

TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 6
Series 2007

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING CHAPTER 9 OF THE CODE OF THE TOWN OF MT. CRESTED BUTTE REGARDING GARBAGE, REFUSE, AND RECYCLING, TO REQUIRE WILDLIFE-RESISTANT WASTE CONTAINERS OR ENCLOSURES, AND AMENDING CHAPTER 15 OF THE CODE OF THE TOWN OF MT. CRESTED BUTTE REGARDING GENERAL OFFENSES PROHIBITING THE FEEDING OF WILDLIFE AND ESTABLISHING A PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, ordinary household and commercial garbage and trash provides an abundant yet unhealthy supply of food for wildlife, which supports artificially high populations, which in turn places strain on the supply of naturally-occurring wildlife foods; and

WHEREAS, the availability of an unnatural food supply leads to additional human-wildlife conflicts, including bear-human conflicts; and

WHEREAS, reported conflicts between wildlife and humans, especially bears and humans, have dramatically increased; and

WHEREAS, maintaining a sustainable wildlife population in the Town of Mt. Crested Butte area depends on minimizing human conflicts with wildlife; and

WHEREAS, the passage and enforcement of regulations regarding the feeding of wildlife and the proper storage of garbage and trash has been shown to reduce conflicts between humans and wildlife;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, THAT:

Section 1. The purpose of this ordinance is to protect and maintain wildlife in the Town of Mt. Crested Butte and the surrounding area, and to minimize the risk of dangerous interactions between humans and wildlife.

Section 2. Chapter 9, Garbage, Refuse, and Recycling, Section 9-1, Definitions, of the Code of the Town of Mt. Crested Butte, is hereby amended to add the following definitions thereto:

"*Special Event*" shall mean a large outdoor gathering, such as a concert, conference, or festival.

"*Wildlife*" shall mean any non-domestic mammal indigenous to the Town of Mt. Crested Butte area, including but not limited to black bear, mule deer, elk, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine, and fox.

"*Wildlife Resistant Container*" shall mean a fully enclosed container with a lid or door. The lid or door must have a latching mechanism which prevents access to the contents by wildlife. Wildlife resistant containers must be approved by the Town Manager or his/her designee.

"*Wildlife Resistant Dumpster Enclosure*" shall mean a fully enclosed structure consisting of four sides and a roof, with one side accommodating a door. The sides of the structure must extend to the ground, and the door cannot have more than a two-inch gap along the bottom. The door must have a latching device of sufficient design and strength to prevent access by wildlife. Ventilation openings shall be kept to a minimum and must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access by wildlife. Wildlife resistant dumpster enclosures must be approved by the Town Manager or his/her designee.

Section 3. Chapter 9, Garbage, Refuse, and Recycling, of the Code of the Town of Mt. Crested Butte, is hereby amended to add the following sections thereto:

Sec. 9-15. Wildlife Resistant Containers or Enclosures Required.

All waste containers, regardless of size, that receive waste edible by wildlife shall be either an approved wildlife resistant container or such container shall be stored within a building, house, garage, or approved wildlife resistant dumpster enclosure.

Sec. 9-16. Operation and Maintenance of Wildlife Resistant Containers and Enclosures.

A. Wildlife resistant containers and wildlife resistant dumpster enclosures must be kept closed and secured when waste is not being deposited therein.

- B. If a wildlife resistant container or wildlife resistant dumpster enclosure is damaged, allowing access by wildlife, repairs must be made thereto within five days.

Sec. 9-17. Placement of Waste Containers at Curbside.

All residence structure waste placed at curbside for curbside collection shall be placed at the curb no earlier than 5:30 a.m. on the day of pick up. After pick up, any non-wildlife resistant container must be resecured inside the building, house, garage, or approved wildlife resistant dumpster enclosure by 6:00 p.m. of the day of pick up.

Sec. 9-18. Special Event Refuse Disposal.

Special event sites shall be kept free from the accumulation of waste edible by wildlife. Waste must be collected from the grounds of the special event at the close of each day's activities and shall be deposited in an approved wildlife resistant container or within an approved wildlife resistant dumpster enclosure, or be removed to an appropriate disposal site.

Sec. 9-19. Construction Site Waste Disposal.

All construction sites must have a designated container that receives waste edible by wildlife. This container shall be either an approved wildlife resistant container or a container that is emptied at the end of each work day and then securely stored inside a trailer or building or approved wildlife resistant dumpster enclosure.

Section 4. Chapter 15, Offenses, of the Code of the Town of Mt. Crested Butte, is hereby amended by the addition of an Article IX, Offenses Relating to Wildlife, to read as follows:

Article IX

Offenses Relating to Wildlife

Sec. 15-120. Feeding of Wildlife Prohibited.

A. It is unlawful for any person to feed or provide food in any manner for wildlife on public or private property within the Town of Mt. Crested Butte.

A person will be considered to be in violation of this section if he leaves or stores any waste edible by wildlife in violation of the provisions of Chapter 9 of this Code. For purposes of this section, the term "wildlife" shall have the meaning attributed to it in Chapter 9, Section 9-1, of this Code.

B. This section shall not apply to:

- (1) Any individual, company, or corporation that is duly licensed by the State of Colorado or otherwise entitled under law to possess a wildlife species;
- (2) Any action that is officially sanctioned by the State of Colorado that would require feeding, baiting, or luring of wildlife.

Sec. 15-21. Prohibited Acts Concerning Bird Feeders.

It is unlawful for any person to erect and maintain any bird feeder not suspended on a cable or other device so that it is inaccessible to wildlife or to allow the area below such bird feeder to accumulate bird feed which attracts wildlife. For

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purposes of this section, the term "wild-
life" shall have the meaning set forth in
Chapter 9, Section 9-1, of this Code.

Section 5. Penalty. Upon conviction of any person of a violation of any of the provisions of this ordinance, such person shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Each day any violation of any provision of this ordinance shall continue shall constitute a separate offense.

Section 6. Time Period for Compliance. The requirements of this ordinance regarding wildlife resistant containers and wildlife resistant dumpster enclosures shall be complied with within a period of sixty (60) days from the effective date of this ordinance. Upon application to the Town Manager and a showing of hardship by any person affected by these requirements, the Town Manager may grant an extension for a reasonable period of time within which to comply with the applicable requirements.

Section 7. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause, or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held this 15th day of May, 2007.

PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 19th day of June, 2007.

TOWN OF MT. CRESTED BUTTE,
COLORADO

By _____
Christopher Morgan, Mayor

ATTEST:

Donna Arwood, Town Clerk