

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-30

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA UPDATING TITLE 6 "BUSINESS LICENSES AND REGULATIONS" OF THE SITKA GENERAL CODE BY REVISING CHAPTER 6.19 "REGULATION OF COMMERCIAL OPERATORS SELLING ORGANIZED EXCURSIONS OR RENTING EQUIPMENT FOR ORGANIZED EXCURSIONS"

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

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 make a comprehensive revision of Chapter 6.19 of the Sitka General Code in accordance with administration and staff recommendations formulated from an extensive review of practices and procedures, with the intent to align the regulations with best practices and procedures that benefit the city and borough and the commercial operators affected by the regulations.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 6, Chapter 6.19, is revised to read as follows (deleted language stricken, new language underlined):

Title 6 BUSINESS LICENSES AND REGULATIONS

Chapters:

- 6.04 Nonresident Business License
- 6.08 Junkyards
- 6.12 Mobile and Manufactured Homes and Mobile and Manufactured Home Park
- 6.16 Sales on Public Property
- 6.19 Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions and Loading/Unloading Commercial Vehicles
- 6.20 Pawnbrokers

* * *

Chapter 6.19 REGULATION OF COMMERCIAL OPERATORS SELLING ORGANIZED EXCURSIONS OR RENTING EQUIPMENT FOR ORGANIZED EXCURSIONS AND LOADING/UNLOADING COMMERCIAL VEHICLES

Sections:

- 6.19.010 Introduction.
- 6.19.020 Definitions.
- 6.19.030 Permit required for commercial operations involving organized excursions in areas subject to this chapter ~~when such operations occur in certain areas.~~

- 6.19.040 Permit required for loading/unloading commercial vehicles in certain areas.
~~6.19.040 Regulation of visitor-related activities on public property located at tendering facilities and adjoining parking lots.~~
6.19.050 Penalties.
6.19.060 Prohibition of distribution of cCommercial handbills and, leaflets and placement of commercial advertisement signs permit.

* * *

6.19.010 Introduction.

Crescent Harbor is owned by the state of Alaska and the city and borough of Sitka and operated by the city and borough of Sitka. The city and borough of Sitka owns property near Crescent Harbor including the tendering facilities, dock, ramps, shelters, and adjoining parking lots. The city and borough also owns Harrigan Centennial Hall (HCH) including the adjoining plaza Building, the dock and shelter, and the adjoining parking lots. The city and borough of Sitka also owns the dock known as the O'Connell Bridge Tendering Facility including the ramp and adjoining parking lots. The lands and facilities described in this section are the areas subject to this chapter. In adopting this chapter, the city and borough of Sitka is exercising its proprietary interests as an owner and operator on all city and borough-owned property, including future tendering facilities, as well as its police powers in the interest of public safety and order. Nothing in this chapter, however, limits the city and borough's of Sitka's ability to further exercise its proprietary powers as it deems necessary to protect its interests or those of the public.

6.19.020 Definitions.

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

A. "Commercial operations involving organized excursions" means any business, commercial entity, or for-profit enterprise offering: tours on foot; tours or trips by a wheeled vehicle, vessel, aircraft, or watercraft propelled by animal power, human power, engines, motors, or other motive power; any trip or tour involving the taking of one or more passengers for hire for the purpose of sightseeing, fishing, hunting, visits to natural and cultural displays; any other tour as may be offered by a business operating within the city and borough of Sitka, Alaska; or the rental or sale of any equipment to be used in any trip or tour described in this sentence, whether or not that trip is guided. Methods of transportation used in commercial operations involving organized excursions include but are not limited to: buses, aircraft, vans, pedicabs, bicycles, carriages, kayaks, boats, or walking tours. The rules of conduct and the permit requirements set out in this chapter apply to taxicabs that conduct tours.

B. "Commercial vehicle loading/unloading" means the loading and/or unloading of a vehicle used by commercial operations involving organized excursions in the areas subject to this chapter.

C. "HCH manager" means the city and borough employee who is the manager of Harrigan Centennial Hall and the adjoining plaza, and designated to administer this chapter.

D. "HCH plaza" means the property owned by the city and borough adjoining HCH made up of decorative walkways and gathering places between HCH, and the adjoining parking lots and waterfront.

E. “Permittee” and “permit holder” mean the business entity or its authorized representative conducting commercial operations involving organized excursions or conducting commercial vehicle loading/unloading.

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

GB. “The city and borough” means the city and borough of Sitka, Alaska.

H. “Vehicle” means a device in, upon or by which a person or property may be transported or drawn including devices moved by human, animal, mechanical or other power source.

6.19.030 Permit required for commercial operations involving organized excursions in areas subject to this chapter when such operations occur in certain areas.

A. General. No person shall sell, offer to sell, solicit to sell, or take orders to sell, or conduct commercial operations involving organized excursions in the areas subject to this chapter on tendering facilities or adjoining parking lots owned or operated by the city and borough except as authorized by a valid permit obtained from the city and borough pursuant to this chapter. A permit issued pursuant to this ~~section~~ chapter shall be called a “commercial operations permit.” A permit issued pursuant to this section may contain conditions reasonably required for the protection and use of the city and borough land and facilities for which the permit is granted, including limitations as to time, area, equipment, user loading, traffic, parking, discharges, noise, and other factors. Commercial operations involving organized excursions may only be conducted in spaces designated and assigned to commercial operations permit holders by the HCH manager in accordance with this chapter.

B. Terms.

1. An annual A commercial operations permit shall be valid for the period from May 1st of each calendar year through April 30th of the following calendar year April 1st through December 31st of the calendar year issued (the “permit term”), except permits issued under subpart (C)(7) in this section below which shall be valid from April 1st through October 15th, unless sooner suspended, revoked, or terminated.

2. Permits are not renewable. Issuance of a permit shall not entitle the permit holder to any priority or preferential consideration for subsequent, new, or additional permits for the same or related uses or areas. A new application must be submitted each year for each permit.

3. A commercial operations permit, or any rights or privileges thereunder, may not be assigned or transferred.

4. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee has no property right in the permit.

5. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee shall indemnify and hold the city and borough of Sitka, its elected and appointed officers, its employees, and its agents harmless from and against any and all loss, damage or expense for any injury to or death

of any person or persons, or for damage to property, resulting from or arising out of any act or omission of such permittee, or any of the permittees' employees, agents, representatives, customers, or contractors.

6. The city and borough of Sitka, 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 permittee, or any of permittee's employees, agents, representatives, contractors, or customers.

C. Limitations.

1. To be eligible for a permit, an applicant must:

a. Hold a current Alaska business license;

b. Maintain a place of business under the name on the Alaska business license within the boundaries of the city and borough; and

c. Maintain a year-round place of business and mailing address in the city and borough, and must designate a single individual by physical address, mailing address and phone number in the city and borough upon whom service of notices and legal proceedings may be made. Service of any notice concerning the permit to that person shall be legal and sufficient notice to any of the holders, owners or any other with an interest in the permit. The HCH manager must be notified in writing no less than ten days before there is a change in the name, address, or phone number of the designated person for a permit. Failure to timely notify the HCH manager shall be considered a violation of the permit.

2. A person with an overdue debt with the city and borough, of any kind whatsoever, is ineligible for a permit.

3. No permit may be issued under this section to a person whose last permit issued under this section was revoked within two calendar years before April 1st of the current permit term, unless upon appeal issued by the city and borough administrator for good cause shown by the applicant with no further administrative appeal available by the city and borough.

4-4. Permittees may conduct business during the permit term, except during special events when prior notice is given to the permittees by the city and borough year-round, including days on which special events may be scheduled.

2-5. Signs:

a. Any signs, vehicles and vessels used by permittees in an area regulated by this chapter must be in compliance with the law.

b. All signs must be freestanding, portable or mobile. Freestanding, portable or mobile signs are limited to one per permittee at each location, and shall not be more

than three feet wide and four feet from the ground, and shall only be posted in the ~~"designated area."~~ assigned space.

c. ~~All vehicles and vessels~~ must be operational at all times.

d. Unless otherwise permitted, all signs, vehicles, and ~~vessels equipment~~ must be removed from any area for which the city and borough is responsible at the end of each business day.

6. Commercial solicitation/sales spaces. Spaces within the HCH plaza may be designated and assigned to commercial operations permit holders, during the permit term, to accommodate the solicitation and sale of excursions offered by the permit holders. These spaces will be designated and assigned by the HCH manager to the highest bidders in accordance with sealed bid procedures established by the HCH manager and approved by the city and borough administrator. The minimum bid is \$2,500, which must be deposited with the sealed bid and will only be returned if the bid is unsuccessful. Businesses permitted to occupy these spaces will be allowed to apply for and obtain a permit for a space under subpart (C)(7) of this section and must pay the required fees for any space assigned.

~~3-7. Commercial outfitter spaces.~~ Parking sSpaces within the HCH plaza ~~Harrigan Centennial Hall/Crescent Harbor~~ parking area may be designated and assigned to commercial operations permit holders, from ~~May 1st through September 30th~~ April 1st through October 15th of the permit term ~~a calendar year~~, to accommodate vehicles, equipment, and operations that are necessary for customer outfitting and rental of equipment to be used in ~~a trip or tour~~ an excursion offered by a permittee or used by a customer. ~~Contingent on a permit application being accepted and fees paid, t~~These spaces will be designated and assigned by the HCH ~~Harrigan Centennial Hall~~ manager to the highest bidders in accordance with sealed bid procedures established by the HCH manager and approved by the city and borough administrator. The minimum bid is \$5,000, which must be deposited with the sealed bid and will only be returned if the bid is unsuccessful. ~~Manager based on historic use, with the remaining spaces assigned, as needed, up to a six-space maximum limit.~~ Vehicles used by the permittee in the assigned space permitted under this special use designation may remain overnight from ~~May 1st through September 30th~~ April 1st through October 15th of the permit term ~~a calendar year~~, but must be moved upon prior notice by request of the city and borough for special events. Businesses permitted to occupy these spaces will ~~not~~ be allowed to apply for and obtain a permit for a sidewalk space under subpart (C)(6) of this section and must pay the required fees for any space assigned. ~~At Harrigan Centennial Hall/Crescent Harbor for solicitation or freestanding, portable or mobile signs. Additional parking fees of five hundred dollars per parking space will be assessed to those businesses receiving designated space permits under this subsection.~~

~~4. Designated space permits are available on a first come, first served basis.~~

D. Fees. There is no fee for applying for a permit. However, the applicant shall pay all costs and expenses required by or related to its application, which are non-refundable by the city and borough whether the permit is denied or granted. If the permit is granted, the permittee shall pay a permit fee for the space assigned to the permittee in accordance with this section before

business can be conducted under the permit, but payment shall be made before the permit is issued and no longer than ten days after the permit is granted, or the permit shall be forfeited. In addition to the applicable permit fee required by this section, the permittee shall pay a permit fee required by section 6.19.040 for each vehicle loading/unloading for the permitted business. Each applicant for a permit issued under this chapter shall pay a nonrefundable application fee of four hundred dollars each year. In addition to the annual application fee of four hundred dollars, each applicant shall pay a ten dollar inspection fee each year for each motorized vehicle or motorized vessel used in a commercial operation involving organized excursions. Any person or company that has not obtained a required permit shall pay the four hundred dollar permit fee and any applicable inspection fee, in addition to any penalties assessed under Section 6.19.050.

E. Application. A person or ~~company~~ business entity seeking a permit shall file a written application on a form provided by the city and borough, and follow the application procedures established by the HCH manager and approved by the city and borough administrator. The application shall contain the following information:

1. Name, address, ~~and telephone number~~ and email address of the applicant and all principals of the business;
2. Name, address, telephone number, and email address of contact person for the business of operations manager, emergency contact phone, and local home address;
3. The experience of the applicant in the transportation of passengers;
4. A list of vehicles and description by year, make, model, color, license number and registration number (DMV) ~~and/or vessels or watercraft with current state of Alaska registration numbers~~, to be operated or controlled by the applicant ~~and the location of the proposed depots and terminals, if any~~;
5. ~~The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant, and license number and length of vehicle(s). Each vehicle must meet state vehicle safety codes, and each vessel or watercraft must meet U.S. Coast Guard safety codes. The state of Alaska registration sticker must be displayed in a conspicuous place according to law, or the vessel must have proper U.S. Coast Guard documentation. Each aircraft must be FAA certified;~~
56. A statement, from the state of Alaska, that the applicant has not been convicted of any felony or the following misdemeanor offenses within the preceding five years:
 - a. Prostitution or the promotion of prostitution;
 - b. Sale, transportation, possession, or use of any controlled substance as defined in Sections 11.71.140 through 11.71.190 of the Alaska Statutes;
 - c. Any offense which includes as an element the use or threat of force upon a person;
 - d. Burglary, theft, fraud, or embezzlement;

e. Any sexual offenses;

67. Description of commercial operations ~~Type of tour, trip, or excursion to be sold;~~ and

78. An acknowledgment by the applicant that applicant agrees to be bound by all of the terms, conditions and provisions set forth in this chapter, and such additional terms and conditions as may be set forth in the permit application process or by the HCH manager ~~city and borough staff~~.

F. Insurance and Indemnification.

1. Prior to issuance of a permit, the permittee must provide the HCH manager with a broker's certificate of insurance showing that the permittee has obtained public liability insurance in the amount and for the risks determined by the city and borough for the proposed use. The certificate must establish that the city and borough is named as additional insured on the policy and that the insurer shall notify the city and borough within thirty days if the policy is modified, canceled, or terminated.

2. Permittees, upon acceptance of a permit, shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the city and borough from any and all claims for injury or damage to persons or property suffered in connection with the permittee's activities unless such injury or damage is caused by the intentional misconduct or gross negligence of the city of borough.

~~1. General Liability Insurance. Subject to the special provision for commercial operators offering walking tours exclusively set out in the last sentence of this subsection, each permittee shall at all times during the period of operations maintain a current commercial general liability insurance policy in the amount of not less than one million dollars combined single limit, which policy shall name the city and borough of Sitka, its officers, its employees, and its agents as additional insured. The policy shall not contain any self-insured retention, and shall include a provision requiring written notification to be given to the city and borough of Sitka by the insurance company not less than thirty days before the policy is canceled, modified, or terminated for any reason. Permittees shall submit a copy of the policy, or, at the option of the city and borough of Sitka prior to beginning any setting up of operations, or operations under the permit. Commercial operators who offer walking tours exclusively shall be required to maintain a current commercial general liability insurance policy in the amount of not less than one hundred thousand dollars combined single limit.~~

~~2. Motor Vehicle Liability Insurance. Subject to the special provision for commercial operators offering walking tours exclusively set out in the last sentence of this subsection, no permit shall be issued or continued in effect unless there is in full force and effect a motor vehicle liability insurance policy issued by an insurance company authorized to do business in the state of Alaska. The limits of coverage provided shall be not less than one million dollars for each occurrence (combined single limit for bodily injury and property damage). The policy shall contain a provision for notification to the city and borough of Sitka of cancellation thirty days prior to such cancellation. No motor vehicle liability~~

~~insurance shall be required under this permit if the commercial operator does not transport customers or clients in a vehicle, vessel, or watercraft.~~

~~3.— Boat Operators Watercraft Liability. No permit shall be issued or continued in effect for any permittee who uses any vessel or watercraft in conducting a trip or tour unless there is in full force and effect a watercraft liability insurance policy issued by an insurance company authorized to do business in the state of Alaska. The limits of coverage provided shall be not less than one million dollars for each occurrence (combined single limit for bodily injury and property damage). Watercraft liability insurance is required for boating activities covered under permits issued pursuant to this chapter when such activities occur on waters within the city and borough. Depending on the sizes, ownership and use of the vessel or watercraft, such coverage may be provided either by a protection and indemnity (P&I) liability policy or by a comprehensive general liability policy. The determination of which policy is applicable depends on the size, ownership, and use of the watercraft. If a watercraft or vessel under twenty-six feet long is covered under a general liability policy, the Insurance certificate must include a statement that "watercraft liability is included" or similar documentation. The policy shall contain a provision for notification to the city and borough of Sitka of cancellation thirty days prior to such cancellation.~~

~~4.— Aircraft Liability. No permit shall be issued or continued in effect for any permittee who uses any aircraft in conducting a trip or tour unless there is in full force and effect an aircraft liability insurance policy issued by an insurance company authorized to do business in the state of Alaska. The limits of coverage provided shall be not less than one million dollars for each occurrence (combined single limit for bodily injury and property damage). Aircraft liability insurance is required for flying activities covered under permits issued pursuant to this chapter when such activities occur on waters within the city and borough. Depending on the sizes, ownership and use of the aircraft, such coverage may be provided either by a protection and indemnity (P&I) liability policy or by a comprehensive general liability policy. The determination of which policy is applicable depends on the size, ownership, and use of the aircraft. The policy shall contain a provision for notification to the city and borough of Sitka of cancellation thirty days prior to such cancellation.~~

G. Issuance of Permit. After review of the application by the police chief or his/her written designee, the Harbormaster, and the Harrigan Centennial Hall the HCH manager or his/her written designee, the police department Harrigan Centennial Hall HCH manager or his/her written designee shall only grant the application upon finding that the applicant for the permit is fit, willing, and able to comply with the law and that granting the permit satisfies public convenience and necessity. The permit shall state the name and address of the applicant, the date of issuance, the class of motor vehicle to be operated, the number of vehicles, vessels, or watercraft authorized under the permit, the color scheme, or insignia to be used, and such additional terms, conditions, provisions and limitations deemed appropriate as the to general public health, safety, and welfare, morality and safety. No permit shall be considered to have been issued until it has been signed by the HCH manager police chief or his/her written designee. In making the above-mentioned findings of public convenience and necessity, the HCH manager city and borough shall take into consideration the character, experience, and responsibility of the applicant, and the public health, safety, and welfare. ~~In order to add additional vehicle(s) or motorized watercraft(s) to the original application, the permit holder must submit proof of insurance for the additional vehicle(s) or watercraft(s), show that each vehicle meets state motor vehicle codes, or each watercraft satisfactorily meets U.S. Coast Guard~~

~~approval, and pay ten dollars per additional vehicle or watercraft, to the city and borough of Sitka. 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 such notice of denial is delivered to the applicant. Notice A letter sent to the applicant's address 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 city and borough 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. No refunds will be issued for vehicles or watercrafts that do not operate for the full year.~~

~~H. Terms of Renewal. Each permit issued under this chapter shall expire on the last day of April next following its issuance. Permits once issued and approved prior to start up of operations may be renewed and reissued by the city and borough of Sitka upon application to the city and borough of Sitka. All fees must be paid at time of permit issuance. Permits will not be renewed unless the finance department certifies that all sales taxes have been paid, and the police department certifies that all motorized vehicles, motorized vessels, or aircraft listed on the permit have passed required inspections. Any operator whose permit has been revoked during the course of the year may not be granted a permit renewal.~~

~~Hf. Fraud. Misrepresentation or false advertising will not be tolerated. Any person issued a permit under this section who commits any act of fraud, cheating or misrepresentation, whether through the permittee or through an employee, agent, or representative thereof, while performing an activity provided for or authorized by in the permit, directly or indirectly, or who shall barter, sell, or peddle any goods, upon public property other than those specified and authorized in their permit, can face revocation as provided in subsection Jl of this section.~~

~~Ij. Suspension and Revocation. A permit may be suspended by the HCH manager without advance notice for a period not to exceed ten days if any activities conducted under the permit present an immediate danger to the public health, welfare, or safety. All other suspensions and revocations shall be handled by the city and borough administrator or his/her written designee. The city and borough administrator or his/her written designee may at any time suspend or revoke a permit issued under this section ~~chapter~~ for noncompliance with any term, condition, or provision of the permit, or violation of any provision of this section or other applicable local, state, or federal law, ordinance or regulation. The city and borough administrator or his/her written designee may also suspend or revoke such a permit upon a determination that the operation of the permittee is causing a hazard, or a disruption of pedestrian, vehicular, or watercraft traffic, or that the area affected by the permit is required for another public purpose, or for other reasons. The permittee shall be given prior written notice of the proposed suspension or revocation of the permit which includes written findings as to noncompliance with the permit. If so requested by such permittee, not later than five days after the date of the written notice of proposed suspension or revocation, the permittee may appeal the decision of the administrator or written designee to a hearing officer selected by the administrator. The~~

notice shall include a brief statement of the facts giving reason for the proposed suspension or revocation. 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. Appeal from a hearing officer's decision may be made no later than thirty days after such decision to the superior court for the state of Alaska sitting in Sitka. Justifications for revocation can include but are not limited to: verified complaints from customers in which services were verbally or otherwise contracted for, but not received from the permit holder or the permit holder's business company; physical touching, grabbing, yelling, or shouting to a degree that would constitute disorderly conduct under AS 11.61.110, in an attempt to convince potential customers to purchase a tour or services or equipment; defamatory interference with competing commercial operators, Harrigan Centennial Hall HCH staff, or harbor department staff; failure to comply with reasonable directions of Harrigan Centennial Hall the HCH manager or staff, the harbormaster or staff, or a police officer; or, conviction of any offense listed in subsection 1E(6) of this section. No permit may be issued to a person whose last permit issued under this section was revoked within two calendar years before April 1st of the current permit term, unless issued by the city and borough administrator for good cause shown by the applicant with no further administrative appeal available by the city and borough.

6.19.040 Permit required for commercial vehicles loading/unloading in certain areas.

A. General. No person shall operate, park, stand, or stop a commercial vehicle, or cause or direct the same, within the designated loading/unloading areas at the HCH plaza and the O'Connell Bridge Tendering Facility, except as authorized by a valid permit issued by the HCH manager or his/her written designee pursuant to this section. A permit issued pursuant to this section shall be called a "commercial vehicle loading/unloading permit." Permit holders may only use areas designated for commercial vehicle loading/unloading by the HCH manager, as approved by the city and borough administrator. The applicant must display a sticker issued by the HCH manager in the lower right corner of the front windshield of the vehicle, or as specified by the HCH manager.

B. Incorporation of applicable provisions from section 6.10.030. The following subparts of section 6.10.030, as they presently exist or as they may be revised in the future, are incorporated by reference in this section: subparts (B)(1) – (6) "Terms," subparts (C)(1) – (4) "Limitations," subparts (E)(1)-(7) "Application," subpart (F) "Insurance and Indemnification" (for motor vehicle liability insurance), subpart (G) "Issuance of Permit," subpart (H) "Fraud," and subpart (I) "Suspension and Revocation." The provisions hereby incorporated in this section shall be interpreted and applied to best accommodate and control the permitted motor vehicles loading/unloading in the designated areas.

C. Fees. There is no fee for applying for a permit. However, the applicant shall pay all costs and expenses required by or related to its application, which are non-refundable by the city and borough whether the permit is denied or granted. If the permit is granted, the permittee shall pay a permit fee for each vehicle as follows: under seven passengers \$250, seven to fifteen passengers \$500, sixteen to twenty-nine passengers \$750, thirty or more passengers \$1,000. The permit fee shall be reduced by 50% for any vehicle powered by electricity.

Payment shall be made before the permit is issued or the permit shall be forfeited.

D. The staging of vehicles for commercial vehicle loading/unloading for commercial operations involving organized excursions is prohibited within Crescent Harbor and HCH Plaza parking lots and the O'Connell Bridge Tendering Facility parking lots. Such vehicles will only be allowed in when actively loading/unloading.

~~6.19.040 Regulation of visitor related activities on public property located at tendering facilities and adjoining parking lots.~~

~~A. Responsibility. The following municipal officials shall be responsible for enforcing existing regulations and setting limits and rules as necessary in the affected area. The Harrigan Centennial Hall manager will have authority over the Crescent Harbor parking lot and the Centennial Hall parking lot. The harbormaster will have authority over the Crescent Harbor dock, the lightering dock and ramps, the O'Connell Bridge Lightering dock and ramps, and other harbor parking lots. The police department shall handle violations of a criminal nature. The city and borough attorney shall receive referrals regarding any matters requiring civil action, including permit revocations.~~

~~B. The Tendering Facilities, Ramps, and Covered Shelter.~~

~~1. No person(s) selling organized excursions, tours, trips, or services; distributing handbills; or otherwise contacting visitors arriving from ships will be allowed within the designated security zone.~~

~~2. The city and borough shall designate locations for activities. Any such activities within the areas regulated by this chapter must occur within those locations.~~

~~3. In order to reduce congestion in the areas regulated by this chapter, the number of buses and vans at any given time will be limited. Buses servicing presold tours, trips and/or services shall be staged in designated areas established by the Harrigan Centennial Hall manager or the harbormaster. Drivers for each bus or van shall be present at all times.~~

~~4. When the Harrigan Centennial Hall manager or the harbormaster has determined that demand is heavy, Each commercial operations permittee offering independent tours shall have no more than one vehicle and/or carriage for independent tours in any parking lot regulated under this chapter at the same time, unless space for more than that one vehicle is available. When such space is available, additional parking shall be done on a first-come, first-served basis. A driver for each vehicle used for an independent tour shall be present at all times. As vehicles leave the area, the permittee whose vehicle leaves may replace it. Extra parking will be established when space is available.~~

6.19.050 Penalties.

A. Conducting commercial operations involving organized excursions in violation of a permit issued under section 6.19.030 and loading/unloading a commercial vehicle in violation of a permit under section 6.19.040 are punishable by a fine of one two hundred fifty dollars fine for a first offense and a fine of up to two five hundred fifty dollars for a second or subsequent offense. Such fines are separate from any suspension or revocation imposed pursuant to Section 6.19.030(JJ).

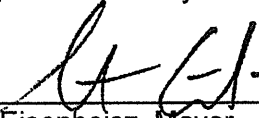
B. Conducting commercial operations involving organized excursions without a permit issued under section 6.19.030 and loading/unloading a commercial vehicle without a permit issued under section 6.19.040 ~~are is~~ punishable by a fine of ~~one~~ two hundred ~~fifty~~ dollars for a first offense. ~~Conducting commercial operations involving organized excursions without a permit is punishable by~~ and a fine of ~~two~~ five hundred ~~fifty~~ dollars for a second or subsequent offense. A second or subsequent offense ~~which~~ shall also bring the loss of the privilege of receiving such a permit for two calendar years.

6.19.060 Prohibition of distribution of cCommercial handbills, and leaflets and placement of commercial advertisement signs permit.

~~Any person or business intending to operate in an area subject to this chapter by distributing commercial handbills and leaflets, or by placing any commercial advertisement sign, is required to first obtain a permit. The annual cost of the nonrefundable permit is four hundred dollars, except for persons or businesses who have already obtained a permit under Section 6.19.030. All commercial advertisement signs must comply with the requirements in Section 6.19.030(C). Except as otherwise permitted by this chapter, no person may distribute commercial handbills or leaflets, or place commercial advertisement signs in the areas subject to this chapter.~~

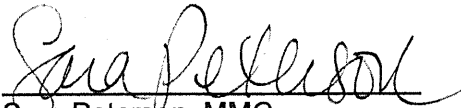
5. **EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, this 13th day of December 2022.



Steven Eisenbeisz, Mayor

ATTEST:



Sara Peterson, MMC
Municipal Clerk

1st reading: 11/22/2022

2nd and final reading: 12/13/2022

Sponsor: Administrator