



Anglers Preserve Owners Association

February 3, 2026

RE: 2026 Annual Member Meeting

Dear Anglers Preserve Property Owners,

Pursuant to the By-Laws of Anglers Preserve Owners Association., enclosed is written notice that the 2026 Annual Meeting of the Members and Budget Ratification of the Association has been scheduled for Tuesday, February 17, 2026 starting at 5:00 P.M. MST via electronic Zoom meeting. Please respond as soon as possible if you will be attending the meeting.

To join the meeting (this information is also on the Notice and Agenda):

<https://us02web.zoom.us/j/87914719528?pwd=R2HTcziqEQNNO3R7WEX1X5BHURA6.1>

Phone Only +1 253 215 8782 US Meeting ID: 879 1471 9528 Passcode: 252655

Please complete and return the Proxy included in the packet or on the website to ensure there is a quorum at the meeting. Your proxy may be revoked if you are able to attend the meeting.

Indicate your designated Proxy's name, sign, date and return your proxy by email to bethj@mwcpaa.com or fax 970-926-6040. Your proxy must be received prior to the start of the meeting to be counted.

The purpose of the meeting is to review 2025 operations, 2026 budget, elect a member to the Board of Directors and provided required owner education. A meeting packet will be emailed to all owners and may also be downloaded from the website at least 10 days prior to the meeting <https://colo-communities.org/anglers-preserve-hoa>.

The proposed annual assessments per unit for 2026 are \$16,333 per unit (\$4,083.25 per quarter) to cover increases in the operation expenses of the Association. A special assessment of approximately \$500 per unit will be billed with the 2nd Quarter assessments to cover the 2025 Operating deficit.

There is one Director position for a 3-year term up for election in 2026, currently held by Skip Courtney. If any homeowner is interested in serving on the Board, you may submit your name and, if desired, a short biography to me via email prior to the meeting or you may nominate yourself at the meeting.

If you have any questions, please contact me at bethj@mwcpaa.com or (970) 926-6060 ext. 1.

Sincerely,

Anglers Preserve Owners Association

Beth Johnston
Secretary for the Meeting



Anglers Preserve Owners Association

Annual Meeting of the Anglers Preserve Owners Association
February 17, 2026 at 5:00 P.M. (Mountain Time)

The undersigned Member(s) of the Anglers Preserve Owners Association, a Colorado non-profit corporation, hereby appoints

_____, or Jonathan Seligson, President of the Executive Board (if left blank),

to represent me/us at the Annual Meeting of the Members of the Association to be held on February 17, 2026, and any adjournment thereof, and to vote my membership on any matters or resolution which may come before the meeting and take any actions which I/we could personally take if present at the meeting. This proxy shall be void if I/we personally attend the meeting.

Dated: _____
(Please date your Proxy)

Signature of Member(s) as such Member(s) names appear on deed

Print Name(s)

Lot Number and/or Street Address

Your signed proxy must be received by one of the methods below before 5:00 P.M. on February 17, 2026 to be counted. Please allow sufficient time (1 day for email or fax, at least 10 days for USPS) for your proxy to be received based on your preferred method of return.

You may return your signed proxy document via:

Email: bethj@mwcpaa.com

Fax: 970-926-6040

Received by Association _____ Date & Time By: _____



ANGLERS PRESERVE

NOTICE OF ANNUAL MEETING OF MEMBERS

Notice is hereby given that the annual meeting of the Members of Anglers Preserve Owners Association has been called by the Executive Board of the Association pursuant to Section 3.4 of the Bylaws of the Association. The meeting will be held on February 17, 2026 at 5:00 P.M., MT, via Zoom meeting, join information below:

Agenda

- 1) Call to Order
 - a) Roll Call and Declaration of Quorum (20% of all votes, 67% for amending Declaration)
 - b) Confirmation of Notice
- 2) Consideration and approval of Minutes
 - a) February 25, 2025
- 3) Financial
 - a) Review of preliminary Financial Statements ending December 31, 2025
 - b) Review and Ratification of 2026 Budget
 - i) Notice of Special Assessment for 2025 Operating Deficit
- 4) Election of Board Members
 - a) Nominations for one 3-year Director term
 - b) Secret ballot to elect Director, if necessary
- 5) Unfinished and New Business
 - a) Owner Education – Garbage Can Storage
 - b) Update from Design Review Committee
 - c) Update Driveway and Entryway Repairs
 - d) Other Business
- 6) Adjournment

Executed this 3rd day of February 2026

ANGLERS PRESERVE OWNERS ASSOCIATION, INC.

a Colorado Non-profit Corporation

By: /s/ Jonathan Seligson

Jonathan Seligson, President

Join Zoom Meeting:

<https://us02web.zoom.us/j/87914719528?pwd=R2HTcziqEQNNO3R7WEX1X5BHURAt6.1>

Phone Only +1 253 215 8782 US Meeting ID: 879 1471 9528 Passcode: 252655

Meeting packet and materials may be downloaded from the website

<https://colo-communities.org/anglers-preserve-hoa>.

RECORD OF PROCEEDINGS

Minutes of the Annual Meeting Of the Members of Anglers Preserve Owners Association February 25, 2025

A meeting of the Members of the Anglers Preserve Owners Association was held at 5:00 p.m. on February 25, 2025, via electronic Zoom meeting, <https://zoom.us/join>, Meeting ID: 898 4414 5142, Passcode: 255891.

Attendance **The following members were present and acting:**

- Skip & Debbie Courtney, Lot 2
- Jonathan Seligson, Lot 5
- Ken Gart, Lot 6
- James Kleckner, Lot 8
- Leslie Vidal, Lot 9

The following members were present via Proxy:

- Chris Wright, Lot 4

Also in attendance:

- Beth Johnston, Marchetti & Weaver LLC, Secretary for the meeting

Call to Order The annual member meeting of the Anglers Preserve Owners Association was called to order by Ms. Johnston on February 25, 2025 at 5:01 p.m. Ms. Johnston called roll confirming that 6 out of 9 votes were represented in person or via proxy, thereby establishing a quorum for the meeting. Notice of meeting was confirmed by attendance of owners at the meeting.

Minutes Attendees reviewed the minutes included in the meeting packet, and upon motion duly made and seconded, it was unanimously

RESOLVED to approve the minutes of the February 27, 2024 Annual Meeting of the Members.

Financial Statements &

2025 Budget Ms. Johnston reviewed the Association's preliminary financial statements ending December 31, 2024 and the Replacement Reserve Schedule which were included in the Annual meeting packet. The Association ended the year with a \$18,800 deficit in the Operating fund, mostly due to overages in Accounting & Admin, Road Maintenance, and Landscaping and Irrigation. The overages were discussed.

Ms. Johnston reviewed the 2025 Budget approved by the Board in December 2024. The Assessments were increased to cover increases in expenses. Additionally, a larger percentage of the Assessments were allocated to the Operating Fund to cover current maintenance expenses and the Reserve Fund is well funded. Haus Vail will be getting bids to assist with updating the reserve schedule for a more useful budgeting tool.

RECORD OF PROCEEDINGS

Anglers Preserve Owners Association February 25, 2025 Annual Meeting Minutes

Ms. Johnston reviewed the Prior Year Deficit Assessment approved by the Board for \$19,000. The one-time Deficit Assessment, which works out to \$2,111 per lot, will be billed to owners in March with the second quarter regular assessment billing. Following discussion, Ms. Johnston explained the budget veto option and, hearing no veto, the 2025 budget stood as approved by the Board.

Election of Director

Director Seligson's term expires in 2025. Jonathan Seligson was nominated to serve another term. There being no other nominations, a motion was made and seconded to elect Jonathan Seligson by acclamation for a 3-year term expiring in 2028.

Owner Education

Ms. Johnston explained the State requirement that Associations provide owner education at least once per year and that the education can be any topic relevant to the Association. The education topic chosen by the Board is water conservation and usage. Ms. Johnston reviewed the information included in the packet including the resources offered by Eagle River Water and Sanitation District (ERWSD), the Association's water supplier for domestic and irrigation water. Xeriscaping, an alternative landscaping option, was also discussed. Director Seligson confirmed that he is being proactive in meeting with ERWSD to discuss the Association's irrigation water usage and learn about grants offered to upgrade the Association's irrigation system.

Driveway and Entryway

Repairs Director Seligson reported that the entryway and driveways had been assessed last summer. Estimates for paver repairs were received with driveway repairs being the responsibility of owners. The entryway repairs will be reassessed in the spring with input from the DRB to determine if a different material should be used or if the pavers will be repaired.

Design Review

Update Ms. Courtney said there is nothing to report this year, and no projects submitted.

Adjournment There being no further business to come before the Association, upon motion duly made and seconded it was unanimously

RESOLVED to adjourn the annual members meeting of the Anglers Preserve Owners Association at 5:34 pm on this 25th day of February, 2025.

Respectfully submitted,

Beth Johnston
Secretary for the Meeting

**Anglers Preserve Owners Association
Balance Sheets
As of the Dates Indicated**

	12/31/20	12/31/21	12/31/22	12/31/23	12/31/24	12/31/25
Operating Fund						
Current Assets						
First Bank Operating Account	43,807	30,277	32,872	35,115	3,808	20,585
Total Cash	43,807	30,277	32,872	35,115	3,808	20,585
Accounts Receivable	20,124	23,121	19,443	40,030	35,137	48,999
Prepaid Expenses	1,068	1,227	1,551	0	1,763	2,425
Gate Transmitter Inventory	220	110	55	385	385	385
Total Assets	65,220	54,735	53,921	75,530	41,093	72,394
Liabilities and Fund Equity						
Current Liabilities						
Accounts Payable	1,371	1,930	3,546	1,907	2,089	4,989
Due To (From) Reserve Fund	17,000	3,375	13,317	11,500	(3,654)	(1,125)
Deferred Revenue	16,749	19,746	22,248	27,252	31,248	34,499
Prepaid Assessments	3,454	9,525	0	21,202	12,216	20,109
Member Working Capital Deposits	16,926	17,556	17,556	17,556	17,556	17,556
Total	55,500	52,132	56,667	79,417	59,455	76,028
Fund Equity						
Operating Fund Balance	9,719	2,603	(2,745)	(3,888)	(18,362)	(3,635)
Total Fund Equity	9,719	2,603	(2,745)	(3,888)	(18,362)	(3,635)
Total Liabilities and Fund Equity	65,220	54,735	53,921	75,530	41,093	72,394
	=	=	=	=	=	=
Replacement Fund						
Current Assets						
FirstBank Replacement Reserve Accts	58,571	84,288	84,375	100,231	115,974	125,151
Due From (To) Operating Fund	17,000	3,375	13,317	11,500	(3,654)	(1,125)
Total Assets	75,571	87,663	97,692	111,731	112,319	124,026
Liabilities and Fund Equity						
Current Liabilities						
Deferred Reserve Revenue	3,375	3,375	3,375	3,375	1,800	2,250
Total Liabilities	3,375	3,375	3,375	3,375	1,800	2,250
Fund Equity						
Replacement Reserve Fund Balance	72,196	84,288	94,317	108,356	110,519	121,776
Total Fund Equity	72,196	84,288	94,317	108,356	110,519	121,776
Total Liabilities and Fund Equity	75,571	87,663	97,692	111,731	112,319	124,026
	=	=	=	=	=	=

No assurance is provided on these financial statements; substantially all disclosures required by GAAP omitted.

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Anglers Preserve Owners Association
Statement of Revenues, Expenses and Changes in Fund Balance
Actual, Budget and Forecast for the Periods Indicated

Printed: 02/03/26

Operating Fund	Fiscal Yr Ended 12/31/20 <u>Actual</u>	Fiscal Yr Ended 12/31/21 <u>Actual</u>	Fiscal Yr Ended 12/31/22 <u>Actual</u>	Fiscal Yr Ended 12/31/23 <u>Actual</u>	Fiscal Yr Ended 12/31/24 <u>Actual</u>	12 Months Ended 12/31/25 <u>Preliminary</u>	12 Months Ended 12/31/25 <u>Budget</u>	Variance Favorable (Unfavor)	Adopted 2026 <u>Budget</u>
Revenues									
Operating Fund Assessments per Unit	6,667	7,444	7,444	9,889	12,111	13,889			15,333
Reserve Fund Assessments per Unit	1,500	1,500	1,500	1,500	1,500	800			1,000
<i>Total Annual Assessments per Unit</i>	<i>8,167</i>	<i>8,944</i>	<i>8,944</i>	<i>11,389</i>	<i>13,611</i>	<i>14,689</i>			<i>16,333</i>
<i>Increase in total Assessment</i>	<i>0%</i>	<i>10%</i>	<i>0%</i>	<i>27%</i>	<i>20%</i>	<i>8%</i>			<i>11%</i>
Operating Assessment	60,012	66,996	78,984	88,992	109,008	124,992	125,000	(8)	138,000
Assessment Transfer to Replacement Res	(3,500)	0	0	0	0	0	0	0	
Prior Year Deficit Assessment				8,100	4,068	18,999	19,000	(1)	4,531
Other Income	20	358	451	10	0	0	0	0	0
Title Company Statement Fees	100	200	0	0	0	0	0	0	0
Interest Income					0	0	0	0	0
Total Revenues	56,632	67,554	79,435	97,102	113,076	143,991	144,000	(9)	142,531
General & Admin Expenses									
Accounting Tax Return Prep.	300	918	400	440	480	750	500	(250)	800
Taxes - Federal State & Local	0	0	0	0	326	312	339	27	324
Bank Charge incl Check Stock	698	701	697	733	745	731	811	80	773
Insurance Expense	988	1001	1138	1140	1236	1,240	1,335	95	1,302
Title Statement Prep	177	333	0	0	0	0	0	0	0
Legal Fees	0	370	395	0	0	350	0	(350)	500
Accounting & Admin (prev Management)	10800	9934	12088	18043	25836	21,036	21,000	(36)	21,840
Office Supplies	431	429	455	475	533	897	535	(363)	886
Dues, Registration & Website Hosting	43	149	49	193	232	25	556	531	391
Total G&A Expenses	13,436	13,835	15,221	21,025	29,388	25,342	25,076	(266)	26,817
Operations & Maintenance Expenses									
Property Management			1,200	3,040	4,600	4,300	4,388	88	4,852
Gate Electricity	540	474	439	655	599	661	630	(31)	718
Gate Maintenance	855	1,450	4,105	3,871	400	400	416	16	3,328
Gate Telecom Comcast	2,087	2,287	2,111	2,111	2,711	3,017	3,081	64	3,138
General Repairs & Maintenance	1,035	1,785	3,769	572	2,430	1,125	2,397	1,272	2,184
Irrigation System Maintenance	2,670	4,012	3,755	2,681	6,712	9,836	6,980	(2,856)	6,500
Landscape	10,630	22,839	22,628	26,173	40,456	37,415	35,000	(2,415)	34,600
Pest Control						5,806	0	(5,806)	5,400
Trees Care	1,540	4,775	6,980	3,490	4,673	4,465	4,860	395	4,644
Riparian Corridor Maintenance	2,000	1,500	0	3,150	80	0	3,322	3,322	3,322
Lights Common and Seasonal	110	350	200	0	0	1,271	541	(730)	562
Road Maintenance Expense	469	0	0	0	6,700	3,255	1,000	(2,255)	3,385
Snow Removal	10,955	11,000	11,980	14,287	15,306	14,711	13,184	(1,527)	13,500
Trash Removal	4,195	4,349	5,192	4,895	6,457	7,052	6,715	(337)	7,334
Water for Irrigation	4,003	6,013	7,203	12,294	7,038	10,608	7,307	(3,301)	7,600
Contingency					0	0	10,000	10,000	10,000
Total Operations & Maintenance Exp	41,089	60,835	69,562	77,220	98,162	103,922	99,822	(4,100)	111,066
Total Expenses	54,525	74,670	84,783	98,245	127,550	129,264	124,898	(4,366)	137,883
Revenue Over (Under) Expenses	2,107	(7,116)	(5,348)	(1,142)	(14,474)	14,727	19,102	(4,375)	4,648
Beginning Fund Balance	7,612	9,719	2,603	(2,745)	(3,888)	(18,362)	(18,837)	475	(4,531)
add back contingency							0	0	
Ending Fund Balance	9,719	2,603	(2,745)	(3,888)	(18,362)	(3,635)	265	(3,900)	117

No assurance is provided on these financial statements; substantially all disclosures required by GAAP omitted.

Anglers Preserve Owners Association
Statement of Revenues, Expenses and Changes in Fund Balance
Actual, Budget and Forecast for the Periods Indicated

Printed: 02/03/26

Replacement Fund	Fiscal Yr Ended 12/31/20 <u>Actual</u>	Fiscal Yr Ended 12/31/21 <u>Actual</u>	Fiscal Yr Ended 12/31/22 <u>Actual</u>	Fiscal Yr Ended 12/31/23 <u>Actual</u>	Fiscal Yr Ended 12/31/24 <u>Actual</u>	12 Months Ended 12/31/25 <u>Preliminary</u>	12 Months Ended 12/31/25 <u>Budget</u>	Variance Favorable (Unfavor)	Adopted 2026 <u>Budget</u>
Revenues									
Replacement Reserve Assessment	13,500	13,500	13,500	13,500	13,500	7,200	7,200	0	9,000
Transfer from Operating to Replacement	3,500	0	0	0	0	0	0	0	0
Road Impact/Road Cut Fee						0	0	0	
Interest Income - Reserve	15	10	86	2,539	4,118	4,056	3,913	143	1,213
Total Revenues	17,015	13,510	13,586	16,039	17,618	11,256	11,113	143	10,213
Expenses									
Common Areas		0	3,558	0	0	0	0	0	
Driveways		0	0	0	0	0	0	0	0
Landscape & Irrigation		1,418	0	0	4,824	0	0	0	0
Entry Gate		0	0	2,000	0	0	0	0	0
Perimeter Fence Replacement					0	0	0	0	0
Road Paving & Overlay		0	0	0	0	0	0	0	0
Seasonal / Holiday Lights at Entrance					10,630	0	0	0	0
Total Expenses	0	1,418	3,558	2,000	15,454	0	0	0	0
Revenue Over (Under) Expenses	17,015	12,092	10,028	14,039	2,164	11,256	11,113	143	10,213
Beginning Fund Balance	55,182	72,196	84,288	94,317	108,356	110,519	111,804	(1,285)	121,348
Ending Fund Balance	72,196	84,288	94,317	108,356	110,519	121,776	122,917	(1,142)	131,562
	=	=	=	=	=	=	=	=	=

No assurance is provided on these financial statements; substantially all disclosures required by GAAP omitted.

ANGLERS PRESERVE OWNERS ASSOCIATION

Replacement Reserve

Statement of Revenues, Expenditures and Changes in Fund Balance

Long-Range Financial Plan

			Inflation	4%	Prelim Actual	Adopted Budget														
Cost per					2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037			
			2015																	
Qty.	Unit	Unit	Estimate	Cycle	Yr:	8	9	10	11	12	13	14	15	16	17	18	19	20		
Homes Exteriors:																				
Driveway/Walkways	9	ea.	\$ 3,500	\$ 31,500	11 yrs	0	0	0	44,834	0	0	0	0	0	0	0	0	0		
Landscape	1	ea.	\$ 40,000	\$ 40,000	17 yrs	0	0	0	0	0	0	0	0	0	72,038	0	0	0		
Irrigation System	1	ea.	\$ 45,000	\$ 45,000	13 yrs	0	0	0	0	0	69,275	0	0	0	0	0	0	0		
Common Area:																				
Road Resurface	560	I.f.	65	\$ 36,400	11 yrs	0	0	0	51,809	0	0	0	0	0	0	0	0	0		
Entry Gate	1	ea.	\$ 30,000	\$ 30,000	15 yrs	0	0	0	0	0	0	0	49,952	0	0	0	0	0		
Entry Gate Hard & Software	1	ea.	\$ 2,000	\$ 2,000	5 yrs				2,847					3,463						
Perimeter Fence	500	I.f.	\$ 50	\$ 25,000	18 yrs	0	0	0	0	0	0	0	0	0	0	46,825	0	0		
Seasonal Lights	4	ea.	\$ 1,500	\$ 12,000	5 yrs					17,763					21,611					
TOTAL						0	0	0	99,489	17,763	69,275	0	49,952	3,463	93,649	46,825	0	0		
Fund Balance																				
Beginning Balance						110,519	121,776	131,989	145,309	59,913	54,071	(3,053)	7,805	(30,525)	(23,061)	(105,085)	(142,252)	(133,197)		
Funding						\$ 1,500	per year per home	7,200	9,000	9,360	9,734	10,124	10,529	10,950	11,388	11,843	12,317	12,810	13,322	13,322
Expenditures (above)						0	0	0	(99,489)	(17,763)	(69,275)	0	(49,952)	(3,463)	(93,649)	(46,825)	0	0		
Transfers from Operating Fund						0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Interest Earnings @ 3.00%						4,056	1,213	3,960	4,359	1,797	1,622	(92)	234	(916)	(692)	(3,153)	(4,268)	(3,996)		
Ending Balance						121,776	131,989	145,309	59,913	54,071	(3,053)	7,805	(30,525)	(23,061)	(105,085)	(142,252)	(133,197)	(123,871)		

**Anglers Preserve Owners Association
Statement of Revenues, Expenses and Changes in Fund Balance
Actual, Budget and Forecast for the Periods Indicated**

Operating Fund	Fiscal Yr Ended 12/31/24 Actual	Approved 2025 Budget	2025 Forecast	Approved 2026 Budget	Budget Notes
Revenues					
Operating Fund Assessments per Unit	12,111	13,889	16,000	15,333	\$4167/qtr
Reserve Fund Assessments per Unit	1,500	800	800	1,000	\$250/qtr
<i>Total Annual Assessments per Unit</i>	<i>13,611</i>	<i>14,689</i>	<i>16,800</i>	<i>16,333</i>	
<i>Increase in total Assessment</i>	<i>20%</i>			<i>11%</i>	
Operating Assessment	109,008	125,000	125,000	138,000	Set to cover expenses
Assessment Transfer to Replacement Res	0	0	0		
Prior Year Deficit Assessment	4,068	19,000	19,000	4,531	PY deficit est \$500/home
Other Income	0	0	0	0	
Title Company Statement Fees	0	0	0	0	
Interest Income	0	0	0	0	
Total Revenues	113,076	144,000	144,000	142,531	
General & Admin Expenses					Assume 4% Inflation rate
Accounting Tax Return Prep.	480	500	750	800	
Taxes - Federal State & Local	326	339	312	324	
Bank Charge incl Check Stock	745	811	743	773	online pay, wire fees
Insurance Expense	1236	1,335	1,240	1,302	5% increase
Title Statement Prep	0	0	0	0	offset by Title Statement Revenue
Legal Fees	0	0	350	500	
Accounting & Admin (prev Management)	25836	21,000	21,000	21,840	2026 avg \$1820/mo
Office Supplies	533	535	852	886	
Dues, Registration & Website Hosting	232	556	376	391	DORA, periodic report, website
Total G&A Expenses	29,388	25,076	25,623	26,817	
Operations & Maintenance Expenses					Assume 4% Inflation rate
Property Management	4,600	4,388	4,665	4,852	Haus Vail increase hourly to \$85 for 2026
Gate Electricity	599	630	690	718	
Gate Maintenance	400	416	400	3,328	Picasso Prev Maint; paint & stain every
Gate Telecom Comcast	2,711	3,081	3,017	3,138	Picasso cloud, Comcast, camera hostin
General Repairs & Maintenance	2,430	2,397	2,100	2,184	backflow prevention device testing hom
Irrigation System Maintenance	6,712	6,980	9,836	6,500	1000 repairs, testing bckfl prev
Landscape	40,456	35,000	36,876	34,600	2x/mo weeding
Pest Control			6,345	5,400	pest control (split out from landscaping)
Trees Care	4,673	4,860	4,465	4,644	The Ground Up inspection, pruning
Riparian Corridor Maintenance	80	3,322	0	3,322	Bi-annual service, not done in 2025 so i
Lights Common and Seasonal	0	541	541	562	exterior & entrance lights
Road Maintenance Expense	6,700	1,000	3,255	3,385	allowance for road repairs; sealcoat eve
Snow Removal	15,306	13,184	14,711	13,500	\$11,500 per bid + 2000 hauling
Trash Removal	6,457	6,715	7,052	7,334	\$196/qtr/home
Water for Irrigation	7,038	7,307	10,593	7,600	new tier rates, \$25/mo min
Contingency	0	10,000	0	10,000	per Board
Total Operations & Maintenance Exp	98,162	99,822	104,546	111,066	
Total Expenses	127,550	124,898	130,169	137,883	
Revenue Over (Under) Expenses	(14,474)	19,102	13,831	4,648	
Beginning Fund Balance	(3,888)	(18,837)	(18,362)	(4,531)	
add back contingency			0		
Ending Fund Balance	(18,362)	265	(4,531)	117	suggested Fund Bal 25-50% expenses \$23,900 to \$47,900
	=	=	=	=	
Replacement Fund					
Revenues					
Replacement Reserve Assessment	13,500	7,200	7,200	9,000	per replacement reserve LRFP
Transfer from Operating to Replacement	0	0	0	0	
Road Impact/Road Cut Fee					
Interest Income - Reserve	4,118	3,913	3,629	1,213	
Total Revenues	17,618	11,113	10,829	10,213	
Expenses					
Common Areas	0		0		
Driveways	0	0	0	0	
Landscape & Irrigation	4,824	0		0	
Entry Gate	0	0	0	0	
Perimeter Fence Replacement	0	0	0	0	
Road Paving & Overlay	0	0	0	0	
Seasonal / Holiday Lights at Entrance	10,630	0		0	
Total Expenses	15,454	0	0	0	
Revenue Over (Under) Expenses	2,164	11,113	10,829	10,213	
Beginning Fund Balance	108,356	111,804	110,519	121,348	
Ending Fund Balance	110,519	122,917	121,348	131,562	
	=	=	=	=	

No assurance is provided on these financial statements; substantially all disclosures required by GAAP omitted.

One of our most valuable natural resources is our wildlife. Bears, coyotes, mountain lions and other animals roam our neighborhoods looking for food, especially when their natural food supply becomes limited. In order to reduce human/wildlife interaction and protect wildlife from being harmed or destroyed, it is extremely important that we never feed wild animals, either intentionally or through improperly-stored garbage.

In 2007, the county commissioners passed Ordinance 07-001 which prohibits the feeding of wildlife and requires that garbage be kept within a wildlife proof/resistant container or enclosure. The [Eagle County Wildlife Protection and Waste Disposal Ordinance](#) set standards for waste receptacles and requires property owners or occupants in designated neighborhoods to purchase and use proper trash receptacles. The ordinance requires that all trash, residential and commercial, be placed in a wildlife-resistant trash container when not inside a residence or business and prohibits placing these containers out for collection before 6 a.m. on collection day. The trash container must be removed from the collection area by 7 p.m. that evening. We strongly recommended that trash remain inside a garage or other locked structure at all other times.

Please check the questions and answers below for further details concerning the ordinance and its enforcement. If your question is not answered here, contact Code Enforcement for additional information.

▼ **Bear-Proof Trash Containers**

▼ **Where does the ordinance apply?**

Currently, the ordinance applies only to those areas in unincorporated Eagle County listed in Exhibit A of the ordinance. This includes West Vail, Eagle-Vail, Edwards, Beaver Creek, and Lake Creek. Eby Creek and Brush Creek Rd. in Eagle, and the entire Eagle County portion of the Roaring Fork Valley are notably exempt from the ordinance. These areas can be added to the ordinance in the future if necessary.

▼ **What does "certified wildlife-resistant container" mean?**

A compliant container must be certified by the Living With Wildlife Foundation (LWWF) as bear-resistant. The LWWF partners with the Interagency Grizzly Bear Committee to test container designs for effectiveness. The LWWF uses star ratings to indicate the level of resistance. Eagle County's ordinance requires that a container resist a bear attack for ninety minutes, which is equivalent to the LWWF's "3-star" rating.

ECG TV

▼ **Can I make my own "bear-proof" container?**

If you wish to make your own container, it must be certified by the Living With Wildlife Foundation to comply with the ordinance. This entails having your design tested at Yellowstone by the LWWF to verify the level of resistance it can withstand. Bungee cords and similar attempts to keep wildlife out are generally ineffective. If you must keep your trash container outside, the best method of preventing wildlife encounters is to keep food items and attractants out of the container until trash day. Regularly washing out the container with a bleach solution is also recommended.

▼ **Where can I purchase a container?**

Locally, certified containers are available from Vail Honeywagon, Waste Management, and the Vail Valley Ace Hardware. Some products are also available on the Internet. When ordering from an Internet vendor, however, you should verify that the container has been approved by the LWWF.

▼ **Why is an ordinance necessary?**

The ordinance was passed primarily to address the bears that are destroyed each year in Eagle County because they are conditioned to obtain food from residential areas. Whether it prefers bird feeders, grills, or garbage cans, the bear has learned that easy meals await. Adult sows teach this behavior to their cubs, and generations of bears are threatened. The ordinance is intended to break this cycle by preventing future generations of bears from learning that trash is a viable option as a food source. If feeding in residential areas becomes more difficult than feeding in the bear's traditional habitat, bear encounters will decline. Bears that are conditioned to feed on garbage lose their fear of humans and ultimately become dangerous. Please visit the Colorado Parks and Wildlife for more information on living in bear country.

▼ **What are the fines?**

The first citation for a non-compliant container is \$100. A second citation carries a fine of \$200, and a third, \$500. Penalties continue to accrue for each subsequent citation.

▼ **Is there financial assistance available for those that cannot afford a wildlife resistant container?**

▼ **How does the enforcement process work?**

▼ **What do I do if I receive a Notice of Violation?**

▼ **Why do bears eat garbage?**

from Eagle County Website: https://www.eaglecounty.us/bear-proof_trash_containers/index.php

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 29th 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 7th day of June, 2007.

Approved and Adopted upon Third Reading and after Public Hearing on the 19th day of June, 2007.

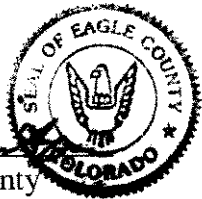
Published after adoption in the Eagle Valley Enterprise on the 7th day of JUNE, 2007.

MOVED, READ AND ADOPTED, by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 19 day of JUNE, 2007.


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

ATTEST:

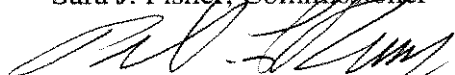

Clerk to the Board of County
Commissioners



by:  , DUTY

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

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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 29th 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 7th day of June, 2007.


Approved and Adopted upon Third Reading and after Public Hearing on the 19th 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 19 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
by: [Signature] [Signature]

By: [Signature]

Arn M. Menconi, Chairman

[Signature]
Sara J. Fisher, Commissioner

[Signature]
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

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