

RESOLUTION

REGARDING PLACEMENT OF TRASH CONTAINERS

WHEREAS, Beaver Creek Metropolitan District is responsible for the maintenance and operation of the public roadways and public rights-of-way within the District boundaries; and

WHEREAS, The public safety and welfare is negatively affected by the inadequate placement of trash containers within the public roadways and rights-of-way, which may allow various wildlife, most especially including bears, to enter and have a recurring attraction to and toward such trash containers, the result of which will be a physical risk to persons within the District boundaries; and

WHEREAS, The Board of Directors of the Beaver Creek Metropolitan District has determined that the health and safety of the persons within the District area require regulations ultimately to prevent or reduce the risk of contact between humans and bears.

NOW, THEREFORE, be it resolved by the Board of Directors of Beaver Creek Metropolitan District, that the Road Rules and Regulations and Operating Procedures are amended to include the following policy regarding the placement of trash containers within the public right-of-way:

“Bears and other wildlife constitute a real threat to persons and property within the Beaver Creek Metropolitan District, and inadequate handling of trash constitutes a threat to the health, safety, and welfare of the residents within the District boundaries. Accordingly, at all times of the year, trash containers may be placed in the public right-of-way only on the day designated for trash collection, and must be removed on the same day. Such trash containers shall be resistant to access by bears or other wildlife”; and all trash shall be placed in such containers.

Passed this 25th day of July 2001 by a vote of 5 in favor, and 0 opposed.



ATTEST:

Secretary



TRASH RESTRICTIONS, BEAR FEEDING AND ENFORCEMENT REGULATION

Adopted October 21, 2004
Revised November 27, 2004

1. Title. This regulation shall be known as the "Trash Restrictions, Bear Feeding and Enforcement Regulation."
2. Purpose. The purpose of this regulation is to: (i) reduce the frequency of encounters between bears and human beings within the Resort, and to reduce the instances in which bears cause damage to real property improvements, by requiring that trash be placed only in bear-proof containers, by limiting the amount of time during which trash receptacles may be placed on curbsides for pick-up, and by prohibiting the feeding of bears; and (ii) to set forth rules for the enforcement of such restrictions. The Resort Company has the power to amend this Regulation from time to time, without notice.
3. Definitions. Unless otherwise stated, all capitalized terms used herein shall have the meanings given to them in the Amended and Restated General Declaration for Beaver Creek, Eagle County, Colorado, as recorded with the Clerk and Recorder of Eagle County, Colorado, on December 27, 1979, in Book 296, at Page 446, as amended from time to time (the "Declaration") or in the Articles of Incorporation for the Beaver Creek Resort Company. In addition, as used in this regulation, the following terms shall have the following meanings:
 - 3.01 "Trash receptacle" means any device, including both single-family type cans and multiple-family type dumpsters, used for the placement and/or containment of trash.
4. General Trash Receptacle Restrictions. On and after March 1, 2005, no Owner, Lessee, Subowner, Guest or business licensee of the Resort Company shall place or maintain any trash or trash receptacle outside of a fully enclosed and secured structure unless the trash is placed within a trash receptacle and the trash receptacle is of a design that is generally considered to be bear-proof.
5. Construction Site Trash Receptacle Restrictions. On and after March 1, 2005, no Owner, Lessee, Subowner, Guest or business licensee of the Resort Company shall place or maintain on a construction site, or allow for the placement or maintenance on any construction site, any dumpster or other trash receptacle used for the placement of construction debris unless, in addition thereto, there is placed and maintained on such site a separate trash receptacle of a design that is generally considered to be bear-proof. Such bear-proof trash receptacle shall be used to discard all food waste and food packaging materials from the construction site.
6. Permitted Times for Outdoor Placement of Bear-Proof Trash Receptacles. Owners, Lessees, Subowners, Guests and business licensees of the Resort Company are strongly encouraged to: (i) place trash receptacles for curbside pickup only on the day during which such pick-up is scheduled; and (ii) remove such trash receptacles from the curb and place them in a fully enclosed and secured structure as soon as possible after trash

pick-up. On and after December 1, 2004, no Owner, Lessee, Subowner, Guest or business licensee of the Resort Company shall: (i) place any trash receptacle for curbside trash pick-up prior to 6:00 a.m. on the day such pick-up is scheduled; or (ii) fail to remove any trash receptacle placed for curbside pick-up later than 8:00 p.m. of the day such pick-up is scheduled.

7. Prohibition On Feeding of Bears and Other Wildlife. No Owner, Lessee, Subowner, Guest or business licensee of the Resort Company shall feed any bear or other wildlife, leave food outdoors for any bear or other wildlife, or fail to attend to any human food prepared or to be consumed outdoors that may attract bears or other wildlife. Notwithstanding the foregoing, this prohibition shall not apply to the feeding of birds so long as such feeding is by normal and customary means.
8. Enforcement, Violations and Penalties. This regulation may be enforced by the Beaver Creek Resort Company, the Beaver Creek Resort Company Security Department, or the Beaver Creek Design Review Board, or any authorized agent of any of the foregoing. Any Owner Lessee, Subowner, Guest or business licensee of the Resort Company who violates any provision of this regulation shall be subject to a fine by the Resort Company, either directly or through the Resort Company Security Department or the Resort Company Design Review Board. Upon the first violation of any provision of this regulation, there may be either a warning issued or a fine imposed of \$100 for each day during which a violation occurred or continues. Upon a second violation of any provision of this regulation, there shall be a fine imposed of \$500 for each day during which a violation occurred or continues. Upon a third violation of any provision of this regulation, there shall be a fine imposed of \$1000 for each day during which a violation occurred or continues. Upon the fourth and each subsequent violation of any provision of this regulation, there shall be a fine imposed of \$5,000 for each day during which a violation occurred or continues. In addition to and not in lieu of any of the foregoing penalties, the party enforcing any provision of this regulation may go onto any Site on which there exists a violation of any provision of this regulation and remove or cause the removal of any trash or trash receptacle placed or maintained in violation of this regulation, or of any food left outdoors or left unattended in violation of this regulation, and the cost of such removal shall be assessed against the Owner of the Site and shall be a lien and obligation of the Owner in accordance with Sections 3.13 and 5.4 of the Declaration and shall become due and payable in all respects as set forth in Section 5.3 of the Declaration.

It is the intent of the Resort Company that each of the enforcement mechanisms and penalties described in this regulation shall be in addition to and not in lieu of any other enforcement mechanisms and penalties that may be available to the Resort Company. Without limitation of the foregoing, the Resort Company may seek an injunction to restrain a person from any further violation of this regulation, such remedy being in addition to all other remedies available at law, equity or otherwise.