

## Title 23 PARKS AND RECREATION

### Chapters:

[23.10](#) General Public Use of Municipal Park and Recreation Facilities, Land, and Trails

[23.20](#) Commercial Recreational Use of Municipal Lands and Facilities

[23.30](#) Public Use of Parks and Recreation Facilities

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### Chapter 23.10 GENERAL PUBLIC USE OF MUNICIPAL PARK AND RECREATION FACILITIES, LAND AND TRAILS

#### Sections:

[23.10.010](#) Park activities.

[23.10.020](#) Park scheduling—Permits and fees.

[23.10.030](#) Park hours.

#### **23.10.010 Park activities.**

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Both active and passive recreational activities are permitted in municipal parks within designated areas. This shall include field sports in the ball fields area; tennis and basketball in their respective courts; playground activities in the playground area; picnics and gatherings in the picnic shelters; and special events and hiking on trails. (Ord. 2004-39 § 4 (part), 2004.)

#### **23.10.020 Park scheduling—Permits and fees.**

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A. Park and recreation facilities are available for public use whenever possible when there is no conflict with municipal programs. Reservations or scheduling for use of facilities is required for any community special or private event and is done by contacting the parks and recreation office.

B. A written permit is required for special uses including: fires outside of a designated fire ring, overnight camping, wood cutting, removal of any natural resources from park property, or use outside of normal hours. A permit may be obtained by submitting a written application to the office of the director of public works at least ten days in advance of the date of intended use. The application must specify the time, place, and nature of the intended use, and the person or organization responsible for the activity. An application shall be approved or denied no later than five working days after submission of the application.

C. Certain facilities within the parks, such as the ball fields or the Pioneer Park picnic shelter, may be reserved for use by individuals or organizations. These facilities, when reserved, are closed to the general public. Reservations are made by contacting the parks and recreation office. User fees may be required for reserved facilities and special events. These fees will be set by the city and borough assembly.

(Ord. 2004-39 § 4 (part), 2004.)

### **23.10.030 Park hours.**

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A. Municipal parks are open to the public from six a.m. to ten p.m. The parks are closed to public use from ten p.m. to six a.m., and no members of the public shall enter a closed park without written permission from the director of public works. Goddard Hot Springs area is excluded from this regulation.

B. A violation of this section is an infraction punishable by a fine of up to two hundred and fifty dollars.

(Ord. 2004-39 § 4 (part), 2004.)

## **Chapter 23.20 COMMERCIAL RECREATIONAL USE OF MUNICIPAL LANDS AND FACILITIES**

### Sections:

- [23.20.010](#) Policy.
- [23.20.020](#) Lands regulated.
- [23.20.030](#) Permit required for commercial activities.
- [23.20.040](#) Commercial recreational use permit fees.
- [23.20.050](#) Insurance and indemnification.
- [23.20.060](#) Permit duration.
- [23.20.070](#) General operating requirements.
- [23.20.080](#) Enforcement and penalties.
- [23.20.090](#) Definitions.

### **23.20.010 Policy.**

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A. The policy of the city and borough of Sitka concerning the commercial recreational use of municipal lands is to:

1. Maintain and improve municipal lands including parks, open spaces, recreation areas, boardwalks and trails for their primary use by the public and preserve them from activities inconsistent with that primary use;
2. 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 municipal lands;
3. Establish rules to minimize environmental damage and mitigate impacts from the commercial recreational use of municipal lands;
4. Charge for commercial recreational use of municipal lands and facilities, including lands beyond the Sitka road system, at a fair rate which reflects the cost of providing any improvements, maintenance, services, and administration necessary for the use;
5. Establish and enforce uniform rules for commercial recreational use of municipal lands and facilities.

(Ord. 12-40 § 4 (part), 2012; Ord. 06-14 § 4 (part), 2006; Ord. 04-39 § 4 (part), 2004.)

### **23.20.020 Lands regulated.**

This title applies to all municipal lands and facilities related to commercial recreational use, including Baranof Warm Springs and other locations beyond the Sitka road system. This title also applies to all trails owned by and easements held by the city and borough of Sitka for parks and recreation purposes. This title also applies to trails for which the city and borough holds joint jurisdiction with an agency of the state of Alaska or the United States government. (Ord. 12-40 § 4 (part), 2012; Ord. 06-14 § 4 (part), 2006; Ord. 04-39 § 4 (part), 2004.)

### **23.20.030 Permit required for commercial activities.**

- A. No person may conduct commercial recreational activities on city and borough of Sitka lands subject to this title except as authorized by a permit issued by the administrator.
- B. The administrator may issue a permit for commercial recreational activities on city and borough lands that are recommended by the parks and recreation committee after public hearing and notice, subject to such conditions as the administrator may impose and only upon a determination that the use as proposed:
  1. Will not pollute or degrade the environment, resources, facilities, or atmosphere of the area; and

2. Will not endanger the public health, safety, and welfare; and
3. Will not significantly interfere with the use and enjoyment of the area by other members of the public.

C. A permit may contain conditions reasonably required for the protection and use of the area for which the permit is granted, including limitations as to time, area, equipment, user loading, traffic, parking, discharges, noise, and other factors.

D. The administrator may deny a proposed use upon a written determination that the use, alone or in combination with other uses, would cause an unreasonable level of environmental degradation, or other disturbance to the area. In making such determination, the administrator shall consider 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.

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.

(Ord. 06-14 § 4 (part), 2006; Ord. 04-39 § 4 (part), 2004.)

#### **23.20.040 Commercial recreational use permit fees.**

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The applicant for a commercial recreational use permit shall pay a fee established by the city and borough assembly that will give the city and borough 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 prior to the commencement of the permitted activity and should be based on the applicant's best estimate of the number of clients and number of days of permitted activity that he/she expects for that season. Reconciliation is done at the end of the season and can result in a credit being carried over to the following season or additional charges. The minimum fee is one hundred dollars, regardless of whether a commercial operator's service days add up to that amount.

(Ord. 06-14 § 4 (part), 2006; Ord. 04-39 § 4 (part), 2004.)

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### **23.20.050 Insurance and indemnification.**

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A. General Liability Insurance. Each permittee receiving a permit under Section [23.20.030](#) shall at all times during the period of operations maintain a current commercial general liability insurance policy in the amount of not less than one million dollars combined single limit, which policy shall name the city and borough and its officers and employees as additional insureds. The policy shall not contain any self-insured retention or deductible in excess of one thousand dollars, and shall include a provision requiring written notification to be given to the city and borough by the insurance company not less than thirty days before the policy is canceled, modified or terminated for any reason. Permittees shall submit a copy of the policy, or, at the option of the city and borough, a certificate of the policy, to the city and borough prior to beginning any operations or setting up of operations under the permit.

B. Vehicle Liability Insurance. No permit issued under Section [23.20.030](#) shall be issued or continued in effect unless there is in full force and effect a liability insurance policy for each vehicle used to transport persons or materials to, from or within the permit area. The policy shall be issued by an insurance company authorized to do business in the state of Alaska. The limits of coverage provided shall be not less than one million dollars for each occurrence (combined single limit for bodily injury and property damage.) The policy shall contain a provision for notification to the city and borough of cancellation thirty days prior to such cancellation.

(Ord. 04-39 § 4 (part), 2004.)

### **23.20.060 Permit duration.**

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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 automatically 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 administrator may issue a temporary permit at any time, valid for not more than thirty days. The application process for a temporary permit shall be the same as for other permits.

(Ord. 06-14 § 4 (part), 2006; Ord. 04-39 § 4 (part), 2004.)

### **23.20.070 General operating requirements.**

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A. Permit holders shall have a copy of the permit immediately available for inspection at all times while engaged in activities pursuant to the permit.

B. Permit holders shall be responsible to the city and borough 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;
2. Activities conducted under the permit shall be confined to the area stipulated in the permit application 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 installed in the area unless expressly allowed by written permission of the administrator;
4. No one may fish or hunt under this permit unless expressly allowed by written permission of the administrator. No one may harass wildlife. Camping or lighting fires may be permitted in designated areas or areas stipulated in the permit application and subject to approval of the administrator;
5. The permit holder shall promptly notify the administrator of any accident, injury, or claim relating to the permitted activity;
6. The permit holder shall promptly notify the parks and recreation manager of any repair or maintenance needed 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 parks and recreation manager;
7. Permit holders shall comply with all state, federal, and local laws applicable to their activities;
8. Permit holders shall properly dispose of all litter and waste;

9. The permit holder shall reimburse the city and borough of Sitka for any damage to municipal property caused by the permit holder while engaged in permit activities, including the cost of litter abatement, removal of structures or remediation of the site to its original condition;
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 municipal facility or permit area unless written approval of the administrator is secured in advance;
12. All vehicles under the ownership or control of the permit holder shall be lawfully operated or legally parked while the permit holder is engaged in permit activities. The permit holder shall be responsible for following all parking restrictions and requirements imposed by permit conditions.

(Ord. 06-14 § 4 (part), 2006: Ord. 04-39 § 4 (part), 2004.)

### **23.20.080 Enforcement and penalties.**

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- A. A permit may be suspended by the administrator without advance notice if any activities conducted under the permit present an immediate danger to the public health, welfare, or safety or if the suspension is found to be in the best interests of the city and borough of Sitka.
- B. A permit may be suspended or revoked by the administrator upon written findings that the permit holder has violated these regulations. The permit holder shall be provided at least ten days' notice and an opportunity to be heard at an informal hearing on the suspension or revocation. The administrator's decision may be appealed to the city and borough assembly by filing a notice of appeal setting forth the reasons the decision is appealed with the city and borough assembly no later than ten days after the administrator's decision.
- C. Any commercial recreational entity found to be operating on municipal lands without a permit from the city and borough of Sitka will be subject to prosecution for an infraction and subject to a fine for that infraction of not more than five hundred dollars.

(Ord. 06-14 § 4 (part), 2006: Ord. 04-39 § 4 (part), 2004.)

## **23.20.090 Definitions.**

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As used in this chapter:

“Commercial recreational use” or “commercial purpose” means 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 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 on city lands, trails, boardwalks or easements. Commercial recreational use also includes but is not limited to: fishing; hunting; hiking; biking; photography; nature or cultural history tours; etc.

“Municipal lands” means any real property and improvements owned by the city and borough of Sitka.

“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.

“Trail” means footpaths, bridle paths, bicycle paths, ski trails, dog sled trails, motorized vehicle trails, a road or street that is open to public and used as a trail and other paths and trails along highways, streets, roads or boardwalks maintained by the city and borough of Sitka. (Ord. 12-40 § 4 (part), 2012; Ord. 06-14 § 4 (part), 2006; Ord. 04-39 § 4 (part), 2004.)

## **Chapter 23.30 PUBLIC USE OF PARKS AND RECREATION FACILITIES**

Sections:

- [23.30.010](#) Parks and recreation facilities regulated.
- [23.30.020](#) Conditions for use of park and recreation facilities.
- [23.30.030](#) Public use fees.
- [23.30.040](#) Public use permit requirements.

### **23.30.010 Parks and recreation facilities regulated.**

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This chapter applies to developed parks and recreation facilities on city and borough land and listed in the recreation facilities survey as adopted by the city and borough assembly and maintained for public inspection by the city and borough clerk, the city and borough public works director, and the city and borough parks and

recreation coordinator. This chapter is applicable to only the city and borough of Sitka facilities for which a public use fee is charged for noncommercial uses. The facilities regulated by this chapter include:

A. The Tom Young Memorial Cabin at Goddard Hot Springs.

(Ord. 05-13 § 4 (part), 2005.)

### **23.30.020 Conditions for use of park and recreation facilities.**

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A. A person may not use or occupy a city and borough of Sitka park facility that is managed on a fee and reservation basis without first obtaining a permit from the city and borough of Sitka and paying the required fee, in person, at the city and borough of Sitka municipal offices. Each day of unauthorized use is a separate offense subject to a fifty-dollar fine.

B. Permittee must have permit and the fee receipt in possession while using the city and borough of Sitka public use facility as directed by the city and borough of Sitka director of public works.

C. Dogs and other pets must be on a leash around developed facilities, with the exception of the Tom Young Memorial Cabin and off-leash areas designated in Section [8.04.032](#). Pets are to be under control at all times. Pet owners are required to clean up after pets.

D. No discharge of firearms, unless in defense of life, is allowed within a half-mile of a developed facility.

E. It is unlawful to cut standing or live trees. Only dead and down wood can be used for fires.

F. Littering is prohibited by Section [10.52.010\(H\)](#).

G. Notwithstanding any other provisions of this section, no dog is allowed on the following designated sports fields or municipal playgrounds except off-leash areas listed in Section [8.04.032](#), except service dogs with the dog keeper and/or custodian. "Service dogs" is defined by Section [8.04.010\(P\)](#) or state and federal laws. Designated sports fields and municipal playgrounds where non-service dogs will not be allowed include the following:

1. Moller Park fenced ball field;
2. Lower Moller and Kimsham (Krueger) Multiuse Fields;
3. Sports fields at Kimsham Recreational Complex except fenced Kimsham Field One, Baranof, Vilandre and Keet Gooshi Heen ball fields as listed as "off-leash areas" under Section [8.04.032](#); and

4. Municipal playgrounds to include Crescent Harbor Park and Moller Park East and West.

H. Designated areas listed in subsection G of this section will be posted with signs regarding the ban on non-service dogs and fines. In addition to applicable fines or charges for violating other code provisions, including defecation or off-leash offenses, fines for violating subsection G of this section are as follows:

1. Three hundred dollars for violating subsection (G)(1) of this section, Moller Park fenced ball field;
2. One hundred dollars for designated areas in subsections (G)(2) and (G)(4) of this section; and
3. One hundred dollars for a non-service dog on fenced Kimsham Field One, Baranof, Vilandre and Keet Gooshi Heen ball fields as listed as “off-leash areas” during scheduled sports events, school activities or when the area is in use by students or players.

I. Definitions. For purposes of this section, the terms shall have the following meanings:

“Ball field” or “sports field” means an area used by schools or organized teams recognized by the city and borough of Sitka for regulation play of sports including baseball, soccer, football, and softball. “Ball field” or “sports field” does not include the following areas: parking lots; roads; bleacher and concession areas; walkways or track adjacent to the ball field.

“Municipal playgrounds” means municipal property used for outdoor play or recreation, especially by children, containing recreational equipment such as swings and slides.

(Ord. 13-18 § 4, 2013; Ord. 12-42 § 4, 2012; Ord. 05-13 § 4 (part), 2005.)

### **23.30.030 Public use fees.**

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A. The applicant for a parks and recreation public use permit shall pay a fee established by the city and borough assembly.

B. The city and borough of Sitka assembly shall establish the fee for the use of a city and borough of Sitka park facility that requires a public use permit. The fee for the Tom Young Memorial Cabin will be forty dollars per permit day.

C. Fees are not refundable within five days of the first day of reservation. Reservations may be changed one time only for a service fee of ten dollars.

(Ord. 05-13 § 4 (part), 2005.)

### **23.30.040 Public use permit requirements.**

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- A. Permits are issued for noncommercial uses only and on a first-come, first-served basis.
- B. A permit day begins at twelve noon on the assigned day and ends at twelve noon on the following day.
- C. A permit may be obtained up to ninety days in advance of desired date.
- D. Public use cabins may be reserved a maximum of three days by the same party.
- E. Permits are only issued to persons eighteen years of age and over.
- F. Persons acquiring a permit must be a member of the party for the duration of use of the cabin or park facility.
- G. Public use permit holders are responsible for any damages to the cabin, associated facilities, or park resources.

(Ord. 05-13 § 4 (part), 2005.)