

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Adoption of Amendment to Title 05, Chapter 10, Sections 040 - 060 Waterfront Sales Permits

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD PROPOSES TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are adopted pursuant to CBJ Ordinance 01.60 and 85.02.060.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended by the repeal and readoption of 05 CBJAC 10.040, the repeal of 05 CBJAC 10.050, and the repeal and readoption of 05 CBJAC 10.060(b), reading:

05 CBJAC 10.040 Tour sales permits, is repealed and readopted to read:

05 CBJAC 10.040 Tour sales permits.

A tour sales permit authorizes the solicitation and sale of tours and experiences.

(a) *Application process and permit award.*

(1) How to apply. No later than December 1, of each year, the Port Director will publicly announce an application period for tour sales permits. The notice will include a description of how to apply for a permit, the number and type of permits available, and the process that will be used to award the permits. Persons must apply on an application form provided by the Port Director and must include all required information and attachments.

(2) Application review. The Port Director will review each application to determine if it is complete. The Port Director will reject incomplete applications. The Port Director will review complete applications to determine if the applicant meets the permit eligibility requirements set out in 05 CBJAC 10.030(f).

(3) How the permits are awarded. The Port Director will award the permits by public outcry auction. The minimum bid for a permit is \$5,000. Applicants meeting the permit eligibility requirements set out in 05 CBJAC 10.030(f) will be allowed to bid on a permit provided the applicant posts a \$5,000 bid bond payable to CBJ. The applicant must agree to forfeit the bid bond in the event the applicant does not honor a winning bid on a permit.

(b) *Permit requirements.* The Port Director may issue permits and require permit holders to comply with stipulations as necessary to assure compliance with applicable requirements of this chapter and the Maritime Transportation Security Act of 2002. Permit holders shall also comply with the prohibitions set out in 05 CBJAC 10.020, the tour sales area rules set out in 05 CBJAC 10.040(c), and the general operating requirements set out in 05 CBJAC 10.070.

(c) *Tour sales area rules.*

(1) A permit holder shall only sell tours in a booth provided by the Port Director. The Port Director will provide booths at the Steamship Wharf Plaza, the Visitor's Center Lot, and the Columbia Lot sales areas. The Port Director reserves the right to relocate or close booths as required for public safety, security, or other good cause. The booths at each sales area will be assigned by lot. In order to assure equitable exposure for each permit holder, the Port Director will cause the permit holders to shift one booth on each day of operation. A permit holder shall only occupy the booth assigned by the Port Director.

(2) A permit holder shall not have more than one representative selling tours at a booth. A permit holder shall maintain a presence at its booth during all hours when cruise ship passengers are likely to purchase tours in a sales area.

(3) The permit holder shall provide the Port Director with a list of all tours sold by the permit holder.

(4) The permit holder may display one large sign on the booth provided the sign does not extend beyond the front profile of the booth. The permit holder may also display a one-foot by one-foot sign for each tour the permit holder sells. The signs may not extend more than six inches beyond the front profile of the booth.

(5) The permit holder shall not engage in hawking nor shall the permit holder interfere with the operations of other sales booths.

05 CBJAC 10.050 Tour broker permits, is repealed and reserved.

05 CBJAC 10.060(b), is repealed and readopted to read:

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(b) *Permit requirements and conditions of operations.*

(1) The Port Director is authorized to designate loading zones in the downtown waterfront area and establish rules to assure safety, security, and efficiency of operation.

(2) The Port Director may issue loading zone permits and require permit holders to comply with stipulations as necessary to assure safety, security, and efficiency of operation. Permit holders shall also comply with the loading zone rules set out in 05 CBJAC 10.060(c) and the general operating requirements set out in 05 CBJAC 10.070.

(3) An applicant for a loading zone permit must show that use of the permit will be limited to transportation of passengers and/or crew to or from cruise ships. If the applicant will be transporting passengers, the showing must consist of at least one of the following:

- A. A tour sales permit in the applicant's name;
- B. A contract for the sale of tours onboard a cruise ship;
- C. A contract with a cruise ship for the transportation of passengers;
- D. A contract for the sale of tours with a tour sales permit holder. An applicant may enter into a contract with one tour sales permit holder only; or
- E. If the applicant sells tours without the aid of the cruise lines, a cruise ship, or a tour sales permit holder, the applicant must show that it will only transport persons who have purchased tours directly from the applicant, and the applicant shall, upon request, provide the Port Director with a daily manifest showing the names of passengers to be transported.

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Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on November 1, 2007, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: _____

John M. Stone
Port Director

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Its consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority following each section; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: _____

John W. Hartle
City Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____

Laurie J. Sica, Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at ____:____ a.m./p.m. on the ____ day of _____, _____.
2. After signing, I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: _____.

Date: _____

Laurie J. Sica, Clerk