

**RESOLUTION OF  
THE BOARD OF DIRECTORS OF  
HEADWATERS METROPOLITAN DISTRICT  
REGARDING UNAUTHORIZED PLACEMENT OF DUMPSTERS ON  
PUBLIC PROPERTY OR IN THE PUBLIC RIGHT OF WAY**

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WHEREAS, pursuant to an order of the District Court of Grand County, Colorado, Headwaters Metropolitan District (the "District") was duly and validly organized as a quasi-municipal corporation and political subdivision of the State of Colorado, in accordance with the provisions of Article 1, Title 32, Colorado Revised Statutes; and

WHEREAS, the District was organized for the purpose of providing certain improvements, facilities and services to and for the use and benefit of the District, its residents, users, property owners and the public; and

WHEREAS, pursuant to § 32-1-1001(1)(m), C.R.S., the District has the power to adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and the special district; and

WHEREAS, in order to provide for the health, safety, and welfare of the residents, property owners, and the public, the board of directors of the District (the "Board") desires to set forth the policy of the District regarding unauthorized placement of dumpsters on public property or in the public right-of-way as said encroachments may be a barrier to safety and open access to residents, property owners, the public, and district personnel.

NOW, THEREFORE, be it resolved by the Board of Directors of Headwaters Metropolitan District as follows:

1. DEFINITIONS. For the purpose of this resolution, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) "Dumpster" is any dump box, roll-off box, or any other portable container commonly referred to as a dumpster used or designed for the collection, storage, or disposal of refuse, waste, building materials or other debris.

2. DUMPSTERS PROHIBITED. The placement of Dumpsters within or upon a street, sidewalk, public property, or public rights-of-way is prohibited. All dumpsters shall be located entirely upon private property outside of streets, public property, sidewalks, or public rights-of-way.

3. REMOVAL OF DUMPSTER IN VIOLATION OF RESOLUTION. The District may summarily remove any such Dumpster located or placed in violation of this resolution, without notice to the owner or operator, and store said dumpster in any appropriate place.

4. COST AND EXPENSE OF REMOVAL. All necessary costs and expenses of towing, removing, and storing such Dumpster shall be first paid to the District by the person claiming the Dumpster prior to release.

5. DAMAGE TO DUMPSTER. The District shall not be responsible for any damage to any Dumpster removed in accordance with the provisions of this Resolution.

6. HARDSHIP. The District may, upon written application by a property owner or agent of the property owner, allow the placement of a Dumpster upon or within a street, sidewalk, public property, or public right-of-way if the particular physical surroundings, shape, or topographical conditions unique to the property do not reasonably allow for placement of a Dumpster upon private property, creating a hardship to the property owner. The District shall be entitled to make an inspection of the property to determine if it is necessary (not just convenient) to locate the Dumpster upon or within a street, sidewalk, public property, or public right-of-way.

7. PERMIT REQUIRED. Upon the finding of a hardship, the District may, in its sole discretion, issue a written permit, in the form attached as Exhibit A, specifying the location of the placement of the Dumpster and the length of time the Dumpster may remain in that location. The responsibility for obtaining a permit shall be the sole responsibility of the property owner or his/her agent.

8. PERMIT FEE. In the event a permit is granted, the District shall charge and collect a fee of \$150.00, payable prior to the issuance of the permit.

9. SAFETY REQUIREMENTS. A permittee shall comply with all safety and warning requirements as imposed by the District in connection with the permit.

10. PERMITS PROHIBITED. No permit shall be issued during winter snowplowing season (approximately October 15 – May 1) that may inhibit any snowplowing operations of the District.

11. EFFECTIVE DATE. The provisions of this resolution shall take effect immediately. All Dumpsters currently placed that violate the provisions of this resolution shall be removed within thirty (30) days from the date of this resolution.

*[Signature page follows]*

*[Signature Page to Resolution of the Board of Directors of Headwaters Metropolitan District  
Regarding Unauthorized Placement of Dumpsters on Public Property or in the Public Right Of Way]*

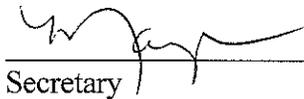
**RESOLVED AND ADOPTED** this 21<sup>st</sup> day of May, 2008.

**HEADWATERS METROPOLITAN  
DISTRICT**, a quasi-municipal corporation and  
political subdivision of the State of Colorado



\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary

**EXHIBIT A**  
**Permit**

[See attached page]

# HEADWATERS METROPOLITAN DISTRICT

c/o Robertson and Marchetti, P.C.  
28 Second Street, Ste. 213, P.O. Box 600  
970.926.6060 / FAX 970.926.6040

## DUMPSTER PERMIT APPLICATION

PERMIT NO. \_\_\_\_\_

Owner/Agent Name:		Date:	
Address:		Description of Proposed Use:	
Location of Premises:		Phone:	
Date of Placement:		Date of Removal:	
Size and Placement of Dumpster: (Provide a detailed location of buildings and location of dumpster)			

### TERMS AND CONDITIONS

1. All dumpsters must be illuminated with a warning light, light reflector, or a reflectorized material visible to oncoming vehicles for a distance of not less than three hundred (300') feet between the hours of sunset and sunrise.
2. Dumpsters placed where there are curbs and sidewalks must not protrude more than 8 feet into the street from the edge of the pavement with no encroachment into the sidewalk area. On street segments without curbs and sidewalks, dumpsters may not be placed where the vehicular travel width would be restricted. In no case will dumpsters be allowed on a street where they would protrude out to the traveled way.
3. Dumpsters may not be placed within 100' of the approach to a stop sign, traffic signal, traffic flasher, curve warning sign or pedestrian crosswalk.
4. Dumpsters will not be allowed on streets without sidewalks, unless adequate provision is made for pedestrians to go around the dumpster off the street.
5. Dumpsters may not be placed in a "no parking" or a "no stopping" zone.
6. No dumpsters shall be placed in any street, restricting the flow of traffic, unless indicated on the special provisions on the Permit and a twelve (12) foot lane shall be maintained for emergency vehicles.
7. Any dumpster placed on public right of way must have the name, telephone number and address of the owner of the dumpster prominently displayed on at least two sides.
8. Dumpsters may be placed for a maximum of 120 days (between May 15<sup>th</sup> and October 15<sup>th</sup>) or by special approval of Headwaters Metropolitan District Board of Directors or their designee.
9. Proof of Insurance must be provided to the District before a permit will be issued.
10. Applicant shall be responsible for any illicit/pollutant discharge from the dumpster.
11. Wood planking or plywood is required to be placed under the wheels or "feet" of the dumpster.
12. Any damage to the street, curb or sidewalk, or public property as a result of the dumpster placement is the responsibility of the applicant and shall be repaired within ten (10) days. If not repaired within ten (10) days, the District may make said repairs and bill the applicant signing this permit.

*I hereby certify I am the owner or authorized agent of the above-mentioned property listed for placement of a dumpster, I have read, have understood, and will comply with, and said dumpster will be placed in accordance with, this application and with all applicable rules and regulations of the Headwaters Metropolitan District, and that all information provided in connection with this permit application is true.*

Applicant Signature \_\_\_\_\_

For Internal Office Use:	
Date Permit Issued:	Amount paid: \$ _____
Special Provisions:	Permit Issued By: _____