

**BOARD OF DIRECTORS OF THE
CORDILLERA PROPERTY OWNERS ASSOCIATION, INC.
(a Colorado nonprofit corporation)**
And the
CORDILLERA METROPOLITAN DISTRICT

WILDLIFE RESOLUTION # CPJ 05-0228-2

The undersigned, being members of the Board of Directors of the Cordillera Property Owners Association, Inc., a Colorado nonprofit corporation (the "Association") or the Cordillera Metropolitan District, hereby approve and adopt the following Resolution:

RECITALS

WHEREAS, the Bylaws and Declaration of Covenants (the "Declaration") give the Association the power to adopt rules regarding health, safety and welfare of the resident and to enforce such rules by issuing fines; and

WHEREAS, the Boards finds that human refuse provides an abundant yet unhealthy supply of food for wildlife which will support artificially high populations and that the feeding of wildlife within the Cordillera Development and property constitutes a menace to property and to the health, welfare, peace and safety of the citizens of Cordillera; and

WHEREAS, the Boards finds that certain rules and regulations concerning the storing of garbage, feeding of wildlife and other outdoor uses that concern food products is necessary to protect the people and property of the Cordillera community.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CORDILLERA PROPERTY OWNERS ASSOCIATION and the BOARD OF DIRECTORS OF CORDILLERA METROPOLITAN DISTRICT THAT THE FOLLOWING RULES AND REGULATIONS ARE ADOPTED.

1. **Basis and Purpose.** This Resolution is for the health, safety and welfare of the residents of Cordillera and their invitees, guests, visitors and employees, as well as for the wildlife which inhabit the County. Human provided food sources whether intentional or unintentional are a primary cause of conflicts between wildlife and people. Injuries are rare; however wildlife can be dangerous and is capable of inflicting serious injury, damage to personal property or killing humans and pets. Besides running the risk of human injury, often it is the particular wild animal that has to be destroyed because of these conflicts. There are known practices which minimize or prevent these conflicts. When a problem arises and the parties are unwilling to comply with the direction of enforcement officers, the penalty section of this Resolution will come into effect.

2. **Intent.** The intent of this Resolution is to make violators aware of their responsibilities to stop any purposeful or inadvertent feeding of wildlife and the subsequent penalties if such responsibilities are ignored.

3. **Definitions.** As used in this Resolution, the following terms shall have the following meanings:

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

B. ***Resident*** – any person, firm, corporation or organization that is subject to the Declaration of Covenants for Cordillera except for the subdivision known as the Cordillera Valley Club.

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

D. ***Wildlife Proof Container/Dumpster*** – a fully enclosed container constructed to prevent access by wildlife and if stored outdoors, is approved by the Design Review Board (DRB).

E. ***Wildlife Resistant Container/Dumpster*** – a fully enclosed container that can be constructed of pliable materials, but must be reinforced to resist access by wildlife. These containers resist but can not prevent access by wildlife. Such a container is generally portable and to be moved to the curb by owners of property on trash day.

F. ***Wildlife Proof Enclosure*** – a fully enclosed structure consisting of four sides and a roof or cover of sufficient design and construction to prevent access by wildlife. Wildlife Proof Enclosures shall be approved by the Design Review Board (DRB).

4. **Feeding of Wildlife Prohibited.** No resident shall intentionally feed or unintentionally provide food in any manner for wildlife on any property within Cordillera. A resident will be considered to be in violation of this Resolution if they leave or store any refuse or food product in a manner that would tend to be an attraction to wildlife.

5. **Exceptions.** This regulation does not apply to:

A. Any action allowed in Cordillera, that is officially sanctioned by the State of Colorado, that would require feeding, baiting or luring of wildlife.

B. The feeding of wild birds, however any bird food that is sugar, honey, suet or greased based or has other food products that would attract larger wildlife other than birds, chipmunks and squirrels is not allowed.

C. Refuse containers that are not used for food trash. Construction dumpsters used for construction wastes will be excluded; however, only if the actual use is solely for non-food trash. It is the responsibility of the owner to ensure that no food trash is put into any dumpster that is excepted under this regulation.

6. **Resident's Responsibilities.**

A. Residents will be required to perform all necessary actions to remove attractants of wildlife. This includes, but is not limited to:

(i) Pet food shall not be put or stored outside for any time period.

(ii) All barbecue grills shall be cleaned immediately after use or stored inside.

(iii) Wildlife resistant refuse containers must be kept in good condition and be repaired when damaged, kept in an enclosed structure such as the garage at all times, except for roadside trash pickup on the designated day.

(iv) Garage doors shall be kept completely closed when not in use unless a resident is in the immediate vicinity.

(v) Wildlife proof refuse containers must be properly covered and secured, repaired when damaged and if approved by the DRB may be kept outdoors.

(vi) All garbage and trash shall be kept in a wildlife proof container at all times except as may be allowed to be kept in a wildlife resistant container.

(vii) Wildlife resistant containers shall be covered, secured and properly used to contain the garbage.

B. Wildlife refuse containers shall meet the following standards:

(i) ***Refuse Container Design.*** Refuse containers, regardless of size, that receive food wastes shall be either a Wildlife Proof Refuse Container approved by the CDOW (Refuse Haulers will be issued a list of recommended refuse containers created by the CDOW. This list will be kept on record at the Cordillera Administration Building, 408 Carterville Rd., Cordillera), or a wildlife resistant refuse container which is stored within a building, house, garage or approved Wildlife Proof Enclosure. The lid to Wildlife Resistant Enclosures must fit tightly and have a latching mechanism designed to resist animal access.

(ii) ***Dumpster Design.*** Dumpsters, regardless of size, will be of a design that is wildlife proof, with drain holes no greater than one (1) inch in diameter. The door or cover must have a latching mechanism, the sides of the structure must extend to within two (2) 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. Dumpster lids must have a closure mechanism and/or a latching device and be approved by the CDOW, or their designee. All lids must:

- Fully enclose (cover) the dumpster opening;
- Have edges that fit flush (not turned up or bent);
- Have closure mechanisms which will withstand opening by an animal and will remain closed when on their side or upside down;
- Have acceptable latching devices, such as cables, bars and/or handles, and must lock into place with a pin or other mechanism; and
- Be constructed to withstand the weight of a full-grown bear (approximately 450 pounds)

(iii) ***Outdoor Compactor Design.*** Compactors must be wildlife proof. No trash may be exposed and doors must be kept closed except when loading or removing refuse.

(iv) ***Outdoor composting.*** Outdoor composting of food wastes is prohibited.

C. ***Time Limit.*** Refuse for curbside pick-up stored within Wildlife Resistant Refuse Containers shall only be allowed to remain outdoors on the day of trash pickup from (7 a.m. to 7 p.m.). Refuse for curbside pickup stored within Wildlife Proof Refuse Containers or Wildlife Resistant Dumpster Enclosures may remain by the curbside indefinitely.

7. **Violations and Penalties.** Violations and penalties of this Resolution will be handled as set forth below. All fines shall be paid to the Board within twenty (20) days of issuance of the Notice of Violation. Failure to comply with any Warning or Notice of Violation within the designated time frame may be deemed another violation.

A. ***First Violation*** – The first violation will result in a Warning to an alleged offender. The offender will be warned, informed and educated on the proper precautions necessary to prevent the feeding of wildlife and the necessary actions to meet the provisions of this Resolution. The Warning shall include a time schedule for compliance which shall be no longer than seven (7) days from the date of issuance.

B. ***Second Violation*** – The second violation will result in a written Notice of Violation and a fine of **\$100.00**. The Notice of Violation shall contain a time schedule for compliance which shall be no longer than seven (7) days from the date of issuance.

C. ***Subsequent Violations*** – Each subsequent violation will result in a written Notice of Violation and a fine of **\$200.00**. The Notice of Violation shall contain a

time schedule for compliance which shall be no longer than seven (7) days from the date of issuance.

8. **Notice of Violation.** A resident shall be deemed to have been issued an appropriate Notice of Violation if it is personally served upon the resident, posted on the resident's premise, or placed in the U.S. Mail, postage prepaid and addressed to the resident, according to the last known permanent address given by the resident to the Property Owners Association for assessment purposes.

9. **Appeals.** Upon receipt of a written request for a hearing filed within ten (10) days of the issuance of the Citation, the Board shall inform the alleged violator in writing of the date, location and time of the Board's Compliance Meeting at which the appeal shall be heard. Appeals shall be heard at the Board's Compliance Meeting that is scheduled no more than (60) days from the date of the Citation. Failure to timely file a request for hearing shall constitute a complete waiver of hearing.

A. A Twenty-Five Dollar (\$25.00) appeal fee must be paid, along with payment of the fine. The fine and appeal fee will be refunded if the Board finds that the Citation was improperly issued.

10. **Effective Date.** All provisions of this Resolution shall be effective immediately after adoption by the Board.

MOVED, READ AND ADOPTED by the Board of Directors at its regular meeting held on the 28th day of February, 2005, by unanimous vote.

By: _____
President of the Board
Cordillera Property Owners Association

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