

Chapter 9

WILDLIFE PROTECTION

5-9-1: PURPOSE:

The purpose of this chapter is to protect and maintain wildlife in the town of Vail and surrounding areas and to minimize the risk of dangerous interaction between humans and wildlife. (Ord. 20(2006))

5-9-2: DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply:

ATTRACTANT: Any substance which could reasonably be expected to attract wildlife or does attract wildlife, including, but not limited to, food products, pet food, feed, compost, grain or salt.

REFUSE: Any waste that could reasonably attract wildlife which includes, but shall not be limited to, kitchen organic waste, food, food packaging, toothpaste, deodorant, cosmetics, spices, seasonings and grease.

REFUSE CONTAINER: Any trash can, dumpster, or similar device used for the collection and storage of solid waste.

RESIDENT: Any person, firm, corporation or organization within the town of Vail or on town controlled land.

SPECIAL EVENT: An outdoor gathering such as a concert, conference or festival.

WILDLIFE: Any undomesticated animal, including, but not limited to, elk, deer, sheep, lynx, skunks, magpies, crows, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.

WILDLIFE PROOF REFUSE CONTAINER: A fully enclosed metal container with a metal lid. The lid must have a latching mechanism, which prevents access to the contents by wildlife. Wildlife proof refuse container must be certified as such by the Living with Wildlife Foundation, interagency grizzly bear committee (fish and wildlife service, forest service, park service and bureau of land management). A container not so certified, is considered a wildlife proof refuse container if it is certified as such by a town of Vail designated official.

WILDLIFE RESISTANT ENCLOSURE: A fully enclosed structure consisting of four (4) sides and a secure door or cover, which shall have a latching device of sufficient strength and design to prevent access by wildlife. Wildlife resistant enclosures are subject to all planning

and zoning requirements and building codes. An enclosure of less than one hundred twenty (120) square feet shall not require a building permit. An enclosure of one hundred twenty (120) square feet or larger requires a building permit. The walls of the enclosure must extend to the ground and the door can have no more than a three-eighths inch ($\frac{3}{8}$ ") gap along the bottom. The latching device must be of sufficient strength and design to prevent access by wildlife. Ventilation openings shall be kept to a minimum and must be covered with a metal mesh or other material of sufficient strength to prevent access by wildlife. Wildlife resistant enclosures must be approved by a town of Vail designated official.

WILDLIFE RESISTANT REFUSE CONTAINER: A fully enclosed plastic container, of sturdy construction, with a sturdy plastic lid which must have a latching mechanism which prevents access to the contents by wildlife. Wildlife resistant refuse containers must be certified as such by the Living with Wildlife Foundation, interagency grizzly bear committee (fish and wildlife service, forest service, park service and bureau of land management). A container not so certified, is considered a wildlife resistant refuse container if it is certified as such by a town of Vail designated official. (Ord. 20(2006))

5-9-3: RESIDENTIAL REFUSE DISPOSAL:

- A. All residential refuse containers which receive "refuse" or attractants as defined by this chapter must be either wildlife resistant refuse containers or wildlife proof refuse containers, or be securely stored within a house, garage or wildlife resistant enclosure at all times.
- B. Residents with curbside pick up shall place only wildlife resistant refuse containers or wildlife proof refuse containers, 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.
- C. Other household waste that cannot reasonably be considered "refuse" or an attractant as defined in this chapter, including, but not limited to: nonedible yard maintenance waste, household items, and cardboard, shall not require the use of wildlife resistant or wildlife proof containers when not commingled with refuse or any other attractant.
- D. Multi-family housing developments and other types of clustered residential housing, utilizing centralized refuse containers, must use either a wildlife proof refuse container or a wildlife resistant enclosure for all refuse. The container or enclosure shall be kept closed in secure manner except when refuse is being deposited. (Ord. 20(2006))

5-9-4: MAINTENANCE AND OPERATION OF ALL REFUSE CONTAINERS AND ENCLOSURES:

- A. All refuse containers defined in this chapter shall be kept closed and secured when refuse is not being deposited. Any container which is overfilled so as to prevent a container's designed latching is not a wildlife resistant or wildlife proof refuse container within the meaning of this chapter.

- B. If a container or enclosure is damaged, allowing access by wildlife, repairs must be made within twenty four (24) hours after written notification by town of Vail police or code enforcement officers.

- C. All refuse containers that are placed at the curb, alley or public right of way for collection must have the residence street address and unit number permanently affixed to the container with digits no smaller than two inches (2") in height. (Ord. 20(2006))

5-9-5: SPECIAL EVENT REFUSE DISPOSAL:

Outdoor special event sites shall be kept free from the accumulation of refuse. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited into appropriate wildlife resistant, wildlife proof containers or wildlife resistant enclosures as provided in this chapter, or shall be removed to an appropriate disposal site. (Ord. 20(2006))

5-9-6: CONSTRUCTION SITE REFUSE DISPOSAL:

All construction sites must have a designated refuse container which receives "refuse" or attractants as defined by this chapter. This container shall be a wildlife proof refuse container. (Ord. 20(2006))

5-9-7: COMMERCIAL REFUSE DISPOSAL:

All refuse containers receiving refuse from commercial establishments and restaurants shall be in wildlife proof containers, or shall be secured in a wildlife resistant enclosure. Notwithstanding the foregoing, this requirement shall not apply to municipal refuse

containers which are emptied at the end of each day, or multiple times per day. (Ord. 20 (2006))

5-9-8: COMPACTORS:

Trash compactors are compliant with this chapter when no refuse is exposed. Compactor doors must be kept closed at all times, except when loading or removing refuse and the area around the compactor must be kept clean of refuse and debris. (Ord. 20(2006))

5-9-9: FEEDING OF WILDLIFE PROHIBITED:

- A. Intentional Or Unintentional: No person shall intentionally or unintentionally feed or provide food in any manner for wildlife on public or private property within the town of Vail. A person will be considered to be in violation of this chapter if they leave or store any garbage, refuse or attractant in a manner which would create or does create a lure or enticement for wildlife.

- B. Bird Feeders: Bird feeders are allowed. However 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. (Ord. 20(2006))

5-9-10: ENFORCEMENT:

- A. Town of Vail police and code enforcement officers shall have the power to issue a warning notice or a summons and complaint to any person in violation of this chapter.

- B. Town of Vail police or code enforcement officers shall have the right to inspect, during reasonable hours, any property in the town concerning any wildlife concern or potential wildlife attractant. (Ord. 20(2006))

5-9-11: PENALTY ASSESSMENT:

- A. Violation of any provision of this chapter by any person shall be unlawful and subject to the general penalty provision, section [1-4-1](#) this code. Either the owner or occupant of a residence or commercial establishment may be held responsible for a violation of any provision of this chapter.
- B. A resident shall be deemed to have been issued an appropriate notice of violation if it is personally served upon the resident, 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 Vail or Eagle County government department. If the identity of the resident is not known, the 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. (Ord. 20(2006))

5-9-12: VIOLATOR'S RESPONSIBILITY:

In addition to the penalties outlined in this chapter, violators may be required to perform all necessary actions to remove or abate attractants 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, additional storage requirements for refuse containers and/or the required use of wildlife proof containers and/or wildlife resistant enclosures. (Ord. 20(2006))

5-9-13: COMPLIANCE REQUIRED AND TIME PERIOD:

Any container required by this chapter shall be brought into conformity with the provision of this chapter by April 15, 2007. Any enclosure required by this chapter shall be brought into conformity with the provision of this chapter by August 1, 2007. Upon application to the town manager, and showing of hardship by an owner of an enclosure or container required hereunder, the town manager may grant an extension, for a reasonable period of time, with which to comply with the provision of this chapter. (Ord. 20(2006))