

**TOWN OF MINTURN, COLORADO
ORDINANCE 10 - 2004**

**AN ORDINANCE AMENDING TITLE 7 OF THE MINTURN MUNICIPAL CODE TO
ESTABLISH REGULATIONS AND STANDARDS REGARDING THE PROTECTION
OF WILDLIFE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

THE TOWN OF MINTURN, COLORADO ORDAINS:

Section 1. Amendment. The Municipal Code of the Town of Minturn is amended by the addition of a Chapter 7.166 to provide as follows:

7.166.010 Purpose

The purpose of this Chapter 7.166 is to protect and maintain wildlife in the Town of Minturn and surrounding areas to minimize the risk of dangerous interaction between humans and wildlife.

7.166.020 Definitions

- A. **Wildlife** Any undomesticated animal, including but not limited to elk, deer sheep, lynx, skunks, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.
- B. **Resident** Any person, firm, corporation or organization within the Town of Minturn or Town controlled land.
- C. **Wildlife-Resistant Refuse Container** A fully enclosed metal or plastic container or dumpster with a metal or plastic lid. The lid must have a latching mechanism which prevents access to the contents by wildlife.
- D. **Wildlife-Proof Refuse Container** Any refuse container which has been certified to be wildlife proof by the Colorado Division of Wildlife, the U.S. Park Service or the U.S. Forest Service.

7.166.030 Residential Refuse Disposal

- A. All residential refuse containers that receive garbage and/or refuse edible by wildlife must either be wildlife resistant or wildlife proof or be kept within a fully enclosed and secured structure.
- B. Residents with curbside pickup shall place their refuse containers at the curb, alley, or public right-of-way at or after 6:00 a.m. of the morning of the pickup; provided wildlife-proof containers may be placed curbside after 6:00 a.m. of the day before. After pickup, the containers must be re-secured in an appropriate

manner before the end of the same day.

7.166.040 Special Event Refuse Disposal

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 into appropriate containers or enclosures secured in a manner to prevent access by wildlife or shall be removed to a disposal site.

7.166.050 Construction Site Refuse Disposal

All construction sites must have a designated container that receives refuse edible by wildlife, or such refuse shall be removed from the site by the end of each day. Such container shall be a wildlife-proof container.

7.166.060 Feeding Wildlife Prohibited

- A. No person shall intentionally or unintentionally feed or provide food in any manner for wildlife on public or private property within the Town of Minturn. Persons will be considered to be in violation of this chapter if they leave or store any garbage, refuse or food product in a manner that would create an attraction for wildlife.
- B. No person shall leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement for wildlife.
- C. Between the dates of April 15th and November 15th, all bird feeders must be suspended on a cable or other device so that they are inaccessible to bears, and the area below the feeders must be kept free from the accumulation of seed debris.
- D. This section 7.166.060 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. (An example of one such action would be scientific projects dealing with capturing and tagging wildlife);
 - 3. The feeding of wild birds, unless the bird feeder begins to attract other forms of wildlife.

7.166.070 Penalty Assessment

Violation of any provision of this chapter by any person, firm or corporation, whether as owner or occupant shall be handled in the following manner:

- A. First Violation: The first violation of this Chapter will result in a Notice of Violation to an alleged offender. The alleged offender will be warned and informed of the proper precautions necessary to prevent the feeding of wildlife and the necessary actions to meet the provisions of the Chapter, which may include, but not be limited to: removal of wildlife attractants, time limits of the placement of curbside refuse containers and use of bear resistant containers. The notice shall include a reasonable time schedule for compliance. An alleged offender who timely complies with the first Notice of Violation will not be subject to the penalty provisions of this Chapter.

- B. Second violation: The second violation of this Chapter will result in another Notice of Violation, as well as a Summons and Complaint. Two Notices of Violation within a twelve (12) month period will subject the violator to the penalty provision of this Chapter. Failure to comply with the first Notice of Violation within the designated time frame may be deemed a second violation. The second notice of Violation shall include a compliance schedule when applicable.

- C. Subsequent Violation(s): Offenders who have violated this Chapter more than two times within a twelve (12) month period or continue to fail in achieving timely compliance with a previous notice will be subject to a graduated schedule as set forth below.

7.166.080 Penalties

- A. The graduated fine schedule for the penalty assessment procedure is as follows:

Warning	for the first violation
\$150-\$250 fine	for the second violation within the twelve (12) months of the first violation, or failure to comply with the designated compliance schedule associated with the first violation.
\$250-\$1,000 fine	for each successive violation within twelve (12) months of the previous violation, or failure to comply with the designated compliance schedule associated with the second or subsequent violation.

- B. In addition to the criminal enforcement set forth above, the Town of Minturn may seek an injunction or other appropriate civil relief to enforce the provisions of this

Chapter.

7.166.090 Violator's Responsibilities

In addition to the penalties outlined herein above, upon order of the police department, violators will be required to perform all necessary actions to remove or abate attractions of wildlife. This may include, but shall not be limited to: the removal of bird feeders or pet food, cleaning or appropriate storage of barbeque grills, and/or the required use of wildlife resistant containers and/or wildlife proof containers.

7.166.100 Notice of Violation

A resident shall be deemed to have been issued an appropriate Notice of Violation if it is personally served upon the resident, posted on the resident's premises or placed in the U.S. Mail, postage prepaid and addressed to the resident according to the last known address given by the resident to any Town of Minturn or Eagle County government department. If the identity of the resident is not known, the person or entity responsible for payment of the garbage removal services for the subject location will be held responsible for complying with this Chapter and for any penalties assessed pursuant to the same.

Section 2. Severability. If any part, section, sub-section, 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 for the Town of Minturn, Colorado, hereby declares that it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. Penalty. It is unlawful for any person to violate any provision of, or fail to comply with any of the requirements of this Ordinance. Any person who violates any provisions of this Ordinance shall be punished by a fine of not more one thousand dollars or by imprisonment for a period of not more than one hundred eighty days or by both such fine and imprisonment; provided, no person under the age of eighteen years shall be punished by imprisonment.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE ____ DAY OF SEPTEMBER, 2004. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the _____ day of OCTOBER, 2004, at 7:00 P.M. in the Minturn Community Center in the Town of Minturn, Colorado.

Mayor

Attest:

Town Clerk

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF OCTOBER, 2004.

Mayor

Attest:

Town Clerk