

Ordinance

An Ordinance Adopting Policy [●]
Prohibiting The Feeding Of Wildlife And Regarding Waste Disposal.

BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado as follows:

Title: Regulatory Policy Prohibiting The Feeding Of Wildlife And Regarding Waste Disposal	Policy No. Part [●] Regulations, Chapter [●] Section [●]
	Effective Date: November 1, 2015
Policy Custodian Sheriff	Adoption/Revision Date: [●●], 2015

Adopting Resolution(s): [●]

References (Statutes /Resos/Policies): §[●]

Purpose: To establish regulations and standards requiring the utilization of wildlife-resistant containers, wildlife-proof refuse containers, wildlife-proof dumpster enclosures and the proper storage of food or refuse edible by bears or wildlife, in order to enhance public safety and protect the health and welfare of bears and other wildlife.

Ordinance: Policy Manual Part [●] Regulations, Chapter [●] Section [●]

- A. **Definitions:** As used in this ordinance the following words shall have the following meaning:
1. "Enforcement Officer" means any member of the Jefferson County Animal Control Office, the Jefferson County Planning and Zoning Division, the Jefferson County Sheriff's Department, or any other applicable agency, department, or governmental entity, or other persons or positions designated by resolution or the Board of County Commissioners for Jefferson County as enforcement officers under this Ordinance.
 2. "Premises" means property owned, occupied, leased, or expressly permitted to be used by a resident, including any confined area or locality such as a residence, business, room, shop, building, motor vehicle, or refuse container/dumpster enclosure.
 3. "Person" means any person, resident, occupier, firm, corporation, or organization within Jefferson County.
 4. "Wildlife" any undomesticated and unrestrained animal. including but not limited to elk, deer, sheep, lynx, bears, skunks, squirrels, raccoons, magpies, crows, coyotes, bobcats, foxes, and mountain lions.
 5. "Wildlife-Proof Refuse Container" or "[WPRC Wildlife-Proof RC](#)" means a fully enclosed container constructed of non-pliable material (e.g., metal) to prevent access by wildlife and meeting the standards of testing by the Living With Wildlife Foundation and approved by the Interagency Grizzly Bear Committee (IGBC) as bear resistant for 90 minutes. A dumpster or similar trash receptacle of heavy construction may be a [WPRC Wildlife-Proof RC](#). The container must employ a latching mechanism on the access door sufficient to defeat attempts by wildlife to enter. All [WPRCs Wildlife-Proof RCs](#) must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches in height.
 6. "Wildlife-Proof Dumpster Enclosure" or "[WPDE WP Dumpster Enclosure](#)" means a building, house, garage or other fully enclosed structure, enclosure, frame or cage consisting of four sides or poles and a roof or cover of sufficient design and construction to prevent access by wildlife. The door, frame or cover must have a latching mechanism sufficient to prevent entry

by wildlife. 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. All ~~WPDEs~~[WP Dumpster Enclosures](#) must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches in height.

7. "Wildlife-Resistant Refuse Container" or "~~WRRRC~~[Wildlife-Resistant RC](#)" means a fully enclosed container that can be constructed of pliable materials, but must be reinforced to deter access by wildlife. The container must employ a sturdy pliable lid that has a latching mechanism and/or ratchet straps preventing access to its contents by wildlife. All ~~WRRRCs~~[Wildlife-Resistant RCs](#) must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches in height.

B. Feeding of Wildlife Prohibited

1. With the exception of Paragraph B.2 below governing birdfeeders, no person shall intentionally feed or knowingly leave or store any refuse, food product, pet food, or other product edible by wildlife on any premises in a manner which would constitute a lure, attraction, or enticement of wildlife on property within Jefferson County.
2. Birdfeeders are allowed subject to the following: Between the dates of April 15 and November 15 all birdfeeders must be either (i) brought in at night and/or (ii) suspended on a cable or other device so as to be inaccessible to bears, and the area below the feeders must be kept free from seed debris during this period. If a bear gains access to a birdfeeder, the condition allowing access must be corrected or the birdfeeder removed within 48 hours.

C. Areas Requiring New Containers or Enclosures; Deadlines for Compliance; Annual Review

The residential and commercial areas designated in Exhibit A shall employ Wildlife-Proof RCs or WP Dumpster Enclosures and Wildlife-Resistant RCs pursuant to the requirements of this Ordinance. The Board of County Commissioners, in consultation with the Jefferson County Animal Control Office, Jefferson County Planning and Zoning Division, the Jefferson County Sheriff's Department, or any other applicable agency, department, or governmental entity, shall monitor and update the areas required to employ Wildlife-Proof RCs, WP Dumpster Enclosures, or Wildlife-Resistant RCs annually. Areas that have five (5) or more bear calls or one (1) bear trapped or destroyed within one (1) calendar year shall be added to Exhibit A.

D. Exceptions - The following entities or actions are exempt from the requirements of this Ordinance:

1. Any individual, company or corporation that is duly licensed by the State of Colorado or is entitled under law to possess wildlife of any kind.
2. Any action that is officially sanctioned by the State of Colorado, Federal Agencies, or Jefferson County that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).
3. The lawful operation of a landfill and related activities by Jefferson County or other governmental entities.
4. Any individual, company, or corporation that is engaged in lawful agricultural or ranching pursuits (i.e., haystack or cattle feeder located in a rancher's pasture).
5. On application by any individual, company or corporation when this Ordinance's requirements will impose practical difficulties or unnecessary hardship.
6. The Board of County Commissioners or its designee may, in consultation with the Division of Wildlife, remove a geographic area of Jefferson County (e.g., a subdivision) from any part of the above requirements.

E. ~~C.~~ Acceptable Wildlife Containers and Enclosures

1. Single-family units and special events: Any refuse container regardless of size, including containers for single-unit residential properties or special events, which receives refuse edible by bears or other wildlife, shall be a ~~WPRC, WPDE, or WRRRC~~[Wildlife-Proof RC or a Wildlife-Resistant RC maintained in a WP Dumpster Enclosure except on the day of scheduled pick up and subject to Paragraph C.4.](#)
2. Multi-family units, commercial property, and construction sites: Any refuse container regardless of size, including containers for multi-family residential units, commercial properties,

or construction sites, which receive refuse edible by bears or other wildlife, shall be a ~~WPRC, WPDE, or WPRC~~Wildlife-Proof RC.

3. Damage and repair of containers and enclosures: If a ~~WPRC, WPDE, or WPRC~~Wildlife-Proof RC, WP Dumpster Enclosure, or Wildlife-Resistant RC is damaged or defeated so that it may allow access by wildlife, repairs must be made within 10 days after the damage is discovered and in any event within 72 hours of notification by a designated official.
4. Curb pick-up and drop-off: Residents with curbside pick-up shall use only ~~WPRCs or WPRCs~~Wildlife-Proof RCs or Wildlife-Resistant RCs and shall place them at the curb, alley, or public right of way at or after six o'clock (6:00) a.m. on the morning of scheduled pick-up. After pick-up, all containers must be removed from the curb, alley, or public right of way by seven o'clock (7:00) p.m. on the same day.

E. ~~D.~~ Acceptable Outdoor Compactor Design

Any outdoor compactor containing any material edible by bears or other wildlife must not be accessible by wildlife. No trash or material may be exposed and doors must be kept closed and latched with a wildlife-proof mechanism except when loading or removing refuse. If damaged allowing access by wildlife, repairs must be made to the outdoor compactor within 24 hours after written notification by Eagle County.

E. Areas Requiring New Containers or Enclosures; Deadlines for Compliance; Annual Review

~~The residential and commercial areas designated in Exhibit A shall employ WPRCs, WPDEs, or WPRCs pursuant to the schedule set forth in that Exhibit. The Board of County Commissioners, in consultation with the Jefferson County Animal Control Office, Jefferson County Planning and Zoning Division, the Jefferson County Sheriff's Department, or any other applicable agency, department, or governmental entity, shall monitor and update the areas required to employ WPRCs, WPDEs, or WPRCs annually. Areas that have five (5) or more bear calls or one (1) bear trapped or destroyed within one (1) calendar year shall be added to Exhibit A.~~

F. Exceptions—The following entities or actions are exempt from the requirements of this Ordinance:

1. Any individual, company or corporation that is duly licensed by the State of Colorado or is entitled under law to possess wildlife of any kind.
2. Any action that is officially sanctioned by the State of Colorado, Federal Agencies, or Jefferson County that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).
3. The lawful operation of a landfill and related activities by Jefferson County or other governmental entities.
4. Any individual, company, or corporation that is engaged in lawful agricultural or ranching pursuits (i.e., haystack or cattle feeder located in a rancher's pasture).
5. The Board of County Commissioners or its designee may, in consultation with the Division of Wildlife, remove a geographic area of Jefferson County (e.g., a subdivision) from any part of the above requirements.

G. Violation and Penalties First Violation

1. First Violation. The first violation of this Ordinance may, at the discretion of the Enforcement Officer, result in a warning and/or the issuance of a Notice of Violation. Failure to correct a Notice of Violation within a reasonable time, not to exceed 72 hours, is grounds for issuance of a Subsequent Violation.
2. Subsequent Violation. Offenders who continue to violate this Ordinance or continue to fail in achieving timely compliance as set in any previous Notice of Violation be subject to a graduated fine scheduled as set forth below.
 - i) A fine not exceeding one hundred dollars (\$100) for a second Notice of Violation or failure to comply with a first Notice of Violation. The fine amount for a second Notice of Violation may be excused if the violator purchases a ~~WPRC, WPDE, or WPRC~~Wildlife-Proof RC, WP Dumpster Enclosure, or Wildlife-Resistant RC within the time period for payment of the fine, and presents the purchase receipt in place of payment.

- ii) A fine not exceeding two hundred dollars (\$200) for a third Notice of Violation.
- iii) A fine not exceeding five hundred dollars (\$500) for each additional Notice of Violation.
- 3. Notice of Violation. A person shall be deemed to have been issued a Notice of Violation if it is personally served upon the resident, posted on the person's premises, or placed in the U.S. Mail, postage prepaid and addressed to the resident according to the last address given by the resident to any County government department.

H. Enforcement.

- 1. Notwithstanding any other provision of this Ordinance, any Enforcement Officer may issue Notices of Violations, citations, summonses, and complaints for violation of this Ordinance.
- 2. No person shall interfere with, molest, hinder or impede any Enforcement Officer in the discharge of his/her duties as herein prescribed or violate any of the provisions of this Ordinance.
- 3. An Enforcement Officer shall have the right to inspect property concerning any wildlife concern or potential wildlife attractant.

I. Liberal Construction.

This Ordinance shall be liberally construed so as to further its purposes.

J. Severability

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**EXHIBIT A TO AN ORDINANCE PROHIBITING THE FEEDING OF WILDLIFE AND REGARDING
WASTE DISPOSAL IN JEFFERSON COUNTY**

(the "Ordinance")

Pursuant to Paragraph E of the Ordinance, the following areas require ~~WPRCs, WPDEs, or WPRCs~~ Wildlife-Proof RCs, WP Dumpster Enclosures, or Wildlife-Resistant RCs pursuant to the deadline for implementation set forth below. Unless otherwise noted, these areas refer to residential and commercial development West or South of State Highway 470 (C-470, SH 470).

A. ~~Hiwan Hills, Evergreen~~ [Area] Effective date: []

[Note: This will be completed using the human bear conflict data collected by CPW
<http://cpw.state.co.us/learn/Pages/Species-Maps.aspx>]

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