

## **Haines Borough Code – Permitted Off-Highway Vehicle Use for Snow Removal**

### **10.34.007 Off-highway vehicle use permitted for snow removal purposes**

A. As provided in 13 AAC 02.455(a)(3), the borough permits, on streets, roads or highways under borough jurisdiction, the incidental use of an off-highway vehicle equipped with a snowplow, for the purpose of providing snow removal services.

B. Travel on a borough highway is limited to one quarter mile.

C. The operator of the off-highway-vehicle must have a permit; the clerk shall issue a permit when an operator shows a valid driver's license, and provides a description of the location that the snow removal services will be provided. A permit issued under this section shall be subject to the conditions set out in HBC 5.04.080.

D. A permitted operator must comply with AS 28.10.011 vehicle registration requirements and AS 28.22.011 liability insurance requirements.

E. A map showing the streets, roads or highways under borough jurisdiction is available at the borough administrative office and the police department.

### **5.04.080 Conditions applicable to all permits.**

A. A permittee is responsible for complying with all municipal, state, and federal ordinances, statutes, and regulations applicable to the permittee's activities.

B. A permittee shall reimburse the borough for any damage to municipal property caused by the permittee or any of the permittee's employees, agents, representatives, contractors, or customers during the course of the permittee's activities under the permit.

C. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee shall indemnify and hold the borough and its elected and appointed officers and employees harmless from and against any and all loss, damage, or expense for any injury to or death of any person or persons or for damage to property, resulting from or arising out of any act or omission of such permittee or of any of the permittee's employees, agents, representatives, or customers. The borough and its elected and appointed officers and employees make no representations concerning and assume no responsibility for or regarding any goods or activities sold by any permittee or by any of permittee's employees, agents, representatives, or contractors.

D. Transferability.

1. A permit issued under this title, and any rights or privileges thereunder, may be assigned or transferred by the permittee, together with any right of renewal; provided, that such transfer includes the permittee's entire business interest in activities conducted under the permit. The permittee's business interest includes all assets used in the business conducted under the permit. The person to whom the permit was transferred shall be subject to permit renewal requirements.

2. No permit may be leased or rented to, nor may a permittee allow the permit to be used by, any person who is not an employee or contracted agent of the permittee.

3. A transferred permit shall not be valid, and the new permittee may not conduct any activities under the permit, until the permit has been reissued by the clerk after the clerk is satisfied that the new permittee will comply with all conditions in the permit and the applicable provisions of this title.

E. Limitations.

1. Period of Operation. A permittee may conduct business for the entire permit year unless otherwise specified by the permit.

2. Signage. Any signs must be in compliance with existing borough code. Where allowed for tours on public property, a sign must be portable and shall be removed from the designated area upon departure of the tour. A sign shall be no larger than four square feet and shall not hinder or obstruct pedestrian or vehicular traffic.

F. Fraud. Unfair competitive practices are strictly prohibited. A permittee who commits any act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under the permit shall, upon conviction, be punished as provided in HBC 5.04.140.

#### **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 for each offense.

B. The securing of a permit through deceit, fraud, or intentional misrepresentation shall constitute an offense punishable, upon conviction, by a fine not exceeding \$1,000, as well as revocation of the permit.

C. The commission by a permittee of an act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under a permit, is, upon conviction, punishable by a fine not exceeding \$300.00 for each violation.