



Municipality of Skagway

MEMO

TO:	Mayor and Assembly
FROM:	Brad Ryan, Borough Manager
DATE:	October 31, 2023
SUBJECT:	Resolution No. 23-32R Amending Port of Skagway Tariff No. 3

At its meeting of October 24, 2023, the Ports and Harbors Advisory Board voted to recommend amendments to Port of Skagway Tariff No. 3. The majority of these amendments have been proposed by Administration to the Assembly via Resolution No. 23-32R.

There is one section of the proposed amendments that Administration did not include in the resolution at this time, because further research is needed. This section is proposed as follows:

F. Commercial Use.

1. Commercial Operations. No berthing space shall be rented or leased to any firm or individual for the purpose of conducting any commercially oriented business enterprises at the facilities; except for those activities allowed per SMC 19.06.080 W – Waterfront Zone, commercial activities on vessels that have received permission from the Port Director, and that cruise vessels, and charter vessels, including aircraft, may pick up and discharge passengers at any space that such vessel or aircraft has the right to occupy, but may not pick up or discharge cargo at any space or any other part of the facilities of the Port except at spaces designated for such use. **All commercial operations providing a service and/or selling products within the port must have a current State and Municipal business license as well as an approved Commercial Use Permit, except for a commercial fisherman selling fish (loose) & other marine organisms (loose) up to 4,000 pounds.**

After discussion with the borough attorney, more research is needed to determine whether or not the Municipality can provide language in the tariff document that would exempt a commercial operation from the business license requirements under [SMC 5.04](#). If the board's intent is that the commercial operation be exempt from submitting commercial use fees or sales tax, there are other portions of code (such as [SMC 4.08.060](#)) that may need to change instead.

Staff would like to have additional discussions with the board to clarify its intent with the proposed amendment, and we can help determine the appropriate way to effect the changes needed in municipal code and/or the tariff document.