



Legislation Details (With Text)

File #: 19-389 **Version:** 2 **Name:**

Type: Ordinance **Status:** Mayor's Office

File created: 7/11/2019 **In control:** City Council

On agenda: 10/22/2019 **Final action:** 10/22/2019

Title: Ordinance No. 19-72 amending Article 4 (Public Health and Sanitation-Garbage, Refuse, and Rubbish) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to waste disposal within a bear management area

Presenter:
Jan McHugh-Smith, CEO Humane Society of the Pikes Peak Region
Frank McGee, Area Wildlife Manager Colorado Parks and Wildlife

Sponsors:

Indexes:

Code sections:

Attachments: 1. Bear_Smart_ORD-2019-10-09-Final.pdf, 2. Bear Smart Taskforce PP July.pdf, 3. Summary of Colorado Ordinances, 4. Bear Managment Area Map, 5. Colorado Springs City Council Bear Trash Presentation, 6. Bear Smart Taskforce PP July.2019.pdf, 7. Signed Ordinance 19-72.pdf

Date	Ver.	Action By	Action	Result
10/22/2019	1	City Council	finally passed	Pass
10/8/2019	1	City Council	approved on first reading	Pass
9/23/2019	1	Council Work Session	referred	
7/22/2019	1	Council Work Session	referred	

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Summary:
UPDATE: Please see updated information in Background section.

This City Code amendment is initiated by a stakeholder group (the Colorado Springs Bear Smart Task Force) to reduce human/bear conflict by restricting access to waste, foster a better understanding of black bears for citizens, and significantly reduce the number of bears euthanized in Colorado Springs due to human/bear interaction.

This City Code amendment proposes the creation of a "Bear Management Area Map", to be adopted by separate resolution, to include most areas within the City limits that are west of I-25. Within the Bear Management Area, bear attractant waste must be secured within a functioning bear resistant

waste container, or within a secured structure at all times, unless placed for collection no earlier than 5am on the day of collection. Replacement of non-bear resistant waste containers within a secured structure would need to occur by 7pm on the day of collection. This provision applies to all properties and zoning designations within the Bear Management Area to include single-family residential, multi-family residential, commercial, and industrial uses.

Complaints filed with the City's Neighborhood Services Division (Code Enforcement) will be investigated and should a violation be substantiated, a written notice, order and assessment of administrative fee(s) to the owner or agent of the owner and occupant shall be issued. Notices will be in writing and personally served whenever feasible to the owner, agent of the owner, and/or occupant of the premises. Administrative fees are as follows:

For a first violation, \$100;
For a second violation, \$250;
For a third and subsequent violation, \$500.

Previous Council Action:

N/A

Background:

UPDATE FOR OCTOBER 8, 2019 REGULAR MEETING: Based on Council feedback from the September 23, 2019 Work Session meeting, staff has drafted a third version of the ordinance accounting for owners and occupants who do not work within hours able to accommodate the restrictions contained in section 6.4.107 (B). This language is contained in option 3.

The new language reads: Non-bear resistant waste containers may be placed at the designated collection location on the scheduled collection day no earlier than 5:00 A.M., *or no earlier than one (1) hour prior to an owner or occupant departing for work if before 5:00 A.M.* Non-bear resistant waste containers must be removed from the collection location and secured by an owner or occupant as soon as practicable after collection service has been provided, but no later than 7:00 P.M., *or no later than one (1) hour after returning home from work if after 7:00 P.M.*, on the same scheduled day.

UPDATE FOR SEPTEMBER 23, 2019 WORK SESSION: The original version of the ordinance was presented at the July 22, 2019 Work Session (see Summary section and information below this update). Pursuant to City Council request, Council President Skorman and Councilmember Knight have both hosted town hall meetings regarding this proposed ordinance since the Work Session.

As part of the discussion at the July 22 Work Session, several ordinance amendments were requested and are attached in option 1. Specifically, there is an exemption from the definition of attractant waste which will allow residents to use composting materials. Additionally, yard rubbish (to the extent it is not attractant waste) has been removed from the definition of general waste. This allows citizens to place yard rubbish at the curb and permits the Fire Marshal to continue to administer the City's Fire Wise program. Additionally, a reference to licensing trash collectors was removed from the ordinance as the City ceased licensing this activity several years ago. Finally, staff has adjusted the timing of removal of attractant waste for special events.

Also, there is an option 2 attached which incorporates all of the changes in option 1 but also adds an affirmative type defense for residential property owners that have provided adequate trash cans, secured dumpster enclosures or secured structures that are not utilized by the renter/lessee and

creates a violation (see City Code section 6.4.109(C)). The property owner would be required to provide evidence to the Municipal Court Referee that an appropriate can, dumpster or structure was provided and that the owner has taken steps to prevent further violations. The Referee would then have the ability to dismiss the violation against the owner. Nothing in the provision limits the City from citing the renter/lessee with a violation. The Municipal Court Referee shall consider the number of violations by an owner, including enforcement actions dismissed pursuant to this section, in determining if an owner has taken appropriate steps to prevent further violations.

Staff understands that pursuant to discussion from the town hall meetings there may be further dialogue at the Work Session related to the permitted times for placing trash cans curbside for pickup.

INFORMATION FROM THE JULY 22, 2019 WORK SESSION:

The urban-wildland interface within the City of Colorado Springs is a large area, west of I-25, with an expanding residential population, making human/bear conflict more common. Unsecured trash is one of the main attractants that draws bears into residential areas. The lack of natural food due to a spring freeze or drought drives the bears to seek alternative food sources, such as trash and bird feeders, thereby increasing the number of conflicts.

Colorado Parks and Wildlife (“CPW”) spends countless hours responding to citizens calling about bears who have become habituated as they seek human food waste in trash. In 2017, 30 bears were euthanized in El Paso and Teller Counties due to human/bear conflict. In 2018, 15 bear cubs were orphaned, due to the euthanasia of habituated adult bears or bears being hit by cars. For years, CPW Officers educated the public on the issues of bear attractants with no improvement.

From 2011 to 2017, CPW performed a study in Durango, Colorado, and the science demonstrated that human/bear conflict could be reduced by 50% when bear resistant containers were used by residents, and waste and attractants were controlled to reduce bear access. Based on this information and the experience of other communities, a citizen’s group, the Colorado Springs Bear Smart Task Force, was established and set goals to reduce human/bear conflict, including development of a local ordinance that requires residents to secure trash in expedient ways.

Approval of this ordinance is aligned with the PlanCOS Vision to value the City’s natural spaces and to become the key strategy of environmental stewardship. It provides reasonable options for citizens to comply, is on a complaint basis and provides City Code Enforcement with the ability to assess administrative fees when there is no voluntary compliance. This ordinance will reduce human/bear conflict, prevent trash from being spread when cans are knocked over, and keep people and bears safe.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

Over the last year, City Neighborhood Services has met with a stakeholder group (the Colorado Springs Bear Smart Task Force) consisting of the Humane Society of the Pikes Peak Region, several

businesses, and the Colorado Parks and Wildlife Department.

Alternatives:

1. Adopt the ordinance as presented;
2. Adopt the ordinance with amendments;
3. Choose not to adopt the ordinance.

Proposed Motion:

Move to adopt an ordinance amending Article 4 (Public Health and Sanitation-Garbage, Refuse, and Rubbish) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to waste disposal within a bear management area.

An ordinance amending Article 4 (Public Health and Sanitation-Garbage, Refuse, and Rubbish) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to waste disposal within a bear management area.