

# 2011-12 Olive Recreation Program

Please read the attached Article 18: Safety in Skiing before signing the attached.

## Article 18 Section

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### 18-101. Legislative purpose

The legislature hereby finds that alpine or downhill skiing is both a major recreational sport and a major industry within the state of New York. The legislature further finds: (1) that downhill skiing, like many other sports, contains Inherent risks including, but not unlimited to, the risks of personal Injury or death or property damage, which may be caused by variations in terrain or weather conditions; surface or subsurface snow, ice, bare spots or areas of thin cover, moguls, ruts, bumps; other persons using the facilities; and rocks, forest growth, debris, branches, trees, roots, stumps or other natural objects or man- made objects that are incidental to the provision or maintenance of a ski facility in New York State; (2) that downhill skiing, without established rules of conduct and care, may result in injuries to persons and property;

(3) that it is appropriate, as well as in the public interest, to take such steps as are necessary to help reduce the risk of Injury to downhill skiers from undue, unnecessary and unreasonable hazards; and (4) that it is also necessary and appropriate that skiers become apprised of, and understand, the risks inherent in the sport of skiing so that they may make an informed decision of whether or not to participate in skiing notwithstanding the risks. Therefore, the purpose and intent of this article is to establish a code of conduct for downhill skiers and ski area operators to minimize the risk of injury to persons engaged in the sport of downhill skiing and to promote safety in the downhill ski industry. **18-102**

### Definitions

The following words and phrases when used in this article shall have, unless context clearly indicates otherwise, the meanings given to them in this section:

1. "Lift ticket" means any item issued by a ski area operator to any skier that is intended to be affixed to the outerwear of the skier, or otherwise displayed by a skier, to signify lawful entry upon and use of the passenger tramways or ski slopes or trails maintained by the ski area operator.
2. "Passenger tramway" means a mechanical device intended to transport skiers for the purpose of providing access to ski slopes and trails as defined by the commissioner of labor pursuant to section two hundred two-c or eight hundred sixty-seven of the labor law.
3. "Passenger" means a person in or on or being transported by a tramway.
4. "Ski area" means all ski slopes, ski trails and passenger tramways administered as a single enterprise within this state .
5. "Ski area operator" means a person, firm or corporation, and its agents and employees, having operational and administrative responsibility for any ski area, including any agency of the state, any political subdivision thereof, and any other governmental agency or instrumentality.
6. "Skier" means any person wearing a ski or skis and any person actually on a ski slope or trail located at a ski area, for the purpose of skiing.
7. "Ski slopes and trails" mean those areas designated by the ski area operator for skiing .

### 18-103. Duties of Ski Area Operators

Every ski area operator shall have the following duties:

1. To equip all trail maintenance vehicles with such warning implements or devices as shall be specified by the commissioner of labor pursuant to section eight hundred sixty-seven of the labor law. Such implements or devices shall be present and operating whenever the vehicle is within the borders of any slope or trails.
2. To post in a location likely to be seen by all skiers signs of such size and color as will enable skiers to have knowledge of their responsibilities under this article.
3. To hold employee training sessions at least once before the beginning of each season, the contents of which shall be specified by the commissioner of labor upon the recommendation of the passenger tramway advisory council, as follows:
  - a. for operators of trail maintenance equipment concerning the safe operation of such vehicles in the ski area;
  - b. for passenger tramway attendants concerning the safe operation of passenger tramways;
  - c. for ski personnel charged with the responsibility of evacuating passengers from passenger tramways concerning proper evacuation techniques; and
  - d. for all other personnel charged with on-mountain maintenance, inspection or patrol duties as to methods to be used for summoning aid in emergencies.
4. To conspicuously mark with such implements as may be specified by the commissioner of labor pursuant to section eight hundred sixty-seven of the labor law, the location of such man-made obstructions as, but not limited to, snow-making equipment, electrical outlets, timing equipment, stanchions, pipes, or storage areas that are within the borders of the designated slope or trail, when the top of such obstruction is less than six feet above snow level.
5. To maintain in a central location at the ski area an information board or boards showing at a minimum the following:
  - a. the location of the tramways, slopes or trails;
  - b. the status of each trail- open or closed;
  - c. the location of emergency communications or medical equipment and sites designated by the ski area operator for receipt of notice from skiers pursuant to subdivision thirteen of this section ;
  - d. the relative degree of difficulty of each slope or trail (easier, more difficult, most difficult); and
  - e. the general surface condition of each slope and trail as most recently recorded in the log required to be maintained by subdivision six of this section.
6. To inspect each slope or trail that is open to the public within the ski area at least twice a day, and enter the results of such inspection in a log which shall be available for examination by the commissioner of labor. The log shall note:
  - a. the general surface conditions of such trail at the time of inspection ( powder, packed powder, frozen granular, icy patches or icy surface, bare spots or other conditions);
  - b. the time of inspection and the name of the inspector;
  - c. the existence of any obstacles or hazards other than those which may arise from:
    - (i) skiers use;
    - (ii) weather variations including freezing and thawing; or
    - (iii) mechanical failure of snow grooming or emergency equipment which may position such equipment within the borders of a slope or trail.
7. To develop and maintain a written policy consistent with the regulations of the commissioner of labor upon the advice of the passenger tramway advisory council for situations involving the reckless conduct of skiers, which shall include, but not be limited to :
  - a. a definition of reckless conduct; and
  - b. procedure for approaching and warning skiers of reckless conduct and procedures for dealing with such skiers which may include the revocation of the lift tickets of such skiers.
8. To designate personnel to implement the ski area's policy on reckless conduct.
9. To report to the commissioner of labor by telephone within twenty-four hours any fatality or injury resulting in a fatality at the ski area.
10. To conspicuously post and maintain such ski area signage, including appropriate signage at the top of affected ski slopes and trails, notice of maintenance activities and for passenger tramways as shall be specified by the commissioner of labor pursuant to section two hundred two-c or eight hundred sixty-seven of the labor law.
11. To post in a conspicuous location at each lift line a sign, which shall indicate the degree of difficulty of trails served by that lift with signs as shall be specified by the

commissioner of labor pursuant to section two hundred two-c or eight hundred sixty- seven of the labor law.

12. To ensure that lift towers located within the boundaries of any ski slope or trail are padded or otherwise protected and that no protruding metal or wood objects, such as ladders or steps, shall be installed on the uphill or side portion of lift towers within the borders of a ski slope or trail, unless such objects are below the snow line, at least six feet above it, or padded or otherwise protected with such devices as, but not limited to, the following:

- a. commercially available tower padding;
- b. air or foam filled bags;
- c. hay bales encased in a waterproof cover; or
- d. soft rope nets properly spaced from the tower.

13. To, within a reasonable amount of time after the inspection required by subdivision six of this section, conspicuously mark with such implements as may be specified by the commissioner of labor pursuant to section eight hundred sixty-seven of the labor law and to provide sufficient warning to skiers by such marking or remove such obstacles or hazards which are located within the boundaries of any ski slope or trail and were noted pursuant to paragraph c of subdivision six of this section; and to also conspicuously mark with such implements and provide such warning or remove such obstacles or hazards within a reasonable amount of time after receipt of notice by the ski area operator from any skier as to the presence of such obstacles or hazards when notice is given at sites designated by the ski area operator for such receipt and the locations of which are made known to skiers pursuant to paragraph

c of subdivision five of the section.

14. To have present at all times when skiing activity is in progress, individuals properly and appropriately trained for the safe operation of on-slope vehicle; trail maintenance equipment; tramways; tramway evacuations; implementation of the reckless skier policy; first aid and outdoor rescue; and, to have present according to a schedule posted for access by skiers, by the ski area operator, personnel appropriately trained in the instruction of skiers and passengers in methods of risk reduction while using ski slopes and passenger tramways and the instruction of skiers with respect to the risks inherent in the sport.

#### **18-104. Duties of Passengers**

All passengers shall have the following duties:

1. To familiarize themselves with the safe use of any tramway prior to its use;
2. To remain in the tramway if the operation of a passenger tramway as defined pursuant to section two hundred two-c of the labor law, is interrupted for any reason, until instructions or aid are provided by the ski area operator;
3. To board or disembark from passenger tramways only at points or areas designated by the ski area operator;
4. Not to eject any objects or material from a passenger tramway;
5. To use restraint devices in accordance with posted instructions ;
6. To wear retention straps or other devices to prevent runaway skis;
7. Not to interfere with the operation of a passenger tramway;
8. Not to place or caused to be placed on the uphill track of a surface lift any object which may interfere with its normal operation; and
9. Not to wear loose scarves, clothing, or accessories or expose long hair which may become entangle with any part of the device.

#### **18-105. Duties of Skiers**

All skiers shall have the following duties:

1. Not to ski in any area not designated for skiing;
2. Not to ski beyond their limits or ability to overcome variations in slope, trail configuration and surface or subsurface conditions which may be caused or altered by weather; slope or trail maintenance work by the ski area operator; or skier use;
3. To abide by the directions of the ski area operator;
4. To remain in constant control of speed and course at all times while skiing so as to avoid contact with plainly visible or clearly marked obstacles and with other skiers and passengers on surface operating tramways;
5. To familiarize themselves with posted information before skiing any slope or trail, including all information posted pursuant to subdivision (five) of section 18-103 of this article;
6. Not to cross the uphill track of any surface lift, except at points clearly designated by the ski area operator;
7. Not to ski on a slope or trail or portion thereof that has been designated as "closed" by the ski area operator;
8. Not to leave the scene of any accident resulting in personal injury to another party until such times as the ski area operator arrives, except for the purpose of summoning aid;
9. Not to overtake another skier in such a manner as to cause contact with the skier being overtaken and to yield the right of way to the skier being overtaken;
10. Not to willfully stop on any slope or trail where such stopping is likely to cause a collision with other skiers or vehicles;
11. To yield to other skiers when entering a trail or starting downhill;
12. To wear retention straps or other devices to prevent runaway skis;
13. To report any personal injury to the ski area operator before leaving the ski area; and
14. Not to willfully remove, deface, alter or otherwise damage signage, warning devices or implements, or other safety devices placed and maintained by the ski area operator pursuant to the requirements of section 18-103 of this article.

#### **18-106. Duties of Skiers and Ski Area Operators with Respect to Inherent Risks**

It is recognized that skiing is a voluntary activity that may be hazardous regardless of all feasible safety measures that can be undertaken by the ski area operators. Accordingly:

1. Ski area operators shall have the following additional duties:
  - a. To post at every point of sale or distribution of lift tickets, whether on or off the premises of the ski area operator a conspicuous "Warning to Skiers" relative to the inherent risks of skiing in accordance with regulations promulgated by the commissioner of labor pursuant to subdivision four of section eight hundred sixty seven of the labor law, and to imprint upon all lift tickets sold or distributed, such text and graphics as the commissioner of labor shall similarly specify, which shall "1" conspicuously direct the attention of all skiers to the required "Warning to Skiers";
  - b. To post at every point of sale or distribution of lift tickets at a ski area notice to skiers and passengers that this article prescribes certain duties for skiers, passengers and ski area operators, and to make copies of this article in its entirety available without charge upon request to skiers and passengers in a central location at the ski area;
  - c. To make available at reasonable fees, as required by subdivision thirteen of section 18-103 of this article, instruction and education for skiers relative to the risks inherent in the sport and the duties prescribed for skiers by this article, and to conspicuously post notice of the times and places of availability of such instruction and education in locations where it is likely to be seen by skiers; and
  - d. To post notice to skiers of the right to a refund in full and in cash to the purchaser of the purchase price of any lift ticket returned to the ski area operator, intact and unused, upon declaration by such purchaser that he or she is unprepared or unwilling to ski due to the risks inherent in the sport or the duties imposed upon him or her by this article.
2. Skiers shall have the following additional duties to enable them to make informed decisions as to the advisability of their participation in the sport:
  - a. To seek out, read, review and understand, in advance of skiing, a "Warning to Skiers" as shall be defined pursuant to subdivision five of section eight hundred sixty seven of the labor law, which shall be displayed and provided pursuant to paragraph a of subdivision one of this section; and
  - b. To obtain such education in the sport of skiing as the individual skier shall deem appropriate to his or her level of ability, including the familiarization with skills and duties necessary to reduce the risk of injury in such sport.

#### **18-107. Construction**

Unless otherwise specifically provided in this article, the duties of skiers, passengers, and ski area operators shall be governed by common law.

#### **18-108. Severability**

If any provision of this article or the application thereof to any person or circumstances held invalid, such invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provision of this article are declared severable.

# BELLEAYRE MOUNTAIN

I have read and understand Article 18: Safety in Skiing and agree to the terms and information listed on the above pages. I give you my permission to be taken to the following hospital in case of an emergency.

***(If signing for a minor)***

My child has read and understands Article 18: Safety in Skiing, and I give my child, permission to participate in the Town Recreation Skiing Program for 2010/2011. I also give permission to have my child to be taken to the hospital in case of an emergency when a parent/guardian cannot be reached.

Circle one SELF PARENT/GUARDIAN \_\_\_\_\_ Date: \_\_\_\_\_

Signature of above participant or Signature of Parent/Guardian if above individual is a minor

Circle one SELF PARENT/GUARDIAN \_\_\_\_\_ Date: \_\_\_\_\_

Signature of above participant or Signature of Parent/Guardian if above individual is a minor

Circle one SELF PARENT/GUARDIAN \_\_\_\_\_ Date: \_\_\_\_\_

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Circle one SELF PARENT/GUARDIAN \_\_\_\_\_ Date: \_\_\_\_\_

Signature of above participant or Signature of Parent/Guardian if above individual is a minor

**Allergies:**

Name of Person: \_\_\_\_\_ Allergy: \_\_\_\_\_ Hospital Choice: \_\_\_\_\_

Name of Person: \_\_\_\_\_ Allergy: \_\_\_\_\_ Hospital Choice: \_\_\_\_\_

Name of Person: \_\_\_\_\_ Allergy: \_\_\_\_\_ Hospital Choice: \_\_\_\_\_

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Name of Person: \_\_\_\_\_ Allergy: \_\_\_\_\_ Hospital Choice: \_\_\_\_\_

Name of Person: \_\_\_\_\_ Allergy: \_\_\_\_\_ Hospital Choice: \_\_\_\_\_

**Return form to:**

**Town of Olive**

**Please enclose payment of \$5.00 per person**

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If paying by check please make check out to:

**Town of Olive**

**Total: \$ \_\_\_\_\_**

**Olive Recreation/ Belleayre Mountain Ski Program Registration 2011-2012**

**Resident #1:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**Resident #2:**

Name: \_\_\_\_\_

Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Resident #3:**

Name: \_\_\_\_\_

Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Resident #4:**

Name: \_\_\_\_\_

Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Email Address: \_\_\_\_\_

**In case of Emergency, please contact:**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Relationship: \_\_\_\_\_

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