

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 7 – SERIES 2009**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE MINTURN MUNICIPAL CODE
BY THE ADDITION OF NEW SECTIONS 7-9-290 THROUGH 7-9-310 AS IT
PERTAINS TO ANIMAL CONTROL IN THE TOWN OF MINTURN**

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS as follows:

Section 1. Amendment. The Municipal “Code of the Town of Minturn is amended by the addition of a Chapter 7, Article 8, Section 7-9-290 through 7-9-310, as follows:

Sec. 7-9-290 Poisoning animals.

No person shall poison or distribute poison in any manner with the intent to poison any animal. It is a specific defense to a charge of violating this Section that the person intended to poison mice, rats or rodents other than hamsters, guinea pigs and squirrels by the use of poisonous substance approved for such use by the United States Environmental Protection Agency or that the person was regularly engaged in the business of fumigation or pest extermination and was so licensed by the State.

Sec. 7-9-300 Trapping.

(a) When deemed necessary by the animal control officer for the health, safety and welfare of the residents of the Town, such officers may place or authorize the placement of a humane trap on any property in the Town when the resident, property owner or property manager requests such a trap for the purpose of capturing any wild or pet animal creating a nuisance in the Town. It shall be unlawful for any person legally responsible for the placement of a trap to fail to monitor any trap set by such person for the presence of an animal at least once every twelve (12) hours.

(b) It shall be unlawful for any person to set or cause to be set within the Town limits any steel jaw leghold trap, lethal snare, fully body grip trap or any trap for the purpose of capturing or killing any animal. This Section does not apply to public officials in the exercise of their duties or to licensed, recognized trapping companies utilizing such traps in cases of disease outbreak. In such cases the express permission of the owner of the land must be given.

(c) Nothing in this Section shall be deemed to prohibit the use of snap type traps for mice or rats.

Sec. 7-9-310 Protection of wildlife.

(a) The purpose of this Section is to protect and maintain wildlife in the Town and surrounding areas to minimize the risk of dangerous interaction between humans and wildlife.

(b) Definitions.

(1) *Resident* means any person, firm, corporation or organization within the Town or Town-controlled land.

(2) *Wildlife* means any undomesticated animal, including but not limited to elk, deer, sheep, lynx, skunks, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.

(3) *Wildlife-proof* refuse container means 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.

(4) *Wildlife-resistant* refuse container means 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.

(c) Residential refuse disposal.

(1) 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.

(2) 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 that 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.

(d) 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.

(e) 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.

(f) The feeding of wildlife is prohibited.

(1) No person shall intentionally or unintentionally feed or provide food in any manner for wildlife on public or private property within the Town. Persons will be considered to be in violation of this Section if they leave or store any garbage, refuse or food product in a manner that would create an attraction for wildlife.

(2) 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.

(3) Between the dates of April 15 and November 15, 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.

(4) This Section shall not apply to:

a. Any individual, company or corporation that is duly licensed by the State or that otherwise entitles him or her under law to possess a wildlife species;

b. Any action that is officially sanctioned by the State that would require feeding, baiting or luring of wildlife. (An example of one (1) such action would be scientific projects dealing with the capturing and tagging of wildlife); or

c. The feeding of wild birds, unless the bird feeder begins to attract other forms of wildlife.

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

(1) The first violation of this Section 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 this Section, 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 provision of this Section.

(2) The second violation of this Section will result in another notice of violation, as well as a summons and complaint. Two (2) notices within a twelve-month period will subject the violator to the penalty provision of this Section. Failure to comply with the first notice within the designated time frame may be deemed a second violation. The second notice of violation shall include a compliance schedule when applicable.

(3) Offenders who have violated this Section more than two (2) times within a twelve-month period or have continued to fail in achieving timely compliance with a previous notice will be subject to a graduated schedule as set forth below.

(h) Penalties:

(1) The graduated fine schedule for the penalty assessment procedure is as follows:

<i>Warning</i>	<i>First violation</i>
\$150.00— \$250.00 fine	Second violation within twelve (12) months of the first violation or failure to comply with the designated compliance schedule associated with the first violation
\$250.00— \$1,000.00 fine	Each successive violation within twelve months of the previous violation or failure to comply with the designated compliance schedule associated with the second or subsequent violation.

(2) In addition to the criminal enforcement set forth above, the Town may seek an injunction or other appropriate civil relief to enforce the provisions of this Section.

(i) In addition to the penalties outlined hereinabove, 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 barbecue grills, and/or the required use of wildlife-resistant containers and/or wildlife-proof containers.

(j) 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 or 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 Section 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 (1) year, or by both such fine and imprisonment; provided; no person under the age of eighteen years shall be punished by imprisonment.

Section 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 7th DAY OF OCTOBER, 2009. 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 21st day of October, 2009, at 7 P.M. in the Minturn Town Center 302 Pine Street, in the Town of Minturn, Colorado.

Hankney Flaherty

Mayor

Attest:

[Handwritten Signature]

Town Clerk



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS 21st DAY OF OCTOBER, 2009.

Hankney Flaherty

Mayor

Attest:

[Handwritten Signature]

Town Clerk



TOWN OF MINTURN ORDINANCE CHECKLIST

FIRST READING

10/7/09 The ordinance shall be introduced and read by title at any regular or special meeting. Copies shall be available to the public.

Pub = 10/19/09 If the ordinance is approved on first reading, Mayor and Clerk must sign ordinance after first reading. It shall be published in full in a newspaper of general circulation within the Town. The minutes shall reflect number of votes for and against each ordinance.

✓ If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

✓ The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication.

SECOND READING

10/21/09 The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only on second reading. The ordinance may be amended before final approval or rejection by vote of the Council. The text of any such amendment or amendments shall be read in full.

Pub by letter on 10/26/09 If the ordinance is substantially amended it shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

✓ The minutes shall reflect the number of votes for and against the ordinance.

✓ A true copy of every ordinance shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. Proof of publication for both readings shall be attached to the ordinance.

✓ The effective date of ordinances is seven (7) days after publication following final passage unless a later date is prescribed in the ordinance.

Thu, Oct 22, 2009
4193700

08:25:39

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Jay Brunvand

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO
Zip: 81645

Receipt

Ad Name: 4193700A

Original Id: 0

Editions: 8VD/8VDI/

Class: 0990

Start: 10/26/09

Stop: 10/26/09

Color:

Issue 1

Copyline: 4193700 Ordinance No. 7-2009

Rep: Pam Schultz

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 7 - SERIES 2009**

Lines:	21
Depth:	1.76
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	8.98
Payment	0.00

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INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS 21st DAY OF OCTOBER, 2009.

Mayor

Attest:

Jay Brunvand
Town Clerk

Published in the Vail Daily October 26, 2009.
(4193700)

Ad shown is not actual print size