



CITY & BOROUGH OF JUNEAU
PARKS & RECREATION DEPARTMENT POLICY MANUAL

Policy No.	Title: Commercial Use - Swimming Lessons		
Date Approved by Aquatics Board:		Last Reviewed:	
CBJ Code:	CBJ 67.01.090(i) CBJ 67.01.080	CBJ Regulation:	11 CBJAC xx (TBD)
Purpose & Need: To establish and define standards for commercial swimming lessons in municipal aquatics facilities; to establish requirements and conditions for commercial swimming lessons; and to allow for the fair and uniform administration of commercial swim lessons.			

Policy Statement: It is the policy of the CBJ Parks & Recreation Department to:

1. Offer aquatics programs and lessons that respond to community needs and meet high standards for training, quality, and safety.
2. Accommodate commercial use of municipal aquatics facilities, subject to reasonable conditions that seek to preserve their primary use and enjoyment by the general public.
3. Recognize that commercial swimming lessons offer a valuable option to customers, and help fulfill the mission of the Department.

Procedures

Notwithstanding the provisions of 11 CBJAC XX, the following procedures apply to all persons authorized by a commercial use permit to provide swimming lessons to the public:

A. General Operating Requirements

1. Scheduling & Facility Use

- Commercial Swimming Lessons shall be scheduled only during public open swim periods.
- Permittees must share the pool with other users and the general public and may not displace any other users. A commercial use permit does not grant exclusive use of lanes, locker rooms, or any other part of the facility.
- Permittees may not advertise their services within any aquatics facility or solicit business within any aquatics facility.
- Permittees may not take photographs or video activities within a municipal aquatics facility.
- Permittees and their clients must follow all facility rules, and comply with all instructions from facility staff.
- Permittees are responsible for the safety of their clients, and must remain with their clients at all times while in the natatorium.



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2. Certifications

At a minimum, all persons providing swim lessons or other instruction to the public in a municipal aquatics facility must currently hold the following certifications. The Aquatics Manager has sole discretion to accept or reject certifications provided by organizations other than the American Red Cross.

- American Red Cross Water Safety Instructor (or approved equivalent); AND
- American Red Cross CPR/AED for Professional Rescuers (or approved equivalent); OR
- American Red Cross Lifeguard (or approved equivalent)

Each person providing swim lessons must provide proof of certification at the time of application. A commercial use permit will be revoked immediately and without notice if such person fails to maintain current certifications, as required.

3. Background Investigations

All persons providing swim lessons or instruction under a commercial use permit must submit to a criminal background investigation. The background investigation will be conducted at the applicant's expense by a third-party vendor under contract to the Department. The permit will be denied if an individual has been convicted of a crime that, in the judgment of the Director, would preclude that person from providing swim lessons to the public. The application fee and background investigation fee will not be refunded if the application is denied due to the results of a criminal background investigation.

4. Sales Tax

All persons providing swim lessons or instruction to the public must collect and remit sales tax, as required by CBJ Code. Compliance with sales tax regulations will be verified with the CBJ Finance Department. Failure to remit sales tax as required will result in immediate revocation of the permit.

B. Facility Capacity & Scheduling

Commercial swim lessons may only be scheduled during public swim sessions. A permit authorizing commercial use of a municipal aquatics facility does not guarantee access to any municipal aquatics facility. Commercial use of municipal aquatics facilities is on a first-come, first-served basis, subject to the limits below. Permittees are responsible for coordinating among themselves to avoid overcrowding and other conflicts. The City & Borough of Juneau will not reserve time for commercial swim instruction. If permittees are unable to resolve a scheduling conflict, then all of the permittees will be denied access to the facility for the day.



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1. Augustus Brown Pool

- A maximum of two (2) commercial swimming instructors and a total of six (6) clients may use the lap pool simultaneously.
- A maximum of one (1) commercial swimming instructor and a total of three (3) clients may use the leisure pool simultaneously.

2. Dimond Park Aquatic Center

- A maximum of three (3) commercial swimming instructors and a total of nine (9) clients may use the lap pool simultaneously.
- A maximum of two (2) commercial swimming instructor and a total of six (6) clients may use the leisure pool simultaneously.

C. Insurance

Persons using municipal aquatics facilities for commercial purposes with a permit shall carry premises and products liability insurance in an amount not less than \$500,000. The insurance shall be issued by an insurance company licensed to do business in the state, and shall name the City & Borough of Juneau as an additional named insured.

Proof of insurance is required at the time of application, and must be maintained at all times during the permit period. Failure to maintain liability insurance as required will result in immediate revocation of the permit, without notice.

Liability insurance may be available through the City & Borough of Juneau at a nominal cost. Applicants should contact the Risk Management Officer for more information.

D. Fees

Permit fees are calculated to provide the City & Borough of Juneau a fair and reasonable return in light of (1) the cost of administering the permitted activity, (2) the impact of the activity on the facility and public, and (3) the value conferred on the user. Permit fees for swim lessons consist of the daily admission fee for the instructor and student, plus the following:

1. The **Application Fee** is based on the estimated staff time required to process a commercial use permit, including verification of certification, insurance, and compliance with sales tax regulations.
2. The **Background Check Fee** is the actual cost to the CBJ of conducting a standard background check through a third-party vendor.



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3. The **Daily Commercial Use Fee** is calculated to provide the CBJ with a fair and reasonable return in light of the profit generated by the commercial activity. This fee is estimated at approximately 10% of the market rate for a single commercial swimming lesson.

In addition to these fees, commercial use of municipal aquatics facilities requires payment of the daily admission for each instructor and each client. Annual passes, CBJ employee discounts, punch cards, and other passes intended for personal use are not valid during commercial activities.

Fees (including admission fees) shall be paid to the Department by the 15th of each month for fees owed in the previous calendar month. All payments shall be accompanied by a completed activity report on a form provided by the Department and signed by the permittee.

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