



City and Borough of Sitka

Police Department

304 Lake Street, Suite 102 • Sitka, Alaska 99835
Jeff Ankerfelt Business 747-3245
Chief of Police Fax 747-1075

PERMIT APPLICATION FOR COMMERCIAL OPERATIONS ON PUBLIC PROPERTY SELLING OF OR SOLICITING FOR SALE TRIPS, TOURS, EXCURSIONS OR RENTING OF EQUIPMENT

Name of Company: _____

Business Address: _____

Mailing Address: _____ Business Telephone: _____

Applicant Name: _____ Title: _____

Mailing Address: _____ Telephone: _____

Type of equipment rentals, trips, tours or excursions to be sold.

List the names, title, address and phone numbers of the operations manager and all principals of the company.

Name & title

Address & phone

_____	_____
_____	_____
_____	_____
_____	_____

The experience of the applicant in the transportation of passengers.

The number of vehicle(s) or motorized vessel(s) to be operated or controlled by the company and the location of the proposed depots and terminals, if any.

The color scheme and insignia to be used to designate the vehicle(s) or motorized vessel(s) of the company.

The proposed time schedule of the operation and the rate of the fares to be charged. (A prepared list may be submitted)

Please complete the attached form for each vehicle or motorized vessel in which you intend to operate. Each vehicle must meet state vehicle safety codes and be registered in the State of Alaska. Each motorized vessel must meet U.S. Coast Guard safety codes. State of Alaska registration sticker must be displayed or proper U.S. Coast Guard documentation must be available for each motorized vessel. Unlicensed vehicles or motorized vessels will not be allowed to operate.

A copy of certificate of insurance must be submitted with the application as set out Ordinance NO. 03-1720, section 6.19, Regulations of Commercial Operators on Public Property.

I (have/have not) been convicted of any of the following felony or misdemeanor offenses within the proceeding five years:

- A) Prostitution or the promotion of prostitution,
- B) Sale, transport, possession, or use of any controlled substance as defined in Section 11.71.140 through 11.71.190 of the Alaska Statutes,
- C) Any offense, which includes as an element the use or threat of force upon a person;
- D) Burglary, theft, fraud, or embezzlement;
- E) Any sexual offense; or
- F) Two separate felonies of any type.

I hereby certify that the above statements are true to the best of my knowledge. And that I agree to be bound by all of the terms, conditions and provisions of ordinance 03-1720, all local, state, and federal laws, ordinances and regulations, and such additional terms and conditions as may be set forth in the permit application process.

Signature of Applicant

Other Principals

Operations Manager

Application Fee: \$400.00, plus tax

Vehicle Fee: \$10.00, per vehicle or motorized vessel, plus tax

**COMMERCIAL OPERATORS
VEHICLE AND MOTORIZED VESSEL
INVENTORY FORM**

Please complete one section for each vehicle or motorized vessel to be inspected, which you intend to operate under Ordinance No. 03-1720. Unlicensed vehicles or vessels without U.S. Coast Guard documentation will not be allowed to operate. Each vehicle must meet State vehicle safety codes. Each vessel must meet U.S. Coast Guard safety codes. Vehicles or vessels, which do not pass inspection, will not be allowed to operate. There will be a \$10.00 plus tax fee for each vehicle or vessel listed on this form for inspection.

Company Name: _____

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Commercial Operator Rules for the City and Borough of Sitka Tendering Facility Areas

The following rules will be implemented for designated areas within the tendering facilities. These rules have been developed by the Harbor Master and Harrigan Centennial Hall Manager as authorized by the SGC 6.19.040, as well as approved by the Municipal Administrator and submitted to the Assembly for its review, and will be enforced by either or both Harbor or Centennial Hall staff. These rules are for the purpose of alleviating congestion as cruise boat passengers exit the tendering facilities, allowing commercial operators a more equal opportunity to solicit, negotiate, and execute sales, and providing a safer and less intrusive environment for passengers and commercial operators.

Designated areas have been established within the tendering facilities for which the following rules apply to Commercial Operators. Soliciting, negotiating and executing sales within these designated areas must be conducted according to these rules. The designated areas are set out in the Attachment 1. Within these designated areas, spaces will be a marked or established. For the tendering facilities near Harrigan Centennial Hall, these spaces will be designated by signage in the plaza area with the boundaries of each individual square defined by the sidewalk cement slabs, for the tendering facilities near the O'Connell Bridge Tendering Facility, the individual spaces will be painted, approximately 7 x 7 feet. All commercial operators shall abide by the following rules related to these designated areas:

- Each commercial operator will be allowed to occupy no more than one designated space at either tendering facilities at any time.
- All designated spaces are available to a commercial operator on a first come, first served basis, beginning no earlier than 6:00 AM, or 1 hour prior to the ships arrival time, and ending at 9:00 PM, each business day.
- If a previously occupied designated space becomes unoccupied during the business day, that designated area will be available to another commercial operator to occupy that space on a first come, first served basis.
- Commercial operator may place their sign boards in the designated space to reserve the space. No sign boards may be place anywhere but in the spaces, and no earlier than 6:00 AM, or 1 hour prior to the ships arrival time and removed by 9:00 PM on each business day.
- All solicitations, negotiations and executions of sales within the designated areas at the tendering facilities by a commercial operator shall be conducted only in the designated spaces.
- Commercial operators shall be prohibited within the designated areas from soliciting, negotiating and executing sales outside of their space.

Violating any of the above rules will subject the commercial operator to the fines designated in the SGC 6.19.050, with a one-hundred dollar fine for the first offense, and two-hundred and fifty dollars for a second and all subsequent offenses. These fines may be in addition to revocation or suspension of a permit. Total Commercial Operator violations will be based on calendar year.

These revised rules shall be effective May 1, 2010.

Revised Commercial Operator Rules effective August 1, 2013.

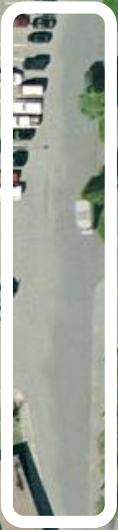


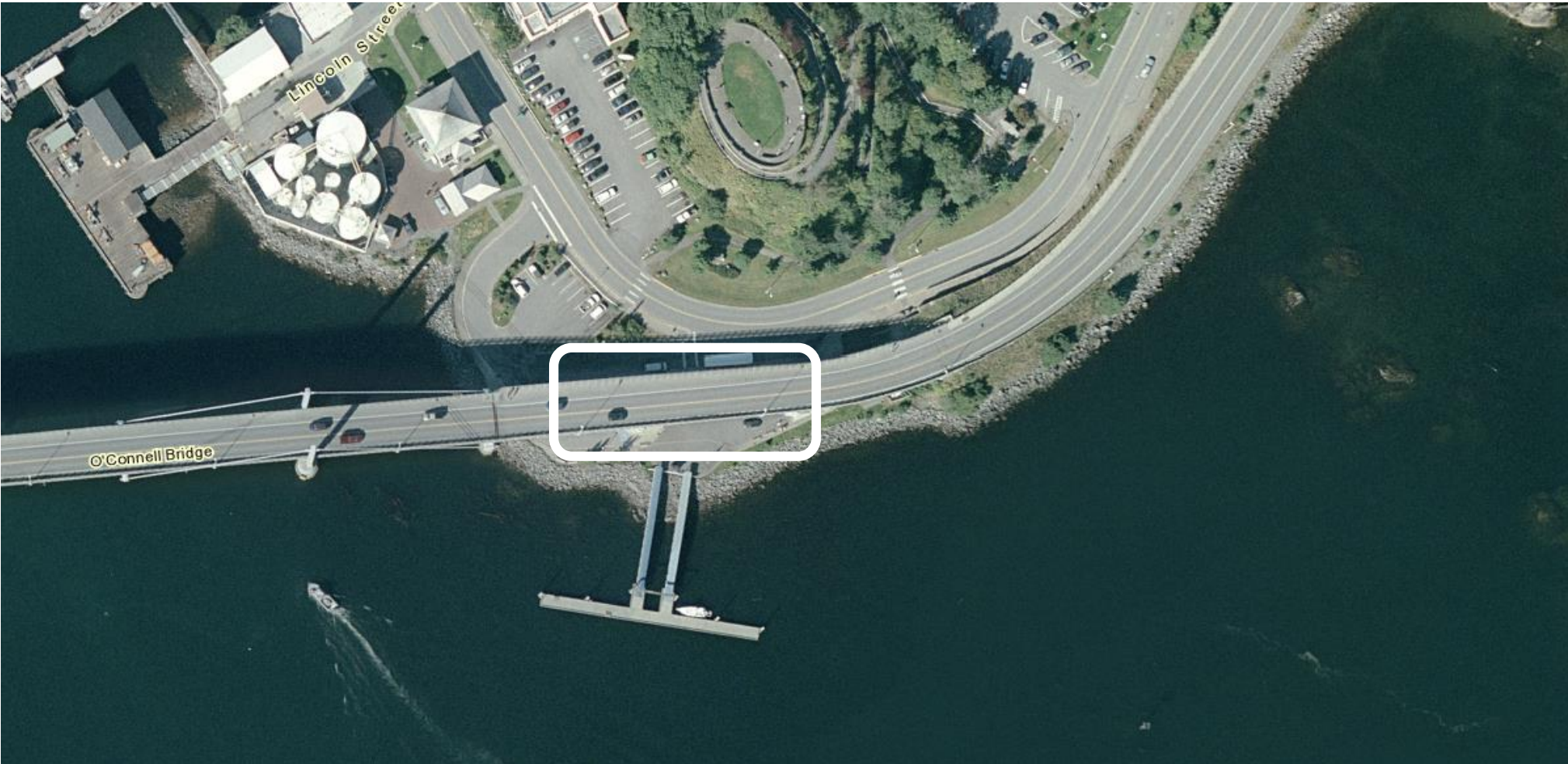
Lincoln Street

Harbor Drive

South Street

Mareoutoff Street





Lincoln Street

O'Connell Bridge



Sitka General Code Chapter 6.19

REGULATION OF COMMERCIAL OPERATORS SELLING ORGANIZED EXCURSIONS OR RENTING EQUIPMENT FOR ORGANIZED EXCURSIONS

Sections:

[6.19.010](#) Introduction.

[6.19.020](#) Definitions.

[6.19.030](#) Permit required for commercial operations involving organized excursions when such operations occur in certain areas.

[6.19.040](#) Regulation of visitor-related activities on public property located at tendering facilities and adjoining parking lots.

[6.19.050](#) Penalties.

[6.19.060](#) Commercial handbill, leaflet and advertisement sign permit.

6.19.010 Introduction.

Crescent Harbor is owned by the state of Alaska and the city and borough of Sitka and operated by the city and borough of Sitka. The city and borough of Sitka owns property near Crescent Harbor including the tendering facilities, Harrigan Centennial Building, the dock and shelter, and the adjoining parking lots. The city and borough of Sitka also owns the dock known as the O'Connell Bridge Tendering Facility. In adopting this chapter, the city and borough of Sitka is exercising its proprietary interests as an owner and operator on all city and borough-owned property, including future tendering facilities, as well as its police powers in the interest of public safety and order. Nothing in this chapter, however, limits the city and borough of Sitka's ability to further exercise its proprietary powers as it deems necessary to protect its interests or those of the public. (Ord. 03-1720 § 4 (part), 2003.)

6.19.020 Definitions.

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

A. "Commercial operations involving organized excursions" means any business, commercial entity, or for-profit enterprise offering: tours on foot; tours or trips by a wheeled vehicle, vessel, aircraft, or watercraft propelled by animal power, human power, engines, motors, or other motive power; any trip or tour involving the taking of one or more passengers for hire for the purpose of sightseeing, fishing, hunting, visits to natural and cultural displays; any other tour as may be offered by a business operating within the city and borough of Sitka, Alaska; or the rental or sale of any equipment to be used in any trip or tour described in this sentence, whether or not that trip is guided. Methods of transportation used in commercial operations involving organized excursions include but are not limited to: buses, aircraft, vans, pedicabs, bicycles, carriages, kayaks, boats, or walking tours. The rules of conduct and the permit requirements set out in this chapter apply to taxicabs that conduct tours.

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

(Ord. 06-12 § 4(B) (part), 2006; Ord. 03-1720 § 4 (part), 2003.)

6.19.030 Permit required for commercial operations involving organized excursions when such operations occur in certain areas.

A. General. No person shall sell, offer to sell, solicit to sell, or take orders to sell commercial operations involving organized excursions on tendering facilities or adjoining parking lots owned or operated by the city and borough except as authorized by a valid permit obtained from the city and borough pursuant to this chapter. A permit issued pursuant to this chapter shall be called a “commercial operations permit.”

B. Terms. An annual commercial operations permit shall be valid for the period from May 1st of each calendar year through April 30th of the following calendar year, unless sooner revoked or terminated. A commercial operations permit, or any rights or privileges thereunder, may not be assigned or transferred. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee has no property right in the permit. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee shall indemnify and hold the city and borough of Sitka, its elected and appointed officers, its employees, and its agents harmless from and against any and all loss, damage or expense for any injury to or death of any person or persons, or for damage to property, resulting from or arising out of any act or omission of such permittee, or any of the permittees’ employees, agents, representatives, customers, or contractors. The city and borough of Sitka, its elected and appointed officers, its employees, and its agents make no representations concerning and assume no responsibility for or regarding any goods sold or activities by any permittee, or any of permittee’s employees, agents, representatives, contractors, or customers.

C. Limitations.

1. Permittees may conduct business year-round including days on which special events may be scheduled.
2. Any signs used by permittees in an area regulated by this chapter must be in compliance with the law. All signs, vessels and vehicles must be portable or mobile and must be removed from any area for which the city and borough is responsible at the end of the business day.
3. Freestanding signs will be limited to one per permittee at each location, and shall not be more than three feet wide and four feet from the ground, and shall only be posted in the “designated area.”
4. Space is available on a first come, first serve basis.

D. Fees. Each applicant for a permit issued under this chapter shall pay a nonrefundable application fee of four hundred dollars each year. In addition to the annual application fee of four hundred dollars, each applicant shall pay a ten dollar inspection fee each year for each motorized vehicle or motorized vessel used in a commercial operation involving organized excursions. Any person or company that has not obtained a required permit shall pay the four hundred dollar permit fee and any applicable inspection fee, in addition to any penalties assessed under Section [6.19.050](#).

E. Application. A person or company seeking a permit shall file a written application on a form provided by the city and borough. The application shall contain the following information:

1. Name, address, and telephone number of the applicant and all principals;
2. Name of operations manager, emergency contact phone, and local home address;
3. The experience of the applicant in the transportation of passengers;
4. A list of vehicles and/or vessels or watercraft with current state of Alaska registration numbers, to be operated or controlled by the applicant and the location of the proposed depots and terminals, if any;
5. The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant, and license number and length of vehicle(s). Each vehicle must meet state vehicle safety codes, and each vessel or watercraft must meet U.S. Coast Guard safety codes. The state of Alaska registration sticker must be displayed in a conspicuous place according to law, or the vessel must have proper U.S. Coast Guard documentation. Each aircraft must be FAA certified;
6. A statement that the applicant has not been convicted of any felony or the following misdemeanor offenses within the preceding five years:
 - a. Prostitution or the promotion of prostitution;
 - b. Sale, transportation, possession, or use of any controlled substance as defined in Sections [11.71.140](#) through [11.71.190](#) of the Alaska Statutes;
 - c. Any offense which includes as an element the use or threat of force upon a person;
 - d. Burglary, theft, fraud, or embezzlement;
 - e. Any sexual offenses;
7. Type of tour, trip, or excursion to be sold; and
8. An acknowledgment by the applicant that applicant agrees to be bound by all of the terms, conditions and provisions set forth in this chapter, and such additional terms and conditions as may be set forth in the permit application process or by the city and borough staff.

F. Insurance.

1. General Liability Insurance. Subject to the special provision for commercial operators offering walking tours exclusively set out in the last sentence of this subsection, each permittee 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 of Sitka, its officers, its employees, and its agents as additional insured. The policy shall not contain any self-insured retention, and shall include a provision requiring written notification to be given to

the city and borough of Sitka 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 of Sitka prior to beginning any setting up of operations, or operations under the permit. Commercial operators who offer walking tours exclusively shall be required to maintain a current commercial general liability insurance policy in the amount of not less than one hundred thousand dollars combined single limit.

2. **Motor Vehicle Liability Insurance.** Subject to the special provision for commercial operators offering walking tours exclusively set out in the last sentence of this subsection, no permit shall be issued or continued in effect unless there is in full force and effect a motor vehicle liability insurance policy 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 Sitka of cancellation thirty days prior to such cancellation. No motor vehicle liability insurance shall be required under this permit if the commercial operator does not transport customers or clients in a vehicle, vessel, or watercraft.

3. **Boat Operators Watercraft Liability.** No permit shall be issued or continued in effect for any permittee who uses any vessel or watercraft in conducting a trip or tour unless there is in full force and effect a watercraft liability insurance policy 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). Watercraft liability insurance is required for boating activities covered under permits issued pursuant to this chapter when such activities occur on waters within the city and borough. Depending on the sizes, ownership and use of the vessel or watercraft, such coverage may be provided either by a protection and indemnity (P&I) liability policy or by a comprehensive general liability policy. The determination of which policy is applicable depends on the size, ownership, and use of the watercraft. If a watercraft or vessel under twenty-six feet long is covered under a general liability policy, the insurance certificate must include a statement that "watercraft liability is included" or similar documentation. The policy shall contain a provision for notification to the city and borough of Sitka of cancellation thirty days prior to such cancellation.

4. **Aircraft Liability.** No permit shall be issued or continued in effect for any permittee who uses any aircraft in conducting a trip or tour unless there is in full force and effect an aircraft liability insurance policy 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). Aircraft liability insurance is required for flying activities covered under permits issued pursuant to this chapter when such activities occur on waters within the city and borough. Depending on the sizes, ownership and use of the aircraft, such coverage may be provided either by a protection and indemnity (P&I) liability policy or by a comprehensive general liability policy. The determination of which policy is applicable depends on the size, ownership, and use of the aircraft. The policy shall contain a provision for notification to the city and borough of Sitka of cancellation thirty days prior to such cancellation.

G. **Issuance of Permit.** After review of the application by the police chief or his/her written designee, the harbormaster, and the Harrigan Centennial Hall manager, the police department shall grant the application upon finding that the applicant for the permit is fit, willing, and able to comply

with the law. The permit shall state the name and address of the applicant, the date of issuance, the class of motor vehicle to be operated, the number of vehicles, vessels, or watercraft authorized under the permit, the color scheme or insignia to be used, and such additional terms, conditions, provisions and limitations as the general health, welfare, morality and safety. No permit shall be considered to have been issued until it has been signed by the police chief or his/her written designee. In making the above-mentioned findings of public convenience and necessity, the city and borough shall take into consideration the character, experience, and responsibility of the applicant, and the public health, safety and welfare. In order to add additional vehicle(s) or motorized watercraft(s) to the original application, the permit holder must submit proof of insurance for the additional vehicle(s) or watercraft(s), show that each vehicle meets state motor vehicle codes or each watercraft satisfactorily meets U.S. Coast Guard approval, and pay ten dollars per additional vehicle or watercraft, to the city and borough of Sitka. A decision to deny an application for a permit may be appealed by the applicant to the city and borough administrator no later than seven days after such denial is delivered to the applicant. A letter sent to the applicant's address shall constitute delivery. An appeal from the decision of the city and borough administrator may be taken to the superior court for the state of Alaska no later than thirty days after the administrator sends notice of such denial to the applicant. No refunds will be issued for vehicles or watercrafts that do not operate for the full year.

H. Terms of Renewal. Each permit issued under this chapter shall expire on the last day of April next following its issuance. Permits once issued and approved prior to start up of operations may be renewed and reissued by the city and borough of Sitka upon application to the city and borough of Sitka. All fees must be paid at time of permit issuance. Permits will not be renewed unless the finance department certifies that all sales taxes have been paid, and the police department certifies that all motorized vehicles, motorized vessels, or aircraft listed on the permit have passed required inspections. Any operator whose permit has been revoked during the course of the year may not be granted a permit renewal.

I. Fraud. Misrepresentation or false advertising will not be tolerated. Any person issued a permit under this section who commits any act of fraud, cheating or misrepresentation, whether through the permittee or through an employee, agent, or representative thereof, while performing an activity provided for or authorized in the permit, directly or indirectly, or who shall barter, sell, or peddle any goods, upon public property other than those specified and authorized in their permit, can face revocation as provided in subsection J of this section.

J. Revocation. The city and borough administrator or his/her written designee may at any time revoke a permit issued under this chapter for noncompliance with any term, condition, or provision of the permit, or violation of any provision of this section or other applicable local, state, or federal law, ordinance or regulation. The city and borough administrator or his/her written designee may also revoke such a permit upon a determination that the operation of the permittee is causing a hazard, or a disruption of pedestrian, vehicular, or watercraft traffic, or that the area affected by the permit is required for another public purpose, or for other reasons. The permittee shall be given written notice of the proposed revocation of the permit. If so requested by such permittee, not later than five days after the date of the written notice of proposed revocation, the permittee may appeal the decision of the administrator or written designee to a hearing officer selected by the administrator. Appeal from a hearing officer's decision may be made no later than thirty days after such decision to the superior court for the state of Alaska sitting in Sitka. Justifications for revocation can include but are not limited to: verified complaints from customers in which services were verbally or otherwise contracted for, but not received from the permit holder or the permit holder's company; physical touching, grabbing, yelling, or shouting to a degree that would constitute disorderly conduct under AS [11.61.110](#), in an attempt to convince potential customers

to purchase a tour or service; defamatory interference with competing commercial operators, Harrigan Centennial Hall staff or harbor department staff; failure to comply with reasonable directions of Harrigan Centennial Hall manager, harbormaster, or a police officer; conviction of any offense listed in subsection (E)(6) of this section.

(Ord. 15-15 § 4 (part), 2015; Ord. 06-12 § 4(B) (part), 2006; Ord. 03-1720 § 4 (part), 2003.)

6.19.040 Regulation of visitor-related activities on public property located at tendering facilities and adjoining parking lots.

A. Responsibility. The following municipal officials shall be responsible for enforcing existing regulations and setting limits and rules as necessary in the affected area. The Harrigan Centennial Hall manager will have authority over the Crescent Harbor parking lot and the Centennial Hall parking lot. The harbormaster will have authority over the Crescent Harbor dock, the lightering dock and ramps, the O'Connell Bridge Lightering dock and ramps, and other harbor parking lots. The police department shall handle violations of a criminal nature. The city and borough attorney shall receive referrals regarding any matters requiring civil action, including permit revocations.

B. The Tendering Facilities, Ramps, and Covered Shelter.

1. No person(s) selling organized excursions, tours, trips, or services; distributing handbills; or otherwise contacting visitors arriving from ships will be allowed within the designated security zone.
2. The city and borough shall designate locations for activities. Any such activities within the areas regulated by this chapter must occur within those locations.
3. In order to reduce congestion in the areas regulated by this chapter, the number of buses and vans at any given time will be limited. Buses servicing presold tours, trips and/or services shall be staged in designated areas established by the Harrigan Centennial Hall manager or the harbormaster. Drivers for each bus or van shall be present at all times.
4. When the Harrigan Centennial Hall manager or the harbormaster has determined that demand is heavy, each commercial operations permittee offering independent tours shall have no more than one vehicle and/or carriage for independent tours in any parking lot regulated under this chapter at the same time, unless space for more than that one vehicle is available. When such space is available, additional parking shall be done on a first-come, first-served basis. A driver for each vehicle used for an independent tour shall be present at all times. As vehicles leave the area, the permittee whose vehicle leaves may replace it. Extra parking will be established when space is available.

(Ord. 06-12 § 4(B) (part), 2006; Ord. 03-1720 § 4 (part), 2003.)

6.19.050 Penalties.

A. Conducting commercial operations involving organized excursions in violation of a permit is punishable by a one-hundred-dollar fine for a first offense and a fine of up to two hundred fifty dollars for a second or subsequent offense. Such fines are separate from any revocation imposed pursuant to Section [6.19.030\(J\)](#).

B. Conducting commercial operations involving organized excursions without a permit is punishable by a fine of one hundred dollars for a first offense. Conducting commercial operations involving organized excursions without a permit is punishable by a fine of two hundred fifty dollars for a second or subsequent offense, which shall also bring the loss of the privilege of receiving such a permit for two calendar years.

(Ord. 03-1720 § 4 (part), 2003.)

6.19.060 Commercial handbill, leaflet and advertisement sign permit.

Any person or business intending to operate in an area subject to this chapter by distributing commercial handbills and leaflets, or by placing any commercial advertisement sign, is required to first obtain a permit. The annual cost of the nonrefundable permit is four hundred dollars, except for persons or businesses who have already obtained a permit under Section [6.19.030](#). All commercial advertisement signs must comply with the requirements in Section [6.19.030\(C\)](#). (Ord. 06-12 § 4(B) (part), 2006.)