

**RULES AND REGULATIONS CONCERNING
TRANSIENT VENDORS, HANDBILLS,
AND TRESPASSING**

Adopted 9/11/85
Revised 3/3/98

1. Title. This regulation shall be known as "Anti-Solicitation Regulation."
2. Definitions. For the purpose of this regulation, the following terms shall be construed as herein set forth:
 - 2.1 "Commercial handbill" shall mean any printed or written matter, any sample or device, circular, leaflet pamphlet paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature;
 - a. Which advertises for sale any merchandise, product, commodity or thing or
 - b. Which directs attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
 - c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which a commission fee is charged for the purpose of private gain or profit.
 - 2.2 "Noncommercial handbill" shall mean printed or written matter, any sample, or device, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforementioned definitions of a commercial handbill.
 - 2.3 "Public property" or "public place" shall mean all property owned, operated or controlled by any governmental agency including but not limited to streets, sidewalks, parks, playgrounds, parking lots, schools, libraries, post office, municipal or special district transport facilities and other public lands and buildings.
 - 2.4 "Private property" or "private place" shall mean all property not included in the aforesaid definition of public property including but not limited to vacant land or to any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yards, grounds, walks, driveway, fence, porch, steps, vestibule, mail box and other structure appurtenant thereto.
 - 2.5 "Itinerant merchants" and "transient vendors" mean any person, either as principal or agent, who engages in the business of traveling about carrying with him for sale and selling manufactured goods, wares or merchandise.
 - 2.6 "Peddler," "huckster" or "hawker" means one who travels from place to place carrying his wares with him. A peddler offers for sale, consummates the sale, and delivers the goods or services at one and the same time to the ultimate consumer.

- 2.7 "Solicitor," "canvasser" or "drummer" means one who also travels from place to place but is distinguished from a peddler in that he does not carry his wares with him. A solicitor generally will carry samples and take orders for future delivery of the merchandise.
- 2.8 "Transient or itinerant merchant, seller or vendor" means a person who sells and delivers from a stock in much the same way as a permanent business. However, this type of vendor generally sets up temporary shop in a building, tent or trailer.

3. Transient Vendors.

- 3.1 It is a violation for any solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise or services to go in or upon the private property of any residence within the subdivision without first having been requested or invited to do so by the owner or occupant of the private residence for the purpose of soliciting orders for the sale of goods, wares and merchandise, and peddling or attempting to sell same.
- 3.2 Under no circumstances shall any person conduct any selling or soliciting activity on or in any public street or right-of-way within the subdivision without the expressed written consent of the Resort Company. This section shall not, however, be deemed to prohibit the selling of taxicab or pedicab services on the streets or rights-of-way within the subdivision where such vehicles are permitted to operate by the Rules and Regulations of the Resort Company.

4. Handbills. It is a violation for any person to stick, paint or post any handbill, poster or placard of any description upon any private property within the subdivision without the permission of the owner or the occupant of the property; or for any person to stick, paint or post any handbill, poster or placard upon any post, pole or other premises located upon the public buildings, streets, alleys or sidewalks of the subdivision without the permission of the Resort Company.

- 4.1 Distribution regulated. No person shall throw, distribute, deposit, or place any commercial or noncommercial handbill in or upon any sidewalk, street, public building or structure, public park, school building or ground, alley, utility pole, lamp post, hydrant, bridge, tree, or any other public place within the Resort. However, the provisions of this section shall not be deemed to prohibit the personal delivery of such matter to persons who are willing to accept the same. Nor shall the provisions of this section be deemed to prohibit the posting of handbills on Beaver Creek kiosks which have been provided for such purpose or on any other structures specifically designated by the Resort Company for such purpose.
- 4.2 Placement in/on vehicles. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. However, it shall not be a violation in any public place for a person to hand out or distribute without charge to the receiver thereof a commercial or noncommercial handbill to the occupant of any vehicle who is willing to accept it.
- 4.3 Placement on Private Property. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private property or place if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign, subject to Design Review Board approval, bearing the words no advertising, no trespassing, or any similar notice indicating in any manner that the occupant of said premises does not desire to be molested or to have their right of privacy disturbed or have any such handbills left upon such premises.

- 4.4 Placement in/on inhabited premises -- Exceptions. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private property or place which is inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person present or upon such private premises. However, in case of inhabited private premises which are not posted as provided in this regulation, such person, unless requested by anyone upon the premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, or streets or other public places and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

The provisions of this section shall not apply to a) the distribution of mail by the United States nor to newspapers except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property, and b) official citations and court processes, parking tickets, stop work orders or any other official documents issued by the Resort Company, Beaver Creek Metropolitan District or Eagle County.

- 4.5 Other than approved distribution considered littering. Any distribution, circulation or delivery of commercial or noncommercial handbills by means other than as specified in this ordinance shall be deemed littering and is hereby made a violation.
5. Trespassing. It is a violation for a person to enter upon any property within the subdivision owned or occupied by another without license or privilege to do so, or to remain upon any such property after having been requested to leave by the owner of the property or by any person having charge of the property.
6. Violations - Penalty. Any person that violates a provision of this Regulation and who holds or is required to hold an Annual Business License pursuant to Resort Company regulations shall be subject to a fine by the Resort Company, either directly or through the Resort Company Security Department. Prior to the issuance of any fine, a violator shall be provided with a written warning that states the regulatory provision that is being violated. Upon the first failure of such person to cease or cure a violation immediately, the Resort Company may impose a fine of up to \$250 for each day during which a violation continues. Upon a second or subsequent violation of the same regulation or provision, the Resort Company may impose a fine of up to \$500 for each day during which a violation continues. In addition, upon the third or subsequent violation of the same regulation or provision, the Resort Company may seek an injunction to restrain a person from any further violation of said regulation or provision, such remedy being in addition to all other remedies available at law, equity or otherwise. Any person that violates a provision of this Regulation who is not required to hold an Annual Business License pursuant to Resort Company regulations shall, for a first violation of any provision hereof, be asked to voluntarily cease the violative activity. Upon a refusal to voluntarily cease such activity or upon a second occurrence of such activity, said person shall be escorted from the Resort and shall be instructed not to return to the Resort for the same or similar purposes. Upon a third or subsequent violation, the Resort Company may (i) seek an injunction to restrain said person from any further violation of this Regulation, or (ii) prosecute said person for trespass under applicable law, said remedies being in addition to all other remedies available at law, equity or otherwise.