

RULES AND REGULATIONS REGARDING THE IMPLEMENTATION OF A NOXIOUS WEED CONTROL PROGRAM IN THE ALPINE MEADOWS PROPERTY OWNERS ASSOCIATION

Article 13 of the Alpine Meadows Property Owners Declaration of Covenants states as follows:

"13. **NOXIOUS WEED CONTROL.** Noxious weed control is required by Gunnison County, Colorado. It is important all land within the Subdivision is controlled for noxious weeds so that the potential for dissemination of noxious weeds within the Subdivision is mitigated. Owners are required to perform noxious weed control on their respective lots. The Association shall perform noxious weed control on community property. Upon an owner's request or in the absence of an owner performing noxious weed control on his or her lot, the Association is authorized to perform such noxious weed control, which expense therefore shall be paid by the owner. In the event the Association performs weed control for all lots and community property, the Board shall determine and implement the weed control program, despite any Member objections thereto, such cost shall be included in the annual common expense budget and allocated among lot owners pursuant to this Amended and Restated Declaration. The Board may promulgate rules and regulations regarding noxious weed control in its discretion."

Consistent with the above, the Board has adopted the following rules and regulations regarding noxious and invasive weed control:

Background

- The control of noxious weeds is a requirement by law of every homeowner and landowner in unincorporated lands in Gunnison County.
- The Alpine Meadows Property Owners Association has determined that having a program to control noxious weeds for the lands within our subdivision is not only a matter of the law; it is also a priority.
- In 2017, the Association authorized the Board to manage the weed control and spraying program for the HOA.
- An effective program requires all lands (i.e. all lots and the common areas) be subject to an effective weed control program. Any land not treated for noxious weeds increases the risk of noxious weeds spreading to other lands, rendering ineffective the resources spent to control noxious weeds.
- Various invasive species of noxious weeds exist in Alpine Meadows, including but not limited to: bindweed, toadflax, chamomile, oxeye daisies, and thistle.

Weeds Rules and Regulations

To facilitate the implementation of the above in a manner that is effective with regard to program success, cost, and fairness, the Board establishes the following rules and regulations that will govern the implementation of the Association's Noxious Weed Control Program:

- The Board shall each year determine a Noxious Weed Control Program ("Program") to apply across all lots and the common areas of the Association.

- Based on the advice of experienced professionals knowledgeable in the science of noxious weed control, such as the Gunnison County Weed Program Coordinator and licensed professionals who perform weed control programs in the area, the Board will determine the Program that best meets the objectives within the Association.
- At present (Spring, 2018), the Program agreed by the Board shall include the following:
 - The Board's Program shall primarily consist of spraying herbicides. Note that an intensive manual effort to eradicate invasive weeds is impossible, and is not nearly as effective as a targeted program of spraying with herbicides. Nonetheless, individual homeowners are encouraged to pull up and dispose their chamomile daisies, due to the fact that herbicidal spraying occurs too late in the summer to prevent the chamomile going to seed. Foxtail grass growing along the road is best pulled or dug up and disposed of when it appears before it goes to seed.
 - The Board prefers to engage the use of companies or individuals who are licensed and accredited to spray for weeds. However, recognizing that licensed weed sprayers can be in short supply and may not be available to render their services to the Association, the Board may also engage non-licensed but experienced weed sprayers.
 - Herbicides are by definition chemical based. The herbicides our sprayers use are registered for use by the EPA, are determined to be effective in controlling the categories of noxious weeds found in our neighborhood, and carry only a "Caution" label (the least precautionary label they use). Further, these herbicides will be applied by spot treatment.
 - The cost of the Program will be subject to a budget as determined annually.
 - The Program, including spraying of the designated herbicides, will be applied to all lots and all common areas of the Association, as the budget permits. All Members shall permit the implementation of the Program on their lots, except as noted below.
 - The Board will advise Members six weeks in advance as to the herbicides that will be used in the Program.
 - Any Member may request that an alternative herbicide, or an alternative method, be used, subject to the following conditions:
 - They must identify the alternative herbicide they wish to use (or the alternative program they wish to implement) and provide evidence and certification by a licensed weed control specialist or by the Gunnison County Weed Program Coordinator (currently Jon Mugglestone) that it is effective in the control of the relevant noxious weeds
 - The alternative herbicide/program must be communicated to the Board within two weeks of the Board advising Members of the Program.
 - If the Board agrees with the evidence provided, then the Vendor chosen by the Board will on a best efforts basis, try to secure that herbicide for application on the Member's lot.
 - The cost associated with securing the special application of a substitute herbicide/alternative program will be billed to the individual member requesting such exception
 - If the Vendor cannot secure the alternative herbicide or cannot conduct the alternative program in the time it can allocate to the Association, the Board will instruct the Vendor to proceed with the original Program as identified by the Board.
 - If a Member obstructs the spraying for weeds and/or fails to have an effective weed control program (as determined by a licensed professional) implemented on their lot, the Board has the authority to report such failure to implement a noxious weed

control program on said lot to the Gunnison County authorities, which may make them subject to certain procedures for enforcement.

APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS ON May 7, 2018.



Gerald Clark, President, Alpine Meadows Property Owners Association

REFERENCES/Comments:

Noxious Weed Management Pocket Guide for Gunnison County
(Do Google Search)

List of Noxious Weed Species in Colorado/Gunnison County:

<https://www.colorado.gov/agconservation/noxious-weed-species>

Gunnison County Weed Management Homepage:

<http://www.gunnisoncounty.org/171/Weed-Management>

Gunnison County Weed Management Plan:

(Access from link on Gunnison County Weed Management Homepage)

Gunnison County Weed Management 2016 Annual Report

(Access from link on Gunnison County Weed Management Homepage)

Noxious Weed Management: A Proposed Plan for the Town of Crested Butte:

(Do Google Search)

Herbicides used in spraying program (2017/18) in Alpine Meadows:

By John Scott: Milestone and Telar

By Jim Barry: Milestone, Telar and infrequently Tordon and Coolpower

NOTE: Gunnison County responsible for spraying along the county roads, including Nicholson Lake Ridge Road.

A list of weed control contractors who work in our area:

John Scott - Scott Resource Management Services: (970) 901.8498

Jim Barry - J. Dot Weed Control: (970) 641.3398

John Pickering - Weed Busters: (970) 216.5090

Weed Control Coordinators at Gunnison County:

Jon Mugglestone and Brad Wiggington

