

**ORDINANCE NO. 1**  
**(Series 2008)**

**AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO,  
ADDING A NEW SECTION 7 TO CHAPTER 13 OF THE MUNICIPAL  
CODE OF THE TOWN OF LAKE CITY ENTITLED  
"HUMAN/WILDLIFE CONFLICT MITIGATION" WHICH PROTECTS  
TOWN RESIDENTS AND WILDLIFE BY REGULATING THE  
STORAGE OF REFUSE AND FOOD EDIBLE BY WILDLIFE.**

The Trustees of the Town of Lake City, Colorado recognize that bears and other indigenous species of wildlife are naturally attracted by human and pet food and various forms of garbage and other waste material; and that, when items of refuse edible by wildlife are not properly handled and stored, the results tend to endanger the health and safety of, and create other nuisances for, Town residents and visitors, and may incidentally jeopardize the welfare of the wildlife species themselves. Pursuant to C.R.S. 31-15-401, and other similar legislation, the Town has authority to enact ordinances which generally provide for the protection of public health and safety, the abatement of nuisances and the protection of animals. The Trustees hereby find and conclude that it is in the best interest of the Town of Lake City to amend the Town's Municipal Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of Lake City, Colorado that a new Section 7 entitled "HUMAN/WILDLIFE CONFLICT MITIGATION" is hereby added to Chapter 13 of the Lake City Municipal Code, providing as follows:

13.7-1: Definitions. For purposes of this Section 7, the following definitions shall apply, unless the context indicates otherwise:

*Enforcement Officer* means any Lake City police officer (including members of the Hinsdale County Sheriff's Department acting as police officers pursuant to contract with the Town), the Town building official or any other individual deputized by the Hinsdale County Sheriff or Lake City Police Chief.

*Wildlife* means any non-domestic mammal within the Lake Fork Valley including, but not limited to, bear, deer, elk, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine and fox.

*Refuse Container* means any trash can, dumpster, or similar device used for the collection and storage of garbage and other forms of waste edible by wildlife.

*Special Event* means any organized public gathering in the outdoors, such as a concert, conference, festival, rodeo, rally cultural event or holiday celebration.

#### 13.7-2: Feeding and Enticement of Wildlife:

No person or entity shall knowingly or intentionally feed any wildlife or scatter, leave or store any refuse, food scraps, food products, pet food, grain or salt on any public or private property within the Town for the purpose of luring, attracting or enticing wildlife. This provision shall not be construed to preclude the use of bird feeders; provided that such feeders shall be elevated or otherwise made inaccessible to bears and other wildlife. Areas below bird feeders shall also be kept free from the excessive accumulation of seed debris. All refuse containers used on residential, commercial and other properties shall be fitted, at all times, with a securely fitting lid of the same or stronger material as the primary container itself.

#### 13.7-3: General Policy Regarding Outdoor Storage of Refuse.

It shall be the Town's official policy, without legislating enforceable requirements, to promote the secure outdoor storage of garbage, refuse and solid waste. Refuse containers and enclosures used on residential, commercial or other properties are strongly recommended to be of the type generally known as "wildlife resistant", i.e. metallic containers having a lid with a secure latching mechanism. All refuse containers that are not wildlife resistant are recommended to be kept securely enclosed within a home, garage or other building at all times except between 7:00 a.m. and 6:00 p.m. of the day scheduled for the pick-up of refuse from such containers by a public or private trash-hauling service.

#### 13.7-4: Special Event Refuse Disposal:

Outdoor special event sites shall be kept free from the accumulation of food scraps, refuse and other waste edible by wildlife. The promoters and operators of special events shall ensure that refuse is collected from the pertinent sites and removed to the Town's approved dumping area by the time of closure of each day's activities.

#### 13.7-5: Construction Site Refuse Disposal:

Every construction site shall have at least one refuse container or enclosure that is designated for all forms of refuse that may be edible by wildlife. Such a container, if not a wildlife resistant refuse container or refuse enclosure, shall be carefully supervised and emptied at the end of each work day and then securely stored overnight inside a trailer, building or other structure inaccessible to wildlife.

#### 13.7-6: Enforcement:

Enforcement officers may, at their discretion, issue a warning notice or summons and complaint to any person believed to be in violation of this Section 7 of Chapter 13 of the Lake City Municipal Code.

An enforcement officer shall have the right, based on reasonable suspicion, to inspect property concerning matters relating to wildlife control and protection under this Section 7.

Violation of the mandatory provisions of this Section 7 (excepting subsection 13.7-3) by any person, entity, firm or corporation shall be unlawful and shall be subject to a fine not to exceed 300.00 or a jail sentence of 90 days, or both. Each day of continuing violation may be considered a separate offense, subject to the aforementioned penalties. Owners of real property, or the tenant-occupants thereof, or both, may be held responsible for any violation of the mandatory provisions of this Section 7.

No person shall interfere with, molest, hinder or impede any enforcement officer in the discharge of his or her duties prescribed herein.

13.7-7: Miscellaneous:

If any part, section, subsection, sentence, clause or phrase of this ordinance is held to be invalid, for any reason, such invalidity shall not affect the validity and operation of the remaining provisions of this ordinance. The Board of Trustees of the Town of Lake City hereby declares that it would have passed this ordinance and each part, section, subsection, sentence, clause and phrase thereof regardless of the fact that any one or more parts, section, subsections, sentence, clauses or phrases are hereafter declared invalid.

This ordinance shall be effective upon completion of publication of the ordinance and shall apply to all property within the territorial limits of the Town of Lake City, Colorado.

INTRODUCED, READ AND ADOPTED by majority vote of the Board of Trustees of the Town of Lake City this 19<sup>th</sup> day of March, 2008.

TOWN OF LAKE CITY, COLORADO

By: \_\_\_\_\_

Larry Dorn  
Mayor

ATTEST:

Cindy Nelson  
Town Clerk