

**REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Adoption of Title 11, Chapter 02  
PARKS AND RECREATION – Part 1  
COMMERCIAL USE OF MUNICIPAL AQUATICS FACILITIES**

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE AQUATICS BOARD PROPOSES TO ADOPT THE FOLLOWING AMENDMENTS TO REGULATIONS:

**Section 1. Authority.** These regulations are adopted pursuant to CBJ Code 01.60 and 67.10.020(a)(3).

**Section 2. New Chapter.** Chapter 02 Commercial Use of Municipal Aquatics Facilities, is established to read:

**City and Borough of Juneau Administrative Code  
Title 11: Parks and Recreation  
Chapter 02: Commercial Use of Municipal Aquatics Facilities**

**11 CBJAC 02.010 Policy.**

The policy of the City and Borough of Juneau concerning the commercial use of municipal aquatics facilities is to:

- (a) Maintain and improve aquatics facilities for their primary use by the public;
- (b) Offer aquatics programs and lessons that respond to community needs and meet high standards for training, quality, and safety;
- (c) Establish consistent rules and conditions for the commercial use of municipal aquatic facilities; and
- (d) Charge for commercial use of municipal aquatics facilities in order to generate a fair and reasonable return for the public.

**11 CBJAC 02.020 Facilities regulated.**

These regulations apply to all municipally owned aquatics facilities, including the grounds of such facilities.

**11 CBJAC 02.030 Permit required.**

- (a) No person may conduct commercial use in facilities subject to these regulations except as authorized by a permit issued by the Aquatics Manager. A permit under this chapter is not required for activities conducted by an organization under an agreement with the City and Borough.

- (b) The Aquatics Manager may issue a permit for commercial activities only upon a determination that the proposed use:
  - (1) Will not damage or degrade the facility;
  - (2) Will not impair the public's enjoyment of the facility;
  - (3) Will not endanger the public health, safety, and welfare; and
  - (4) Is consistent with established terms and policies under which persons and groups may use the aquatic facilities.
- (c) A permit may include reasonable conditions to minimize conflicts amongst users and to ensure adequate qualifications of commercial vendors, including conditions related to time, area, equipment, parking, noise, training, certification, and other similar factors.
- (d) If the cumulative impact on the proposed commercial use would likely cause unreasonable user conflicts at the time requested or place requested, the Aquatics Manager shall not issue additional commercial use permit for that time or place
- (e) A permit is transferable only with the permittee's entire business interest in activities conducted under the permit and upon approval by the Aquatics Manager after the transferee completes the permit application process. No credit will be given for any permit payments made by the previous holder of the permit.
- (f) 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.

#### **11 CBJAC 02.040 Application process.**

- (a) General requirements.
  - (1) Applications for permits will be accepted only from persons who have the legal authority to act in accordance with the permit. All applications must be signed by the owner(s) of the business to be subject to the permit.
  - (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 Parks and Recreation Department during regular business hours.
- (b) Application information.
  - (1) Applicant information.
    - (A) The application shall identify each individual or business entity responsible for the use intended;

- (B) The application shall include the physical address, mailing address, and phone number for each person, owner, and company responsible for the use intended;
- (2) Proposed use.
  - (A) The application shall include a description of each proposed use, providing sufficient detail to allow the Department to determine the effect of the use on the facility and impacts, if any, to the public;
  - (B) The application shall include a description of the maximum number of customers anticipated on a daily, monthly, and annual basis.
- (3) Fees to be charged by permit holder.
  - (A) The application shall include a schedule of fees and charges to customers and a description of any collection, disbursement, royalty, commission or similar arrangements with others.

**11 CBJAC 02.050 Fees.**

- (a) Application Fee. The applicant shall pay a nonrefundable fee, established by the Aquatics Board, which fee is intended to recover the full cost of processing the application for a commercial use permit.
- (b) Reserved.
- (c) Standard admission fees shall be paid by all persons engaged in the permitted commercial use activity, including the permittee. Annual passes, employee discounts, punch cards, and other passes are valid for commercial activities.
- (d) Fees shall be calculated on a daily basis, per person. The fee shall be paid to the Department by the 15th day 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. 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 01.41.

**11 CBJAC 02.060 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.

**11 CBJAC 02.070 Permit duration.**

- (a) Permits may be authorized for a maximum of one (1) year from the date of issue.
- (b) Permits are valid only for the dates, times, activities and facilities 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 permit period, for each permit.
- (d) The Aquatics Manager may issue a temporary permit at any time, valid for no more than 30 days and not renewable. The application process for a temporary permit shall be the same as the other permits.

**11 CBJAC 02.080 General operating requirements.**

- (a) Permittees shall have a copy of the permit available for inspection while engaged in activities authorized by the permit.
- (b) Permittees are responsible for their actions and those of their agents, employees, and/or customers while engaged in permitted activities. The following operating requirements apply to activities conducted under the permit unless otherwise specified in a permit.
  - (1) Commercial use of aquatics facilities shall be limited to public swim periods.
  - (2) No advertising or solicitation of services is permitted within any municipal aquatics facility.
  - (3) No alterations or improvements to the facility are allowed, nor may anything be posted or signs of any kind be displayed in the facility.
  - (4) The permit holder shall promptly notify the Aquatics Manager of any accident, injury or claim relating to the permitted activity.
  - (5) The permit holder should promptly notify the Aquatics Manager of any repair or maintenance needed within the facility, or of any conditions which constitute a hazard. The permit holder shall not make any repairs or alterations to the facility.
  - (6) Permit holders shall comply with all CBJ policies, rules and regulations; as well as all applicable state, federal, and local laws.
  - (7) Permit holders shall properly dispose of all litter resulting from their use of the facility.
  - (8) The permit holder shall reimburse the City and Borough of Juneau for any damage to municipal property caused by the permittee, their clients, or their use of the facility, including cleaning costs.
  - (9) No equipment or supplies may be stored at any municipal facility.
  - (10) Animals, including pets, are prohibited in an aquatics facility except the Aquatics Manager shall provide reasonable accommodations for service animals.

## **11 CBJAC 02.090 Enforcement and penalties.**

- (a) A permit may be suspended by the Aquatics Manager 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 Aquatics Manager upon a written finding that the permittee has violated these regulations, 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 ten business days' notice and an opportunity to be heard at an informal hearing on the suspension or revocation. The Aquatics Manager's decision may be appealed to the City Manager by filing a notice of appeal with the Clerk's Office within ten business days of the Aquatics Manager's decision, setting forth the reasons for the appeal. The City Manager shall hold an informal hearing within thirty calendar days of receiving an appeal. 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).

## **11 CBJAC 02.100 Definitions.**

As used in this chapter:

"Commercial use" and "commercial purpose" mean the sale, delivery, 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. All instruction, lessons, classes, and other services are commercial activities if any payment or valuable consideration through barter, trade, cash or other commercial means is required, expected or received.

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

"Municipal aquatics facilities" and "pools" mean all swimming pools and related buildings and grounds owned by the City & Borough of Juneau.

"Permittee" or "permit holder" means the business entity or its authorized representative conducting commercial activities in an aquatic facility 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.

**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 August 12, 2021, 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: \_\_\_\_\_

\_\_\_\_\_  
Will Muldoon, Chair  
CBJ Aquatics Board

**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: \_\_\_\_\_

\_\_\_\_\_  
Sherri Layne  
Assistant Municipal Attorney

**Assembly Review**

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth J. McEwen, 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: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth J. McEwen, Clerk