

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 5 TO INCREASE THE FINE FOR VIOLATIONS OF BUSINESS PERMITS UP TO \$1,000 PER VIOLATION PER DAY, TO AMEND THE APPROVED COMMERCIAL SKI TOUR AREA MAP, TO ADOPT A SKIER DAY USE FEE, AND TO REQUIRE A SYSTEM FOR RECEIVING AND RESPONDING TO COMPLAINTS.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Sections 5-8 of this ordinance are of a general and permanent nature and those provisions, if adopted with or without amendment, shall become a part of the Haines Borough Code.

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. Section 6 shall be effective January 1, 2014. The remainder of this ordinance is effective upon adoption.

Section 4. Legislative Findings. The Assembly finds as follows:

- A. The Haines Borough regulates various business operations conducted within the Borough by requiring annual permits.
- B. The Borough incurs significant annual costs associated with the permit system which are only partially recovered through permit fees. Commercial ski tour permits, in particular, have greater administrative costs associated with the permit system than other types of business permits. Such costs are estimated to exceed \$9,000 per year in staff time and the cost of outside consultants.
- C. The current penalty for violation of business permits of \$300 per violation per day does not provide a sufficient incentive for compliance with Borough code and permit conditions. It also does not provide sufficient incentive for the Borough to request a court to impose a penalty for non-compliance.
- D. The current approved commercial ski tour areas map could be improved to increase the relationship between approved commercial ski tour areas and natural topography of skiing and snowboarding routes and landing areas.

Section 5. Amendment of Section 5.04.140(A). Section 5.04.140(A) of the Haines Borough Code of Ordinances is amended to read as follows:

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

**5.04.140 Penalties.**

A. Operation of any commercial tour or business enterprise for which a permit is required under this title without a permit, or the failure to follow any permit condition, shall constitute an offense punishable, upon conviction, by a fine not exceeding ~~\$300.00~~ **\$1,000** for each offense plus any surcharge required to be imposed by AS 12.55.039.

...

Section 6. Amendment of Section 5.04.130. Section 5.04.130 of the Haines Borough Code is hereby amended by adding a new subsection D to read as follows:

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

5.04.130 Fees designated.

...  
**D. Skier Day User Fee. Each commercial ski tour operator shall pay an annual nonrefundable fee in an amount equal to five dollars (\$5.00) per skier day used. The fee shall be paid no later than two weeks after the season ends for that year.**

Section 7. Amendment of Section 5.18.080(C)(1). Section 5.18.080(C)(1) of the Haines Borough Code of Ordinances is amended to read as follows:

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

C. Allocation of Skier Days.

1. At the time of an application for each commercial ski tour permit authorized by this chapter, the permit applicant shall request an allocation of skier days. **Commercial ski tour permit applications and requests for allocation of skier days must be submitted to the City Manager no later than August 31 of each year for the following season. If the deadline falls on a weekend or holiday, applications and requests must be submitted no later than the following business day. The date of submission shall be determined by the postmark or, if hand delivered, by the date the application and request are delivered to the Borough Manager's office.**

...  
Section 8. Amendment of Section 5.18.080(F)(3). Section 5.18.080(F)(3) of the Haines Borough Code is hereby amended to read as follows and the previously approved map is replaced with the map attached hereto:

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

F. General Permit Conditions and Regulations.

...  
3. Commercial ski tours, commercial ski productions and special ski competition events 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."

**a. The Haines Borough Approved Commercial Ski Tour Areas map may be amended annually by assembly resolution.**

**b. Proposals for map amendments may be submitted to the borough manager from May 1 to May 31 each year. Proposals shall be in writing and include an illustration of the general subject area and rationale for the amendment in fewer than 500 words.**

**c. After May 31 and prior to June 10, the manager shall convene an advisory committee to review the proposed map amendments. The committee shall be comprised of one commercial ski tour operator determined by random drawing of all permitted commercial ski tour operators; one citizen determined by random drawing of all persons who submitted map amendment proposals except commercial ski tour operators; one tourism advisory board member selected by the tourism advisory board; one parks and recreation committee member selected by the parks and recreation committee; and one Alaska Department of Fish and Game staff member who meets the residency requirements of HBC 2.60.060 and is knowledgeable of local wildlife habits. The committee shall organize itself as to**

**procedure and shall make a recommendation to the manager on or before June 30. The manager will not be bound to the recommendations but shall present them to the assembly for consideration.**

Section 9. Amendment of Section 5.18.080(F). Section 5.18.080(F) of the Haines Borough Code is hereby amended, as follows:

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**STRIKETHROUGH** ITEMS ARE DELETED

F. General Permit Conditions and Regulations.

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

~~78.~~ Every commercial ski tour operator 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; ~~and (e) a system for resolving complaints from the public.~~

~~89.~~ Explosives shall not be used for avalanche control.

~~910.~~ Commercial ski tour operators shall annually register contracted helicopters, their N number, color scheme, and pilot's name with the borough.

~~1011.~~ Commercial ski tour operators 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.

~~1112.~~ 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.

~~1213.~~ Every commercial ski tour operator 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.

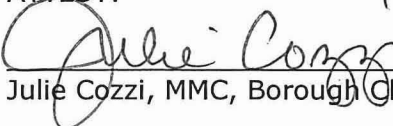
~~1314.~~ Commercial ski tour operators transporting participants in a commercial ski tour or a special ski competition event or commercial ski production by helicopter shall use one of the following heliports;


- 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.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 27<sup>th</sup> DAY OF NOVEMBER, 2012.

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk

  
Stephanie Scott, Mayor

Date Introduced: 10/09/12  
Date of First Public Hearing: 10/23/12  
Date of Second Public Hearing: 11/06/12 – Adopted  
Reconsidered and Readopted: 11/27/12

