

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2024-05

FAILED ON FIRST READING 2/13/24

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 11
“VEHICLES AND TRAFFIC” OF THE SITKA GENERAL CODE BY ADDING
CHAPTER 11.85 “COMMERCIAL BUS PERMITS”**

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC).

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to establish an emission standard for commercial buses to protect the health and safety of the citizens of the municipality, and to limit the number of commercial buses on the public roadways of the municipality for the health and safety of the citizens and protection of the condition and longevity of the public roadways throughout the municipality. The intent is to (1) improve air quality, (2) improve safety and alleviate nuisances on the public roadways, (3) protect the public roadways to reduce the need for repair and replacement, (4) protect Sitka’s rural small-town character and way of life, and (5) protect Sitka’s integrity as a destination for visitors of all kinds.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 11, entitled “Vehicles and Traffic”, be amended by adding Chapter 11.85, entitled “Commercial Bus Permits” to read as follows (new language underlined):

**Title 11
VEHICLES AND TRAFFIC**

Chapters:

* * *

11.85 Commercial Bus Permits

* * *

**Chapter 11.85
COMMERCIAL BUS PERMITS**

Sections:

11.85.010 Definitions.

11.85.020 Purpose and Applicability.

- 49 11.85.030 Permit Requirements.
- 50 11.85.040 Permit Application and Renewal.
- 51 11.85.050 Fees.
- 52 11.85.060 Penalties.

53

54 **11.85.010 Definitions.**

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56 The following words and phrases, when used in this chapter, have the following

57 meanings:

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59 A. “Commercial bus” means a self-propelled motor vehicle used on public roadways to

60 transport at least forty passengers for commercial purposes.

61

62 B. “Department” means a department of the city and borough designated by the

63 municipal administrator.

64

65 C. “Operator” means a person that has been issued a permit under this chapter.

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67 D. “Person” means a natural person, partnership, corporation, limited liability company,

68 association, or other entity organized for a common purpose.

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70 E. “The city and borough” means the city and borough of Sitka, Alaska.

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72 **11.85.020 Purpose and Applicability.**

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74 A. Except as provided in section (b) of this section, the requirements of this chapter

75 apply to any commercial bus as defined in this chapter that carries forty or more

76 passengers.

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78 B. The requirements of this chapter do not apply to electric buses, school buses, transit

79 buses (e.g., The Ride), and buses that hold less than forty passengers.

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81 C. The operator of a commercial bus shall obtain a permit under this chapter before

82 operating that commercial bus within the city and borough, except for purposes of

83 obtaining the permit or private purposes.

84

85 D. The maximum number of permits issued under this chapter shall be ten, issued on

86 a “first come – first served” basis. A commercial bus shall not operate for commercial

87 purposes within the city and borough without a permit issued under this chapter.

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89 **11.85.030 Permit Requirements.**

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91 A. A person may not operate a commercial bus unless

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93 1. the person has submitted the application provided by the department;

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95 2. the person has paid the applicable fee required by this chapter; and
96
97 3. the department has issued a permit to the person under this chapter for the
98 commercial bus,
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100 B. A permit issued under this section

- 101
102 1. is valid for one calendar year beginning the date the permit was issued and
103 ending December 31;
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105 2. may not be transferred; and
106
107 3. must be kept on the commercial bus in a reasonably accessible place.

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109 C. Each commercial bus must have a separate permit.

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111 **11.85.040 Permit Application, Renewal and Appeal.**

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113 A. Before operating a commercial bus within the city and borough, an applicant shall
114 apply for a permit for each commercial bus subject to the permit requirements under this
115 chapter, using a form provided by the department.

116
117 B. An application submitted under this section

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119 1. must designate a contact person that is a natural person and provide contact
120 information required by the department;
121
122 2. must be accompanied by the permit fee; and
123
124 3. must be accompanied by a certificate, or other satisfactory evidence, that shows
125 emissions for the commercial bus don't exceed, whichever is less, the
126 manufacturers standard for the year the commercial bus was manufactured or the
127 existing EPA standard.

128
129 C. Acceptance of a permit by the applicant shall constitute an agreement and
130 acknowledgment by such applicant

- 131
132 1. that the operator has no property right in the permit; and
133
134 2. shall indemnify and hold the city and borough, its elected and appointed officers,
135 its employees, and its agents harmless from and against any and all loss, damage or
136 expense for any injury to or death of any person or persons, or for damage to
137 property, resulting from or arising out of any act or omission of such operator, or any
138 of the operator's employees, agents, representatives, customers, or contractors.

139 D. The city and borough, its elected and appointed officers, its employees, and its
140 agents make no representations concerning and assume no responsibility for or
141 regarding any goods or services sold or activities by any operator, or any of operator's
142 employees, agents, representatives, contractors, or customers.

143 E. To continue operating, an operator must renew a permit issued under this chapter
144 on or before December 31 of the year the permit expires by paying the fee and
145 submitting the certification. If the operator operates only during the summer season, the
146 operator must renew a permit on or before April 1 by paying the fee and submitting the
147 certification.

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149 F. A decision to deny an application for a permit may be appealed by the applicant to
150 the city and borough administrator no later than seven days after notice of denial is
151 delivered to the applicant. Notice sent to the applicant's address or email stated in the
152 application shall constitute delivery. The notice shall include a brief statement of facts
153 giving reason for the denial. The applicant shall have an opportunity to be heard at an
154 informal hearing and shall have the right to call or cross-examine witnesses. Relevant
155 evidence may be admitted if it is the sort of evidence on which responsible persons are
156 accustomed to rely in the conduct of serious affairs, regardless of the existence of a
157 common law or statutory rule that makes improper the admission of evidence over
158 objection in a civil action. Hearsay evidence may be used to supplement or explain
159 direct evidence, but is not sufficient by itself to support a finding unless it would be
160 admissible over objection in a civil action. The administrator shall issue a written
161 decision. An appeal from the decision of the administrator may be taken to the superior
162 court for the state of Alaska no later than thirty days after the administrator sends notice
163 of such denial to the applicant.

164 **11.85.050 Fees.**

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166 A. At the time of application for a new permit or renewal permit, the operator of a
167 commercial bus shall pay to the department a permit fee for each commercial bus in the
168 amount of \$100. The applicant is responsible for all costs and fees associated with
169 obtaining the certificate required by this chapter.

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171 B. A fee submitted under this section is nonrefundable, except that the department will
172 refund a permit fee or renewal permit fee under this section if an operator pays the fee
173 but does not operate the commercial bus during the entire permit period and the
174 operator provides documentation and demonstrates to the department's satisfaction that
175 the commercial bus was not in operation.

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177 C. An operator of a commercial bus business who stops operating that business
178 remains responsible for past due fees required under this section and incurred by that
179 operator before the business was stopped.

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181

182 **11.85.060 Penalties.**

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184 Operating a commercial bus without a permit issued under this chapter is punishable by
185 a fine of \$100 for a first offense, and a fine of \$250 for a second or subsequent offense.
186 A second or subsequent offense shall also bring the loss of the privilege for receiving
187 such a permit for that particular commercial bus for two calendar years.
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190 **5. EFFECTIVE DATE.** This ordinance shall become effective the day after
191 the date of its passage.
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193 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and
194 Borough of Sitka, Alaska, this 27th day of February, 2024.
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197
198 _____
199 Steven Eisenbeisz, Mayor

200 ATTEST:

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202 _____
203 Sara Peterson, MMC
204 Municipal Clerk

205
206 1st reading: 2/13/24
207 2nd and final reading: 2/27/24
208

209 Sponsors: Christianson/Pike
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