

**AMENDED TRASH REMOVAL**  
**Rules and Regulations**

**BACHELOR GULCH VILLAGE ASSOCIATION**

Adopted September 17, 2004  
Revised November 10, 2017

WHEREAS Bachelor Gulch Village Association (“Bachelor Gulch”) is responsible for enforcing and controlling waste management within Bachelor Gulch Village pursuant to the Property Use Restrictions in the Declaration of Covenants, Conditions and Restrictions for Bachelor Gulch Village Eagle County, Colorado.

WHEREAS the current Trash Removal Rules and Regulations inadequately address continuing problems identified by Public Safety with respect to the proper containment and disposal of waste and the recycling of materials so as to not attract wildlife, and specifically bears, which wildlife have the potential to cause significant property damage and may endanger people and pets.

[NOTE: It is the responsibility of the property owner to ensure that all Occupants and all Property Managers are aware of, and adhere to, these Rules and Regulations.]

NOW THEREFORE it is resolved that the following waste management rules, regulations, policies and provisions (“Rules and Regulations”) are hereby adopted by the Board of Directors of Bachelor Gulch Village Association (“BGVA”) and shall be applicable to all properties within Bachelor Gulch Village (the “Village”) effective immediately upon adoption:

**I. DEFINITIONS**

Whenever in this regulation the words defined in this section are used, they shall, unless the context requires otherwise, be deemed to have the following meanings:

"Contractor" means the company or entity the BGVA has contracted with or authorized to provide services to collect, remove, transport, process or dispose of Solid Waste or recyclable materials within the boundaries of the Village.

"Multi-Family Unit/Lodge" means a residential structure which includes more than one individual dwelling units under single or multiple condominium project ownership.

"Occupant" means any person occupying any premises within the boundaries of the Village either as owner, guest or tenant, through ownership, contract or otherwise, including persons or businesses occupying or using any industrial or commercial premises.

"Owner" means the person(s) or entity against who taxes on real property are assessed as shown on the assessment records of the County Assessor of Eagle County, Colorado.

"Recyclables" or "Recyclable Material" means used residential or business materials which may be returned to the economic mainstream as commodities for reuse, or for reprocessing to create new

or reconstituted products, which, if not segregated from solid waste, would otherwise become solid waste. These materials include but are not limited to aluminum, steel, tin, glass, paper, cardboard, plastic containers labeled #1-#7, or other materials which have been segregated from Solid Waste for the purpose of depositing at a designated collection location, including a curbside location, for collection and transportation to recycling or transfer station facilities.

"Single-Family Unit" means a single-family dwelling on an individual lot designated for residential purposes.

"Solid Waste" means all putrescible and non-putrescible solid, semisolid and liquid wastes, including residential, industrial, commercial and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semi-solid wastes, but does not include hazardous waste, medical waste, and special waste or recyclables, and which is to be transported to a landfill and is not intended for reuse.

"Wildlife" means any non-domesticated or non-restrained animal or bird living in the wild, including, but not limited to, elk, deer, sheep, lynx, bear, skunk, squirrel, raccoon, magpie, crow, coyote, bobcat, fox, and mountain lion. Adopted from County of Eagle, State of Colorado, Ordinance No. 07-001 ("Ordinance No. 07-001"), a copy of which is appended to these Rules and Regulations for reference.

"Wildlife-Proof Refuse Container" or "WPRC" means a waste disposal container which, if used properly, fully restricts access to the contents. For further description see Ordinance No. 07-001.

"Wildlife-Resistant Refuse Container" or "WRRC" means a waste disposal container which, if used properly, generally hinders wildlife from accessing or scattering Solid Waste. For further description see Ordinance No. 07-001.

"Yard Waste" means any leaves, pine needles, yard trimmings, tree limbs and dry grass (not green or wet) that is no more than four feet in length and four inches in diameter.

## **II. COLLECTION SCHEDULE AND PLACEMENT**

A. Solid Waste Collection: Solid Waste including Yard Waste shall be collected from every subscribing Single-Family Unit and every subscribing Multi-Family Unit/Lodge at least once each week on the contractor-scheduled pick-up day only. If WPRCs or WRRCs are placed for pick-up on a day other than scheduled pick-up day, Public Safety will call the Contractor for a special pick-up and the owner will be charged for the special pick-up, in addition to imposition of a fine. In disposing of Yard Waste, the Occupant(s) must adhere to all Contractor requirements and limitations on the types and sizes of Yard Waste that is subject to collection.

B. Recycling Collection Schedule: Recyclable Materials shall be collected from every subscribing Single-Family Unit and every subscribing Unit in a Multi-Family Unit/Lodge periodically on the Contractor-scheduled pick-up day only. If Recyclable Material receptacles are placed out on a day other than the scheduled pick-up day, the Owner or Occupant will be responsible for calling the recycling Contractor for a special pick-up and the Owner will be responsible for paying any charges

imposed for the special pick-up, in addition to any fines imposed by Public Safety. Owners and Occupants shall notify Public Safety of any special pick-ups that have been scheduled and shall adhere to the collection hours and locations set forth in Section 2.C. below. All recycling is required to be **rinsed and clean** so as not to attract Wildlife.

C. Collection Hours and Locations: Residents with curbside pick-up shall use only WRRCs or WPRCs and shall place the receptacles at the appropriate curb, alley or public right-of-way **no earlier than 6:00 a.m.** on the morning of the scheduled pick-up. Following collection, all receptacles shall be removed from the curb, alley or public right-of-way **no later than 7:00 p.m.** on the same day. (As adopted Ordinance No. 07-001). The receptacles shall not obstruct pedestrian or vehicular traffic. The receptacles must be fully accessible on the scheduled pick-up day and that location cannot vary from week to week.

D. Receptacle Storage: All WPRCs, WRRCs and recycling receptacles shall be stored within a secured structure at all times with the exception of the scheduled pick-up times set forth in C above, or specially scheduled pick-ups for which Public Safety has received prior notice and for which the receptacles are placed in the pick-up location on the day of pick-up only during the hours of 6:00 a.m. to 7:00 p.m.

E. Collection from Commercial Units: Every commercial enterprise shall enter into an agreement with a disposal contractor for the removal and transportation of Solid Waste and Recyclable Materials, if any, on a schedule appropriate for the type and size of the commercial enterprise. Payment for such service shall be made directly to the Contractor. Should Public Safety determine the collection schedule to be inadequate, Public Safety will contact the commercial enterprise to address and improve the schedule.

F. Specially Scheduled Collections: At the request of an Occupant, the Contractor may provide additional and/or more frequent collection services on days other than those contractually scheduled through the BGVA, providing the hours of collection remain 6:00 a.m. to 7:00 p.m., and that notification is delivered, in advance, to Public Safety at (970)754-2345.

### **III. DISPOSAL RESTRICTIONS**

A. Address Identification: All WRRCs and WPRCs shall be labeled with the street address and unit number of the residence permanently affixed to the container with digits no smaller than two inches in height. Public Safety must be able to clearly and readily identify the residence to which the containers belong. See Ordinance No. 07-001.

B. Burning Prohibited: No person shall burn or incinerate Solid Waste or Yard Waste within the Village.

C. Burying Prohibited: No person shall bury any Solid Waste, Recyclable Materials or Yard Waste within the Village.

D. Composting Prohibited: Composting of food waste may attract Wildlife and is not permitted in the Village.

E. Dumping Prohibited: It is a violation of these Rules and Regulations for any person to place or dump or procure any other person (e.g. property manager) to place or dump any Solid Waste, Recyclable Material or Yard Waste, or the carcass of any dead animal, any wrecked or abandoned vehicle, or any other offensive, unsightly or decaying matter of any kind, outside of designated Waste Receptacles, anywhere in the Village including recreational areas, the banks of any stream or dry watercourse, or on private or commercial property.

F. Spillage of Waste Materials Prohibited: No person, guest, tenant, employee property manager, or authorized contractor, shall drop, spill or permit waste to fall and remain on private grounds or public areas in the Village. Any person found spilling waste shall be subject to the enforcement policies and fines contained herein.

G. Permitted Waste Receptacles: All containers used for waste disposal must be WRRC, WPRC or designated for Recyclable Materials and in good working condition. Use of unauthorized containers, including trash bags or boxes is specifically prohibited except to the extent recyclable materials are secured in recyclable containers for immediate disposal (e.g. cardboard secured and disposed of in a cardboard box), the use of other non-permitted receptacles may result in fines or penalties as set forth herein.

H. Condition of Waste Receptacles:

(1) All WRRC, WPRC and recycling receptacles shall be kept in a clean and sanitary condition and free from all rough, sharp and jagged surfaces by the owner or person using the same.

(2) If a WRRC or WPRC is damaged or defeated so that it may allow access by Wildlife, repairs must be made or the receptacle replaced within 24 hours after the damage is discovered or as soon thereafter as is reasonably feasible if the receptacle is to be obtained from the Contractor. See Ordinance No. 07-001.

#### **IV. RESPONSIBLE PARTIES**

A. The property Owner is the primary party responsible for insuring compliance with these Rules and Regulations, although all Occupants are expected to know and adhere to these Rules and Regulations.

B. Although the property Owner may assign responsibility for compliance with these Rules and Regulations to a property manager, tenant or any other agent, the property Owner will remain primarily responsible for compliance and will be subject to the enforcement actions, penalties and fines set forth herein in the event of non-compliance.

**V. ENFORCEMENT AND FINES**

A. The provisions of these Rules and Regulations shall be enforced by the Public Safety Department of BGVA, or its other designated agent.

B. Notice of Violation: An Occupant shall be deemed to have been issued a Notice of Violation if the Notice has been personally served on the Occupant, posted on the affected premises, and/or placed in the U.S. Mail, postage prepaid and addressed to the property owner, identified in the records on file with the Bachelor Gulch Village Association, or if none, the property Owner identified in the records of the Eagle County Assessor.

C. Fine Schedule: Any violation of these Rules and Regulations shall be documented by Public Safety, and may result in the following fines being imposed after the property Owner is provided notice and an opportunity to be heard:

First Offense:	Warning
Second Offense:	\$500.00 fine
Third Offense:	\$1,000.00 fine
Subsequent Offense(s):	\$1,000.00 fine, and pursuant to Article X, Section 10.2 of the Declaration, each day a violation continues or is permitted to continue shall constitute a separate offense for purposes of levying such fine.

D. Property Owners shall also be responsible for reimbursing the cost for cleanup of waste that has been left outside or improperly contained which has been scattered by Wildlife or as a result of weather conditions. The cost of cleanup shall be billed hourly, with the minimum charge \$100.00.

E. Failure to correct a violation after having received notice of the same, within a reasonable period of time not to exceed 72 hours, is grounds for issuance of a notice of another Offense.

Attachment: Eagle County Board of County Commissioners Ordinance No. 07-001

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EAGLE, STATE OF COLORADO

ORDINANCE NO. 07-001

**AN ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE AND REGARDING  
WASTE DISPOSAL IN UNINCORPORATED EAGLE COUNTY**

**WHEREAS**, pursuant to C.R.S. §30-15-401, the Board of County Commissioners of Eagle County, Colorado is authorized to adopt ordinances related to mitigation of nuisances; and

**WHEREAS**, the Board of County Commissioners finds that the feeding of wildlife, inadvertent or otherwise, within unincorporated territory of Eagle County and County controlled lands constitutes a nuisance and menace to property and the health, safety, and welfare of the citizens of Eagle County; and

**WHEREAS**, the Board of County Commissioners finds that regulations and standards requiring the utilization of wildlife-resistant containers, wildlife-proof refuse containers, wildlife-proof dumpster enclosures and the proper storage of food or refuse edible by bears or wildlife, are necessary to enhance public safety and protect the health and welfare of bears and other wildlife; and

**WHEREAS**, the Board of County Commissioners finds that human refuse provides an abundant yet unhealthy supply of food for wildlife that will support artificially high populations, placing additional strain on an already insufficient supply of naturally occurring foods.

**NOW THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of the County of Eagle, State of Colorado:

**1. Basis/Purpose**

Bears, mountain lions, skunks, raccoons, magpies, crows, foxes, and coyotes are a few of the wildlife species living in close proximity to people in Eagle County. Over the past several years human-wildlife conflict incidents dealing with these species have dramatically increased. Human provided food sources are a primary cause of conflicts between wildlife and people. Of particular concern is the issue of certain residents intentionally or unintentionally feeding these animals and creating potential safety issues.

**2. Intent**

The Board of County Commissioners finds and declares that the purpose of this Ordinance is to protect the public health and welfare by prohibiting the feeding of wildlife in any manner on private property within Eagle County or on Eagle County controlled lands.

### 3. Definitions

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section:

**A. Premises** – means property owned, occupied, leased, or expressly permitted to be used by a resident, including any confined area or locality such as a residence, business, room, shop, building, motor vehicle, or refuse container/dumpster enclosure.

**B. Person** – any person, resident, occupier, firm, corporation, or organization within unincorporated Eagle County or on County controlled land.

**C. Wildlife** – any undomesticated and unrestrained animal, including but not limited to elk, deer, sheep, lynx, bears, skunks, squirrels, raccoons, magpies, crows, coyotes, bobcats, foxes, and mountain lions.

**D. Wildlife-Proof Refuse Container (WPRC)** – a fully enclosed container constructed of non-pliable material (*e.g.*, metal) to prevent access by wildlife and meeting the standards as set forth in the Site Development Standards of the Eagle County Land Use Regulations, as may be amended from time to time. WPRCs must also meet the standards of testing by the Living With Wildlife Foundation and approved by the Interagency Grizzly Bear Committee (IGBC) as bear resistant for 90 minutes. A dumpster or similar trash receptacle of heavy construction may be a WPRC. The container must employ a latching mechanism on the access door sufficient to defeat attempts by wildlife to enter. All WPRCs must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches in height.

**E. Wildlife-Proof Dumpster Enclosure (WPDE)** – a fully enclosed structure consisting of four sides and a roof or cover of sufficient design and construction to prevent access by wildlife and meeting the standards as set forth in the Site Development Standards of the Eagle County Land Use Regulations, as may be amended from time to time. WPDEs must also meet the standards of testing by the Living With Wildlife Foundation. The door or cover must have a latching mechanism sufficient to prevent entry by wildlife. The sides of the structure must extend to within two inches of the ground, and ventilation openings must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access by wildlife. Mesh openings shall not exceed one-quarter inch in width. All WPDEs must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches in height. The door or cover to the WPDE may be removed from December 1 through March 30.

**G. Wildlife-Resistant Refuse Container (WRRC)** – a fully enclosed container that can be constructed of pliable materials, but must be reinforced to deter access by wildlife and meeting the standards as set forth in the Site Development Standards of the Eagle County Land Use Regulations, as may be amended from time to time. The container must employ a sturdy pliable lid that has a latching mechanism preventing access to its contents by wildlife. WRRCs must also meet the standards of testing by the Living With Wildlife Foundation and approved by the Interagency Grizzly Bear Committee (IGBC) as bear resistant for 90 minutes. The container must employ a latching mechanism on the access door sufficient to defeat attempts by wildlife to

enter. All WRRCs must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches in height.

#### **4. Feeding of Wildlife Prohibited**

**A.** With the exception of 4 B below governing birdfeeders, no person shall intentionally feed or knowingly leave or store any refuse, food product, pet food, or other product edible by wildlife on any premises in a manner which would constitute a lure, attraction, or enticement of wildlife on property within unincorporated Eagle County or Eagle County controlled lands.

**B.** Birdfeeders are allowed. Between the dates of April 15 and November 15 all birdfeeders must be suspended on a cable or other device so as to be inaccessible to bears, and the area below the feeders must be kept free from seed debris during this period. If a bear gains access to a birdfeeder, the condition allowing access must be corrected or the birdfeeder removed within 48 hours.

#### **5. Acceptable Wildlife Containers and Enclosures**

**A. Single-family units and special events:** Any refuse container regardless of size, including containers for single-unit residential properties or special events, which receives refuse edible by bears or other wildlife, shall be a WPRC, WPDE, or WRRC.

**B. Multi-family units, commercial property, and construction sites:** Any refuse container regardless of size, including containers for multi-family residential units, commercial properties, or construction sites, which receive refuse edible by bears or other wildlife, shall be a WPRC, WPDE, or WRRC.

**C. Damage and repair of containers and enclosures:** If a WPRC, WPDE, or WRRC is damaged or defeated so that it may allow access by wildlife, repairs must be made within 24 hours after the damage is discovered.

**D. Curb pick-up and drop-off:** Residents with curbside pick-up shall use only WRRCs or WPRCs and shall place them at the curb, alley, or public right of way at or after six o'clock (6:00) a.m. on the morning of scheduled pick-up. After pick-up, all containers must be removed from the curb, alley, or public right of way by seven o'clock (7:00) p.m. on the same day.

#### **6. Acceptable Outdoor Compactor Design**

Any outdoor compactor containing any material edible by bears or other wildlife must not be accessible by wildlife. No trash or material may be exposed and doors must be kept closed and latched with a wildlife-proof mechanism except when loading or removing refuse. If damaged, allowing access by wildlife, repairs must be made to the outdoor compactor within 24 hours after written notification by Eagle County.

#### **7. Areas Requiring New Containers or Enclosures; Deadlines for Compliance; Annual Review**

The residential and commercial areas designated in Exhibit A shall employ WPRCs, WPDEs, or WRRCs pursuant to the schedule set forth in that Exhibit. The Board of County Commissioners, in consultation with the Division of Wildlife Eagle County Animal Services Department, Eagle



County Code Enforcement Officers, the Eagle County Sheriff's Department, or any other applicable agency, department, or governmental entity, shall monitor and update the areas required to employ WPRCs, WPDEs, or WRRCs annually. Areas that have five (5) or more bear calls or one (1) bear trapped or destroyed within one (1) calendar year shall be added to Exhibit A.

**8. Exceptions** – The following entities or actions are exempt from the requirements of this Ordinance:

**A.** Any individual, company or corporation that is duly licensed by the State of Colorado or is entitled under law to possess wildlife of any kind.

**B.** Any action that is officially sanctioned by the State of Colorado, Federal Agencies, or Eagle County that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).

**C.** The lawful operation of a landfill and related activities by Eagle County or other governmental entities.

**D.** The Board of County Commissioners or its designee may, in consultation with the Division of Wildlife, remove a geographic area of Eagle County (e.g., a subdivision) from any part of the above requirements.

**E.** Any individual, company, or corporation that is engaged in lawful agricultural or ranching pursuits (i.e., haystack or cattle feeder located in a rancher's pasture).

## **9. Violation and Penalties**

**First Violation** – the first violation of this Ordinance may, at the discretion of the enforcement officer, result in the issuance of a Notice of Violation and a fine as set forth below. Failure to correct a Notice of Violation within a reasonable time, not to exceed 72 hours, is grounds for issuance of a Subsequent Violation. The fine amount for a first violation may be excused if the violator purchases a WPRC, WPDE, or WRRC within the time period for payment of the fine.

**Subsequent Violation** – Offenders who continue to violate this Ordinance or continue to fail in achieving timely compliance as set forth in any previous Notice of Violation shall be subject to a graduated fine scheduled as set forth below.

**Penalties** – Any person who or entity that is issued a Notice of Violation shall be guilty of a class 2 petty offense, punishable as follows:

**A.** A fine not exceeding one hundred dollars (\$100) for a first Notice of Violation.

**B.** A fine not exceeding two hundred dollars (\$200) for a second Notice of Violation.

**C.** A fine not exceeding five hundred dollars (\$500) for each additional Notice of Violation.

## **10. Enforcement**

**A.** Notwithstanding any other provision of this Ordinance, any law enforcement officer, Code Enforcement Officer, Community Development Director, Environmental Health Director, or other persons or positions designated by resolution of the Board of County Commissioner for Eagle County as enforcement officers under this Ordinance may issue Notices of Violations, citations, summonses, and complaints for violation of this Ordinance.

**B.** Violation of this Ordinance is hereby declared to be a nuisance pursuant to C.R.S. 31-15-401(1)(c), which may be abated by Eagle County by restraining order, preliminary and permanent injunction, or other means provided for by law, and the County may take action to recover the costs of the nuisance abatement.

## **11. Notice of Violation**

A person shall be deemed to have been issued a Notice of Violation if it is personally served upon the resident, posted on the person's premises, or placed in the U.S. Mail, postage prepaid and addressed to the resident according to the last address given by the resident to any County government department.

## **12. Liberal Construction**

This Ordinance shall be liberally construed so as to further its purposes.

## **13. Severability**

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

## **14. Effective Date**

This Ordinance shall be effective thirty (30) days from and after the date of its adoption. This Ordinance shall apply throughout all of Eagle County all year round.

**Introduced, First Read and Set for Public Hearing** on the 20th day of March, 2007.

**Ordinance and Notice of Public Hearing published in the Eagle Valley Enterprise** on the 29<sup>th</sup> day of March, 2007.

**Second Reading and Public Hearing** on the 10th day of April, 2007.

**Ordinance and Notice of Public Hearing published in the Eagle Valley Enterprise** on the 7<sup>th</sup> day of June, 2007.


**Approved and Adopted upon Third Reading and after Public Hearing** on the 19<sup>th</sup> day of June, 2007.

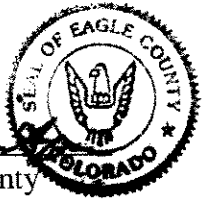
Published after adoption in the Eagle Valley Enterprise on the 7th day of JUNE, 2007.

**MOVED, READ AND ADOPTED**, by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 1st day of JUNE, 2007.


COUNTY OF EAGLE, STATE OF COLORADO  
By and Through its BOARD OF COUNTY  
COMMISSIONERS

ATTEST:

  
Clerk to the Board of County  
Commissioners



~~bu:l # \_\_\_\_\_, DENTY~~

By:   
Arn M. Menconi, Chairman

  
Sara J. Fisher, Commissioner

  
Peter F. Runyon, Commissioner

**EXHIBIT A TO AN ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE AND  
REGARDING WASTE DISPOSAL IN UNINCORPORATED EAGLE COUNTY  
(the “Ordinance”)**

Pursuant to Paragraph 7 of the Ordinance, the following areas require WPRCs, WPDEs, or WRRCs pursuant to the deadline for implementation set forth below. Unless otherwise noted, these areas refer to residential and commercial development south of Interstate 70.

- West Vail: August 1, 2007
- Eagle Vail residential: September 1, 2007
- Eagle Vail business north of I-70 (Paddy’s, the bakery, etc.): September 1, 2007
- Beaver Creek: September 1, 2007
- Bachelor Gulch: September 1, 2007
- Lake Creek to Squaw Creek: September 1, 2007
- Squaw Creek to Bellyache: September 1, 2007
- Arrowhead to Lake Creek: April 1, 2008
- Singletree (North of I-70): April 1, 2008