

An Ordinance of the Haines Borough amending Borough Code Section 5.04.020 to change the definition for "special ski competition event"; and Section 5.18.080 to allow up to two permits for special ski events each calendar year, to enable a request for temporary additions to the ski map to be submitted prior to a ski season, and to clarify that permitted special ski events are not subject to the Shared Use Policy.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Charter.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Code Section 5.04.020. Sub-Section 5.04.020 of the Haines Borough Code is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

5.04.020 Definitions

For the purposes of this title, the following terms shall be defined as follows:

"Itinerant" or "transient merchant" means a person whose principal place of business is not within the Haines Borough, but who travels through the area selling goods from stock carried with the person or providing services for valuable consideration.

"Permit" used as a noun means a fair vendor permit issued under this chapter, an itinerant merchant permit issued under Chapter 5.08 HBC, a commercial tour permit issued under Chapter 5.18 HBC, a commercial passenger vehicle permit issued under Chapter 5.20 HBC, or a commercial passenger or tour vehicle parking permit issued under Chapter 5.22 HBC.

"Permittee" means a person who has been issued a permit.

"Revoke" or "revocation" means that a permit is permanently voided and, unless otherwise provided, the permittee to whom it was issued may not be issued any other permit under this title for a period of one year from the date the revocation is effective.

"Suspend" or "suspension" means that a permit is ineffective for a specified portion of its term, and the permittee to whom it was issued may not be issued any other permit under this title during the suspension period. A suspension may be conditioned on correction of a status or condition of a person or a vehicle.

"Commercial helicopter tour" means a commercial helicopter operation, other than a commercial ski tour or commercial ski production, that provides a helicopter-assisted tour to or through an area. It is a commercial tour and requires a permit.

"Commercial ski production" means the professional filming or photographing of persons while skiing or snowboarding for the creation of a film or photography product featuring skiing or snowboarding as the primary subject.

"Commercial ski tour" means a commercial tour as defined in HBC 5.18.010(B) that: (A) includes downhill skiing or snowboarding as the primary experience; and (B) includes

professionally guided skiing and snowboarding; and (C) includes daily transportation of the customer by helicopter to and from the skiing or snowboarding area as frequently as weather permits.

"Skier day" means one individual skier, snowboarder, photographer or a member of the photographer's staff participating in a commercial ski tour or a commercial ski production on one particular day or any portion of a day excluding guides.

"Special ski competition event" means a ~~skiing or snowboarding competition that includes daily transportation of the participants by helicopter to and from the site of the competition~~ **scheduled, marketed athletic ski event sponsored by an entity that creates a venue for skiers and/or snowboarders to compete for awards of recognized value.**

Section 5. Amendment of Code Sub-Section 5.18.080(A). Sub-Section 5.18.080(A) of the Haines Borough Code is amended, as follows:

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~~STRIKETHROUGH~~ ITEMS ARE DELETED

5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.

A. Number of Permits

1. No more than three commercial ski tour permits, ~~and one permit for a special ski competition,~~ may be issued for any one calendar year.

2. No more than two permits for a special ski competition event and/or commercial ski production may be issued for any one calendar year.

2. ~~3.~~ A permit does not create an exclusive right of use of an area by the permittee. However, the borough may specify areas of the map in which a permittee may operate.

3. ~~4.~~ If more than three applicants apply for a commercial ski tour permit in any calendar year, preference shall be given to existing permit holders in good standing in the grant of a permit.

Section 6. Amendment of Code Sub-Sections 5.18.080(F-G). Sub-Sections 5.18.080(F-G) of the Haines Borough Code is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

F. General Permit Conditions and Regulations. **Commercial ski tours, commercial ski productions and special ski competition events are governed, as follows:**

1. ~~Commercial ski tours, commercial ski productions and special ski competition events shall be conducted only from~~ **The operating season is** February 1st through May 3rd unless a different period is noted on the "Haines Borough Approved Commercial Ski Tour Areas."

2. ~~Commercial ski tours, commercial ski productions and special ski competition events~~ **All activity** shall be conducted between the hours of 8:00 a.m. and 6:00 p.m., except that the borough may authorize additional hours for no more than 30 days.

3. ~~Commercial ski tours, commercial ski productions and special ski competition events~~ **All activity** shall be conducted only in areas identified on the map attached to the ordinance codified in this section which shall remain on file with the borough clerk and

labeled "Haines Borough Approved Commercial Ski Tour Areas-" **except as provided in HBC 5.18.080(G).**

4. ~~Every commercial ski tour operator~~ **Every permit holder** shall use global positioning system ("GPS") equipment capable of tracking and preserving information establishing the route taken by the helicopter to and from the skiing and snowboarding area and all landings. This information shall be cataloged in a manner requested by the borough and provided when requested by the borough during each commercial ski tour season. Borough requests for this information are limited to enforcement of borough-permitted activity.

5. ~~Every commercial ski tour operator~~ **Every permit holder** shall submit to the borough clerk, on forms provided by the borough, bi-weekly use reports detailing the number of skier days used during each day of the reporting period, deviations from the flight guidelines and any accidents.

6. The borough manager shall compile a season-end report to be submitted to the borough assembly annually during the first meeting in July. The report shall include the number of skier days used by each permitted company as compared to previous years, and it shall include any verified permit infractions along with correspondence and other information documenting reasons for the infractions.

7. The borough will establish a system for receiving and responding to complaints from the public.

8. ~~Every commercial ski tour operator~~ **Every permit holder** shall submit to the borough clerk annually a safety and operating plan that, at a minimum, will include (a) avalanche safety (addressing client safety, as well as safety of other backcountry users in the area); (b) helicopter safety; (c) emergency rescue procedures; and (d) guide requirements.

9. Explosives shall not be used for avalanche control.

10. ~~Commercial ski tour operators~~ **Every permit holder** shall annually register contracted helicopters, their N number, color scheme, and pilot's name with the borough.

11. ~~Commercial ski tour operators~~ **Every permit holder** shall provide mountain goat, and other wildlife sightings to the borough. The borough clerk will provide commercial ski tour operators with incidental wildlife observation forms to be filled out daily. These forms shall be submitted annually upon completion of the permit season.

12. The permittee is responsible for obtaining authorizations required by other agencies for the permitted activity. Each permittee will provide a copy of any other authorizations to the borough clerk.

13. ~~Every commercial ski tour operator~~ **Every permit holder** shall submit to the borough clerk a copy of a signed mutual aid agreement requiring all permittees to come to each other's aid in the event of an accident or a mechanical problem that strands a helicopter used to transport participants in a commercial ski tour away from a heliport.

14. ~~Commercial ski tour operators transporting participants in a commercial ski tour or a special ski competition event or commercial ski production by helicopter~~ **Every permit holder** shall use one of the following heliports:

- a. Haines Airport;
- b. The Stewart landing strip at 18 Mile Haines Highway;
- c. The heliport adjacent to the 33 Mile Roadhouse;
- d. Any heliport authorized by the Haines Borough planning commission as a conditional use.

G. Temporary Additions to Approved Commercial Ski Tour Areas.

1. A permittee **or an applicant for a special ski competition event or commercial ski production heliski permit** may request the addition of territory to the "Haines Borough Approved Commercial Ski Tour Areas" map for a special ski competition event, **not to exceed 7 days of competition**. All such requests shall be made only during a season and shall expire at the end of that the season **within which the event takes place**. Requests shall be submitted to the manager. All requests shall be submitted in writing, be accompanied by a diagram showing the proposed additional area with reasonable specificity and shall explain the reasons for the proposal.

2. No later than seven days after receipt of a request submitted in compliance with subsection (G)(1) of this section, the manager shall prepare a written recommendation to the assembly. **In preparing his recommendation, the manager shall consult with Alaska Department of Fish & Game regarding the impact of the proposed use on wildlife.**

3. The assembly may act on the manager's recommendation by resolution. If the assembly approves the temporary addition of territory, the "Haines Borough Approved Commercial Ski Tour Areas" map shall be amended by designating the additional territory as "temporary" and identifying the dates for which the additional territory is approved. **Approval by the assembly is contingent on the acquisition of a heliski permit for the season within which the event is to be held.**

4. The Shared Use Policy (HBC 5.18.080(H)) is not effective for the duration and in the location of a special commercial ski production or a special ski competition event.

Section 7. Amendment of Code Sub-Section 5.18.080(H). Sub-Section 5.18.080(H) of the Haines Borough Code is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

H. Shared Use Policy.

1. Commercial ski tour permittees shall yield to nonmotorized, recreational backcountry users, within the boundaries of the area known as Telemark Ridge at the head of the Haska Creek drainage, on a by-request basis.

2. Recreational backcountry users may contact a permittee by phone or e-mail at least 48 hours in advance of the activity and request to use a specific area on a specific day.

3. Confirmation shall be given by the permittee within 24 hours of the request.

4. The person making the request shall notify the borough clerk of the request.

5. Cancellation of the request shall be communicated to the permittee before 9:00 a.m. on the day of the activity.

6. Failure by recreational users to communicate a cancellation of the activity may result in the loss of request privileges.

7. Failure by a permittee to confirm a request, or to yield an area to recreational users, shall be reported to the borough clerk and recorded for future review.

8. The duration of a recreational activity in any specific area shall be for a maximum of three days consecutively, and for no more than 10 days per month.

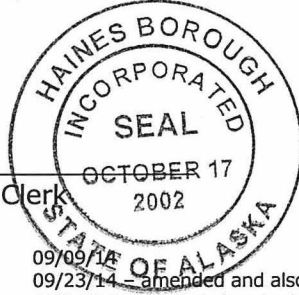
9. The Shared Use Policy in its entirety is not effective for the duration and in the location of a special commercial ski production or a special ski competition event.

Haines Borough
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ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
14th DAY OF October, 2014.

Attest:

Julie Cozzi
Julie Cozzi, MMC, Borough Clerk



Stephanie Scott
Stephanie Scott, Mayor

Date Introduced:
Date of First Public Hearing:
Date of Second Public Hearing:

09/09/14
09/23/14 - amended and also referred back to Commerce Committee prior to next hearing
10/14/14 - amended and adopted