

**ORDINANCE NO. 10  
SERIES 2007**

**AN ORDINANCE AMENDING ARTICLE 6-3 OF THE 1987  
CRESTED BUTTE MUNICIPAL CODE BY AMENDING THE  
DEFINITIONS OF REFUSE CONTAINERS, AMENDING THE  
PLACEMENT OF TRASH FOR PICKUP, AND ADDING ARTICLE  
6-4, WILDLIFE PROTECTION**

**WHEREAS**, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

**WHEREAS**, the Town Council has determined the 1987 Crested Butte Municipal Code, as amended (the "**Code**"), which regulates refuse collection, requires amendment to define refuse containers, placement for collection, and adding a wildlife protection article; and

**WHEREAS**, the Town Council has found that the amendments contained herein are necessary to protect the health, safety and welfare of the inhabitants of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF  
THE TOWN OF CRESTED BUTTE, COLORADO, THAT,**

**Section 1. Adding Town Approved Polycarts to the Listing of Refuse Containers.** Section 6-3-5 B. is hereby amended by adding the following:

"5) In place of the above listed containers, a Town approved bear resistant polycart."

**Section 2. Amending Placement of Containers.** Section 6-3-5 D. is hereby amended by deleting said Section in its entirety and replacing it with the following:

"D) No resident shall place and keep a refuse container for curbside pickup except between the hours of 6:00 a.m. and 6:00 p.m. of the day for scheduled collection."

**Section 3. Adding a Wildlife Protection Article.** There is hereby added the following Article 6-4 to the Code:

**“ARTICLE 6-4**

**WILDLIFE PROTECTION**

**Section 6-4-1. Definitions.** The definitions and terms used in this Article 6-4 are defined as follows:

- A) “Wildlife” means any non-domestic animal indigenous to the Crested Butte area including, but not limited to, bear, elk, deer, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine, fox and magpie.
- B) “Wildlife resistant refuse container” means any fully enclosed polycart or metal container with lid. The lid must have a latching mechanism, which prevents access to the contents by wildlife. Wildlife resistant containers must be approved by the Town or its contractor.
- C) “Wildlife resistant dumpster” means dumpster with metal lid(s) that have a latching device which prevents wildlife access to its contents.
- D) “Enforcement officer” means any Town of Crested Butte Marshal, Community Service Officer or designated Town of Crested Butte official.

**Section 6-4-2. Wildlife Resistant Refuse Containers or Enclosure Required.**

- A) Any refuse container, whether residential or commercial, regardless of size, that receives refuse which is edible by wildlife shall be (1) an approved wildlife resistant refuse container, (2) a wildlife resistant dumpster, or (3) a refuse container which is stored within a building, house or garage.
- B) Any restaurant waste grease must be deposited in a wildlife proof commercial grease container or a container which is stored within a building, house or garage.

**Section 6-4-3. Maintenance and operation of wildlife resistant refuse containers and dumpsters.**

- A) Wildlife resistant refuse containers and dumpsters must be kept closed and secure when refuse is not being deposited.
- B) If a container or dumpster is damaged, allowing access by wildlife, repairs or replacement must be made within ten (10) days after written notification by a Town of Crested Butte designated official.

#### **Section 6-4-4. Residential Refuse Disposal.**

- A) All residential containers that receive refuse edible by wildlife must be secured inside the home, garage or wildlife resistant trash enclosure. Residents unable to keep their refuse container inside the home or garage shall store their refuse in a wildlife resistant refuse container.
- B) Residents with curbside pickup shall place their refuse containers at the curb only on the morning of pickup. After pickup the containers must be re-secured inside the home or garage by 6:00 p.m. Wildlife resistant containers must also be removed from curb after pickup by 6:00 p.m.

#### **Section 6-4-5. Feeding of Wildlife.**

- A) No person shall knowingly leave or store any refuse, food product, pet food or grain in a manner which would constitute a lure attraction or enticement of wildlife.
- B) Bird feeders are permitted; however, between the dates of April 15 and November 15, all feeders must be suspended on a cable or other device so that they are inaccessible to bears and the area below said feeders must be kept free from the accumulation of seed debris.

**Section 6-4-6. Construction Site Refuse Disposal.** All construction sites must have a designated container that receives refuse edible by wildlife. This container shall be either a wildlife resistant refuse container, or a container that is emptied at the end of each workday and then securely stored inside a trailer or building.

**Section 6-4-7. Interference with Enforcement Officer.** 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 article.

#### **Section 6-4-8. Enforcement.**

- A) Enforcement Officers may issue a warning notice, a citation requiring the purchase of a wildlife resistant refuse container or a summons and complaint to any person in violation of this Article 6-4.
- B) An Enforcement Officer shall have the right to inspect property concerning any wildlife concern or potential wildlife attractant.

**Section 6-4-9. Penalty Assessment.** The violation of any provision of this Article 6-4 by any person or business shall be unlawful and subject to be fined an amount not to exceed \$1,000 for each offense. Each day that such violation continues to exist shall be deemed a separate offense.”

**Section 4. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 5. Savings Clause.** Except as hereby amended the Code shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS 2 DAY OF APRIL, 2007.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 7 DAY OF May, 2007**

**TOWN OF CRESTED BUTTE, COLORADO**

By: \_\_\_\_\_  
**Alan Bernholtz, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Eileen Hughes, Town Clerk**

**SEAL**