

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. 1799

AN ORDINANCE REGULATING THE STORAGE OF REFUSE AND THE FEEDING OF WILDLIFE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND SETTING A HEARING DATE.

WHEREAS, the City Council finds that the incidence of wildlife entering populated areas of the City in order to forage for food in trash bins and dumpsters is increasing and has reached a level that poses a threat to the health, safety, and welfare of the citizens of and visitors to the City of Steamboat Springs; and

WHEREAS, the City Council finds that the practice of leaving trash edible by wildlife in unsecured containers is the principal cause of the increase in wildlife activity in populated areas of the City; and

WHEREAS, in order to protect the public health, safety, and welfare, and in order to protect the local wildlife population, representatives of the Colorado Department of Natural Resources Division of Wildlife have requested the City to discourage wildlife foraging for food in the City by requiring garbage edible by wildlife to be stored in secure containers; and

WHEREAS, the City Council finds that requiring wildlife proof refuse containers and wildlife-resistant structures for the storage of refuse containers will to protect the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

SECTION 1

Chapter 19 of the City of Steamboat Springs Revised Municipal Code is hereby amended by the addition of the following Article III:

“ARTICLE III. WILDLIFE RESISTANT CONTAINERS

Section 19-100. Definitions.

- (a) *Dumpster Enclosure* – is any structure constructed in accordance with the structural requirements of the Uniform Building Code, as adopted by the City, irrespective of the actual enclosed square footage of the structure. The structure must be fully enclosed.
- (b) *Wildlife Proof Refuse Container* – is a bin, barrel, dumpster, or other container used for the storage of refuse which is fully enclosed, of sturdy construction, and includes a latching mechanism suitable to prevent wildlife from opening the container. Latching mechanisms shall allow a gap between the container and lid of no more than one half inch (1/2”).

Latching mechanisms shall keep the lid closed in the event the container is turned on its side or upside down. Wildlife proof refuse containers may include drain holes no larger than one inch in any dimension.

- (c) *Refuse Container* – is any container, other than a Wildlife Proof Refuse Container, used for the storage of refuse.

Section 19-101. Refuse storage requirements.

- (a) It shall be unlawful for any person to store refuse that is edible by wildlife other than in a Wildlife Proof Refuse Container or in other containers located within a building, house, garage, or Dumpster Enclosure.
- (b) Persons with curbside refuse pickup service shall not place Refuse Containers, other than Wildlife Proof Refuse Containers, at the curb for pickup until after 5:00 a.m. on the morning of their scheduled collection day. After pickup Refuse Containers must be returned to the building, house, garage, or Dumpster Enclosure by 6:00 p.m.

Section 19-102. Property maintenance.

- (a) It shall be unlawful for the owner of any property located within the City, including properties used for special events and properties that are the site of construction activities, to permit the accumulation on the property of refuse edible by wildlife. Refuse edible by wildlife shall be collected from such properties at the end of each day and stored in accordance with the provisions of Section 19-101.
- (b) Properties found to be in violation of this section may be deemed to be a nuisance as defined in Section 15-2 of this Code and treated accordingly.

Section 19-103. Feeding of Wildlife.

- (a) It shall be unlawful for any person to knowingly leave or store any refuse, food product, pet food, grain, or salt in a manner intended to attract or entice wildlife.
- (b) Bird feeders shall be permitted under this Section. However, between the dates of April 15th and November 15th all feeders must be suspended on a cable or other device so that they are inaccessible to bears and other wildlife and the area below the feeders must be kept free of the accumulation of seed or seed debris.”

- (c)

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