

An Ordinance of the Haines Borough amending Haines Borough Code Title 5 Limiting the Number of Available Commercial Helicopter Ski Tour Permits

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 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. This ordinance is effective upon adoption.

Section 4. Amendment of Section 5.24.020. Section 5.24.020 of the Haines Borough Code is hereby amended, as follows:

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

5.24.020 Permit required.

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B. Number of Permits.

1. **For 2022, 2023 and 2024 only**, ~~No more than three~~ **up to four** commercial ski tour permits may be issued for any one calendar year. **Ski tour permits will be issued to allow up to 6 helicopters in Regular Season Usage per day with a maximum of 8 helicopters for Special Events.**
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.
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.
4. **When** ~~if~~ more than three applicants apply for a commercial ski tour permit in any calendar year **and/or the number of applicant requests exceeds 6 helicopters in any Regular Season,** preference shall be given to existing permit holders in good standing in the grant of a permit ~~skier days~~.

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Section 5. Repeal and Replace Section 5.24.030. Section 5.24.030 of the Haines Borough Code is hereby repealed and replaced with the following:

5.24.030 Helicopter Usage and Fees

A. Regular Season Usage allows a maximum of 6 helicopters per day in the

Approved Commercial Ski Tour Areas Map as described in HBC 5.24.050(D). No more than two (2) helicopters may be used by any commercial helicopter ski tour permittee on any single day during the permitted helicopter ski tour season, or special ski competition event, except as provided in section (B) below.

B. Additional Usage, including Special Events shall not exceed 8 helicopters at any time in the Approved Commercial Ski Tour Areas Map as described in HBC 5.24.050(D).

- 1. Access to Additional Usage is allowable as follows: Notify the Borough Manager via telephone or email at least 1 day prior to additional usage. The Borough Manager must approve the request prior to utilizing additional helicopters.**
- 2. Additional Usage is limited to a 2-week period**

Section 6. Amendment of Section 5.18.025(C). Section 5.18.025(C) of the Haines Borough Code is hereby amended, as follows:

C. ~~Skier Day User~~ **Permit** Fee. **For 2022, 2023 and 2024 ONLY, E**each commercial helicopter ski tour operator shall pay an annual nonrefundable fee **of \$3,000 per helicopter for Regular Usage prior to January 15. Any permittee requesting a second helicopter must submit a written proposal to the Borough Manager demonstrating need and willingness to pay an additional \$5,000 nonrefundable fee prior to January 15.** ~~in an amount equal to \$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 5.24.040(D). Section 5.24.040(D) of the Haines Borough Code is hereby amended, as follows:

D. 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.~~

Section 8. Amendment of Section 5.24.040(F). Section 5.24.040(F) of the Haines Borough Code is hereby amended, as follows:

F. The borough manager shall compile a season-end report to be submitted to the borough assembly annually in July. The report shall include the number of ~~skier days~~ **helicopters** used **daily** 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.

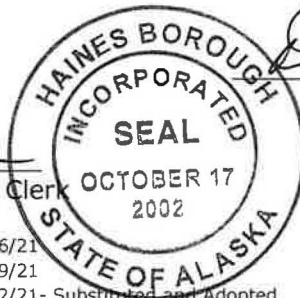
Section 9. Amendment of Section 5.24.040(K). Section 5.24.040(K) of the Haines Borough Code is hereby amended, as follows:

K. Every permit holder shall provide mountain goat and other wildlife sightings to the borough. The borough clerk will provide commercial helicopter 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~~ **with the bi-weekly use reports described in Section E above.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 22nd DAY OF DECEMBER, 2021.

ATTEST:


Alekka Fullerton, CMC, Borough Clerk




Douglas Olerud, Mayor

Date Introduced: 10/26/21
Date of First Public Hearing: 11/09/21
Date of Second Public Hearing: 12/22/21- Substituted and Adopted