11 CBJAC 07.010 POLICY. The policy of the City and Borough of Juneau concerning the commercial use of Eaglecrest Ski Area is:
   (a) To maintain and improve Eaglecrest for its primary use by the public, including both visitors and residents, and preserve it from activities inconsistent with that primary use.
   (b) To allow commercial activity only after considering its impacts upon other users and neighboring property, and to ensure public safety on city lands.
   (c) To minimize any environmental damage and mitigate any environmental impacts caused by commercial use.
   (d) To charge for commercial use of Eaglecrest at a fair rate which reflects the cost of providing any improvements, maintenance, services, and administration necessary for the use.
   (e) To establish and enforce uniform rules for the commercial use of Eaglecrest.

11 CBJAC 07.020 LANDS REGULATED. These regulations apply to all city and borough land within the Eaglecrest Ski Area.

11 CBJAC 07.030 PERMIT REQUIRED. (a) No person may engage in commercial activities at Eaglecrest except as authorized by a permit issued pursuant to this or another chapter of this title.
(b) The Ski Area Manager may issue a permit for commercial activities within the ski area upon a determination in writing that the activity:

1. will not pollute or degrade the environment, resources, facilities, or atmosphere of the ski area,
2. will not endanger the public health, safety, or welfare, and
3. is consistent with the Comprehensive Plan.

(c) The Ski Area Manager may impose conditions reasonably required for the protection and use of the ski area, including limitations as to time, area, equipment, user loading, traffic, parking, discharges, noise, and other factors.

(d) The Ski Area Manager may deny a proposed commercial use upon a written determination that the use, alone or in combination with other current, proposed, or planned uses, would exceed the carrying capacity of the ski area. The Ski Area Manager shall determine such carrying capacity taking into account the nature and extent of the use, the number of users, and the impacts likely to result from the use, including, traffic, noise, public access, loading, the availability of parking and other factors. The Ski Area Manager shall find that the carrying capacity of the ski area would be exceeded if it is more likely than not that a use or combination of uses would unreasonably degrade the environment, resources, facilities, or atmosphere of the ski area.

If the Ski Area Manager finds that the cumulative impact of proposed uses would itself or in combination with existing uses or planned uses exceed the carrying capacity of the area, the Ski Area Manager shall suspend issuance of all new permits pending completion of the following procedure:

1. The Ski Area Manager shall notify all persons who have submitted pending permit applications that the application is part of a group of applications held in suspended status. Each notice will set forth the nature and extent of the impacts which provide the basis for the suspension, and will invite the applicants to confer among themselves for the purpose of negotiating a resolution to the excess impacts issues.

2. The applicants may re-submit their applications which shall be granted if the Ski Area Manager finds that the excess impact issues have been resolved and the applications otherwise meet the requirements of this section. If excess use issues remain unresolved, the Ski Area Manager shall grant permits by lottery to the extent that such uses do not exceed the carrying capacity of the area.

(e) A permit may be transferred only if the transfer includes the transferor’s entire business interest in activities conducted under the permit. The transferor or transferee shall submit a written application which shall be approved if it satisfies all of the requirements applicable to an original application. No credit will be given for any permit payments made to the city and borough by the transferor.

11 CBJAC 07.040 APPLICATION PROCESS. (a) General Requirements.

1. Applications for permits will be accepted only from persons who have, or upon issuance of the permit, will have the legal authority to take action in accordance with the permit. The Ski
Area Manager may require proof of such authority. All applications must be signed by the owners of the business to be subject to the permit.

(2) All applications must be on forms provided by the department. Applications may be considered only if they are complete, signed, accompanied by the applicable fee, and filed together with any required attachments or exhibits at the offices of the Eaglecrest Ski Area.

(3) Public notice of the Ski Area Manager’s consideration of commercial use permits shall be posted at the offices of the Eaglecrest Ski Area.

(b) Application information.

(1) Applicant information

(A) The application shall identify each individual or business entity responsible for the use intended; all officers, partners, or joint venturers of such entities; and all persons with any ownership interest in such entities. Notice to any of the persons listed shall be sufficient to notify all, and each person listed shall be jointly and individually responsible for compliance with permit conditions;

(B) The permanent, temporary, local, and foreign residence and mailing addresses of each person, owner, and company responsible for the activity to be permitted;

(C) Current telephone numbers of each company and individual providing services in the area applied for;

(D) A copy of a current driver’s license or other government identification card which includes a photograph, date of birth and a written physical description of the applicant;

(E) Physical descriptions and license numbers of each vehicle to be used in the activity for which the permit is sought.

(2) Proposed use.

(A) A description and a map of the location of each proposed use;

(B) A description of transportation to the site and proposed parking plans for vehicles, and a statement of any additional accommodations or improvements needed for the proposed use;

(C) A description of the use, the mode of transport at the site, and the services being provided at the site;

(D) A description of the number, scheduling, and size of participant groups at the site, with a calendar indicating which days and times the use is proposed.

(3) Fees to be charged by permit holder.

(A) A schedule of fees and charges to customers and a description of any collection, disbursement, royalty, commission or similar arrangements with others including tour brokers, agents, or cruise ship companies.

11 CBJAC 07.050 PERMIT FEES. The applicant shall pay a fee, established by the Ski Area Manager, which fee will give the city a fair and reasonable return in light of the cost of administering the activity permitted under the permit, the impact of the proposed activity on the ski area, the cost of any improvements required, and the value of the benefit conferred upon the user. The fee
shall be paid to the ski area by the fifteenth day of each month for fees owed in previous calendar
month.

11 CBJAC 07.060 INSURANCE AND INDEMNIFICATION. Prior to issuance of a
permit, the permittee shall provide the department with a broker’s certificate of insurance showing that
the permittee has obtained public liability insurance in the amount and for the risks determined by the
Risk Manager of the City and Borough of Juneau for the proposed use. The certificate must establish
that the city and borough is named as an additional insured on the policy, and that the insurer shall notify
the city and borough if the policy is modified, canceled, or terminated.

Permittees, upon acceptance of a permit, shall execute an instrument under the terms of which the
permittee shall agree to indemnify, defend, and hold harmless the City and Borough of Juneau from any
and all claims for injury or damage to persons or property suffered in connection with the permittee’s
activities unless such injury or damage is caused by the gross negligence of the City and Borough of
Juneau.

11 CBJAC 07.070 PERMIT DURATION.
(a) Permits may be issued for a period not to exceed one year.
(b) Permits are valid only for the dates, times, activities and areas specified.
(c) Permits shall not be renewable. Issuance of a permit shall not entitle the permit holder to any
priority or preferential consideration for subsequent, new, or additional permits for the same or related
uses or areas. A new application must be submitted each year for each permit.
(d) The Ski Area Manager may issue a temporary permit at any time, valid for no more than 30
days and not renewable. The application process for a temporary permit shall be the same as for other
permits.

11 CBJAC 07.080 GENERAL OPERATING REQUIREMENTS. (a) Permittees shall
have a copy of the permit immediately available for inspection at all times while engaged in activities
pursuant to the permit. A copy of the permit shall be prominently displayed on any vehicle located for
permit purposes in the recreation area.
(b) Permit holders shall be responsible to the city and borough for their actions and those of
their agents, employees and customers while engaged in permit activities. The following operating
requirements apply to activities conducted under the permit unless otherwise specified in a permit.
(1) No person may obstruct traffic, litter, use glass containers, nor disturb, damage, deface
or remove natural objects including trees, plants, moss, rock, gravel, or minerals, nor disturb or remove
cultural, archaeological, or historical material.
(2) Activities conducted under the permit shall be confined to the improved trail surfaces
except as required for safety reasons.
(3) No alterations or improvements to the permitted area are allowed, nor may anything
be posted or signs of any kind be displayed in the ski area.
(4) No one may camp, light fires, fish, hunt or harass wildlife.
(5) The permit holder shall promptly notify the Ski Area Manager of any accident, injury or claim relating to the permitted activity.
(6) The permit holder shall promptly notify the Ski Area Manager of any repair or maintenance needed to the improvements located in the permitted area, or any natural condition which constitutes a hazard. The permit holder shall not make any repair or alteration to the area unless required by an emergency, and shall promptly report such repair or alteration to the Ski Area Manager.
(7) Permit holders shall comply with all state, federal, and local laws applicable to their activities.
(8) Permit holders shall police the area used and shall properly dispose of all litter found thereon.
(9) The permit holder shall reimburse the City and Borough of Juneau for any damage to municipal property caused by permit activities, including the cost of litter abatement.
(10) No pets shall accompany any person engaged in permit activities unless the pet is restrained on a leash and all feces are promptly removed and properly disposed of.
(11) No equipment or supplies may be stored at any city and borough facility or permit area unless approval of the Ski Area Manager is secured in advance.
(12) All vehicles under the ownership or control of the permittee shall be lawfully operated or legally parked while the permit holder is engaged in permit activities. The permittee shall be responsible for following all parking restrictions and requirements imposed by permit conditions.

11 CBJAC 07.090 ENFORCEMENT & PENALTIES. (a) A permit may be suspended by the Ski Area Manager without advance notice for a period not to exceed ten days if any activity conducted under the permit presents an immediate danger to the public health, welfare, or safety.
(b) A permit may be suspended or revoked by the Ski Area Manager upon written findings that the permittee has violated these regulations. The permittee shall be provided at least ten days notice and an opportunity to be heard at an informal hearing on the suspension or revocation. The Ski Area Manager’s decision may be appealed to the Board of Directors of Eaglecrest by filing a notice of appeal setting forth the reasons the decision is appealed with the office of the city manager within ten days of the Ski Area Manager’s decision.

11 CBJAC 07.100 DEFINITIONS. As used in this chapter:
“Commercial use,” “commercial activities,” “commercial purpose” and the like mean the sale, delivery, or solicitation to provide, goods or services in exchange for valuable consideration. The term includes a service offered in conjunction with another sale of goods or services whether or not it is incidental to, advertised with, or specifically offered in the other sale, but does not include casual or isolated sales not in the regular course of business. All guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash or other
commercial means is required, expected or received beyond the normal and customary equally shared cost of food and fuel for any portion of activities conducted within the ski area.

“Ski Area Manager” means the supervisor of the Eaglecrest Ski Area or such person as may be designated by the Ski Area Manager to administer these regulations.

“Permittee” or “permit holder” means the business entity or its authorized representative conducting commercial activities in the ski area according to a permit issued under these regulations.

“Person” means a natural person, firm, partnership, corporation, association, or other entity organized for a common purpose.

“Vehicle” means a device in, upon or by which a person or property may be transported or drawn including devices moved by human, animal, mechanical or other power source.