

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2022-33

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 6 "BUSINESS LICENSES AND REGULATIONS" OF THE SITKA GENERAL CODE BY UPDATING CHAPTER 6.19 "REGULATION OF COMMERCIAL OPERATORS SELLING ORGANIZED EXCURSIONS OR RENTING EQUIPMENT FOR ORGANIZED EXCURSIONS AND LOADING/UNLOADING COMMERCIAL VEHICLES" REGARDING TERM OF PERMIT

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 change the term for a commercial operations permit from one year to three years with a staggered term length for permits issued in the initial offering.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 6, entitled ""Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions and Loading/Unloading Commercial Vehicles", Chapter 6.19, entitled "Permit required for commercial vehicles loading/unloading in certain areas" be amended by updating Section 6.19.030, entitled "Permit required for commercial operations involving organized excursions in areas subject to this chapter", 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**

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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.
- 6.19.040 Permit required for loading/unloading commercial vehicles in certain areas.
- 6.19.050 Penalties.
- 6.19.060 Prohibition of distribution of commercial handbills and leaflets and placement of commercial advertisement signs.

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

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B. Terms.

1. A commercial operations permit shall be valid for three consecutive calendar years for the period from April 1st through December 31st of each of those the calendar years issued (the "permit term"), except permits issued under subpart (C)(7) in this section below which shall be valid for three consecutive calendar years from April 1st through October 15th of each of those calendar years, unless sooner suspended, revoked, or terminated. At the first offering under subpart (C)(6), the term for permits shall be staggered between one year terms, two year terms, and three year terms, as designated by the HCH manager and approved by the city and borough administrator. The minimum bid for these staggered terms under subpart (C)(6) is \$2,500 per year. At the first offering under subpart (C)(7), the term for permits shall be staggered between one year terms, two year terms and three year terms, as designated by the HCH manager and approved by the city and borough administrator. The minimum bid for these staggered terms under subpart (C)(7) is \$5,000 per year. All subsequent offerings under subparts (C)(6) and (C)(7) shall be for three year terms as described in this subpart.

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 permit term year for each permit.

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C. Limitations.

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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 \$7,500 for the permit term. A successful bidder must pay one-third of its total bid before March 1st of each calendar year of the permit term, or a prorated amount if prepayment is made, or the permit shall be forfeited and rebid. Permittees may prepay permit fees; however, no prepaid permit fees shall be refunded for any calendar year of the permit term unless the permittee gives prior written notice of termination before March 1st of a calendar year within the permit term. ~~\$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.

7. Commercial outfitter spaces. Spaces within the HCH plaza may be designated and assigned to commercial operations permit holders, from April 1st through October 15th of the permit term, to accommodate vehicles, equipment, and operations that are necessary for customer outfitting and rental of equipment to be used in an excursion offered by a permittee or used by a customer. 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 \$15,000 for the permit term. A successful bidder must pay one-third of its total bid before March 1st of each calendar year of the permit term, or a prorated amount if prepayment is made, or the permit shall be forfeited and rebid. Permittees may prepay permit fees; however, no prepaid permit fees shall be refunded for any calendar year of the permit term unless the permittee gives prior written notice of termination before March 1st of a calendar year within the permit term. ~~is \$5,000, which must be deposited with the sealed bid and will only be returned if the bid is unsuccessful.~~ Vehicles used by the permittee in the assigned space may remain overnight from April 1st through October 15th of the permit term, but must be moved upon prior notice by the city and borough for special events. Businesses permitted to occupy these spaces will be allowed to apply for and obtain a permit for a space under subpart (C)(6) of this section and must pay the required fees for any space assigned.

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.

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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 10th day of January, 2023.



Steven Eisenbeisz, Mayor

ATTEST:



Sara Peterson, MMC
Municipal Clerk

1st reading: 12/27/2022

2nd and final reading: 1/10/2023

Sponsors: Christianson/Ystad