



# Memo

To: Honorable Mayor Pinkham  
Board of Trustees  
Town Administrator Lancaster

From: Wes Kufeld, Chief of Police

Date: June 23, 2015

RE: Selection of options for drafting a wildlife protection ordinance

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## **Objective:**

- Present the board with potential options and recommendations for trash containment requirements that could be components of a new wildlife protection ordinance to increase public safety and wildlife safety within Town limits.
- Receive board direction to draft a wildlife protection ordinance as well as direction on the options that should be included within the draft ordinance.
- Support the board's strategic goal to ensure Estes Park is a safe place to live, work and visit within our extraordinary natural environment.

## **Present Situation:**

Common to living in a mountain community is the awareness of wildlife safety and the reality that wildlife will enter trash containers year-round. More specifically, between the months of May and November the Town of Estes Park experiences problems with bears and other wildlife entering trash containers in both commercial and residential locations within Town limits. Additionally, occurrences of bears entering cabins, homes and motor vehicles have escalated as more bears are drawn to Estes Park by trash and other unnatural food sources. The Town's current litter ordinance in the Estes Park Municipal Code (9.16.070) is very difficult for the Police Department to enforce as it does not include requirements specific to wildlife in trash or attractants in containers. Trash management has a direct correlation to public safety and wildlife safety, and it is recommended that the Town add reasonable requirements to increase public and wildlife safety.

In the fall of 2012, the Estes Valley Bear Education Task Force was formed by concerned citizens in the Estes Valley, partnered with businesses, the Town, Colorado Parks and Wildlife, Rocky Mountain National Park and other organizations active within the Estes Valley. The Task Force developed and implemented educational efforts which have made a notable difference in raising public awareness and actions to keep wildlife safe and prevent bears from entering trash throughout the Estes Valley. The task force has identified and targeted educational efforts in locations of high risk which attract wildlife due to food waste accessibility.

The Estes Park Police Auxiliary Unit initiated a litter patrol in 2014 to increase enforcement efforts, investing nearly 320 hours between May and November to support the efforts of the Bear Education Task Force. The combination of education and enforcement has complimented the educational efforts and decreased incidents as it relates to wildlife in trash, specifically bears. Both the Bear Education Task Force and Police Auxiliary continue their education and enforcement activities, but problems still occur and the potential for human/wildlife conflicts could be reduced significantly if trash management requirements were updated lending higher accountability for enforcement purposes.

A significant amount of Police Department time and effort is related to bear activity each year. Between May and November, 2014, the Estes Park Communications Center received 227 bear reports and complaints within Town limits. Warnings were issued in 66 percent of those cases. Bears were “educated” with paintballs in 31 percent of those cases. Tickets were issued to repeat offenders in 3 percent of those cases. Requiring better trash containment practices would significantly reduce these conflicts, allowing officers to focus on other public safety issues.

With enforcement efforts and prevention education underway, staff discussed with the Town Board the potential of drafting a new “wildlife protection ordinance” due to the critical need to continue preventing wildlife from entering trash containers. It was clear; “to do nothing” was not an option and would pose a danger to both wildlife as well as the community. The members of the Town Board requested a menu of options to consider in order to draft an ordinance that is the best possible fit for the community.

Moving forward, staff compared standard wildlife ordinances extracted from 17 similar communities within the State of Colorado. Staff found similar communities have, for the most part, utilized the same format and information which is considered a “standard ordinance” utilizing tested and approved guidelines for Wildlife Ordinances throughout the state. Some specific differences are written into the ordinance depending on the individual needs of the municipality and or location. Some of the comparison municipalities do not have specific wildlife protection ordinances, but they often cover littering standards in other ways through codes that help reduce conflicts.

Input into a menu of options for a proposed ordinance has been requested from the Bear Education Task Force, the Town’s Leadership Team, local trash hauling companies, the general public; and input received to date has been reflected in the menu of options included with this memo. If the Town Board requests staff to proceed with drafting a wildlife protection ordinance, staff recommends pursuing additional public input through the process.

**Proposal:**

Options are included in the attached menu, noting the “recommended options” for residential properties, commercial properties and special events. The recommendations are supported by the Estes Valley Bear Education Task Force and representatives from the two of three local trash hauling companies. (Staff has a scheduled meeting with the third company June 19, following completion of this memo.) With board direction, staff will draft an ordinance with assistance from Attorney White, review with the board and

the public in the draft format, and return to the board for final approval later this summer. Staff recommends a period of public education on any new ordinance through 2015, with enforcement not beginning until 2016.

**Advantages:**

This is a simple yet significant step to better protecting our residents, guests and wildlife from potential conflicts. The recommended option is a balanced and flexible approach to improvements without necessarily adding significant cost to residents and businesses.

**Disadvantages:**

Implementing a new wildlife protection ordinance will require behavioral changes on the part of many residents and businesses. Some individuals may incur one-time costs in purchasing an appropriate container or enclosure.

**Action Recommended:**

Staff recommends the board ask staff to move forward with drafting a wildlife protection ordinance for public and board review, utilizing the recommendations from the attached menu.

**Budget:**

N/A

**Level of Public Interest**

There is a high level of public interest in this discussion due to the implications of this issue for public and wildlife safety, as well as the changes it could require of Town residents and businesses.

**Motion:**

I move for the approval of asking staff to draft a wildlife protection ordinance, to include staff's recommended options for trash containment requirements, to be presented to Town Board and public at a later date for final consideration.

**Attachments:**

Draft menu of options for a wildlife protection ordinance  
Bear Activity Map