

6.44: WILDLIFE PROTECTION

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6.44.010: DEFINITIONS

Wildlife – any animal, including but not limited to dogs, cats, skunks, squirrels, black bears, raccoons, coyotes, bobcats and foxes.

Wildlife Proof Refuse Container (WPRC) - a fully enclosed container with a lid which is inaccessible to wildlife. The lid must fit tightly and have a latching mechanism. A dumpster, poly cart or similar trash receptacle of heavy construction may be a WPRC. The Solid Waste Manager, Animal Safety Officer or their designee must approve the WPRC.

Wildlife Proof Dumpster Enclosure (WPDE) – a fully enclosed structure consisting of four sides and a roof or cover of sufficient design and construction to prevent access by wildlife. The door or cover must have a latching mechanism, 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. Wildlife Proof Dumpster Enclosures are subject to all building codes and planning and zoning requirements. The Solid Waste Manager, Animal Control Officer, or their designee must approve the WPDE. (*Ord. 01-10 (part); Ord. 020-07 (part) Ord. 020-A (part)*)

6.44.020: REGULATIONS/STANDARDS

All refuse containers regardless of size that receive food wastes attractive to wildlife shall be either an approved Wildlife Proof Refuse Container (WPRC) or a refuse container which is stored within an approved Wildlife Proof Dumpster Enclosure (WPDE).

Any container which receives other wildlife attractants such as food or pet and animal feed must also be an approved WPRC, be stored within an approved WPDE, or be stored within another structure impervious to wildlife such as a building, house or garage.

STANDARDS for Wildlife Proof Refuse Containers (WPRC)

Dumpsters will be of a design that is impervious to wildlife, with drain holes no greater than one (1) inch in diameter. Dumpster lids must have a closure mechanism and/or a latching device. All lids must:

1. Fully enclose (cover) the dumpster opening.
2. Have edges that fit flush. Lids must not be turned up or bent.
3. Have closure mechanisms which will withstand unintentional opening by an animal and will remain closed when on their side or upside down.
4. Have acceptable latching devices, such as cables, bars and/or pull handles. All latching devices must lock into place with a pin or other mechanism.
5. Have no more than one-quarter inch of freeplay when properly latched and secured.

All dumpster lids must be constructed of steel thick enough to withstand the weight of a bear. Plastic dumpster lids are not permitted.

Compactors must be wildlife proof. No trash may be exposed, and doors must be kept closed except when loading or removing refuse. The area around the compactor must be kept clean and free of refuse.

Wildlife Proof Refuse Containers and Wildlife Proof Dumpster Enclosures must be kept closed and secure except when refuse is being deposited. The area around the WPRC or WPDE must be kept clean and free of refuse. Overfilling of any refuse container, including trash cans set out on the day of collection, is prohibited.

If a WPRC/DE is damaged, allowing access by wildlife, repairs must be made within 48 hours after written notification to the responsible party by the County.

Residents with curbside refuse pickup shall place their refuse or containers at the curb only after 6 a.m. on the day of pickup. All refuse and any containers containing refuse must be re-secured inside the home, garage or WPRC/DE by 6 p.m.

Licensed Waste Haulers in Pitkin County must provide Wildlife Proof Refuse Containers to all customers who request them, and must collect refuse in accordance with this regulation.

Collection of residential refuse in Pitkin County must occur between the hours of 6 a.m. and 6 p.m.

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 in Wildlife Proof Containers or Enclosures, or be removed to an appropriate disposal site.

All construction sites must have a designated container that receives refuse edible by wildlife. This container shall be a Wildlife Proof Refuse Container.

Trailer parks, housing developments, homeowners associations and other types of clustered residential housing should utilize centralized dumpsters, located in a Wildlife Proof Dumpster Enclosure in lieu of individual refuse containers, when practical and appropriate.

If the refuse management method at any locations fails, i.e. if wildlife gains access to trash, the responsible party and/or refuse hauler must reinforce or replace the existing container at that location. If there is repeated failure of the current method of refuse management or if modifications to an enclosure, dumpster or container do not effectively prevent wildlife from gaining access, a new method must be implemented at that location. (*Ord. 01-10 (part); Ord. 020-07 (part) Ord. 020-A (part)*)

6.44.030: ENFORCEMENT

1) Violation of this Ordinance shall be a Class 2 Petty Offense with a maximum fine not to exceed \$1,000 and/or imprisonment for a period not to exceed 90 days or the maximum allowable by State law, as amended. The Pitkin County Manager, his/her designee, the Pitkin County Code Enforcement Officer, the Pitkin County Animal Control Officer or any Law Enforcement Officer shall be authorized to serve a Penalty Assessment, as specified in this Ordinance on any person who violates the provisions of this Ordinance.

A. The Penalty Assessment schedule for residential property violations of this Ordinance shall be:

-First Offense - \$100. This Penalty shall be excused for violators not having an approved WPRC or WPDE if the violator installs an approved WPRC or WPDE within 10 days of the Offense.

-Second Offense- \$250.00

-Third Offense and subsequent Offenses- \$500.00

B. The Penalty Assessment for commercial properties and property's under construction with a current Pitkin County building permit shall be:

-First Offense - \$250.00 if the violator does not have a WPRC or WPDE the Penalty shall be excused by the issuing County employee if the violator installs an approved WPRC or WPDE within 10 days of the Offense.

-Second Offense - \$750.00

-Third and subsequent offenses - \$1,000.00 or the maximum allowable by state law, as amended.

- 2) The County staff procedure for issuing a Penalty Assessment and a violator's procedure should he/she choose not to acknowledge guilt shall be as specified in § 16-2-201, C.R.S., as amended.
- 3) Any Person who aids, assists or abets any other Person in committing a violation of these regulations shall be subject to the penalties specified in Paragraphs 1(A) and (B).

Proceeds from Penalty payments relative to this Ordinance shall be placed in a Pitkin County Resource Recovery account to fund Wildlife protection education and to fund provision of approved WPRCs for those violators who are unable to afford the WPRC required by this Ordinance. The funds shall be dispensed at the discretion of the Resource Recovery Director under the following criteria: To be eligible for County assistance in purchasing a WPRC the person/family incurring the violation shall have a gross income of no more than \$25,000. The assistance shall not be available to commercial or construction sites. (*Ord. 01-10 (part); Ord. 020-07 (part) Ord. 020-A (part)*)

6.48: PITKIN COUNTY RETAIL MARIJUANA LICENSING REGULATIONS

6.48.010: PURPOSE AND INTENT

Section 16 of Article XVIII of the Colorado Constitution decriminalizes the personal use and possession and retail sale of marijuana for adults. To implement the state constitution, the General Assembly enacted the Colorado Retail Marijuana Code, Title 12, Article 43.4 of the Colorado Revised Statutes ("CRMC").

The purpose of these regulations is to authorize licensing in unincorporated Pitkin County as provided in § 12-43.4-301, C.R.S., by establishing specific standards and procedures for local licensing of retail marijuana establishments engaged in the cultivation, manufacture, sale, and testing of retail marijuana and retail marijuana products, as provided by state law to protect the health safety, and welfare of the residents of Pitkin County.

6.48.020: DEFINED TERMS

The definitions in the CRMC, §12-43.4-103, C.R.S., shall apply to these regulations. The term "Local Licensing Authority" means the Pitkin County Retail Marijuana Licensing Authority. The term "Board" shall mean the Pitkin County Board of County Commissioners.

6.48.030: EFFECTIVE DATE AND APPLICABILITY

- A. Effective date. These regulations are effective upon final adoption of Ordinance No. 005-2014. It shall be unlawful operate a retail marijuana establishment in unincorporated Pitkin County for which a license is required under the CRMC without first having obtained a state license and a Pitkin County license under these regulations.