

BEAVER CREEK RESORT COMPANY OF COLORADO

HORSE DRAWN CARRIAGE REGULATION

Adopted: November 28, 1992

Revised: March 3, 1998

1. Title. This regulation shall be known as "Horse Drawn Carriage Regulation".
2. Purpose. The purpose of this regulation is to regulate the use of horse-drawn carriages within the Beaver Creek Subdivision, Eagle County, Colorado, whether or not for profit, to protect the property, health, welfare, peace and safety of residents, guests, property owners, business operations and employees.

Beaver Creek Resort Company of Colorado has the power to amend this Regulation from time to time, without notice, to ensure adequate coverage of the issues discussed herein and other issues which may hereafter arise.

3. Definitions. As used in this Regulation, the following terms shall have the following meanings:
 - 3.01 "Driver" means any person employed or engaged by or on behalf of an Operator to drive a horse-drawn carriage, and any other person who otherwise drives a horse-drawn carriage.
 - 3.02 "Driver's Permit" means a permit issued by the Resort Company under this Regulation to a Driver, without which a Driver is not authorized to drive a horse-drawn carriage within the Resort.
 - 3.03 "Operator" means any person, firm, partnership, limited liability company, corporation, association or other entity which operates a horse-drawn carriage service or provides horse-drawn carriage transportation, whether or not for profit.
 - 3.04 "Operator's Permit" means a permit issued by the Resort Company under this Regulation to an Operator, without which an Operator is not authorized to operate a horse-drawn carriage service or provide horse-drawn carriage transportation, whether or not for profit, within the Resort.
 - 3.05 "This Regulation" means the Horse-Drawn Carriage Regulation.
 - 3.06 "Resort" means Beaver Creek Subdivision, Eagle County, Colorado.
 - 3.07 "Resort Company" means Beaver Creek Resort Company of Colorado, a Colorado nonprofit corporation.
 - 3.08 "Safety Inspector" means a person or entity, acceptable to the Resort Company, who or which gives instruction in the maintenance and safe operation of horse-drawn carriages. A list of Safety Inspectors is available at the Resort Company's Security Office.
 - 3.09 "Summer Months" means the period commencing June 1 and ending September 30 of each year.

3.10 "Winter Months" means the period commencing November 1 of one year and ending April 30 of the next year.

4. Permits Required. No person shall operate a horse-drawn carriage service or provide horse-drawn carriage transportation, whether or not for profit, within the Resort without a valid Operator's Permit. Similarly, no person shall drive a horse-drawn carriage within the Resort without a valid Driver's Permit.

5. Permit Issuance. Operator's Permits and Driver's Permits shall be issued in accordance with the terms and conditions of this Section 5.

5.01 To obtain an Operator's Permit, an Operator must:

- (a) complete, execute and deliver to the Resort Company an application for an Operator's Permit on such form as may be required by the Resort Company;
- (b) obtain from the Resort Company a valid Business License issued under the Resort Company's Annual Business Licenses regulation;
- (c) deliver to the Resort Company a copy of the policy of insurance that the operator is required to maintain under Section 12 of this Regulation;
- (d) demonstrate to the Resort Company that the Operator's carriages and carriage equipment are in good order and condition;
- (e) demonstrate to the Resort Company that the Operator or one of the Operator's employees can safely drive horse-drawn carriages; and
- (f) provide the Resort Company with any additional information that it may require.

No Operator shall be issued an Operator's Permit unless and until the Operator shall have satisfied each of the foregoing requirements in the Resort Company's sole and absolute judgment. With the issuance of an Operator's Permit, the Resort Company shall issue a Driver's Permit to the Driver who satisfies the requirement described in subparagraph 5.01(e) above and also meets the requirements of paragraph 5.02 below.

5.02 To obtain a Driver's Permit, a Driver must:

- (a) complete, execute and deliver to the Resort Company an application for a Driver's Permit on such form as may be required by the Resort Company;
- (b) demonstrate to the Resort Company that the Driver can safely drive a horse-drawn carriage;
- (c) deliver to the Resort Company evidence that the Driver is (i) at least twenty-one years of age, and (ii) licensed to operate a motor vehicle in the State of Colorado; and
- (d) provide the Resort Company with any additional information that it may require.

No Driver shall be issued a Driver's Permit unless and until the Driver shall have satisfied each of the foregoing requirements in the Resort Company's sole and absolute judgment.

5.03 Operator's Permits shall be issued in such form as the Resort Company may from time to time prescribe and shall set forth the following information:

- (a) the Operator's name and business address;
- (b) the period for which the Operator's Permit is issued;
- (c) a statement that the Operator's Permit is not transferable in any manner;
- (d) a statement that the Operator's Permit is subject to the provisions of this Regulation; and
- (e) any additional information that the Resort Company may from time to time require.

5.04 Driver's Permits shall be issued in such form as the Resort Company may from time to time prescribe and shall set forth the following information:

- (a) the Driver's name and home address;
- (b) the period for which the Driver's Permit is issued;
- (c) a statement that the Driver's Permit is not transferrable in any manner;
- (d) a statement that the Driver's Permit is subject to the provisions of this Regulation; and
- (e) any additional information that the Resort Company may from time to time require.

6. Safety Courses and Testing.

6.01 To satisfy the requirements set forth in subparagraph 5.01(e) and 5.02(b) above, a Driver must either:

- (a) deliver to the Resort Company written verification of successful completion of a horse-drawn carriage safety course, signed by a Safety Inspector and stating that the Driver has sufficient knowledge of horses, carriages and the care, maintenance and handling of the combination, to safely drive and operate horse-drawn carriages; or
- (b) take and pass a horse-drawn carriage safety test administered by the Resort Company or a Safety Inspector in which the Driver shall be required to demonstrate the ability to (i) control horses; (ii) harness a horse properly; (iii) hitch a horse to a carriage properly; (iv) maintain a prolonged stop with a horse-drawn carriage; (v) maneuver a horse-drawn carriage safely through a variety of

turns and patterns, including a figure eight; and (vi) maintain proper control over a horse-drawn carriage, and maneuver a horse-drawn carriage safely, under stressful conditions such as large crowds and loud noises.

6.02 The Resort Company reserves the right to inspect any horse-drawn carriage or test any Driver at any time. Refusal to consent to any such inspection or test shall result in the immediate revocation of the Operator's Permit and the Driver's Permit.

7. Term, Renewal and Transferability of Permits.

7.01 Each Operator's Permit and Driver's Permit issued under this Regulation shall be valid for a period of twelve months after the date of issuance, unless sooner revoked or suspended by the Resort Company.

7.02 Operators and Drivers may request renewals of their permits in the same manner as the originally applied for their permits, provided, however, that they need not satisfy the requirements of subparagraph 5.01(e) and 5.02(b) above in connection with such renewals unless they have had their permits revoked or suspended during the preceding twelve-month period.

7.03 Operator's Permits and Driver's Permits issued hereunder are not transferable in any manner.

8. Operators' Obligations.

8.01 Operators shall at all times:

- (a) comply with, and ensure that all of their Drivers comply with, all applicable provisions of (i) the Amended and Restated General Declaration for the Resort; (ii) all Supplemental Declarations for the Resort; (iii) all provisions of this Regulation; (iv) all other rules and regulations for the Resort adopted by the Resort Company and (v) the Beaver Creek Internal Road Regulations as adopted by the Beaver Creek Metropolitan District;
- (b) pay any and all assessment due from the Operators to the Resort Company under the Amended and Restated General Declaration and all Supplemental Declarations for the Resort, including but not limited to any and all civic assessments, common assessments and recreational assessments, as and when the same become due and payable;
- (c) comply with, and ensure that all of their Drivers comply with, all federal, state and local laws, regulations, ordinances and codes applicable to the operation of horse-drawn carriages;
- (d) properly care for their horses and maintain their carriages and carriage equipment in good order, condition and repair; and
- (e) be responsible for all acts and omissions of all of their Drivers with respect to the operation of their horse-drawn carriages.

- 8.02 An Operator shall immediately notify the Resort Company in writing of:
- (a) any change in the Operator's business address;
 - (b) any permanent addition or deletion of a carriage from the Operator's operations;
 - (c) any accident within the Resort involving any of the Operator's horses or carriages; and
 - (d) any injury to persons or damage to property within the Resort involving any of the Operator's horses or carriages.
- 8.03 With each application for a renewal of its Operator's Permit, and on or before the date that is 180 days following the original issuance or any renewal of its Operator's Permit, an Operator shall deliver to the Resort Company a written verification, signed by a Safety Inspector, that states that the Safety Inspector has inspected all of the Operator's carriages and carriage equipment and that the carriages and carriage equipment are in good condition, order and repair.

9. Operation of Horse-Drawn Carriages.

- 9.01 Each horse-drawn carriage operated within the Resort shall conspicuously display a copy of the Operator's Permit issued to the Operator of such carriage.
- 9.02 Drivers shall carry their Driver's Permit whenever they drive carriages within the Resort.
- 9.03 Carriages shall be maintained in good condition, order and repair at all times. No carriage shall be driven or operated at the Resort unless it is in good condition, order and repair.
- 9.04 When driving horse-drawn carriages within the Resort, Driver shall not engage in any practice, or allow any condition to exist, which might endanger the safety of any person or pose a hazard to any property.
- 9.05 No horses or carriages shall be driven, parked or stabled on any private property within the Resort without the express prior consent of the owner of such Property.
- 9.06 Carriage horses shall be equipped with neck ropes and halters and, when carriages are stopped, Drivers shall maintain control of the neck ropes and halters. Bridle ties shall not be used.
- 9.07 Neither horses nor carriages shall be left unattended at any time.
- 9.08 Bridles shall not be removed from horses while horses are hitched to carriages.
- 9.09 No horse-drawn carriage shall be operated at the Resort without (i) a throat latch; (ii) blinders; (iii) nose banks; (iv) birchen; (v) buckle safes or keepers behind all buckles; (vi) a whip; (vii) a round collar or breast collar style harness with buckles, not snaps, on

harness ends; (viii) a kickstrap; (ix) diapers; (x) a sharp knife; (xi) front and rear red vehicle lights, which shall be powered to provide sufficient illumination to be seen at a distance of no less than 500 feet; (xii) a reflective triangular slow-moving vehicle symbol on the rear within full view of approaching traffic; (xiii) a carriage brake; and (xiv) a bell, horn or other sounding device.

- 9.10 Carriage horses shall not work more than ten hours in any twenty-four-hour period.
- 9.11 Carriage horses shall not be driven at a pace faster than a trot.
- 9.12 Drivers shall obey all traffic signs and regulations.
- 9.13 Drivers shall immediately pick-up and properly dispose of any horse manure that falls from their horses' diapers.
- 9.14 Notwithstanding paragraph 9.13, an Operator shall, upon written request, reimburse the Resort Company for any and all expenses incurred as a result of a driver's failure to comply with paragraph 9.13.

10. Designated Hours and Areas of Operation.

- 10.01 During the Summer Months, horse-drawn carriages operations may be conducted between the hours of 8:00 a.m. to 12:00 midnight on Beaver Creek Drive, Offerson Road, Avondale Lane, Elk Tract Road and that portion of Village Road located south of the intersection of Village Road and Offerson Road.
- 10.02 During the Winter Months, horse-drawn carriages operations may be conducted between the hours of 8:00 a.m. to 12:00 midnight on Beaver Creek Drive, Offerson Road, Avondale Lane, Elk Tract Road and that portion of Village Road located south of the intersection of Village Road and Offerson Road and the Beaver Creek Golf Course.
- 10.03 No carriage operations will be allowed between the hours of 12:00 midnight and 8:00 a.m.
- 10.04 No carriage operations shall be conducted on any roads, streets, or other areas not specifically referred to in paragraphs 10.01 and 10.02 above without the Resort Company's prior written consent. In addition, no carriage operations shall be conducted

upon, across, or through (a) the Beaver Creek Mall, a/k/a the Beaver Creek Plaza, or (b) the Village Road bike path at any time. During the Summer Months, no carriage operations shall be conducted upon, across, or through the Beaver Creek Golf Course.

10.5 All carriage operations shall cease at any time when weather conditions become such that safe operations can not be maintained.

11. Responsibility and Indemnification.

11.1 Each Operator shall be responsible for the violation of any provision of this Regulation by any of the Operator's Drivers or other employees.

11.2 The holder of any permit issued under this Regulation shall and, by submitting an application to the Resort Company for a Horse-Drawn Carriage Operator's Permit each Operator agrees to indemnify, defend and hold harmless the Resort Company, its officers, agents and employees from and against any and all claims, actions, demands, judgements, costs and expenses of any kind or nature, asserted against or incurred by any such indemnitee, which arise out of or are in any way connected with the driving or operation of a horse-drawn carriage at the Resort by such permit holder.

12. Insurance Requirements.

12.01 No Operator's Permit shall be issued or remain in effect unless the Operator, at the Operator's expense and without cost to the Resort Company, shall procure, maintain in force, and on file with the Resort Company, a general liability policy that (i) covers bodily injury, including death, in the amount of \$500,000.00 for any one person and in the amount of \$500,000.00 for two or more persons in any one accident, (ii) covers injury to or destruction of property of others in the amount of \$200,000.00 for any one accident; (iii) names the Resort Company as an additional insured; and (iv) provides that there shall be no termination or material change in the coverage provided thereby without thirty days' prior written notice to the Resort Company.

12.02 Such insurance coverage constitutes a minimum requirement and shall in no way be deemed to limit or lessen the liability of an Operator.

13. Violations. If an Operator or any of the Operator's Drivers shall violate any provision of this Regulation, the Resort Company may, in its discretion:

13.1 impose a fine or fines on the Operator or the Driver, or both, in an amount not to exceed \$250.00, in the aggregate, for any one violation;

13.2 suspend the Operator's Operator's Permit or the Driver's Driver's Permit; or

13.3 revoke the Operator's Operator's Permit or the Driver's Driver's Permit.

Any Operator or Driver may have the decision of the Resort Company with respect to any fine, suspension or revocation imposed by the Resort Company, reviewed by the Resort Company's board of directors, by delivering written notice to the Resort Company's administrator at Beaver Creek Resort Company, P.O. Box 5390, Avon, Colorado 81620, Attention: Administrator, within

thirty days following the date on which the fine, suspension or revocation was imposed. The Resort Company's board of directors shall review such decision within one hundred twenty days following its receipt of such notice.

**APPLICATION
HORSE-DRAWN CARRIAGE OPERATOR'S PERMIT**

Renewal (#_____)_____

New_____

Date of Application:_____

1. Name of Business: _____

2. Names of Principals: _____

3. Address: a. Business: _____

City: _____ State: _____ Zip: _____

b. Principals: _____

City: _____ State: _____ Zip: _____

4. Telephone Number: a. Business: _____ b. Principals: _____

5. Ownership of Business: a. Corporation _____ b. Partnership _____

c. Other (Explain) _____

6. Colorado State Employer Identification Number: _____

or, if self-employed, Social Security Number: _____

7. General Description and type of Carriage: _____

8. Description of Horses: _____

9. Where are horses stabled: _____

The undersigned hereby applies for a Permit to operate a horse drawn carriage in the Beaver Creek Resort, as required by Beaver Creek Resort Company's regulations entitled "Horse Drawn Carriage Regulation", a copy of which has been received by the Applicant. Applicant hereby certifies to the Resort Company and agrees as follows:

1. It has reviewed (a) the Amended and Restated General Declaration of Beaver Creek, (b) the related Supplemental Declarations, and (c) the Articles of Incorporation, Bylaws, and Rules and Regulations of Beaver Creek Resort Company, including but not limited to the Horse-Drawn Carriage Regulation, all as presently in effect; and it will comply with all of the provisions thereof;
2. Without limiting the generality of the foregoing, Applicant (a) will pay when due, all assessments due to Beaver Creek Resort Company, including but not limited to the Common Assessment, Civic Assessment, and/or Recreation Assessment; (b) will timely file all required reports in connection with any such Assessments; and (c) will comply with all Regulations regarding the operation of a Horse-Drawn Carriage (a copy of which Applicant has reviewed):
3. Applicant will at all times comply with all laws and regulations applicable to its operation;
4. Applicant will avoid any illegal, dangerous or harmful practices or conditions which are detrimental to the property of others or to the general health, welfare, peace or safety of residents, guests, property owners, business operations and employees at Beaver Creek7 Resort;
5. Applicant will refrain from carriage operations in the Beaver Creek Subdivision during any period when its Permit is revoked or suspended, or weather conditions are such that safe operations can not be maintained;
6. Applicant will provide such information and documentation, and such investigation of and inspection of its carriage, horses or operation thereof as Beaver Creek7 Resort Company may from time to time reasonably request;
7. Applicant recognizes that "Beaver Creek" is a registered servicemark of Vail Associates, Inc., and it will not use the name "Beaver Creek" or any derivative thereof without having first obtained a license for such use from Vail Associates, Inc.; and
8. Applicant understands (a) that the roads within the Beaver Creek7 Resort are limited access roads, (b) that it must comply with all of the rules and regulations applicable to the use of such roads, and (c) that it may be prohibited from using such roads if it fails to comply with such rules and regulations.

IN WITNESS WHEREOF, Applicant hereby signs this application as of the date first above written.

Applicant

Application received this _____ day of _____, 199__.

Beaver Creek Resort Company of Colorado