

**BACHELOR GULCH INTERNAL ROAD REGULATIONS
BACHELOR GULCH METROPOLITAN DISTRICT**

AMENDED AND RESTATED APRIL 20, 2016

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ARTICLE 1.
GENERAL

Section 1.1 District Authority and Purpose. The Bachelor Gulch Metropolitan District (the “District”) is a Colorado Special District, organized and operated pursuant to the Special District Act, Sections 32-1-1001 *et seq.*, C.R.S. The District’s purpose is to supply the necessary municipal-type services for the District, including, without limitation, domestic water, fire protection, storm drainage, roads and bridges, and public park and recreation facilities, and maintenance of public works and improvements for its service area which area is known as and sometimes referred to herein as “Bachelor Gulch Village” or “Bachelor Gulch.” In providing services in furtherance of these purposes, the District’s Board of Directors (the “Board”) has the authority to adopt rules and regulations pursuant to Section 32-1-1001(1)(m), C.R.S. The District also has the authority to enforce such rules and regulations governing construction of, access to, and use of roads within the District as are necessary to protect the health and safety of residents and visitors to the District pursuant to the Conveyance of Roadway Easement and Grant of Option dated June 18, 1996 by and between the Vail Corporation, Inc. and the Smith Creek Metropolitan District (of which the District is the successor in interest), and pursuant to the Conveyance of Roadway Easement and Grant of Option dated June 18, 1996 by and between Vail/Arrowhead, Inc. and the Smith Creek Metropolitan District.

Section 1.2 Scope. These Bachelor Gulch Internal Road Regulations (the “Regulations”) govern the use of the roads and road system, whether improved or unimproved, and including the road, shoulders, and pedestrian parts, within the boundaries of the District (the “road” or “roads”). The Regulations shall be construed liberally to best carry out the purposes of the District and the determinations and intent of the Board. The Board shall have sole discretion in interpreting and applying the Regulations and may modify or amend the Regulations as it deems warranted.

Section 1.3 Penalties. Unless a specific penalty is established for the violation of a regulation herein, any violator of any regulation under these Regulations shall be cited by the Public Safety Manager or the Operations Manager (as defined in Section 2.1) and shall be subject to one or more of the following penalties:

1.3.1. Penalties of:

- a. A written or verbal warning for (i) speeding 0 to 10 mph over the posted limit and/or (ii) the first violation of any article or regulation.
- b. \$75 for (i) speeding 11 to 20 mph over the posted limit and/or (ii) the second violation of any article or regulation. *Fines shall be doubled for parking violations in designated fire lanes and emergency or reserved transport locations (see Section 4.13).
- c. \$250 for (i) speeding 21-30 mph over the posted limit and/or (ii) the third violation of any article or regulation. *Fines shall be doubled for parking violations in designated fire lanes and emergency or reserved transport locations (see Section 4.13).

- d. \$500 for all subsequent violations of any article or regulation.
- e. \$1,000 for (i) speeding 31-40+ mph over the posted limit and/or (ii) instances of reckless disregard (see Section 1.3.3).

1.3.2. Repeated or Egregious Violations. For repeated or egregious violations of any article or regulation:

- a. \$500.
- b. Revocation of existing passes for a period of time to be determined by the Director of Public Safety.
- c. Permanent or temporary denial of access to and use of Bachelor Gulch roads for the individual violator, with notice to the employer or company, if applicable.
- d. Any company with two individual denials of access will be denied, as a company, access for a period of one year.
- e. Any violator found using such roads, sidewalks, or pathways during a period of denied access and use may be subject to prosecution for trespass.

Any revocation of passes may be appealed to the District at its regularly scheduled meeting.

1.3.3. Acts of Careless or Reckless Disregard. For acts within the District's roads or easements of careless or reckless disregard for the actual or potential dangerous consequences thereof:

- a. \$1,000.
- b. Instances may be reported to the Eagle County Sheriff's Office and may be subject to prosecution.

1.3.4. Towing; Wheel-Immobilization. Violation of any vehicle-related article or regulation may result in towing, wheel immobilization, and associated penalties, the cost of which shall be paid by the violator.

1.3.5. Acts of Aggression and/or Abuse. Any person or company who disregards the reasonable direction of the Public Safety Manager, its authorized agents, or other authorities including, without limitation, the Operations Manager, or who acts or speaks in an aggressive, abusive, threatening, derogatory, or rude manner, shall be subject to the penalties and fines outlined in Sections 1.3.1, 1.3.2, and 1.3.3. Instances may be reported to the Eagle County Sheriff's Office and may be subject to prosecution.

For purposes of determining the applicable penalty established in Section 1.3, violations are recorded against an individual from the date of the first violation and accumulate over a period of twenty-four (24) months. At the expiration of the twenty-four month period, violations reset to zero and begin to accumulate as set forth herein. The amount owed in penalties resulting from one or more violations does not reset to zero at any time.

Penalties may be paid by cash or check payable to the order of Bachelor Gulch Metropolitan District and deposited with the Operations Manager at P.O. Box 600 Edwards, Colorado 81632; phone: 970-748-4646.

Section 1.4 Additional Information. For more information regarding the District or these Regulations, contact the District Administrator, Marchetti & Weaver, LLC, 28 Second Street, Suite 213, Edwards, Colorado 81632; phone: 970-926-6060.

Section 1.5 Severability. If any portion of these Regulations is found to be void or unenforceable, it shall be deemed severed from these Regulations and the remaining provisions shall remain valid and in full force and effect.

Section 1.6 Section Headings. The Section headings in these Regulations are inserted for convenience, are not intended to indicate completely or accurately the contents of the Sections they introduce, and shall have no bearing on the construction of the Sections they introduce.

Section 1.7 Repealer. Any resolution or other regulation, or any part thereof, in conflict with or covering the same subject matter of these Regulations, including without limitation, the Rules of the Road Governing Bachelor Gulch Village adopted May 1997, are hereby repealed. This Section shall not repeal the repealer clauses of any prior resolution or revive any resolution previously repealed.

Section 1.8 Effective Date. These Regulations shall take effect and be enforced immediately upon their approval by the Board.

ARTICLE 2. ENFORCEMENT

Section 2.1 Enforcement. These Regulations may be enforced by the District's designated Public Safety Manager and its authorized agents (the "Public Safety Manager"), which may be an individual or an entity, including, without limitation, Bachelor Gulch Village Association and Bachelor Gulch Public Safety. The District may also delegate certain enforcement functions to more than one Public Safety Manager or to the District Operations Manager (the "Operations Manager").

Bachelor Gulch Public Safety staffs a security gatehouse located at the entrance to Bachelor Gulch Village (the "Bachelor Gulch Security Gate") and monitors pedestrian and vehicular traffic in accordance with its authority. The District will coordinate with Bachelor Gulch Public Safety to implement these Regulations.

Section 2.2 Public Safety Manager. Generally, the Public Safety Manager shall enforce these Regulations as regards all matters and activity occurring within or concerning the District's roads. The Regulations shall be enforced uniformly upon all users of the roads.

**ARTICLE 3.
AUTHORIZED ACCESS**

Section 3.1 **Access Restrictions.** The roads of Bachelor Gulch are limited access roads. Access shall be limited to authorized vehicles only, as further defined in this Article.

Section 3.2 **Authorized Vehicles/ Vehicle Operators.** Vehicles and vehicle operators shall be considered authorized within Bachelor Gulch provided:

- 3.2.1. The vehicle and vehicle operator have obtained and display a valid sticker, decal, hang tag, or other pass (a “pass”) in accordance with this Article; or
- 3.2.2. The vehicle and vehicle operator have express authorization for use of the roads by the Operations Manager or Public Safety Manager.

Section 3.3 **Passes Required.** Except as provided below, all vehicles seeking access to Bachelor Gulch roads are required to visibly display a valid pass while within Bachelor Gulch boundaries. Vehicle passes are property of the District and are issued by the Public Safety Manager. The types of passes for use within Bachelor Gulch shall be as set forth on the attached **Exhibit A**, incorporated into these Regulations. Failure to comply with the District’s pass system or these Regulations, including misrepresentation of intent or destination, may result in imposition of penalties as set forth in Section 1.3, above.

The following vehicles are not required to display a pass:

- 3.3.1. Officially marked ambulances, fire protection, law enforcement, government, and public utility vehicles;
- 3.3.2. Officially marked District vehicles, and Vail Valley Medical Center vehicles;
- 3.3.3. Utility providers, including CenturyLink, Comcast, Eagle River Water and Sanitation District, Holy Cross Energy, Source Gas, and Xcel Energy;
- 3.3.4. Taxis and limousines, provided that operators of such vehicles must check in at the Bachelor Gulch Security Gate to advise of their destination;
- 3.3.5. Officially marked Vail Associates, Inc. vehicles conducting work-related tasks; and
- 3.3.6. Vehicles that display a Bachelor Gulch Village decal, provided that this exception shall apply only during designated access hours.

Section 3.4 **Pass Fees.** The Board may establish a schedule of fees for the issuance, reissuance, renewal, or replacement of passes. Fees are based on the estimated impact to the roads and may take into account the District’s capital, operations, and maintenance costs attributable to the District’s roads.

Section 3.5 Issuance of Passes. Passes may be obtained at the Bachelor Gulch Security Gate or by calling 970-754-2345. Passes are issued by the Public Safety Manager upon completion of a verified vehicle application and/or authorization from the Operations Manager or Public Safety Manager.

- 3.5.1 Pass Restrictions on Caretaker Access. Each residence is permitted one caretaker access sticker for access to Bachelor Gulch during the times shown on **Exhibit A**. An owner may apply for one additional caretaker access sticker by written request, with an explanation of the need for such additional caretaker access sticker. Issuance of more than one caretaker access sticker shall be at the sole discretion of the Public Safety Manager.

Section 3.6 Time Restrictions. Vehicles and vehicle operators with valid passes are restricted to use of the roads during the times shown on **Exhibit A**. Outdoor work must be completed between the hours of 8:00 A.M. and 6:00 P.M., allowing for sufficient travel time to exit the Bachelor Gulch Security Gate prior to 6:00 P.M.

Section 3.7 Passes Nontransferable. Passes are issued individually and are nontransferable.

Section 3.8 Employee Access and Business Related Passes.

- 3.8.1. To prevent the excess traffic caused by employees being picked up and dropped off at the workplace, all employees who do not have a designated parking space in Bachelor Gulch Village or who have not received the prior approval of the Public Safety Manager may not use personal vehicles to access the workplace and are required to take the complimentary employee shuttle, when available.
- 3.8.2. Passes issued for business related purposes are issued for working purposes only, and traveling outside of the working area is prohibited unless authorized by the Public Safety Manager. Passes issued for business purposes are valid only during time of employment or time work is being performed. All holders of such passes must return their passes to the Public Safety Manager upon termination of employment and/or completion of any job, project, or contract.

Section 3.9 Strawberry Park Access. The provisions of this Section 3.9 are applicable to all vehicles accessing Strawberry Park, notwithstanding any provision in these Regulations to the contrary. In addition, the provisions of Section 5.5 shall apply to construction traffic accessing Strawberry Park.

- 3.9.1. “Strawberry Park Construction Traffic for New Home Construction” means motorized vehicle traffic of all kinds used to transport property owners, workers, materials, or equipment to or from new home construction activities in the Strawberry Park subdivision.
- 3.9.2. “New home construction” means the initial building of a residential dwelling and related structures associated with such initial building on a vacant lot within Strawberry Park.

- 3.9.3. Passes for Strawberry Park Construction Traffic for New Home Construction are as shown in **Exhibit A**. Pass holders are not authorized to make stops or detours within the District and are subject to all other regulations contained herein.
- 3.9.4. Except for Strawberry Park Construction Traffic for New Home Construction and emergency vehicles operating in the course of responding to an emergency, no vehicle may access Strawberry Park via the District's roads. This prohibition extends to construction traffic in Strawberry Park for other construction (i.e., construction other than new home construction).
- 3.9.5. In the event of any ambiguities concerning Strawberry Park access, reference is made to the Order of Partial Dismissal and Modifying Order of Permanent Injunction issued by the District Court, Eagle County, Colorado dated June 1, 2009 in Case No. 06CV350. In the event of any conflict between these Regulations relating to Strawberry Park access and the Order of Partial Dismissal and Modifying Order of Permanent Injunction referenced above, the Court's Order with attached Settlement Agreement shall control.

Section 3.10 Vehicles Over 3/4 Ton. Except for vehicles exempt from the District's pass requirements as described in Section 3.3, vehicles with a cargo capacity greater than 3/4 tons may not access District roads for any purpose without prior written approval of the Public Safety Manager. In addition, such vehicles shall not be permitted access on Saturdays, Sundays, or observed holidays without the prior written approval of the Public Safety Manager.

Section 3.11 Notification Required for Large Capacity Passenger Vehicles. Twenty-four (24) hour advance notification must be provided to Bachelor Gulch Public Safety when three (3) or more vehicles each exceeding 14 passengers will be accessing Bachelor Gulch Village. Such vehicles will be required to follow all staging and access protocols at the discretion of the Public Safety Manager.

Section 3.12 Notification of Events. Event planners, the Ritz-Carlton Hotel, and any associated transportation companies, vendors, and/or outfitters shall provide twenty-four (24) hour advanced notification of all events involving five (5) or more vehicles, personal or otherwise, traveling to the Dial-a-Ride location for pick up during the same time frame. Such vehicles will be required to follow all staging and access protocols at the discretion of the Public Safety Manager.

Section 3.13 Winter Road Restrictions. Our mission is to keep all District roads safe and passable at all times for vehicles that are properly equipped for winter travel. Due to elevation and grade of the roads in Bachelor Gulch Village, we have developed a policy for restricting traffic during inclement weather. We have established road stage guidelines that carry certain restrictions based on vehicle type. This policy is a guideline and is subject to change at the discretion of the Operations Manager. It should be understood that conditions may change rapidly and everyone should be prepared. It is our goal to maintain a SAFE environment for all people accessing Bachelor Gulch as well as for the crews that maintain the roads. Road Stages shall be determined by the Operations Manager, and in their absence, the Public Safety Manager.

Roads within Bachelor Gulch by classification:

Primary Roads:

Bachelor Gulch Trail
Bachelor Ridge
Daybreak Ridge (including Strawberry Park Construction Access Road)

Secondary Roads: (Please note: as storms intensify and road conditions worsen, the District will focus attention on Primary Roads.)

Tall Timber	Bear Paw
Horizon	Peak View
Elkhorn	Hummingbird

Stage 1:

Weather Conditions:

- a. Snow: Not snowing/Light snow fall.
- b. Wind: No wind/Light breeze.
- c. Visibility: Unrestricted.
- d. Roads: Mostly dry with wet or snow packed spots.

Vehicle Classification:

- a. Class A: Rear-wheel drive vehicles, pickups w/o 4WD, vans, etc.
- b. Class B: Front-wheel/All Wheel/Four-wheel drive vehicles.
- c. Class C: Large Commercial Vehicles, Any Vehicle with a Trailer.
- d. Class D: Village Transportation/Other transportation companies; CME, Charter, etc.

Vehicle Class Road Restrictions:

- a. Class A: Vehicles must be reviewed for adequate tires.
- b. Class B: Vehicles must be reviewed for adequate tires.
- c. Class C: Vehicles will be stopped to determine destination.
- d. Class D: No restrictions: Charter busses will be stopped to determine destination.

Stage 2:

Weather Conditions:

- a. Snow: Light to moderate snowfall
- b. Wind: Calm through moderate
- c. Visibility: Unrestricted/Some minor blowing snow
- d. Road: Mostly wet or slushy with snow packed areas

Vehicle Classification:

- a. Class A: Rear-wheel drive vehicles, pickups w/o 4WD, vans, etc.

- b. Class B: Front-wheel/All Wheel//Four-wheel drive vehicles.
- c. Class C: Large Commercial Vehicles, Any Vehicle with a Trailer.
- d. Class D: Village Transportation/Other transportation companies; CME, Charter, etc.

Vehicle Class Road Restrictions:

- a. Class A: Must have adequate Snow/All Season tires or snow chains.
- b. Class B: Must have adequate Snow/All Season tires.
- c. Class C: Vehicles will be stopped to determine destination: Chains must be displayed and/or installed depending on destination.
- d. Class D: No restrictions: Charter busses will be stopped to determine destination.

Stage 3:

Weather Conditions:

- a. Snow: Moderate to heavy snowfall.
- b. Wind: Moderate to strong, causing blowing and drifting snow.
- c. Visibility: Blowing snow will create intermittent visibility problems.
- d. Road: Snow packed and icy, Travel will be difficult.

Vehicle Classification:

- a. Class A: Rear-wheel drive vehicles, pickups w/o 4WD, vans, etc.
- b. Class B: Front-wheel/All Wheel//Four-wheel drive vehicles.
- c. Class C: Large Commercial Vehicles, Any Vehicle with a Trailer.
- d. Class D: Village Transportation/Other transportation companies; CME, Charter, etc.

Vehicle Class Road Restrictions:

- a. Class A: Must have *adequate* snow tires/studded tires or chains on drive wheels.
- b. Class B: Front-wheel drive must have *adequate* snow tires/studded tires or chains on drive wheels. All Wheel/4WD vehicles must have *adequate* tires, 4WD engaged.
- c. Class C: Must have chains/spinners on drive wheels.
- d. Class D: No restrictions for VT: All other class D will be stopped to determine destination.

Stage 4:

Weather Conditions:

- a. Snow: Heavy snowfall.

- b. Wind: Strong/Gusty.
- c. Visibility: Blowing snow will cause blizzard to white-out conditions.
- d. Road: Snow packed and icy-roads may be closed.

Vehicle Classification:

- a. Class A: Rear-wheel drive vehicles, pickups w/o 4WD, vans, etc.
- b. Class B: Front-wheel/All Wheel/Four-wheel drive vehicles.
- c. Class C: Large Commercial Vehicles, Any Vehicle with a trailer.
- d. Class D: Village Transportation/Other transportation companies; CME, Charter, etc.

Vehicle Class Road Restrictions:

- a. Class A: Vehicles will be denied access.
- b. Class B: Front-wheel drive will be denied access; All wheel/ 4WD vehicles must have 4WD engaged *and* adequate snow tires.
- c. Class C: Vehicles will be denied access.
- d. Class D: Village Transportation access determined by on-duty manager. All other class D will be denied access.

**ARTICLE 4.
MOVING AND PARKING REGULATIONS**

Section 4.1 Speed Regulations. No person shall drive a vehicle on a road within the District at a speed greater than posted limits and in no event at a speed greater than what is reasonable and prudent under the then-current conditions. Except when signs or then-current conditions require lower speeds, or unless otherwise posted by the District, the following speeds shall apply to the District roads:

- 4.1.1. 35 miles per hour on Bachelor Gulch Trail.
- 4.1.2. 25 miles per hour in all other areas, except on posted 15 MPH curves and switchbacks.

Section 4.2 Careless Driving. Driving carelessly or without due regard for the width, grade, curves, corners, traffic, and/or use of the roads, or with willful or wanton disregard for the safety of person or property, is prohibited.

Section 4.3 Passing; Overtaking a Vehicle on the Left. In no event may a vehicle cross a double yellow line. No vehicle shall be driven to the left side of the center of any road in the District for overtaking and passing another vehicle proceeding in the same direction unless:

- 4.3.1. The front vehicle has made notice of the overtaking vehicle's intent by pulling to the right of the road; or
- 4.3.2. The overtaking vehicle's left side of the road is clearly visible and free of oncoming traffic for a sufficient distance to permit the passing to be completed within the applicable speed limit and without any interference with the operation of any vehicle approaching from the opposite direction of the vehicle overtaken.

Section 4.4 Parking. Except when necessary to avoid conflict with other traffic or to comply with the directions of the Public Safety Manager or as otherwise provided in these Regulations, stopping or parking a vehicle in any of the following areas is prohibited:

- 4.4.1. Any road or shoulder;
- 4.4.2. Skiways;
- 4.4.3. Within fifteen (15) feet of a fire hydrant;
- 4.4.4. Fire lanes;
- 4.4.5. Designated ambulance transport locations;
- 4.4.6. Designated bus stops;
- 4.4.7. Private driveways without the permission of the owner of the driveway; or
- 4.4.8. Any other location if the stopped or parked vehicle interferes with the normal, safe flow of traffic or constitutes a safety or security hazard.

In the case of special events requiring on-street parking on any road or shoulder, including, without limitation, estate sales and open houses, property owners must notify Bachelor Gulch Public Safety forty-eight (48) hours prior to the event. Exceptions to the prohibitions of this Section 4.4 will be granted on a case by case basis and will take into consideration the interests of the District and property owners in maintaining safe, convenient, and attractive roads.

All District roads in Bachelor Gulch are snow emergency routes. As such, it is imperative that all roads be plowed, sanded, and swept expeditiously on an as-needed basis. No vehicle shall be parked anywhere within the District in such a manner as to interfere with or impede the District's snow plowing, storage and piling of snow, or street sweeping activities.

Section 4.5 Yield Right-of-Way. District plow trucks, snow removal equipment, and maintenance vehicles shall have the right-of-way on all District roads.

Section 4.6 Obedience to Signage and Devices. No vehicle operator shall disobey or interfere with instructions of any signage or control device.

Section 4.7 Pedestrian Rights. When traffic control devices are not in place or not in operation, the vehicle operator shall yield to pedestrians by slowing down or stopping as required.

Section 4.8 Impeding Traffic. No person shall drive a vehicle in a manner that impedes or slows the normal and reasonable movement of traffic. If a vehicle operator causes traffic to be impeded or slowed, the vehicle operator must pull off to the side of the road at the first available opportunity and wait until all impeded traffic has passed. District snow removal vehicles are exempt from this rule.

Section 4.9 Snowmobiles, Skis, Toboggans, Skateboards, and Similar Devices. No person shall use any District road for traveling on roller blades, roller skates, skateboards, snowmobiles, scooters, skis, toboggans, coasting sleds, skates, or similar devices, except as authorized on the Bachelor Gulch Recreational Pathway. Snowmobiles, skis, or toboggans may be used on designated skiways.

Section 4.10 Restricted Use of Roads for Weather or Construction. The Public Safety Manager may restrict the use of District roads whenever a special event, festival, convention, or other similar activity presents the possibility of significant traffic congestion. The Public Safety Manager may restrict the use of District roads as weather and road conditions warrant.

Section 4.11 Obedience of Authorized Personnel. No person shall willfully fail or refuse to comply with any lawful order or direction of any authorized personnel in connection with the control or regulation of traffic ordinances.

Section 4.12 Off-Road Driving. No off-road driving is allowed in the District.

Section 4.13 Pick-ups/Drop-offs and Deliveries. The District oversees the management of all roads, including the Dial-a-Ride bus stop located between the Ritz-Carlton Hotel and the Snow Cloud Lodge. Due to potentially life threatening circumstances, this area is reserved for transportation buses and emergency vehicles only. In the event that an exception must be made, the vehicle must not be left unattended for any length of time. Vehicles left unattended in the Dial-a-Ride bus stop area are subject to wheel immobilization and towing, the cost of which shall be paid by the violator, in addition to penalties that are double the amounts set forth in Section 1.3.

Section 4.14 Penalties. Unless a specific penalty is established for the violation of any regulation contained in this Article, the penalties set forth in Section 1.3 shall apply.

ARTICLE 5. CONSTRUCTION ACTIVITY

Section 5.1 Construction Management Plan. Prior to any construction activity occurring within the District that requires use of any road by trucks or other heavy equipment, the contractor and/or property owner must submit a construction management plan to the Operations Manager for approval. As used in this Article, “construction” shall mean work performed indoors or outdoors by one (1) or more contractors for two (2) or more days.

Section 5.2 Deliveries and Parking. Delivery vehicles shall be allowed a maximum of thirty (30) minutes to make deliveries unless an extension is approved by the Public Safety Manager. Construction parking must be a minimum of five feet (5') from the edge of existing asphalt or gravel shoulder to allow for adequate snow removal. Construction and delivery parking must not interfere with the District’s ability to perform necessary road maintenance functions (e.g., repairs and

maintenance, including paving, overlays, shoulder and storm drain work, road striping, snow plowing, storage, and piling, etc.). All portable toilets must be placed outside of the District's roadway, maintenance, and/or access easements.

Section 5.3 Snow Removal from Site. The contractor assumes all responsibility for snow plowing/removal on the construction site. Such snow removal must not interfere with the District's snow plowing operations (including the storage and piling of snow), adjacent properties, or the safe flow of traffic on District roads. Snow may not be pushed onto or into, into, or across District roads and/or easements except as noted in Section 7.6.1.

Section 5.4 Work within District Roads. The contractor must coordinate all utility and other work occurring within District roads with the Operations Manager.

Section 5.5 Construction Traffic Restrictions. Construction traffic is restricted as follows:

Monday through Friday:

No construction traffic may utilize District roads before 8:00 am or after 6:00 p.m. Vehicles over 10,000 lbs. GVW may not utilize District roads after 5:00 p.m.

Saturday, Sunday, and Observed Holidays:

No construction traffic may utilize District roads.

Observed holidays are defined as: New Year's Day, President's Day, Easter, Memorial Day (observed), Independence Day, Labor Day, Thanksgiving, and Christmas. If a holiday falls on a Saturday, the observance will be celebrated on the preceding Friday, and the restrictions will apply to that day. If a holiday falls on a Sunday, the observance will be celebrated on the following Monday, and the restrictions will apply to that day.

Scope of Restrictions:

Except as set forth below, the restrictions set forth in this Section 5.5 apply to all parties. There will be no exceptions for general construction activity.

Section 5.6 Road Cut Policy. All cuts or excavations of roads must conform to the District Road Cut Policy set forth in this Section (the "Policy").

5.6.1. Purpose and Authority.

To ensure any work affecting roads within the District is carried out in a workman-like manner and any improvements are constructed according to accepted design specifications, the District has adopted this Policy to address the process and procedures for obtaining permits to conduct Driveway Access Cuts, Road Cuts, and Access Way Excavations.

5.6.2. Definitions.

- a. Access Way Excavation – Any excavation or cut in any road, curb, gutter, or sidewalk within the District’s boundaries, excluding Driveway Access Cuts and Road Cuts, as defined herein.
- b. District Engineer – A person licensed as a professional engineer by the State of Colorado and designated by the Board to serve as the District Engineer, who is responsible for reviewing plans for all Driveway Access Cuts and Access Way Excavations. In the event the District Engineer has a conflict of interest regarding a particular application or project, the Board will temporarily designate a substitute engineer to act as the reviewing authority.
- c. Driveway Access Cut – A cut of the curbs and gutters of any road within District boundaries for the purpose of creating driveway access to a private residence abutting the road. A development consisting of other than a private single-family residence shall not be eligible for the simplified permitting process for a Driveway Access Cut.
- d. Hearing Officer – A member of the Board designated on an annual basis to hear appeals of denials of permits. In the event the designated hearing officer has a conflict of interest on an appeal filed with the District, the Board will designate a substitute hearing officer for that appeal. The chairman of the Board shall not be eligible to act as the hearing officer or substitute hearing officer.
- e. Road Cut – The excavation of any road within the District’s boundaries for the purpose of installing or repairing utilities.
- f. State Code – The State Highway Access Code promulgated by the Colorado Department of Transportation as set forth in 2 CCR 601-1, as amended.

5.6.3. General Permitting Requirements.

- a. A permit is required for any Driveway Access Cut, Road Cut, or Access Way Excavation or opening in or under the surface of any road, and to install, repair, or perform miscellaneous work on any underground utility service in or under such roads, or to bore in or under such roads.
- b. All permits shall be issued in the name of the owner of the abutting property for any Driveway Access Cut, in the name of the developer for any Access Way Excavation, or in the name of the utility company if the facility in the trench to be installed or repaired by making a Road Cut is to remain the property of the utility company.
- c. No permit shall be issued unless a written application is submitted either to the Operations Manager or the District Engineer. The application shall state the name and address of the applicant, the name and address of the firm doing the actual construction work, the nature, location, and purpose of the construction, the date of commencement and estimated date of completion of construction, and other data as may reasonably be required by either the Operations Manager or the

District Engineer. The application shall be accompanied by plans showing the extent of the proposed work, the dimensions and elevations of both the existing ground prior to said construction, and of the proposed excavated surfaces, the location of the construction work, and such other information as may be prescribed by the Operations Manager or the District Engineer.

- d. Each permit shall state the starting date and the estimated completion date. The permit is valid only for the time period specified. The applicant may apply to the Operations Manager or the District Engineer, as applicable, for an extension. An extension request may be refused if the work under the original permit has not been satisfactorily performed. Additional financial security may be required as a condition for granting any such requested extension.
- e. No Driveway Access or Road Cut or Access Way Excavation shall be permitted between October 15 and May 15 except for emergency situations as discussed below, or when the prior written approval of the Operations Manager or the District Engineer, as applicable, is obtained.
- f. Any approved application and permit must be at the job site during all periods of work at the project.

5.6.4. Permitting Fees.

Permit fees shall be paid upon application for a permit and shall be in addition to any other fees for permits or charges relative to the proposed work. The permit fee shall be based on the following:

Transverse installations and/or
longitudinal installations, up to 100 feet: \$500 Base Fee

Each additional transverse installation
at one location: Add \$50 to Base Fee

Installations in excess of 100 feet: Add \$0.10 per linear foot of excavation
in excess of 100 feet

5.6.5. Permitting Process for Driveway Access Cuts.

Permits for Driveway Access Cuts wherein the driveway will serve to provide access to no more than one single family residence and that will not result in the installation or relocation of any utilities or improvements already located in the rights-of-way of any District road are issued by the District Engineer without the requirement of a bond. Permits will be granted or denied within ten business (10) days of receipt of an application and drawings of the proposed excavation. Drawings shall be prepared by a professional engineer registered in the State of Colorado, and the design of driveways shall be designed to comply with the State Code provisions regarding sight distances, access spacing, access width, access radii, access surfacing, and speed change lanes. However, if the District Engineer determines, in his or her sole

discretion, that the location of the proposed Driveway Access Cut poses a threat to traffic safety due to its location, grade, or design, the permitting process set forth herein for Access Way Excavations shall apply.

5.6.6. Permitting Process for Road Cuts.

Permits for Road Cuts for the purpose of installing or repairing utilities will be granted or denied by the Operations Manager within ten business (10) days of receipt of an application and drawings of the proposed excavation. Applicants shall submit drawings that have been prepared by a professional engineer registered in the State of Colorado. Drawings need not be reviewed by the District Engineer unless the Operations Manager determines such additional review is necessary. Public utility companies may submit for collateral requirements a yearly corporate bond without sureties. Private utility companies may submit for collateral requirements a yearly corporate bond without sureties, subject to approval by the Board, based upon that private utility company's financial strength. It is the sole responsibility of the applicant/permittee to periodically update and ensure that the aforementioned collateral remains in force and effect and inures to the benefit of the District.

5.6.7. Permitting Process for Access Way Excavations.

Within thirty (30) business days of the filing of an application for an Access Way Excavation, the District Engineer will grant or deny the permit, citing the reasons, if denied, in writing. The time for making the decision to grant or deny the permit may be extended if the District Engineer determines, in his or her sole discretion, it is necessary to allow further review of plans, sketches, and specifications submitted, or if additional information or material is required. Such extension of time to consider whether to grant or deny the permit shall not exceed forty-five (45) business days from the date of the filing of the application, plans, sketches, and specifications. Grounds for denial of permits may include, but not be limited to, failure to submit plans that comply with the State Code as described in this Policy, or failure to comply with any other provision in this Policy.

5.6.8. Bond Required.

- a. Unless otherwise stated herein, bonding is required for all work that impacts asphalt surfaces and concrete surfaces (including road bores) and gravel surfaces, with the exception of Driveway Access Cuts. The bonding amount shall be determined by the lineal foot, and the bond shall include provisions for up to three (3) feet in opening width. Openings larger than three (3) feet will incur additional bonding charges.
- b. The applicant for a permit is required to post a bond in an amount to be determined by the District Engineer.
- c. Bonding can be secured with cash, check, or other acceptable bonding instruments, as determined by the District Engineer.
- d. All bonds will be held until release is granted, upon a determination that the work

has been completed, following submission and approval of all test results, or expiration of the one (1) year warranty period and repair of any deficiencies noted by the District Engineer to the satisfaction of the District.

- e. The Board may grant special bonding exceptions, so long as the exceptions assure adequate protection of the District's property and the public safety and compliance with standards and permit requirements. Such special exceptions may include bonding several projects at less than the total aggregate cost of the work for each project if the bonded amount is reasonably adequate relative to the number and scope of the projects permitted at one time and the frequency of payment remittance under previous bonds for similar work by the applicant.
- f. No collateral shall be less than the estimated amount necessary to restore the road, as determined in the sole discretion of the District Engineer. Any surety bond deposited with the District must be issued by a surety company authorized to transact business in the State of Colorado. Any costs of repair or maintenance incurred by the District during the warranty period due to defective performance shall be paid first from the collateral. Until paid, any overage shall constitute a lien against the property benefited by the permittee's construction work and may be enforced by the District in county or district court.

5.6.9. Standards and Requirements.

a. General.

- i. All work requiring a permit under this Policy shall be conducted in a manner that does not unduly impede traffic, create any public hazards, or damage any private property.
- ii. All openings must be properly protected and secured from the public at all times. Openings that remain overnight must be secured with safety tape, temporary covers, barricades, warning devices, and appropriate signage.
- iii. No opening is allowed for more than three (3) days unless special exceptions or conditions exist.
- iv. Permittees must notify the District Engineer or Operations Manager, as applicable, when roads are expected to be closed or traffic affected for more than one (1) day. The District Engineer or Operations Manager will instruct permittees on acceptable procedures for road closures, opening security, detour and signage requirements, and any other necessary provisions.
- v. All work that affects traffic circulation must incorporate traffic control in accordance with standards identified in the most recent edition of the "Manual for Uniform Traffic Control Devices" published by the Federal Highway Administration.

- vi. All permittees and their personnel or subcontractors working within the District's roads must be properly trained and exercise all safety precautions associated with traffic control and below ground excavation.
- vii. Appropriate shoring and other safety measures must be incorporated when conditions warrant the use of such equipment.
- viii. Upon completion of the work, the site (including road bore access locations) must be restored to original or better condition and all excess debris removed.
- ix. All work must be guaranteed for a one (1) year period, and all necessary rework is the responsibility of the permittee.

b. Utilities.

- i. The permittee is responsible for completing all utility locates before road cut work described in this Policy commences.
- ii. All known utility failures must be reported to the Operations Manager and repaired by the permittee in a timely manner to avoid unnecessary road subgrade and surface damage. Any resulting road damage shall be repaired at the expense of the permittee and to the satisfaction of the Operations Manager.
- iii. Failure to correct identified deficiencies in the trenches within two (2) days of written notification from the Operations Manager shall result in forfeiture of any outstanding bond, at which time the District is authorized to repair the trench and assess any costs in excess of the bond amount against the permittee.

c. Compliance with State Access Code. Access improvements must be constructed in compliance with the State Code. In particular, the design standards and specifications in Section Four of the State Code for sight distances, access spacing, access width, access radii, access surfacing, speed change lanes, and other requirements shall be strictly adhered to, unless otherwise authorized in the permit.

d. Contents of Engineering Plans. Designs, plans, and specifications prepared by a registered Colorado professional engineer, together with an estimate of costs and time for completion (together, the "Engineering Plans") shall be required for any Access Way Excavations made within the District. The following information shall be included in the Engineering Plans:

- i. A cover sheet showing the record name, address, and telephone number of the development or property owner, a map showing the location and length of all access improvements, an index of sheets, the address, telephone number and stamp of the registered engineer who prepared the Engineering Plans, and the engineer's signature affixed over the stamp;

- ii. General notes and specifications;
- iii. Typical cross sections;
- iv. Detailed construction plans and profile sheets at a scale of 1-inch to 20-foot showing angles of intersections, sight distances, the location of utilities, and the distances from intersecting roads and property lines;
- v. The preliminary site plan of the development with approved revisions, if applicable;
- vi. A traffic control plan detailing traffic control stages, if applicable, to be implemented during construction;
- vii. Traffic control devices for the final access improvements, such as fixed signs, pavement markings and traffic signal layout plans, if signalization is authorized under the permit, provided that unless authorized by the District, no traffic signals shall stop, disrupt, interfere with, or impede the smooth and continuous flow of traffic on any road within the District;
- viii. A drainage study and drainage plan for the development, which shall be engineered to prohibit any storm water discharge onto any road within the District. The drainage plan shall incorporate a USGS map delineating existing and proposed watershed and subwatershed areas affecting the project site, any drainage facilities, and design volumes and velocities of all drainage structures, systems and ditches;
- ix. A street lighting plan that shall include, without limitation, (a) a description and map of the location, spacing, and number of street lights, which shall be identical in design to other street lights installed along the other roads within the District; (b) electrical detail; (c) construction methods; and (d) estimate of costs of all street lighting improvements.
- x. Soil surveys conducted prior to completion of the Engineering Plans to determine the existence of any unsatisfactory subgrade materials or the need for remedial underground drainage;
- xi. A traffic impact study that shall include without limitation:
 - (a) a general description of the development, including its size, location, and the road network within the development and within the vicinity of the development, and the boundary limits of the study;
 - (b) a description of the existing and proposed land uses of the development;
 - (c) a detailed description of the road network in the vicinity of the

development, including existing twenty-four (24) hour volume counts, a.m./p.m. peak hour counts at intersections, and any traffic control devices;

- (d) the average trip generation rates for both total daily traffic and a.m./p.m. peak hours, plus the total number of trips generated for each type of proposed land use;
 - (e) a description of the most likely traveled routes in the vicinity of the development and trip distribution analysis;
 - (f) an analysis of existing and projected traffic volumes along the existing roads within the District within the vicinity of the development;
 - (g) an analysis of the capacity of the proposed access improvements and influenced intersections and any impact upon the continuous flow of traffic within the vicinity of the development. The existing and projected levels of service derived from the analysis shall be used to assist in evaluating design and operation alternatives of the access and influenced intersections. The access improvements shall be designed to a Level of Service C or better under the State Code for the intersection at the traffic volume projected twenty (20) years from the expected year of construction;
 - (h) if it is anticipated that the development's access will satisfy one of the traffic signal warrants soon after the development has been completed, a warrant analysis shall be conducted using the projected volumes determined from the trip generation;
 - (i) a description of the type and extent of traffic control measures including without limitation, regulatory signage, signalization and pavement markings, which shall be consistent with subsection (vii) of this Subsection (d), and any impact upon the continuous flow of traffic on any road within the District; and
 - (j) clear and concise descriptions of the professional findings, including all recommended access improvements, rights-of-way, and requirements for access facilities connecting to the roads within the District.
- xii. Cost estimates based on unit prices for all access, drainage, and street lighting improvements;
 - xiii. Estimate of time to complete all project work, and if the application is approved by the District, a progress schedule shall be completed and submitted periodically as required in the permit;

- xiv. A professional engineer registered in the State of Colorado shall prepare the preliminary plans, soil, drainage, street lighting studies, Engineering Plans, and the estimate of costs and time for completion of all access improvements. The traffic impact study shall be prepared by a professional traffic engineer registered in the State of Colorado. All engineering documents shall be stamped with the engineer's seal and the engineer's signature affixed over the seal.

5.6.10. Damage to Existing Improvements.

All damage done to existing improvements during construction work shall be repaired by the permittee to the satisfaction of the District Engineer. If the permittee fails to make such repairs at the District's request, the District may make such repairs, and the cost shall be charged against the permittee and its surety bond, if applicable.

5.6.11. Property Lines and Easements.

Property lines and limits of easements shall be indicated on the construction plans submitted with the permit application. The permittee shall confine construction work within easements.

5.6.12. Clean-Up.

From time to time as may be ordered by the District Engineer or the Operations Manager, and in any event immediately after completion of work, the permittee shall thoroughly clean all public and private properties of all rubbish, excess earth, rock, unused material, and other debris resulting from the work to the satisfaction of the District Engineer or Operations Manager. Upon failure to effectively clean up the area of construction and surrounding areas within twenty-four (24) hours after having been notified by the District Engineer or Operations Manager, cleanup may be done by the District and the cost thereof charged to the permittee and its surety bond, if applicable.

5.6.13. Restoration of Surface.

- a. The permittee shall restore the surface of any road upon which construction has occurred to its original condition in accordance with the specifications of the District Engineer within forty-eight (48) hours of completing construction.
- b. If, in the judgment of the District Engineer, it is not expedient by reason of traffic needs, looseness of the earth, weather conditions, or other reasons to make a permanent restoration of the surface of the road before reopening it to traffic or upon completion of the work, the District Engineer may direct the permittee to lay a temporary pavement to remain until the permanent restoration may be properly made by the permittee. The permittee shall maintain temporary restorations in safe traveling condition until such time as permanent restorations are made.

- c. The District Engineer's acceptance, approval, or presence during the performance of any construction work shall not prevent the District from asserting a claim against the permittee and the surety bond for incomplete or defective work if discovered within one year from completion of the construction work.

5.6.14. District's Right to Restore Surface.

If the permittee fails to complete the construction work or restore the surface of the road to its original and proper condition upon expiration of the time fixed in the permit, the District may cause all work and all actions necessary to restore the road or complete the construction work. The permittee shall be liable for the actual cost thereof plus twenty-five percent (25%). In addition to general overhead and administrative expenses, the District shall have a cause of action for all fees, expenses, and amounts paid out and due for such work and shall apply any funds deposited by permittee in payment of the amount due, and assert a claim against the permittee's surety bond.

5.6.15. Urgent Work.

If, in the District Engineer's judgment, traffic conditions, the safety or convenience of the traveling public, or the public interest require that the construction work be performed as emergency work, the District Engineer shall have full power to order, at the time the permit is granted, that adequate personnel, equipment, and facilities be employed by the permittee twenty-four (24) hours a day so that the construction work may be completed as soon as possible.

5.6.16. Emergency Action.

In the event of any emergency in which a sewer, water main, conduit, or utility in or under any road breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person causing such damage or owning or controlling such sewer, water, main, conduit, or utility, without first applying for and obtaining a permit, shall immediately notify the Operations Manager and the District Engineer and take proper emergency measures to cure or remedy the dangerous condition. A permit shall be applied for no later than the end of the next succeeding day during which the District is open for business, and permanent repairs shall not proceed without first obtaining a permit.

5.6.17. Preservation of Monuments.

The permittee shall notify the District Engineer or Operations Manager of any surface monuments or hubs discovered and shall not disturb them until ordered to do so by the District Engineer.

5.6.18. Inspections.

- a. The District Engineer shall make such inspections as are reasonably necessary to the enforcement of this Policy. The District Engineer shall have

the authority to promulgate and cause to be enforced such procedures as may be reasonably necessary to enforce and carry out the intent of this Policy.

- b. At a minimum, the District Engineer shall perform the following inspections with advance notification as described herein:
 - i. Forty-eight (48) hours in advance of commencement of the work.
 - ii. Forty-eight (48) hours in advance of commencement of jacking and boring attempts.
 - iii. Forty-eight (48) hours in advance of commencement of backfilling operation.
 - iv. No later than twenty-four (24) hours after completion of work.

5.6.19. Insurance.

A permittee for Access Way Excavations and Road Cuts shall, prior to the commencement of work, provide to the District Engineer a certificate of insurance indicating that the permittee has in force, and will maintain in force during the performance of the work and the period covered by permit, public liability insurance of not less than \$350,000 for any one person and \$990,000 for any single occurrence or the limits of the Colorado Governmental Immunity Act as it may change from time to time, whichever is greater, which has been duly issued by an insurance company authorized to do business in this State. Such certificates shall name the District as an additional insured and shall contain a provision that coverages afforded under the policies will not be cancelled until at least thirty (30) days prior written notice has been given to the District. In the event of any suit or claim against the District by reason of the negligence or default of the permittee, upon the District giving written notice to the permittee of such suit or claim, any final judgment against the District requiring it to pay for such damage, and all costs of defense, including, without limitation, attorneys' fees and expert witness fees, shall be conclusive upon the permittee and against its insurance.

At the sole discretion of the District Engineer, a public utility company may be relieved of the obligation of submitting certificates of insurance if it submits satisfactory evidence in advance that it is insured or has adequate assets and provisions for self-insurance. A letter signed by the president of the public utility company will meet this requirement. A public utility company may annually submit evidence of insurance coverage in lieu of individual submissions for each permit.

5.6.20. Liability of District.

This Policy shall not be construed as imposing upon the District or any official or employee of the District any liability or responsibility for damages to any person injured by the performance of any work for which a permit is issued hereunder; nor shall the District or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the

issuance of any permit, or the approval of any work.

5.6.21. Failure to Comply.

- a. Failure to obtain a permit prior to commencing work or to comply with any of the requirements of this Policy will result in a \$100 per day fine, which will be assessed until a permit is issued or the violation is corrected. Additionally, any violation of this Policy that creates a public hazard due to lack of performance or negligence by the permit holder and that is remedied by the District will result in additional fees being assessed for costs incurred by the District, including labor costs.
- b. In the event the District must complete any unfinished work or repair any deficient work, any fees for costs or expenses incurred by the District, along with any fines imposed for non-compliance with this Policy, will be charged against the permittee. The District shall mail and hand deliver a notice of such charges to the permittee. Fines and charges will be deducted from all bonds up to the full amount of the bond. Any remaining amount due must be paid within three (3) days of delivery of the written notice of charges.
- c. All unpaid fines, charges, and fees shall be a lien against the property served.
- d. The District reserves the right to refuse to issue additional permits and may revoke any issued permits until all unpaid fines, charges, or fees have been paid.

5.6.22. Appeal Process.

- a. The disapproval of a permit or other action taken by the District Engineer or the Operations Manager may be appealed by the permittee to the Hearing Officer by filing a written notice of appeal at the District's office containing the specifications of all errors claimed in the denial of the permit or any other action leading to the appeal with ten (10) days of the action of the District Engineer or the Operations Manager. The Hearing Officer shall review the appeal and may hold any additional hearings he or she deems appropriate within ten (10) days of the notice of appeal, and shall render a decision within ten (10) days of appeal or supplemental hearing, whichever may last occur.
- b. The permittee may appeal the Hearing Officer's decision to the Board within thirty (30) days of the Hearing Officer's decision by filing a written notice of appeal with the secretary of the Board containing the specifications of all errors claimed in the denial of the permit or any other action leading to the appeal. Upon appeal to the Board, the Board shall, within ten (10) days, conduct a public hearing to hear arguments in favor of reversal of the decision made by the District Engineer or the Operations Manager. The applicant shall have the right to address in a public forum the concerns leading to the denial or unfavorable action on the permit application and present witnesses to testify on the applicant's behalf. However, the formal rules of evidence shall not apply. The Board will render its decision within ten (10) days of the hearing. If the Board refuses to overturn the initial decision, further appeal shall be to the Eagle County Court or

the district court for the 5th Judicial District.

ARTICLE 6. NOISE REGULATIONS

Section 6.1 Noise Prohibited.

- 6.1.1. Excessive or Unusually Loud Noise Prohibited. The making, creating, or allowing of an excessive or an unusually loud noise at any location within District roads, heard and measured in a manner hereinafter set forth, is prohibited, except when made under and in compliance with a permit issued pursuant to Paragraph 6.1.5 of this Section.
- 6.1.2. Excessive or Unusually Loud Noise Defined. An excessive or unusually loud noise is defined as follows:
- a. Noise of any duration which exceeds the allowable noise limit by fifteen (15) decibels.
 - b. A noise, one (1) minute or more in duration out of any ten (10) minute period, which exceeds the allowable noise limit for the zone in which the noise source is located by ten (10) decibels.
 - c. A noise of five (5) minutes in duration and a total of five (5) minutes out of any ten (10) minute period, which exceeds the allowable noise limit for the zone in which the noise source is located by five (5) decibels.
- 6.1.3. Measurement of Noises. For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be prohibited by this Article, the noise shall be measured on a decibel or sound level meter of standard design and quality operated on the A Weighting Scale. The noise shall be measured no closer than ten (10) feet from the noise source.
- 6.1.4. Allowable Noise Limit. The allowable noise limits for District roads shall be ninety (90) decibels at all times.
- 6.1.5. Special Permits. Applications for a special permit to exceed noise level designations or time periods in this Section may be made to the Operations Manager, who may grant the relief as applied for if he or she finds one of the following:
- a. That additional time is necessary for the applicant to alter or modify his or her activity or operation to comply with this regulation.
 - b. The activity, operation, or noise source will be of temporary duration, and cannot be done in a manner that will comply with this Article.
 - c. That no other reasonable alternative is available to the applicant.

- d. That the permit is necessary for the community’s cultural, historical, or social benefit. The Operations Manager may prescribe any conditions or requirements he or she deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including but not limited to, specific times or functions of the noise or location of the noise source. Any permit granted pursuant to this Section shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective.

6.1.6. Exceptions. The allowable noise limits shall not apply to sound emitted from the following:

- a. any emergency alarm (but excluding any car alarm);
- b. any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency;
- c. activities of a temporary duration permitted by law and for which a permit has been granted by the District, including but not limited to parades;
- d. any construction equipment operated upon a construction site during the days and time periods and within the as established by these Regulations; provided, however, that the operation of the construction equipment during such hours shall not exceed ninety (90) decibels; and
- e. any snow making, snow grooming, or snow removal equipment, or any other activity on or within the Beaver Creek Ski Resort.
- f. District operations.

Section 6.2 Jake Brakes. Notwithstanding any other regulation in this Article 6, the making, creating, or issuance of an excessive or unusually loud noise by a commercial motor vehicle utilizing the engine braking systems commonly known as “Jake Brakes” shall be prohibited.

6.2.1. “Jake Brakes” means any device mounted on or adjacent to the engine of a commercial motor vehicle which, when employed, reduces engine speed and causes the vehicle to slow without use of the vehicle’s braking system.

6.2.2. For purposes of this Section 6.2, an excessive or unusually loud noise is defined as noise of any duration which exceeds 85 decibels measured at a distance of 50 feet from the commercial motor vehicle.

6.2.3. All commercial motor vehicles within Bachelor Gulch shall cooperate with the Public Safety Manager to demonstrate that the vehicle meets the noise standards set forth herein.

Section 6.3 Amplified sounds. No person, other than Bachelor Gulch Public Safety personnel, law enforcement, or governmental agencies, shall install, use, or operate within District roads a loud speaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound

truck for the purposes of giving instructions, directions, talks, addresses, lectures, or that transmits or projects music to any persons or assemblage of persons in or upon any street, sidewalk, park, or place or property, except when installed, used, or operated in compliance with the following provisions:

- 6.3.1. In all residential areas, no sound amplifying equipment shall be installed, operated, or used for commercial purposes at any time.
- 6.3.2. Upon that portion of the Beaver Creek Ski Resort within District roads, the operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 12:00 midnight and 8:00 a.m.
- 6.3.3. In the resort commercial area, the operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 9:00 p.m. and 9:00 a.m.
- 6.3.4. The sound emanating from sound amplifying equipment shall be limited in volume and intensity (a) for the time such sound is permitted under this Section, and (b) at the decibels levels set forth in this Section. In no event shall the sound be loud and raucous or unreasonably jarring, disturbing, annoying, or a nuisance to reasonable persons of normal sensitivity within the area of audibility.

Section 6.4 Penalties. Courtesy warnings for violations of this Article will not be given. A violator of this Article is subject to fines in the following amounts:

<u>Offense</u>	<u>Amount</u>
First Offense	\$200
Second Offense	\$500
Third Offense	\$1,000
Fourth Offense	\$2,500
Any Subsequent Offense	\$5,000 (each occurrence)

- 6.4.1. Access Privileges. In addition, any violation of such provision after the fifth offense, and any failure to pay any penalty imposed for violation of such provision within thirty (30) days of its imposition, may result in the loss of access privileges to Bachelor Gulch.
- 6.4.2. Penalties Cumulative. It is the intent of the District that each of the enforcement mechanisms and penalties described in this Article shall be in addition to and not in lieu of any other enforcement mechanisms and penalties that may be available to the District. Without limitation of the foregoing, the District 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.

ARTICLE 7. SNOW PLOW OPERATORS - RULES AND REGULATIONS

Section 7.1 General. The District desires to provide for the orderly and efficient removal of snow from the roads within Bachelor Gulch and to prevent problems resulting from methods and activities

of snowplow operators. The public interest is best served by requiring the licensing of persons, businesses, or corporations who use vehicles or equipment to plow, remove, or strip snow or ice within Bachelor Gulch.

Section 7.2 Permit Required. Any person, business, or corporation that participates in the plowing, removal, or stripping of snow or ice from private property anywhere within Bachelor Gulch with snow removal equipment must first apply to obtain a snow removal permit.

7.2.1. Snow Removal Equipment. Snow removal equipment shall mean any vehicle with snow removal equipment attached to it and any skid steer or larger piece of equipment used to remove snow or ice.

7.2.2. Application. Applications for snow removal permits (a “permit application”) shall be on forms provided by the Public Safety Manager, or by contacting the District as provided in Section 1.4. Upon completion of the permit application, the applicant shall be permitted one day access to Bachelor Gulch Village; however, no snow removal permit shall be issued until such time as the Operations Manager has inspected and approved the applicant’s snow removal equipment.

7.2.3. Required Information. The applicant must provide the following information on the permit application:

- a. Name, home address, business address, state driver’s license number, and telephone number;
- b. Make, model, serial number, and state license number of any vehicle or machine to be used for snow plowing;
- c. A complete list of the driveways, parking lots, or properties which the applicant services; and
- d. Signed recognition of receipt of Article 7 (Snow Plow Operators – Rules and Regulations) of the Bachelor Gulch Internal Road Regulations.

7.2.4. Inspection and Approval. The applicant must schedule an appointment with the Operations Manager for inspection and approval of all snow removal equipment to be utilized in snow plowing and snow removal by the applicant and, if applicable, the applicant’s employees. Appointments may be made by calling 970-748-4646, Monday through Friday, 8:00 A.M. to 5:00 P.M. Appointments may only be made during these hours. At the time of the appointment, the applicant must submit the completed permit application to the Operations Manager, and the Operations Manager will determine if adjustments or changes to the equipment are required. Permits will not be issued until the equipment meets the standards applied by the Operations Manager. When the Operations Manager has given his or her approval, the applicant shall be responsible for returning the completed and approved permit application to the Public Safety Manager for issuance of a snow removal permit.

7.2.5. Retention of Permit Applications.

Copies of completed permit applications shall be retained as follows:

- Copy 1: By the Public Safety Manager, after the application is first completed.
- Copy 2: By the District, after inspection and approval by the Operations Manager.
- Copy 3: By the Public Safety Manager, after inspection and approval by the Operations Manager.
- Copy 4: By the applicant.

Section 7.3 Hours of Access. As set forth in **Exhibit A**, approved hours for snow plowing and removal operations for snow removal equipment displaying a valid permit are 6:00 A.M. to 11:00 P.M. Exceptions to the permitted hours of access may be granted at the discretion of the Operations Manager or the Public Safety Manager based on roadway conditions. District plowing, snow removal, or maintenance operations are not subject to this Section.

Section 7.4 Permit; Period of Validity. All permits shall be valid for a period of one winter season, which shall be defined as beginning on November 1 of each year and ending on May 31 of the succeeding year, and shall not be valid for subsequent winter seasons.

Section 7.5 Identification Number. The permittee shall be issued a vehicle identification number provided by the District for each snow removal vehicle or machine. The identification number shall be placed on a visible portion of the exterior of the vehicle.

Section 7.6 Snow Removal Operations - Requirements.

- 7.6.1. Snow shall not be pushed, deposited, or left on any public street, sidewalk, park or greenbelt area unless previously approved by the District. Such request and approval must be in writing.
- 7.6.2. Snow may be pushed off public streets and into shoulders ONLY if a “snail trail” is left when the permit holder is exiting the driveway.
- 7.6.3. Snow shall not be deposited in such a way as to impede the vision of anyone driving a motor vehicle on a public or private street or road.
- 7.6.4. Snow shall not be pushed against signage, address markers, streetlights, or similar improvements which will cause damage to District property.
- 7.6.5. All snow moved through snow blowing operations shall remain within the homeowner’s property boundaries and shall not be blow onto or into neighboring property or District roads and/or easements.
- 7.6.6. All snow removal equipment must have a flashing yellow light on the roof of the vehicle when engaged in plowing snow.
- 7.6.7. All snow removal equipment must have adequate snow/ice tires or all-season tires.
- 7.6.8. All snow removal equipment must have non-aggressive cutting edges on plows

and/or buckets.

Section 7.7 Suspension or Revocation of Permit.

- 7.7.1. In addition to any other penalty herein provided, the permit issued hereunder may be suspended or revoked by the District or its authorized designated representative for cause at any time. Such cause shall exist whenever any permittee fails or refuses to comply with the provision of this Article which may now or hereafter be in force.
- 7.7.2. In the event a permit is suspended or revoked, the permittee may, within three (3) days of such suspension or revocation, request in writing, delivered to the District, a hearing before a three (3) person Board of Appeals consisting of two (2) individuals from the District plus the Public Safety Manager. Such hearing shall be held not sooner than three (3) days from the request for hearing. The permittee shall be given an opportunity to be heard at said hearing and to show cause why the permit should not be suspended or revoked. If, after such hearing, it is determined that the permittee has failed or refused to comply with the rules, regulations, and provisions outlined above, without showing good cause, the permit shall either be suspended for a period not to exceed ninety (90) days or revoked. Application for a new permit may not occur for a period of twelve (12) months from the date of revocation.
- 7.7.3. The District or its authorized designated representative may suspend any permit issued hereunder pending the outcome of the hearing to be held pursuant to Section 7.7.
- 7.7.4. Administrative remedies of the permittee are deemed to not be exhausted unless the decision of suspension or revocation is appealed to the Board of Appeals pursuant to Section 7.7.

Section 7.8 Penalties. Unless a specific penalty is established for the violation of any regulation contained in this Article, the penalties set forth in Section 1.3 shall apply.

**ARTICLE 8.
MISCELLANEOUS**

Section 8.1 Littering; Debris. No person shall throw, discard, or deposit upon or along any District road any trash, garbage, or other waste. Any person who throws or deposits any trash, garbage, or other waste along any District road shall immediately remove the same. Any person removing a wrecked or damaged vehicle from a road shall remove any glass or other waste.

Section 8.2 Drones. The use of drones is prohibited in and over all District roads.