

Chapter 01 - COMMERCIAL USE OF PARKS AND RECREATION FACILITIES AND TRAILS

11 CBJAC 01.010 - Policy.

~~As established in Resolution 1755am, t~~ The policy of the City and Borough of Juneau concerning the commercial use of city land regulated by the parks and recreation department is to:

- (a) Maintain and improve parks, **trails, and** recreation areas ~~and trails~~ for their primary use by the public, to include visitors and residents alike, ~~for parks, recreation areas and trails~~ and to preserve them from activities inconsistent with that primary use.
- (b) Preserve and maintain these public assets for all users, preserve the recreational experience unique to each area, consider impacts upon other users and neighboring property, and ensure public safety on city lands.
- (c) Establish rules to minimize environmental damage and mitigate impacts from the commercial use of parks, **trails,** and ~~open spaces, and trails~~ **recreation areas.**
- (d) Charge for commercial use of parks, trails, ~~open spaces~~ and recreational facilities ~~at a fair rate which reflects the cost of providing any improvements, maintenance, services, and administration necessary for the use~~ **to recover costs and generate a fair return for the public.**
- (e) Establish and enforce uniform rules for commercial use of City and Borough parks, **trails,** and ~~open spaces, trails and~~ recreational facilities.

(Eff. 05/07/95)

11 CBJAC 01.020 - ~~Lands~~ **Areas** regulated.

These regulations apply to all City and Borough land designated by the manager pursuant to Ordinance 85-76am as open space and park system, **municipal parking lots and garages,** and to all ~~areas~~ **facilities** owned by the City and Borough dedicated to park or recreation purposes, **except aquatics facilities.**

(Eff. 05/07/95)

11 CBJAC 01.030 - Permit required.

- (a) No person may conduct commercial activities ~~on City and Borough of Juneau lands~~ **in areas** 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 parks and recreation area as subject to such conditions as the director may impose and only upon a determination that the~~ **proposed** use ~~as proposed:~~
 - (1) Will not pollute or degrade the environment, resources, facilities, or atmosphere of the ~~park~~ **area;**
 - (2) Will not endanger the public health, safety, and welfare; ~~and~~
 - (3) Is consistent with ~~the comprehensive plan.~~ **adopted plans; and**
 - (4) Is consistent ~~within the existing commercial use of trail criteria~~ **with established policies and procedures.**

- (c) A permit may ~~contain~~ **include** conditions reasonably required for the protection and use of the park area for which the permit is granted, including limitations as to time, area, equipment, ~~use of~~ **passenger** loading, traffic, parking, discharges, noise, and other factors. **Conditions also may be required to mitigate impacts to the environment, resources, facilities, and public.**
- (d) **Commercial use may be allowed in Recreation Service Parks, Semi-Primitive Areas, Developed Natural Areas, and Special Use Areas. Commercial use is not allowed in Conservation Areas.**
- (e) ~~The director may deny a proposed use upon a written 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 director shall determine the appropriate level of commercial use for each area, considering 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 is more likely than not that the proposed use would~~ **The appropriate level of commercial use is that which does not** unreasonably degrade the environment, resources, facilities, or atmosphere of the park ~~area~~. If the cumulative impact of proposed uses would exceed the ~~carrying capacity of~~ **appropriate level of commercial use for** 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~~ **that would exceed the appropriate level of commercial use for** an area. The notice shall identify the nature and extent of the impacts exceeding the ~~carrying capacity~~ **appropriate level of use**, 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.
 - (3) 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 the area.~~ **determine which proposal offers the greatest benefit to the public and maximum value to the City and Borough.**
 - (4) **The director's decision may be appealed to the City Manager by filing a notice of appeal setting forth the reasons the decision to the Clerks' Office within 10 days of the Director's decision. The City Manager will take up the appeal within 10 days. The City Manager's decision to deny a permit shall constitute a final agency action subject to appeal in accordance with CBJ 01.50.020(b).**
- ~~(e)(f)~~ 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.
- (g) **No permit shall be issued to any person or entity delinquent in the payment of fines, taxes, or other monies owed to the City and Borough.**

(Eff. 05/07/95; Amended 3-22-2004, effective 4-1-2004)

11 CBJAC 01.035 – Permit Types.

- (a) **Vehicle-Based Tours and Transportation. Vehicle-based Tours and Transportation permits may be issued for tours and transportation services to or through an area subject to this**

regulation. Use of multiple areas may be authorized under a single permit for vehicle-based tours.

(b) Guided Tours. Guided Tour permits may be issued for the provision of guided tours within an area subject to this regulation, including trails. Vehicle-based Tours and Transportation incidental to guided tours may be authorized under a single Guided Tour Permit and the permittee shall pay the Guided Tour Permit Fee.

(c) Vending. Vending permits may be issued for the sale or rental of any merchandise, food, equipment, or other product, as well as the sale of any services within an area subject to this regulation.

(d) Commercial Filming and Still Photography.

(1) Commercial filming permits may be issued for the use of motion picture, videotaping, sound recording, other moving image or audio recording equipment that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets or props.

(2) Professional and amateur photographers do not need a permit to take still photographs unless the still photography will:

(A) Use models, sets, or props that are not part of the area's natural or cultural resource or administrative facilities;

(B) Take place where members of the public are not generally allowed;

(C) Take place at a location where additional administrative costs are likely.

(D) Take place at the Jensen-Olson Arboretum.

(3) A permit is not required for any filming or photography that involves breaking news.

(e) Special Use. Special Use permits may be issued for other uses not specified elsewhere in this regulation.

11 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 **P**arks and **R**ecreation Department **by the advertised deadline.**

(3) Applications for commercial use permits will be available **electronically and** at the **P**arks and **R**ecreation **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 each driver;~~
- ~~(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 **The application shall include a detailed description of all activities to be authorized by the permit, providing sufficient detail to allow the Department to determine the effect of such use on the area and impacts, if any, to the public.**~~
- ~~(B) **The application shall include a detailed map showing the nature and location of each proposed use;**~~
- ~~(C) 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 **The application shall include a description of transportation, parking, and any improvements or other accommodations needed;**~~
- ~~(C) A description of the use, the mode of transport at the site, and the services being provided at the site **The application shall state the maximum number of daily, monthly, and annual person-days requested for each area;**~~
- ~~(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 **The application shall include such additional information as may be necessary to allow the Department to determine the impacts of the proposed use, pursuant to 11 CBJAC 01.030.**~~

~~(3) Fees to be charged by permit holder.~~

- ~~(A) 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. 05/07/95; Amended 3-22-2004, effective 4-1-2004)

11 CBJAC 01.050 - Permit fees.

~~The applicant shall pay a fee, established by the manager, which fee will give the city 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, provided that, ten-day operational temporary permit holders shall remit quarterly.

(a) Application Fee

(1) The applicant shall pay a nonrefundable fee, established by the manager, which fee is intended to recover the full cost of processing the application for a commercial use permit.

(b) Permit Fees

(1) All permittees shall pay a fee, established by the manager, which fee will give the city a fair and reasonable return in light of the following:

(A) The cost of administering the activity permitted under the permit;

(B) The impact of the proposed activity on the area and the general public,;

(C) The cost of maintenance, impact mitigation, and any improvements required; and

(D) The value of the benefit conferred upon the user.

(c) Cost Recovery

(1) In addition to permit fees, the permittee shall be responsible for all costs incurred for any services provided beyond basic city services. This may include, but is not limited to, police services, park cleanup, utility charges, or excess administrative work.

(d) Payment of Fees

(1) The application fee shall be paid at the time the application is submitted to the Parks and Recreation Department.

(2) Permit fees shall be paid to the department by the 15th day of each month for fees owed in previous calendar month, provided that vending permit fees shall be paid in advance. Fees and charges not paid by the 15th day of each month will be considered delinquent and subject to the interest provisions established in CBJ Code 1.41.

(Eff. 05/07/95; Amended 3-22-2004, effective 4-1-2004)

11 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. 05/07/95)

11 CBJAC 01.070 - Permit duration.

- ~~(a) Permits shall expire on December 31 of each odd-numbered year, except as provided in subsection (d), (e), and (f) for temporary permits and special use permits.~~
- ~~(b)(a)~~ Permits are valid only for the dates, times, activities and areas specified.
- ~~(c)(b)~~ 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 **unless otherwise allowed in these regulations**. A new application must be submitted each permit period for each permit.
- ~~(d) The director may issue a ten-day operational temporary permit with no more than 30 people each day. The permit can be applied for at any time but is not renewable within a year. The application process for a ten-day permit shall be the same as for other permits.~~
- ~~(e) The director may issue a 30-day operational temporary permit. This permit can be applied for at any time but is not renewable within a year. The application process for a temporary 30-day permit shall be the same as for other permits.~~
- ~~(f)(c)~~ The director may issue a special use permit, which will not be renewable. This permit can be applied for at any time. The application process for a special use permit shall be the same as for other permits.

(Eff. 05/07/95; Amended 10/23/99; Amended 3-22-2004, effective 4-1-2004)

11 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~~ **Permittees** 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 remove natural objects including trees, plants, moss, rock, gravel, or minerals, nor disturb or remove cultural, archaeological, or historical material, **provided that limited disturbance and removal of rock, gravel, or minerals resulting from recreational gold panning may be authorized by permit.**
 - (2) ~~Activities conducted under the permit~~ **Use of trails** shall be confined to the improved trail surfaces 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.
 - (4) **Unless specifically authorized by permit,** no one may camp, light fires, fish, **or** ~~hunt or harass~~ wildlife.
 - (5) The ~~permit holder~~ **permittee** shall promptly notify the Director **within 48 hours** of any accident, injury or claim relating to the permitted activity.
 - (6) The ~~permit holder~~ **permittee** shall promptly **immediately** notify the ~~director~~ **Department** 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~~ **permittee** 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~~ **Permittees** shall comply with all **City and Borough of Juneau policies, rules, and regulations; as well as all applicable** state, federal, and local laws ~~applicable to their activities.~~
- (8) ~~Permit holders~~ **Permittees** shall ~~police the area used and~~ properly dispose of all litter found thereon **resulting from their activities, at the permittee's expense.**
- (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~~ **resulting from their use of the area,** including the cost of litter abatement.
- (10) No pets shall accompany any person engaged in permit activities, **unless specifically authorized by the permit** ~~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~~ **specifically authorized by the permit.**
- (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.
- (13) Operations under the permit shall be limited to the number, scheduling, and size of participant groups stated in the application submitted pursuant to 11 CBJAC 01.070.040(b)(2)(D).
- (14) Hawking is prohibited within any area governed by these regulations.**
- (15) Harvesting or removing flora or fauna is prohibited.**

(Eff. 05/07/95; Amended 10/23/99)

11 CBJAC 01.090 - Enforcement and penalties.

- (a) Any permit issued pursuant to these regulations may be summarily suspended for a period not to exceed 10 days if any activities conducted pursuant thereto present an immediate danger to the public health, welfare, or safety.**
- (b) A permit may be suspended or revoked by the director upon a written finding that the permittee has violated these regulation, failed to comply with permit conditions, engaged in fraud or negligence, or misrepresented the nature and substance of the commercial activity. 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 City Manager by filing a notice of appeal setting forth the reasons the decision to the Clerks' Office within 10 days of the Director's decision. The City Manager will take up the appeal within 10 days. The City Manager's decision to revoke a permit shall constitute a final agency action subject to appeal in accordance with CBJ 01.50.020(b).**
- ~~(a) A permit may be suspended by the director 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.~~
- ~~(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 ten 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 city manager by filing a notice of appeal setting forth the reasons the decision is appealed with the office of the city manager within ten days of the director's decision.~~

(Eff. 05/07/95)

11 CBJAC 01.100 - Definitions.

As used in this chapter:

"Commercial use" [and] "commercial purpose" mean the sale, delivery, **provision**, or solicitation to provide, goods or services in exchange for valuable consideration. The term includes 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. **The term also includes commercial activities conducted by or on behalf of a nonprofit organization or charity.** All guide, outfitter, and transportation 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 parks and recreation area.

"Commercial Filming and Still Photography" means the use of still photography, motion picture, video, sound recording, other moving image or audio recording equipment that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets or props, but not activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes, but is not limited to a photograph, film, video, television broadcast or documentary of historic events, wildlife, natural events, features, subjects or participants in a sporting or recreation event and so forth, when created for the purpose of generating income.

"Commercial Passenger Vehicle" means a vehicle regulated pursuant to CBJ 20.40.

"Department" means the City and Borough of Juneau Parks and Recreation Department.

"Director" means the supervisor of the City and Borough of Juneau Parks and Recreation Department or such person as may be designated by the manager to administer these regulations.

"Facility" and "recreational facility" mean all parks, athletic fields, recreation areas, and other property posted as such or designated by the assembly as part of the municipal park and recreation system. The terms also include any docks or portion of a dock designated for enforcement by the Parks and Recreation Department by resolution of the Docks and Harbors Board.

"Guided Tour" means providing services or assistance, such as supervision, protection, education, training, packing, touring, interpretation, or other assistance to individuals or groups in their pursuit of an outdoor activity.

"Hawking" means the loud or continuous audible solicitation of business by a vendor to the general public.

"Parks and recreation lands" and "parks and recreation areas" mean all land owned by the city and designated by these regulations as subject to parks and recreation regulation.

"Permittee" or "permit holder" mean 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.

"Recreation Service Park," "Semi-Primitive Area," "Developed Natural Area," "Conservation Area," and "Special Use Area" have meanings contained in the Juneau Parks and Recreation Master Plan, as adopted.

"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.

"Vehicle-Based Tour" means the transportation of individuals or groups in a Commercial Passenger Vehicle or other vehicle for the purposes of viewing, visiting a park or recreation area, or passing through. Clients may exit the vehicle, but guided tours are not provided.

(Eff. 05/07/95)

~~Chapter 05 – FOOD AND MERCHANDISE SALES~~

~~11 CBJAC 05.010 – Purpose of regulations.~~

~~The purpose of these regulations is to:~~

- ~~(a) Provide a desirable service to the public;~~
- ~~(b) Provide for the orderly administration of appropriate vending in recreational facilities;~~
- ~~(c) Provide for municipal revenues in support of parks and recreation programs and facilities;~~
- ~~(d) Assure fair and equitable treatment of those organizations or individuals wishing to sell products in recreational facilities;~~
- ~~(e) Regulate commercial activities in recreational facilities so as to minimize adverse impacts on all users of the facilities and to collect adequate fees for such uses to offset costs to the city.~~

(Eff. 05/24/99)

~~11 CBJAC 05.020 – Prohibitions and policy.~~

- ~~(a) No person may sell or offer to sell or ask for donations for food or merchandise within the limits of a facility except in accordance with a permit issued pursuant to this chapter. Solicitation, advertisement, or sales without a permit as required by this chapter is a violation of CBJ [section] 67.01.090(i). Permits are not required for the vending of goods at cost by a nonprofit group to its own members only.~~
- ~~(b) Permits shall be issued by the director.~~
- ~~(c) Vending uses shall be incidental to the principal use of the facility, and the director or the director's designee may order the suspension of vending activities when necessary to avoid conflict with such principle uses.~~
- ~~(d) No permit shall be issued to any person or entity delinquent in the payment of fines, taxes or other monies owed to the City and Borough.~~

(Eff. 05/24/99)

~~11 CBJAC 05.030 – Permit duration.~~

- ~~(a) Permits may be issued for the duration of an event, athletic season, or calendar period at the discretion of the director.~~
- ~~(b) No permits may be issued for a period in excess of one year.~~
- ~~(c) Permits are valid only for the dates, times, and areas and activity specified.~~
- ~~(d) Permits are not automatically renewable each year. Previous permit holders do not receive preferential consideration for renewals unless otherwise allowed in these regulations.~~

(Eff. 05/24/99)

~~11 CBJAC 05.040 – Food and merchandise permits.~~

- ~~(a) Types. Permits may be issued for the following activities in city recreation areas.~~

- ~~(1) *Food.* Food permits may be issued for the sale of food and nonalcoholic beverages for immediate consumption by participants or spectators of events occurring in recreational facilities. Food permits shall be valid only if and so long as accompanied by the appropriate state health permit for food handlers. Permits may be revoked upon a finding by the Alaska Department of Environmental Conservation that the permittee has violated the provisions of 18 AAC 31.~~
- ~~(2) *Merchandise.* Merchandise permits may be issued for the sale of team, event, or sport souvenirs; items designated for the convenience or comfort of outdoor spectators; and other items in harmony with the event at which they are sold.~~
- ~~(3) *Combination.* Combination food and merchandise permits may be issued.~~
- ~~(b) *Application process.*~~
 - ~~(1) *Sites available to commercial, youth or nonprofit operators.* Some vending locations are available for operation by either commercial, youth, or nonprofit organizations. The director may offer these sites for operation by soliciting proposals from the public. A preference will be granted to proposals which offer the most extensive duration of service to the public and maximum revenue to the City and Borough. In the case of a tie involving the prior year's permit holder at a particular site, priority shall be given to prior year's permit holder.~~
 - ~~(2) *Sites only available to nonprofit operators.* Permits shall be available on a first-come first-served basis for those locations only available to nonprofit operators, except that priority shall be given to applications from the organization sponsoring the event at which the vending will occur.~~
- ~~(c) *Fees.* All permit fees shall be paid prior to permit issuance except as otherwise permitted by the director in writing. The payment shall be accompanied by a schedule of days proposed for operations pursuant to the permit.~~
 - ~~(1) *Commercial operator and youth permit fee.* The permit fee to a commercial operator or for a youth permit shall be \$50.00 for the first operational day per field and \$3.00 per operational day thereafter unless a different rate is established through a publicly advertised bid or proposal process.~~
 - ~~(2) *Nonprofit operators permit fee.* The permit fee to a nonprofit operator for a permit shall be \$25.00 for the first operational day and \$2.50 per operational day per field thereafter unless municipal equipment or services are used by the vendor, in which case the permittee will pay the reasonable costs thereof, in addition to the basic fee or unless a different rate is established through a publicly advertised bid or proposal process.~~
- ~~(d) *Permit site locations.* One permit for either food, merchandise or a combination permit shall be allowed at each of the locations set forth in this section and such other sites as the director may allow for Independence Day, annual festivals, and similar special events.~~
 - ~~(1) *Sites available to either commercial, youth or nonprofit operators.*~~
 - ~~(A) *Savikko Park, between Fields 2 and 3.*~~
 - ~~(B) *Twin Lakes Recreational Area, parking lot location.*~~
 - ~~(C) *Cope Park, parking lot location.*~~
 - ~~(D) *Melvin Park, parking lot location.*~~
 - ~~(E) *Dimond Park, between Fields 1 and 2.*~~
 - ~~(F) *Savikko Park, Field 1 during high use special event periods only.*~~
 - ~~(G) *Jackie Renninger Park, sites as designated by the director.*~~
 - ~~(2) *Sites available to nonprofit operators only.*~~
 - ~~(A) *Savikko Park, between Fields 2 and 3 during high use special event periods.*~~

- ~~(B) — Savikko Park, Field 1.~~
- ~~(C) — Adair-Kennedy, concession stand.~~
- ~~(D) — Adair-Kennedy, field-specific location during high-use special event periods.~~
- ~~(E) — Glacier Valley, concession stand.~~
- ~~(F) — Melvin Park, parking lot location during high-use special event periods.~~
- ~~(G) — Augustus Brown Pool, interior location.~~
- ~~(H) — Juneau-Douglas City Museum.~~
- ~~(I) — Zach Gordon Youth Center.~~
- ~~(J) — Hank Harmon Rifle Range.~~
- ~~(K) — Montana Creek Archery.~~
- ~~(L) — Jackie Renninger Park, sites as designated by the director.~~

~~(Eff. 05/24/99)~~

~~11 CBJAC 05.050 — General operating requirements.~~

- ~~(a) — Permittees are responsible for complying with all state, federal, and local laws applicable to their activities. All rules established for park use in the municipal code shall apply to permittees unless specifically exempted by the terms of a permit.~~
- ~~(b) — Permittees shall police the area immediately around their vending area and shall properly dispose of all litter accumulating there during the course of their activities.~~
- ~~(c) — The permittee shall reimburse the City and Borough of Juneau for any damage to municipal property caused by the permittee's activities, including the cost of litter abatement.~~
- ~~(d) — No permittee may store equipment or supplies in a facility unless approval of the director is secured in advance.~~
- ~~(e) — Permittees, prior to acceptance of their 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.~~
- ~~(f) — Permittees shall prominently display the permit issued pursuant to these regulations, as well as all other required permits and licenses, at all times during their activities hereunder.~~
- ~~(g) — Permittees may not serve or sell products in glass containers.~~
- ~~(h) — Permits may not be transferred or assigned without the permission of the director. A permit is transferable only if the permit holder's entire business interest for activities conducted under the permit is transferred with the permit option.~~
- ~~(i) — Vendors may not engage in hawking.~~
- ~~(j) — Prior to issuance of a permit, the prospective permittee must provide the department with a broker's certificate of insurance showing that the permittee has obtained at least \$1,000,000.00 of public liability insurance. The certificate must establish that the City and Borough is named as an additional insured on such policy, and that the insurer shall notify the City and Borough if the policy is modified, canceled, or terminated. The director may issue insurance requirement waivers for lesser amounts of coverage to nonprofit and youth permittees upon a finding that the permittee cannot reasonably be expected to afford the cost of insurance, and that the permittee's activities do not pose a significant risk of claims against the City and Borough.~~

- ~~(k) Permitees shall operate self-contained equipment and provide their own water, electricity, and garbage disposal.~~
- ~~(l) In the event a permittee reserves more than one site per day with the intention of moving the vending operation between parks, the permittee shall specify the hours at which the operation shall be present at each site in detail sufficient to allow planning for other operations at the same site on the same day.~~
- ~~(m) Prior to receiving a permit, a vendor selling food must present evidence that the vendor has been issued all required permits from the Alaska Department of Environmental Conservation.~~

~~(Eff. 05/24/99)~~

~~11 CBJAC 05.060 – Enforcement and penalties.~~

- ~~(a) Any permit issued hereunder may be summarily suspended for a period not to exceed ten days if any activities conducted pursuant thereto present an immediate danger to the public health, welfare, or safety.~~
- ~~(b) Any permit issued hereunder may be suspended or revoked by the director after an informal hearing and upon written findings that the permittee has violated these regulations. The permittee shall be provided at least ten days notice and an opportunity to be heard at the hearing on the suspension or revocation. The director's decision may be appealed to the city manager by filing a notice of appeal setting forth the reason therefor with the office of the city manager within ten days of the director's decision.~~
- ~~(c) A violation of these regulations or failure to follow any permit condition:
 - ~~(1) Is a violation of CBJ [section] 67.01.090(i), punishable by a fine of up to \$300.00; and~~
 - ~~(2) Is grounds for administrative penalties consisting of suspension of all permits issued under this chapter and denial of the right to apply for a new permit for a period of 30 days.~~~~

~~(Eff. 05/24/99)~~

~~11 CBJAC 05.070 – Definitions.~~

~~As used in this chapter:~~

~~"Commercial" means a person or organization not qualifying for a nonprofit permit.~~

~~"Department" means the City and Borough of Juneau parks and recreation department.~~

~~"Director" means the director of the City and Borough of Juneau parks and recreation department.~~

~~"Facility" and "recreational facility" mean all parks, athletic fields, recreation areas, and other property posted as such or designated by the assembly as part of the municipal park and recreation system. The terms also include any docks or portion of a dock designated for enforcement by resolution of the harbor board.~~

~~"Hawking" means the loud or continuous audible solicitation of business by a vendor to the general public.~~

~~"High use special event periods" means a public holiday, occasion or event which will bring an exceptionally high number of people to the facility. The director retains the discretion of determining whether an event meets this definition. The Fourth of July holiday is a high use special event period.~~

~~"Nonprofit" means an organization holding a valid 501(c)(3) or 501(c)(4) exemption certificate from the United States Internal Revenue Service.~~

~~"Operational day" means any portion of a day in which a vendor sells or solicits sales at a permit location. To be determined according to a schedule submitted with the permit application, to be updated~~

~~by the vendor at the end of the season to indicate any extra days operated which were not indicated on the schedule.~~

~~"Vendor" means the business entity or its authorized representative conducting activities in a recreation area according to a permit issued under these regulations.~~

~~"Youth" means a student enrolled in, or who will be enrolled at the beginning of the next school year, grades six through twelve, and whose primary residence is in the City and Borough of Juneau. A student who has graduated from high school does not qualify for a youth permit.~~

(Eff. 05/24/99)

DRAFT