05 CBJAC 01.010 Policy. The policy of the City and Borough of Juneau concerning the commercial use of lands and facilities regulated by the Docks and Harbors Department is to:

(a) Maintain and improve Docks and Harbors lands and facilities for their primary use by the public, to include visitors and residents alike, and preserve them from activities inconsistent with that primary use.

(b) Preserve and maintain these public assets for all users, preserve the maritime experience unique to each area, consider impacts upon other users and neighboring property, and insure public safety on Docks and Harbors Department lands and facilities.

(c) Establish rules to minimize environmental damage and mitigate impacts from the commercial use of Docks and Harbors Department lands and facilities.

(d) Charge for commercial use of Docks and Harbors Department lands and facilities at a fair rate which reflects the cost of providing any improvements, maintenance, services, and administration necessary for the use.

(e) Establish and enforce uniform rules for commercial use of Docks and Harbors Department lands and facilities. (Eff. 05/16/2000).

05 CBJAC 01.020 Lands and Facilities Regulated. These regulations apply to all Docks and Harbors Department lands and facilities designated by the Port Director pursuant to Title 85 as Department properties and to all areas owned by the City and Borough dedicated to maritime purposes. (Eff. 05/16/2000).

05 CBJAC 01.030 Permit Required. (a) No person may conduct commercial activities on Docks and Harbors Department lands and facilities subject to these regulations except as authorized by a permit issued by the Director. A permit under this chapter is not required for activities conducted under a permit issued pursuant to other chapters in this title.

(b) The Director may issue a permit for commercial activities within a Docks and Harbors Department land or facility as subject to such conditions as the Director may impose and only upon a determination that the use as proposed:

1. will not unreasonably impact the resources and facilities of the Docks and Harbors Department;
2. will not endanger the public health, safety, and welfare; and
3. is not inconsistent with the Docks and Harbors Department Master Plan and all subsidiary...
plans.

(c) A permit may contain conditions reasonably required for the protection and use of the Docks and Harbors Department land or facility for which the permit is granted, including limitations as to time, area, equipment, user loading, traffic, parking, discharges, noise, and other factors.

(d) The Director may deny a proposed use upon a reasonable determination that the use, alone or in combination with other uses, would exceed the carrying capacity of the area. The Director shall determine the carrying capacity of an area taking into account the nature and extent of the use, the number of users, and the impacts likely to result from the use, including traffic, noise, public access, loading, the availability of parking and other factors. The Director shall find that the carrying capacity of an area would be exceeded if it were more likely than not that the proposed use would unreasonably impact the resources and facilities of the Docks and Harbors Department.

If the cumulative impact of proposed uses would exceed the carrying capacity of the area, the Director shall not award any permits for that area until the following procedure is followed:

1. The Director shall notify all members of any group of applicants whose applications, taken together, propose uses in excess of the carrying capacity of an area. The notice shall identify the nature and extent of the impacts exceeding the carrying capacity, and shall invite the applicants to confer among themselves for the purpose of negotiating a resolution to the excess impacts issues.

2. The applicants may re-submit their applications which shall be granted if the Director finds that the excess impact issues have been resolved and the applications otherwise meet the requirements of this section. If excess use issues remain unresolved, the Director shall grant permits by lottery to the extent that such uses do not exceed the carrying capacity of the area.

(e) A permit is transferable only with the permittee’s entire business interest in activities conducted under the permit and only to a person who has successfully completed the permit application process. No credit will be given for any permit payments made by the previous holder of the permit. (Eff. 05/16/2000).

### 05 CBJAC 01.040 Application Process.

(a) General Requirements.

1. Applications for permits will be accepted only from persons who have, or upon issuance of the permit, will have the legal authority to take action in accordance with the permit. All applications must be signed by the owners of the business to be subject to the permit. The Director may require an applicant to submit evidence of authority to apply hereunder.

2. All applications for permits must be on forms provided by the department. Applications will not be considered unless they are complete, signed, accompanied by the applicable fee, and filed together with any required attachments or exhibits at the offices of the Docks and Harbors Department.

3. Public notice of the Director’s consideration of commercial use permits shall be provided as follows: Notice of the application shall be posted in the Docks and Harbors Department land or facility in which the permit will be used.

4. Applications for commercial use permits will be available at the Docks and Harbors Department office no less than 30 days before the close of the application period. Applications received after 4:30 p.m. on the day that the application period ends will not be considered for a permit.

(b) Application information.

1. Applicant information.

(A) The application shall identify each individual or business entity responsible for the use intended; all officers, partners, or joint venturers of such entities; and all persons with any ownership interest in such entities. Notice to any of the persons listed shall be sufficient to notify all, and each person listed shall be jointly and individually responsible for compliance with permit conditions;

(B) The permanent, temporary, local, and foreign residence and mailing addresses of each person, owner, and company responsible for the use, service or activity intended;

(C) Current phone numbers of each company and individual providing services in the area applied for;

(D) A copy of a current driver’s license or other government identification card which
includes a photograph, date of birth and a written physical description of the applicant;

(E) Physical descriptions and license numbers of each vehicle to be used in the activity
for which the permit is sought.

(2) Proposed use.

(A) A description and a map of the location of each proposed use;

(B) A description of transportation to the site and proposed parking plans for vehicles,
and a statement of any additional accommodations or improvements needed for the proposed use;

(C) A description of the use, the mode of transport at the site, and the services being
provided at the site;

(D) A description of the number, scheduling, and size of participant groups at the site,
with a calendar indicating which days and times the use is proposed.

(3) Fees to be charged by permit holder. A schedule of fees and charges to customers and
a description of any collection, disbursement, royalty, commission or similar arrangements with others
including tour brokers, agents, or cruise ship companies. (Eff. 05/16/2000).

05 CBJAC 01.050 Permit Fees. The applicant shall pay a fee, established by the Docks and
Harbors Board, which fee will give the Docks and Harbors Department a fair and reasonable return in light
of the cost of administering the activity permitted under the permit, the impact of the proposed activity
on the area, the cost of any improvements required, and the value of the benefit conferred upon the user. The
fee shall be paid to the department by the 15th day of each month for fees owed in previous calendar
month. (Eff. 05/16/2000).

05 CBJAC 01.060 Insurance and Indemnification. Prior to issuance of a permit, the permittee
must provide the department 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 Risk Manager of the
City and Borough of Juneau for the proposed use. The certificate must establish that the City and Borough
is named as an additional insured on the policy, and that the insurer shall notify the City and Borough if the
policy is modified, canceled, or terminated.

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 of Juneau 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 gross negligence of the City and Borough of Juneau. (Eff.
05/16/2000).

05 CBJAC 01.070 Permit Duration. (a) Permits may be issued for a period not to exceed one
year.

(b) Permits are valid only for the dates, times, activities and areas specified.

(c) 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.

(d) The Director may issue a temporary permit at any time, valid for no more than 10 days and not
renewable. The application process for a temporary permit shall be the same as for other permits. (Eff.
05/16/2000).

05 CBJAC 01.080 General Operating Requirements. (a) Permittees shall have a copy of the
permit immediately available for inspection at all times while engaged in activities pursuant to the permit.
A copy of the permit shall be prominently displayed on any vehicles used in the recreation area.

(b) Permit holders shall be responsible to the city for their actions and those of their agents,
employees or customers while engaged in permit activities. The following operating requirements apply to
activities conducted under the permit unless otherwise specified in a permit.

(1) No one may obstruct traffic, litter, use glass containers, nor disturb, damage, deface or
(2) Activities conducted under the permit shall be confined to the area specified in the permit except as required for safety reasons.

(3) No alterations or improvements to the permitted area are allowed, nor may anything be posted or signs of any kind be displayed in the area, except as may be required by the Director.

(4) No one may camp, light fires, fish, hunt or harass wildlife under activities relevant to the permit.

(5) The permit holder shall promptly notify the Director of any accident, injury or claim relating to the permitted activity.

(6) The permit holder shall promptly notify the Director of any repair or maintenance needed to the improvements located in the permitted area, or any natural condition which constitutes a hazard. The permit holder shall not make any repair or alteration to the area unless required by an emergency, and shall promptly report such repair or alteration to the Director.

(7) Permit holders shall comply with all state, federal, and local laws applicable to their activities.

(8) Permit holders shall clean-up the area used and shall properly dispose of all litter found thereon.

(9) The permit holder shall reimburse the City and Borough of Juneau for any damage to municipal property caused by the permittee while engaged in permit activities, including the cost of litter abatement.

(10) No pets shall accompany any person engaged in permit activities unless the pet is restrained on a leash and all fecal material is promptly removed and properly disposed of.

(11) No equipment or supplies may be stored at any City and Borough facility or permit area unless approval of the Director is secured in advance.

(12) All vehicles under the ownership or control of the permittee shall be lawfully operated or legally parked while the permit holder is engaged in permit activities. The permittee shall be responsible for following all parking restrictions and requirements imposed by permit conditions. (Eff. 05/16/2000).

**05 CBJAC 01.090 Enforcement and Penalties.** (a) A permit may be suspended by the Director without advance notice for a period not to exceed 10 days if any activities conducted under the permit present an immediate danger to the public health, welfare, or safety.

(b) A permit may be suspended or revoked by the Director upon written findings that the permittee has violated these regulations. The permittee shall be provided at least 10 days notice and an opportunity to be heard at an informal hearing on the suspension or revocation. The Director’s decision may be appealed to the Docks and Harbors Board by filing a notice of appeal setting forth the reasons the decision is appealed with the Docks and Harbors Department office within 10 days of the Director’s decision. (Eff. 05/16/2000).

**05 CBJAC 01.100 Definitions.** As used in this chapter:

“Commercial use” or “commercial purpose” means the sale, delivery, or solicitation to provide, goods or services in exchange for valuable consideration, except for activities related to the commercial and charter boat harvest and transport of seafood product, and does not include vessel support or repairs. The terms include 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, except charter boat 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 within the lands and facilities of the Docks and Harbors Department.

“Department” means the City and Borough of Juneau Docks and Harbors Department.

“Port Director” or “Director” means the administrator of the City and Borough of Juneau Docks and
Harbors Department or such person as may be designated by the Port Director to administer these regulations.

“Docks and Harbors Department lands and facilities” and “maritime areas” mean all lands and facilities owned by the city, or state owned lands and facilities owned by the State and administered by the Docks and Harbors Department and designated by these regulations as subject to Docks and Harbors Department regulation.

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

“Person” means a natural person, firm, partnership, corporation, association, or other entity organized for a common purpose.

“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. (Eff. 05/16/2000).