

BEAVER CREEK RESORT COMPANY OF COLORADO

REGULATION FOR THE CONTROL OF DOGS

Adopted: June 8, 1982

Repealed and Replaced: June 22, 1983

Revised: April 9, 1993 to be effective May 1, 1993

Revised: August 21, 1996

Revised: March 3, 1998

Revised: August 25, 2011

Repealed and Replaced: November 26, 2016

- 1) **Definitions.** All capitalized terms used herein, unless otherwise defined herein, shall have the meaning as given them in either (i) the Eagle County Dog Regulations, or (ii) the Beaver Creek Governing Documents, as applicable.
 - a) **Animal Control** means the Eagle County Animal Services Department and any other entity or person authorized by Eagle County to enforce the Eagle County Dog Regulations, including the Eagle County Sheriff's Department.
 - b) **Beaver Creek Governing Documents** means the Articles of Incorporation of Beaver Creek Resort Company of Colorado (as amended November 14, 2002), the Bylaws of Beaver Creek Resort Company of Colorado (as amended through February 20, 2013), and the Amended and Restated General Declaration for Beaver Creek Eagle County, Colorado recorded in Eagle County, Colorado December 27, 1979 (as amended through December 9, 2010).
 - c) **Board** means the Board of Directors of the Beaver Creek Resort Company of Colorado.
 - d) **Eagle County Dog Regulations** means Eagle County Resolution No. 2010-126 Concerning the Control, Licensing, Impoundment, and Disposition of Animals, adopted October 12, 2010 by the Eagle County Board of County Commissioners.
 - e) **Exclude/Exclusion** means the permanent banning of a Dog from Beaver Creek.
 - f) **Member** means an Owner or Lessee as defined by the Beaver Creek Governing Documents.
 - g) **Owner** shall have the meaning given in the Eagle County Dog Regulations.
 - h) **Public Safety** means Beaver Creek Public Safety, its officers, or its agents.
 - i) **Regulation** means this Regulation for the Control of Dogs.
 - j) **Victim** means the party targeted by an Attack.
 - k) **Violation** means any violation from the Eagle County Dog Regulations or this Regulation, whether violent in nature or not.
- 2) **Appointment of Animal Control as Agent**
 - a) The Board hereby appoints Animal Control as its agent for the purposes performing the Dog Control Function described in the Beaver Creek Governing Documents and monitoring and enforcing this Regulation.
- 3) **Dogs in Beaver Creek;**
 - a) Members shall comply and shall ensure that their Guests comply at all times with the Eagle County Dog Regulations, which are incorporated herein by reference.
 - b) Members shall comply and shall ensure that their Guests comply with all signs and rules regarding Dogs posted in Beaver Creek.

- c) Members and their Guests shall call Eagle County Animal Control to report any lost Dogs, Violations, or other animal control related matters at 970-328-3647 or 911 in an emergency. After notice to Eagle County, Members or their Guests may call Public Safety to report the same.

4) **Exclusion and Notice**

- a) The Board may Exclude a Dog upon:
 - i) The third (3rd) Attack by a particular Dog if Animal Control determines that the Dog is a Potentially Dangerous Animal; or
 - ii) The sixth (6th) Violation.
- b) Notice shall be given in writing (e-mail acceptable) to Owners after every Violation involving a Dog which states the details of the Violation, the number of Violations in Resort Company's records regarding the Dog in question, and possible consequences for future Violations. Public Safety shall use commercially reasonable efforts to provide notice of any Violation and to track and maintain records of the number of Violations regarding particular Dogs.
- c) The Dog's Owner shall keep the Dog confined from exposure to the public and shall remove the Dog from Beaver Creek within 72 hours of notice of Exclusion, unless the Owner challenges the Exclusion in accordance with section 5 below, in which case the Dog shall remain confined from exposure to the public until such hearing, and removed within 72 hours of a Board decision to Exclude at such hearing.

5) **Petition for Hearing by the Board**

- a) Upon the finding that a Dog is a Potentially Dangerous Animal, a Victim of that particular Dog may deliver a written request for a hearing in front of the Board to Exclude the Dog from Beaver Creek to the Resort Company's Executive Director.
- b) Within 72 hours of the notice of the Board's decision to Exclude a Dog, an Owner may deliver a written request for a hearing in front of the Board challenging the Exclusion to the Resort Company's Executive Director.
- c) The determination by the Board at any such hearing that a Dog is to be Excluded is final.

6) **Disclaimer of Liability and Indemnification**

- a) Neither the Board, its employees nor agents, nor persons authorized herein to enforce the provisions of this Regulation shall be held responsible for any act taken pursuant to this Regulation including, but not limited to, any accident or subsequent disease or injury which may be suffered by a Dog as a result of the administration or implementation of this Regulation.
- b) By bringing a Dog into Beaver Creek or permitting a Guest to bring a Dog, a Member is deemed to indemnify and hold the Resort Company, its directors, officers, employees, agents or other persons authorized to enforce the provisions of this regulation harmless from and against any and all claims, damages, losses, judgments, liens, costs and expenses of every kind and nature (including, without limitation, reasonable attorney's fees) arising out of or related to any personal injury or death or property damage that occurs directly or indirectly from the actions of the Dog.

- 7) **Captions.** The captions and paragraph headings used throughout this Regulation are for the convenience of reference only, and the words contained therein shall in no way be held or deemed to

define, limit, describe, explain, modify, amplify, or add to the interpretation, construction or meaning of any provision to or the scope or intent of this Regulation.

- 8) **Severability**. If any provisions of this Regulation or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of the Regulation, or the application of such provision to parties or circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Regulation shall be deemed valid and be enforced to the fullest extent permitted by law.

- 9) **Repeal of Prior Regulation**. Upon the effective date of this Regulation, the Regulation adopted on June 8, 1982, as repealed and replaced on June 22, 1983, as revised on April 9, 1993, May 1, 1993, August 21, 1996, March 3, 1998 and August 25, 2011 are hereby repealed and replaced.