

REGULATING CONDUCT OF SKIERS AT SKI AREAS IN THE TOWN OF HUNTER

SECTION 1

TITLE: This Law shall be known as the Skier Responsibility Law of the town of Hunter.

SECTION 2

DECLARATION OF PUBLIC PURPOSE AND LEGISLATIVE INTENT: The Town Board finds that the sport of skiing is practiced by a large number of citizens of this Town and also attracts a large number of non-residents, significantly contributing to the economy of the Town of Hunter.

The Board also finds' that skiing is a sport that may be hazardous regardless of all feasible safety measures that can be taken by ski area operators. Inherent in the sport of skiing is the risk of personal injury, death, or property damage which may be caused by variations in terrain or weather conditions; surface or subsurface snow, ice, bare spots, mogul s, ruts, bumps, or other conditions; drainage structures, utility poles and wires, snow-fences, lift-line corrals, lift towers, signage, lifts and tows (passenger tramways) snow-making, maintenance, or grooming equipment or vehicles or other man-made obstructions or object SI other persons using the facilities; and rocks, forest growth, debris, branches, trees, roots, stumps or other natural obstructions or objects.

In light of these and other potential dangers of the sport, the Board finds that a local Law is necessary to help reduce the risk of injury to skiers and the risk of economic harm to the ski industry by encouraging safe skiing behavior.

The Board finds that a violation of this law should constitute culpable conduct on the part of a person who causes or who sustains personal injury, death, or property damage arising out of a ski accident.

SECTION 3:

DEFINITIONS: The following words and phrases when used in this Law shall be construed to have the following meanings:

- (a) **"Ski Area"** means all ski slopes, ski trails and passenger tramways and other property under the control of a ski area operator within the Town of Hunter, State of New York.
- (b) **"Ski Area Operator"** means any person or entity having operational and administrative responsibility for any Ski Area.
- (c) **"Passenger Tramway"** means any device operated by a Ski Area Operator to transport passengers from one point to another within a Ski Area.
- (d) **"Skier"** means any person for any purpose physically present at a Ski Area whether such person be present with or without the knowledge or permission of the Ski Area Operator or be within or without the areas designated permissible for use by skiers.

SECTION 4:

DUTIES OF SKIERS-VIOLATIONS: No Skier shall do any of the following things, each of which shall constitute a Violation:

- (a) Leave an accident scene when involved in an accident resulting in personal injury to another party before such time as medical assistance arrives, except for the purpose of summoning aid, or to fail to provide to the ski area operator his or her full name and address before leaving the ski area; or
- (b) Knowingly ski upon or otherwise enter a slope or trail or portion thereof which has been designated as "closed" by the ski area operator or to knowingly ski in an area not designated for skiing by the ski area operator; or
- (c) Knowingly move, remove, deface, alter or otherwise damage signage, warning devices or implements or other safety devices or skier awareness devices placed and maintained by the ski area operator; or
- (d) Knowingly eject from a passenger tramway any object or material (except into areas designated by the ski area operator for such purposes) or otherwise knowingly interfere with the operation of a passenger tramway; or
- (e) Ski while his or her ability is impaired by an alcoholic beverage or any drug or the combination of an alcoholic beverage and any drug; or
- (f) Fail to know and ski within the range and limits of his or her own ability to negotiate any slope or trail in a safe and reasonable manner; or
- (g) Fail to ski in constant control of speed and course so as to avoid contact with visible or clearly marked obstacles and with other skiers and passengers on surface passenger tramways at all time while skiing; or
- (h) Ski faster than is safe under the circumstances; or
- (i) Fail to yield to other skiers when entering a trail or starting downhill; or
- (j) Overtake another skier in such a manner as to cause contact with the skier being overtaken or fail to yield the right of way to an overtaken skier; or
- (k) with criminal negligence stop on any slope or trail where such stopping is likely to cause a collision with other skiers or vehicles; or
- (l) Fail to wear retention straps or other devices to help prevent runaway skis; or
- (m) Cross the uphill track of any surface passenger tramway except at points clearly designated by the ski area operator; or
- (n) Fail to report any personal injury to the ski area operator before leaving the ski area; or
- (o) Board or disembark from passenger tramways at points or areas not designated by the ski area operator for such purpose; or
- (p) Wear loose clothing, accessories or exposed long hair when riding on a passenger tramway in such a manner as is likely to become entangled with any part of it; or
- (q) Embark on a passenger tramway without the authority of the ski area operator; or
- (r) Fail to use restraining bars in accordance with posted instructions when riding on a passenger tramway; or

- (s) Fail to become familiar with and observe all posted information before boarding any passenger tramway or skiing on any slope or trail; or
- (t) Fail to take reasonable precautions against the risks inherent in skiing; or
- (u) Fail to abide by the directions of the ski area operator.

SECTION 5

CIVIL COMPROMISE: The Town may settle or compromise any alleged violation of this Local Law as a civil compromise in an amount not to exceed the fines imposed in Section 6 hereof.

SECTION 6

PENALTIES: Any person who commits any of the acts described in Sections 4(a)-4(e) of this Law is guilty of a Violation and shall, upon conviction, be sentenced to a fine of not more than \$250.00 or imprisonment for a period of not more than fifteen days or both.

Any person who commits any of the acts described in Sections 4(f)-4(u) of this law is guilty of a Violation and shall, upon conviction, be sentenced to a fine of not more than \$100.00.

SECTION 7

SEVERABILITY: Each separate provision of this law shall be deemed independent of all other provisions herein, and if any provision of this law or the application thereof to any certain class of persons or any particular circumstances be declared to be invalid for any reason, all other provisions of the law or the application of the circumstantially invalid provision to all other persons or circumstances shall remain valid and enforceable.

SECTION 8

ENFORCEMENT: Any Peace Officer may issue an appearance ticket to enforce this law.

SECTION 9

EFFECTIVE DATE: This Law shall take effect immediately upon filing with the Secretary of state of the State of New York.