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COLFAX COUNTY
ORDINANCE NO.89-5

AN ORDINANCE OF THE COUNTY OF COLFAX, STATE OF NEW MEXICO, PRESCRIBING THE DUTIES OF SKIERS WITHIN THE BOUNDARIES OF SKI AREAS IN THE COUNTY OF COLFAX; PROVIDING FOR THE SEVERABILITY OF EACH SECTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COLFAX COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION 1. Title. This ordinance shall be known as the Skier Responsibility Act of Colfax County, State of New Mexico.

SECTION 2. Definitions. The following words and phrases when used in this ordinance shall be construed to have the following meanings:

(a) "Closed Area" means any portion of a ski area designated by the ski area operator or Sheriff as closed with signs, having printed thereon in letters not less than two (2) inches high the words "Closed", "Closed Area", "Danger" or words of similar import, displayed not more than 150 feet apart, or as closed as shown on the ski area's trail maps or as closed by some other method described on signs having printed letters by the ski area operator not less than two (2) inches high and exhibited on at least one tower of each ski lift at the ski area.

(b) "Injury" means any personal injury, death or property damage or loss suffered by a skier.

(c) "Passenger" means any person riding or otherwise using a ski lift.

(d) "Sheriff" means the Colfax County Sheriff, his deputies, agents or employees.

(e) "Ski Area" means the property owned, leased, or under the control of a ski area operator within the County of Colfax, State of New Mexico.

(f) "Ski Area Operator" means any persons, partnership, corporation or other commercial entity and its agents, officers, employees or representatives, who has operational responsibility for any ski area or ski lift.

(g) "Ski Lift" means any device operated by a ski area operator to transport passengers from one point to another within a ski area.

(h) "Ski Patrol" means that certain group of employees of the ski area operator designated as the ski patrol.

(i) "Skier" means any person utilizing a ski area for the purpose of skiing, both alpine and nordic, or any person who is within the boundaries of a ski area for the purpose of observing any skiing activity.

SECTION 3. Duties of skiers and Passengers.

(a) Reckless Skiing Prohibited. No skier shall ski in a reckless or negligent manner so as to endanger the life, limb or property of any person, his own or of another. Each skier has the additional duty to ski in a safe and reasonable manner, and under sufficient control to be able to stop or avoid other skiers or objects such as snow grooming equipment, vehicles, lift towers, signs and any other equipment within the ski area.

(b) Entering Closed Area Prohibited. No skier except a member of the ski patrol, Sheriff or ski area operator in the course of his employment, shall enter or go upon any closed area.

(c) Crossing Ski Area Boundary Prohibited. No skier shall cross any ski area boundary.

(d) Duties of Skiers Involved in Collisions. Any skier involved in a collision with another skier or person in which an injury results shall immediately do the following:

- (1) Stop at the scene of such collision and render to any skier or person injured in such collision reasonable assistance;
- (2) Notify or cause to be notified a member of the ski patrol about the collision and injury;
- (3) Remain at the scene of the collision with the injured skier or person until a member of the ski patrol arrives; and
- (4) Give his or her name and current address to a member of the ski patrol before leaving the scene of the collision.

(e) Removing or Destroying Closed Area Signs or Other Closed Area Designations Prohibited. No Skier or other person, except a member of the ski patrol or employee of the ski area operator or Sheriff, in the course of his employment shall remove, tear down, mutilate, deface, damage or destroy any sign or other closed area designator erected by the ski patrol, ski area operator or Sheriff to designate a closed area.

SECTION 4. Penalties. Any person who violates any of the provisions of Section 3 of this Ordinance is guilty of a misdemeanor and shall, upon conviction, be sentenced to a fine of not more than three hundred dollars (\$300.00), or imprisonment in the Colfax County Jail for a period of not more than six (6) months, or both, for each violation.

SECTION 5. Severability. It is the intention of the Colfax County Board of Commissioners that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Colfax County Board of Commissioners that if any provision of the Colfax ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED, ADOPTED, AND APPROVED by the Board of County Commissioners of Colfax County, New Mexico, this 21st day of November, 1989

COLFAX COUNTY BOARD OF COMMISSIONERS



Mary Ann Hunter
Mary Ann Hunter, Chairperson

Edgar F. Bernard
Edgar F. Bernard, Co-Chairman

Joe M. Gallegos
Joe M. Gallegos, Member

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Colfax County Clerk