential consideration for subsequent, new, or additional permits~~  
185 ~~for the same or related uses or areas. A new application must be submitted each year for~~  
186 ~~each permit. Permit renewals.~~  
187

188 1. Permits are not automatically renewable. Applicants may annually apply for a permit  
189 renewal if they had a valid permit the previous year.  
190

191 2. In the issuance of a permit renewal, priority or preferential consideration may be given,  
192 but not guaranteed, for proposed use of the same areas and/or related uses.  
193

194 D. The administrator municipality may issue a temporary permit at any time, valid for not more  
195 than 30 days. The application process for a temporary permit shall be ~~the same as for other~~  
196 ~~permits~~ established and published by the municipality.  
197

198 E. The municipality reserves the right to revoke permitted activity on particular lands or at  
199 particular facilities, with or without notice, for any period of time, if commercial recreational use

200 of said land or facility presents an immediate danger to the public health, safety, or welfare. This  
201 provision should be narrowly applied to address hazardous areas or conditions outside the  
202 control of permit holders; this provision shall not be used in place of enforcement and penalty  
203 provisions found later in this chapter.

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#### 206 **14.10.070 General operating requirements**

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208 A. ~~Permit holders shall have a copy of the permit immediately available for inspection at all~~  
209 ~~times while engaged in activities pursuant to the permit.~~ Permit holder identification.

210

211 1. Permit holders and their agents or employees shall have a copy of the permit  
212 immediately available for inspection at all times while engaged in activities pursuant to the  
213 permit.

214

215 2. The municipality shall issue a means of visual identification to permit holders and their  
216 agents or employees. Visual identification issued by the municipality must be worn by permit  
217 holders and their agents or employees at all times while engaged in activities pursuant to  
218 the permit and in a manner that is clearly visible to the public.

219

220 3. It is unlawful for a permit holder or their agents or employees to fail to have a copy of  
221 their permit immediately available for inspection, or to fail to wear visual identification issued  
222 by the municipality in a manner clearly visible to the public, while engaged in activities  
223 pursuant to the permit.

224

225 B. Permit holders shall be responsible to the city and borough for their actions and those of  
226 their agents, employees or customers while engaged in permit activities. The following operating  
227 requirements apply to activities conducted under the permit unless otherwise specified in a  
228 permit:

229

230 1. No one may obstruct traffic, litter, use glass containers, nor disturb, damage, deface or  
231 remove natural objects including trees, plants, moss, rock, gravel, or minerals, nor disturb  
232 or remove cultural, archaeological, or historical material;

233

234 2. Activities conducted under the permit shall be confined to the area stipulated in the  
235 permit application except as required for safety reasons;

236

237 3. No alterations or improvements to the permitted area are allowed, nor may anything be  
238 posted or signs of any kind be installed in the area unless expressly allowed by written  
239 permission of the ~~administrator~~ municipality;

240

241 4. No one may fish or hunt under this permit unless expressly allowed by written  
242 permission of the ~~administrator~~ municipality. No one may harass wildlife. Camping or  
243 lighting fires may be permitted in designated areas or areas stipulated in the permit  
244 application and subject to approval of the ~~administrator~~ municipality;

245

246 5. The permit holder shall promptly notify the ~~administrator~~ municipality of any accident,  
247 injury, or claim relating to the permitted activity;

248

- 249 6. The permit holder shall promptly notify the ~~parcs and recreation manager~~ municipality of  
250 any repair or maintenance needed in the permitted area, or any natural condition which  
251 constitutes a hazard. The permit holder shall not make any repair or alteration to the area  
252 unless required by an emergency and shall promptly report such repair or alteration to the  
253 ~~parcs and recreation manager~~ municipality;
- 254
- 255 7. Permit holders shall comply with all state, federal, and local laws applicable to their  
256 activities;
- 257
- 258 8. Permit holders shall properly dispose of all litter and waste;
- 259
- 260 9. The permit holder shall reimburse the city and borough of Sitka for any damage to  
261 municipal property caused by the permit holder while engaged in permit activities, including  
262 the cost of litter abatement, removal of structures or remediation of the site to its original  
263 condition;
- 264
- 265 10. No pets shall accompany any person engaged in permit activities unless the pet is  
266 restrained on a leash and all fecal material is promptly removed and properly disposed of;
- 267
- 268 11. No equipment or supplies may be stored at any municipal facility or permit area unless  
269 written approval of by the administrator municipality is secured in advance;
- 270
- 271 12. All vehicles under the ownership or control of the permit holder shall be lawfully  
272 operated or legally parked while the permit holder is engaged in permit activities. The permit  
273 holder shall be responsible for following all parking restrictions and requirements imposed  
274 by permit conditions.
- 275

276

277 **14.10.080 Enforcement and penalties**

278

279 ~~A.—A permit may be suspended by the administrator without advance notice if any activities~~  
280 ~~conducted under the permit present an immediate danger to the public health, welfare, or safety~~  
281 ~~or if the suspension is found to be in the best interests of the city and borough of Sitka.~~

282

283 ~~B.—A permit may be suspended or revoked by the administrator upon written findings that the~~  
284 ~~permit holder has violated these regulations. The permit holder shall be provided at least 10~~  
285 ~~days' notice and an opportunity to be heard at an informal hearing on the suspension or~~  
286 ~~revocation. The administrator's decision may be appealed to the city and borough assembly by~~  
287 ~~filing a notice of appeal setting forth the reasons the decision is appealed with the city and~~  
288 ~~borough assembly no later than 10 days after the administrator's decision.~~

289 A. G. Any commercial recreational entity found to be operating on municipal lands without a  
290 permit from the city and borough of Sitka will be subject to prosecution for an infraction and  
291 subject to a fine for that infraction is guilty of a violation, and the offense shall be punishable  
292 by a fine of not more than \$500.00. Each and every day during any portion of which a  
293 violation is committed, permitted, or continued shall be a separate offense and shall be  
294 punished accordingly if so charged.

295

296 B. Temporary permit suspensions.

297

298 1. A permit in whole, or particular activities authorized under a permit, may be temporarily  
299 suspended for no more than thirty (30) days by the municipality without advance notice if  
300 any activities conducted under the permit present an immediate danger to the public health,  
301 welfare, or safety, or if the suspension is found to be in the best interests of the city and  
302 borough of Sitka.

303  
304 2. The municipality shall provide the permit holder with notice of a temporary suspension  
305 via electronic mail and certified mail to include:

- 306  
307 a. The effective date of temporary suspension;  
308  
309 b. The permitted activities that are temporarily suspended;  
310  
311 c. The reason(s) for temporary suspension; and  
312  
313 d. Corrective actions for the permit holder to take.

314  
315 3. A temporary suspension will automatically be void after thirty (30) days unless the  
316 municipality voids it sooner through written notice to the permit holder, or unless the  
317 temporary suspension is superseded by an indefinite suspension or revocation. The  
318 municipality shall not unreasonably withhold relief of a temporary suspension if the permit  
319 holder provides evidence that all reasonable efforts to complete corrective actions as  
320 identified in the notice of temporary suspension have been taken.

321  
322 C. Indefinite permit suspensions.

323  
324 1. A permit in whole, or particular activities authorized under a permit, may be suspended  
325 indefinitely by the municipality with no fewer than thirty (30) days advanced notice beginning  
326 on the date of electronic mail delivery upon written findings that any permittee activities, or  
327 permittee nonaction, violate the provisions of this chapter or any requirements or conditions  
328 of the permit. The permit holder may also be subject to fines for such violations as described  
329 in section (E)(2).

330  
331 2. The municipality shall provide the permit holder with notice of an indefinite suspension  
332 via electronic mail and certified mail to include:

- 333  
334 a. The effective date of indefinite suspension;  
335  
336 b. The permitted activities that will be indefinitely suspended;  
337  
338 c. The reason(s) for indefinite suspension;  
339  
340 d. Any fines imposed against the permit holder;  
341  
342 e. Corrective actions for the permit holder to take, including payment of fines, in order  
343 to prevent or lift the indefinite suspension.

344  
345 3. The indefinite suspension shall remain in effect unless the municipality voids it through  
346 written notice to the permit holder. The municipality shall not unreasonably withhold relief of

347 an indefinite suspension if the permit holder provides evidence that all reasonable efforts to  
348 complete corrective actions as identified in the notice of indefinite suspension have been  
349 taken.

350  
351 D. Permit revision and revocation.  
352

353 1. A permit in whole, or authorization of particular activities under a permit, may be revised  
354 or revoked by the municipality with no fewer than thirty (30) days advanced notice beginning  
355 on the date of electronic mail delivery if the findings and conclusions listed in  
356 14.10.030(B)(1-4) can no longer be made about the use in practice and as permitted.

357  
358 2. The municipality shall provide the permit holder with notice of a revision or revocation via  
359 electronic mail and certified mail to include:

360  
361 a. The effective date of revision or revocation;

362  
363 b. The permitted activities that will be revised or revoked;

364  
365 c. The reason(s) for revision or revocation;

366  
367 d. The opportunity for the permit holder to submit a proposal for modification to include  
368 alternative revisions, additional permit conditions, or other mitigations for the  
369 municipality's consideration within ten (10) days of the notice.

370  
371 3. If the permit holder submits a proposal for modification, the municipality shall determine  
372 whether the findings and conclusions listed in 14.10.030(B)(1-4) can be made about the use  
373 as modified within ten (10) days of receiving the permit holder's proposal for modification. A  
374 written notice of such determination shall be provided to the permit holder indicating  
375 whether:

376  
377 a. The proposal for modification has been accepted by the municipality, thereby voiding  
378 the previous notice of revision or revocation; or

379  
380 b. The proposal for modification has been rejected by the municipality, thereby  
381 validating the previous notice of revision or revocation.

382  
383 4. In the case a proposal for modification is accepted by the municipality, the municipality  
384 will reissue the permit to incorporate the provisions of the accepted modifications.

385  
386 E. Penalties for permit holder violations.  
387

388 1. If the municipality finds that a permit holder has grossly under-reported as defined in the  
389 application, the number of clients in year-end reconciliation reports, the permit holder shall  
390 be required to pay the per client fee for the under-reported clients, as well as a penalty  
391 equivalent to two (2) times the per client fee for each under-reported client. Subsequent  
392 permits will not be issued until all fees and penalties have been paid.

393  
394 2. Any other violations of the provisions of this chapter or as outlined in the permit will be  
395 subject to a daily violation fine not to exceed more than \$100.00 per day.



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3. Making a false statement or presenting false or purposefully altered documents is prohibited and may be grounds for indefinite permit suspension. This provision applies to all persons, agents, and employees conducting activities under the authority of this permit.

**14.10.090-Definitions Appeals.**

A. Appeals to the administrator. Appeals of permit determinations, temporary permit suspensions, indefinite permit suspensions, permit revisions or revocations, or any fines or penalties imposed by the municipality shall be heard by the municipal administrator or by his/her designee.

1. Filing. Appeals shall be addressed to the municipal administrator and filed with the municipal clerk within ten (10) days of the permit determination date or notice of suspension, revocation, revocation, or imposition of fines or penalties as applicable.

2. Contents. The appeal shall contain the decision being appealed, the name and address of the appellant and their interest(s) in the matter, the specific reasons why the appellant believes the decision to be wrong, and the desired outcome or requested changes to the decision. The appellant may also, but is not required to, request a hearing before the municipal administrator; such request must be included in the contents of the appeal.

3. The municipal administrator shall only grant an appeal if they determine that the subject decision was made in error with regards to municipal staff's administration and application of the provisions of this chapter. The appellant shall bear the burden of proving the decision was made in error.

4. Hearing. Upon request for a hearing, a hearing shall be held before the municipal administrator. The hearing shall be set and conducted within five (5) days of the request, holidays, Saturdays, and Sundays not to be included.

5. Final Decision. The municipal administrator shall issue a final decision on the appeal within ten (10) days of the appeal filing date if no hearing was requested, and within fifteen (15) days of the appeal filing date if a hearing was requested. The parks and recreation committee shall be provided a copy of all final decisions on appeals.

B. Reconsideration by the assembly. A party to an appeal may seek assembly reconsideration of a final decision as issued by the municipal administrator.

1. Filing. Requests for reconsideration shall be made in writing and filed with the municipal clerk within ten (10) days of the final decision.

2. Contents. The request for reconsideration shall contain the final decision to be reconsidered, the name and address of the requesting party and his/her interest(s) in the matter, the specific reasons why the requesting party believes the decision to be wrong, and the desired outcome or requested changes to the decision.

444 3. The assembly shall only grant a request for reconsideration if it finds by a  
445 preponderance of the evidence that the subject denial was made in error. The requesting  
446 party shall bear the burden of proving the decision was made in error.  
447

448 4. The assembly shall consider the request at its next regularly scheduled meeting, at  
449 which it may grant or deny the request. If the request is denied, the previous action shall  
450 remain final. If the request is granted, the assembly may:  
451

452 a. Remand the matter back to the municipal administrator, specifying the items or  
453 issues to be considered and the timeframe for completing the additional work; or  
454

455 b. Call for argument. If the assembly calls for argument, the assembly shall set a  
456 meeting date to hear argument either in public or executive session. When setting a  
457 meeting date to hear argument, the assembly shall also establish the hearing procedure,  
458 specify items or issues to be addressed in argument, and identify person(s) to be called  
459 for argument. After hearing argument, the assembly may:  
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461 i. Uphold the decision as made by the municipal administrator;  
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463 ii. Revise the decision as made by the municipal administrator; or  
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465 iii. Overturn the decision as made by the municipal administrator.  
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467 5. Decisions made by the assembly are final.  
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469  
470 **14.10.100 Definitions.**  
471

472 As used in this chapter:  
473

474 “Commercial recreational use” or “commercial purpose” means the sale, delivery, or solicitation  
475 to provide goods or services in exchange for valuable consideration. The term includes a  
476 service offered in conjunction with another sale of goods or services whether or not it is  
477 incidental to, advertised with, or specifically offered in the other sale. All guide, outfitter, and  
478 transportation services are commercial activities if any payment or valuable consideration  
479 through barter, trade, cash or other commercial means is required, expected or received beyond  
480 the normal and customary, equally shared cost of food and fuel for any portion of activities  
481 conducted on city lands, trails, boardwalks or easements. Commercial recreational use also  
482 includes but is not limited to: fishing; hunting; hiking; biking; photography; nature or cultural  
483 history tours; etc.  
484

485 “Municipal lands” means any real property and improvements owned by the city and borough of  
486 Sitka.  
487

488 “Permittee” or “permit holder” means the business entity or its authorized representative  
489 conducting commercial activities in a recreation area according to a permit issued under these  
490 regulations.  
491

492 “Trail” means footpaths, bridle paths, bicycle paths, ski trails, dog sled trails, motorized vehicle  
493 trails, a road or street that is open to public and used as a trail and other paths and trails along  
494 highways, streets, roads or boardwalks maintained by the city and borough of Sitka.  
495

496 “Guiding” means providing services or assistance (such as supervision, protection, education,  
497 training, packing, touring, transporting people of interpretation) for monetary or other gain to  
498 individuals or groups on municipal lands.  
499

500 “Outfitting” means renting on or delivering to municipal lands for monetary or other gain any  
501 vehicle, bicycle, e-bike, boat, kayak, canoe (motorized or human powered), camping gear, or  
502 other similar supplies or equipment.  
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506 **5. EFFECTIVE DATE.** This ordinance shall become effective on November 1, 2025.  
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508  
509 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of  
510 Sitka, Alaska, this 28th day of January, 2025.  
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515 \_\_\_\_\_  
516 Timothy Pike, Deputy Mayor

517 ATTEST:  
518

519 \_\_\_\_\_  
520 Sara Peterson, MMC  
521 Municipal Clerk  
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523 1<sup>st</sup> reading:

524 2<sup>nd</sup> and final reading:  
525

526 Sponsor: Administrator