

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PITKIN
COUNTY, COLORADO, ESTABLISHING REGULATIONS AND STANDARDS
REGARDING THE PROTECTION OF WILDLIFE**

Ordinance # 010 - 2001

1. In 1998 and 1999, respectively, the Town of Snowmass Village and the City of Aspen passed ordinances amending their municipal codes concerning wildlife protection and the use of wildlife proof containers.

2. In response to the citizens of Pitkin County, the Pitkin County Wildlife Biologist, the Pitkin County Animal Safety Officer, the Colorado Division of Wildlife and the Pitkin County Sheriff's Office, the Board of County Commissioners (the "Board) wishes to adopt new regulations and standards requiring the utilization of wildlife proof refuse containers, wildlife proof dumpster enclosures and the proper storage of food or refuse edible by bears or wildlife.

3. The Board finds that regulations and standards requiring the utilization of wildlife proof refuse containers, wildlife proof dumpster enclosures and the proper storage of food or refuse edible by bears or wildlife, are necessary to enhance public safety and protect the health and welfare of bears and other wildlife.

4. The Board finds that this problem occurs throughout all of Pitkin County during the spring, summer, fall and early winter, and has therefore determined that as of April 15, 2001, this ordinance will be effective in all areas of Pitkin County, all year round.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Pitkin County, Colorado, that it hereby authorizes the adoption of the following regulations and standards:

DEFINITIONS

Wildlife – any animal, including but not limited to dogs, cats, skunks, squirrels, black bears, raccoons, coyotes, bobcats and foxes.

Wildlife Proof Refuse Container (WPRC) - a fully enclosed container with a lid which is inaccessible to wildlife. The lid must fit tightly and have a latching mechanism. A dumpster, poly cart or similar trash receptacle of heavy construction may be an WPRC. The WPRC must be approved by the Solid Waste Manager, Animal Safety Officer or their designee.

Wildlife Proof Dumpster Enclosure (WPDE) – a fully enclosed structure consisting of four sides and a roof or cover of sufficient design and construction to prevent access by wildlife. The door or cover must have a latching mechanism, the sides of the structure must extend to within two inches of the ground, and ventilation openings must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access by wildlife. Wildlife Proof Dumpster Enclosures are subject to all building codes and planning and zoning requirements. The WPDE must be approved by the Solid Waste Manager, Animal Control Officer, or their designee.

REGULATIONS/STANDARDS

All refuse containers regardless of size, that receive food wastes shall be either an approved Wildlife Proof Refuse Container (WPRC), or a refuse container which is stored within a building, house, garage, or approved Wildlife Proof Dumpster Enclosure (WPDE).

STANDARDS for Wildlife Proof Refuse Containers (WPRC)

Dumpsters will be of a design that is impervious to wildlife, with drain holes no greater than one (1) inch in diameter. Dumpster lids must have a closure mechanism and/or a latching device. All lids must:

1. fully enclose (cover) the dumpster opening.
2. have edges that fit flush. Lids must not be turned up or bent.
3. have closure mechanisms which will withstand opening by an animal and will remain closed when on their side or upside down.
4. have acceptable latching devices, such as cables, bars and/or pull handles. All latching devices must lock into place with a pin or other mechanism.

All lids must be constructed to withstand the weight of a bear. Plastic dumpster lids must comply with these standards, and must be reinforced with angle iron or equivalent alternative. Angle iron or alternative must be placed along all edges and across the middle of the lid to prevent collapsing.

Compactors must be wildlife proof. No trash may be exposed, and doors must be kept closed except when loading or removing refuse. The area around the compactor must be kept clean and free of refuse.

Wildlife Proof Refuse Containers and Wildlife Proof Dumpster Enclosures must be kept closed and secure except when refuse is being deposited. The area around the WPRC or WPDE must be kept clean and free of refuse. Overfilling of any refuse container, including trash cans set out on the day of collection, is prohibited.

If an WPRC/DE is damaged, allowing access by wildlife, repairs must be made within 48 hours after written notification to the responsible party by the County.

Residents with curbside refuse pickup shall place their refuse or containers at the curb only after 6 a.m. on the day of pickup. All refuse and any containers containing refuse must be re-secured inside the home, garage or WPRC/DE by 6 p.m. Trashcans that do not receive refuse until the day of pickup are not required to be wildlife proof.

Licensed Waste Haulers in Pitkin County must provide Wildlife Proof Refuse Containers to all customers who request them, and must collect refuse in accordance with this regulation.

Collection of residential refuse in Pitkin County must occur between the hours of 6 a.m. and 6 p.m.

Outdoor Special Event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited in Wildlife Proof Containers or Enclosures, or be removed to an appropriate disposal site.

All construction sites must have a designated container that receives refuse edible by wildlife. This container shall be either an Wildlife Proof Refuse Container, or a container that is emptied at the end of each workday and then securely stored inside a trailer or building.

Trailer parks, housing developments, homeowners associations and other types of clustered residential housing should utilize centralized dumpsters, located in an Wildlife Proof Dumpster Enclosure in lieu of individual refuse containers, when practical.

If the refuse management method at any locations fails, i.e. if wildlife gains access to trash, the responsible party and/or refuse hauler must reinforce or replace the existing container at that location. If there is repeated failure of the current method of refuse management or if modifications to an enclosure, dumpster or container do not effectively prevent wildlife from gaining access, a new method must be implemented at that location.

Upon receipt of a complaint alleging improper storage or collection of refuse, the County will investigate said complaint. Upon finding that the provisions of this regulation have been violated, A Notice of Violation will be issued to the responsible party, including a schedule for compliance. Said compliance schedule for removal of improperly stored solid waste will be no less than 24 and no greater than 72 hours. For WPDE modification, the compliance schedule will be no less than 5 days and no greater than 30 days. If compliance is not achieved within the designated time frame, a second Notice of Violation will be issued. Penalties will be assess according to the following schedule:

First Notice of Violation:	no penalty
Second NOV:	\$350
Third NOV:	\$1000

This ordinance shall apply throughout all of Pitkin County all year round.

INTRODUCED, FIRST READ AND SET FOR PUBLIC HEARING AT THE REGULAR MEETING ON THE 25TH DAY OF SEPTEMBER, 2000.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES WEEKLY ON THE

APPROVED AFTER SECOND READING AND SET FOR THIRD READING AND CONTINUED PUBLIC HEARING ON THE 14TH DAY OF FEBRUARY, 2001.

APPROVED AND ADOPTED AFTER THIRD READING AND PUBLIC HEARING ON FEBRUARY 28TH, 2001.

PUBLISHED AFTER ADOPTION IN THE ASPEN TIMES WEEKLY ON THE _____ DAY OF MARCH, 2001.

BOARD OF COUNTY COMMISSIONERS
OF PITKIN COUNTY, COLORADO

By: _____

Michael C. Ireland
Chairperson

Date: _____

Jeanette Jones
Deputy County Clerk

Approved as to Form:

John Ely
County Attorney

Hilary Fletcher Smith
County Manager

RECOMMENDED FOR ADOPTION:

Miles Stotts
Solid Waste Manager