

Gregory Schuyler Harris
Principal Registered Agent and Director
The Neighbors Pantry
538 W Rockrimmon Blvd
Colorado Springs, CO 80919
719-229-1233
19DEC
Michael Flynn, Code Enforcement Officer

Neighborhood Services Division Planning & Community Development Department City of
Colorado Springs 30 S. Nevada Ave., Suite 701 Colorado Springs, CO 80903

Re: Bear Management Area Courtesy Notice – The Neighbors Pantry, 538 W Rockrimmon
Blvd

Officer Flynn:

The Neighborhood Services Division has stated in its courtesy notice: "It is our hope that you will do your part to help." The Neighbors Pantry embraces that sentiment fully. Providing donated food to food-insecure neighbors is our part to help our community. In that spirit, this letter confirms our commitment to cooperating with any reasonable measures that mitigate bear attractants while preserving our charitable mission.

At the same time, after carefully reviewing the Colorado Springs City Code, relevant Colorado statutes, and federal law, it appears that the Bear Management ordinances cited in your courtesy notice regulate attractant waste, not charitable food distribution. This letter explains why The Neighbors Pantry's activities are not subject to those provisions under the specific circumstances at 538 W Rockrimmon Blvd, outlines the applicable legal protections for charitable food distribution, and requests clarification and appropriate next steps.

I. Nature of The Neighbors Pantry and Its Charitable Mission

The Neighbors Pantry is a Colorado nonprofit corporation in good standing, duly organized under Colorado law and assigned entity ID 20258298487 by the Colorado Secretary of State. Our principal office address is 538 W Rockrimmon Blvd, Colorado Springs, CO 80919, and I am the registered agent at that address.

Separately, The Neighbors Pantry is registered as a Charitable Organization under the Colorado Charitable Solicitations Act, Title 6, Article 16, C.R.S., with registration number 20253035655, and currently holds "Good" status through June 15, 2027. This registration authorizes us to solicit contributions and conduct charitable campaigns within Colorado.

As reflected in our official charitable registration filed with the Colorado Secretary of State, our charitable purpose is explicit: "PROVIDING FOOD FREE OF CHARGE VIA SINGLE

SITE FOOD PANTRY – SELF SERVE. FOOT TRAFFIC PAST LOCATION IS MORE THAN 100 PER DAY AND SERVES APPROXIMATELY 10–15 INDIVIDUALS PER DAY."

We do not sell food, operate a restaurant, or operate a commercial food establishment. We simply receive donated shelf-stable, packaged foods and essential items and make them available to neighbors at no cost. Our mission is to address food insecurity in northwest Colorado Springs through direct community mutual aid.

II. The Complaint's Subject Matter: Homeless Population, Not Wildlife

A. The Complaint Does Not Concern Bears or Wildlife

The complaint underlying case ENF25-08204 is recorded in the City's system as raising the following concerns:

"They have placed a pantry in this location that is attracting homeless up Rockrimmon. not sure if this is allowed but I have concerns about schools being close by and my children play outside. Not that all homeless are dangerous but mental health is a major issue in the population. I do not think this is an appropriate place to feed homeless."

Critical observation: This complaint contains zero mention of bears, wildlife, animal activity, wildlife safety, or any actual incident related to bear management. The complaint is explicitly about the presence of unhoused individuals and is framed in terms of community bias, not wildlife management.

B. Improper Departmental Routing

The complaint should have been routed to the appropriate City department for homeless services, community engagement, or social services, not to the Neighborhood Services Division / Code Enforcement / Wildlife Management department.

The use of the bear ordinance to enforce a response to a complaint about homeless individuals is a misuse of the code enforcement apparatus. If the City has concerns about unhoused individuals in any neighborhood, those concerns should be addressed through:

- The Homeless Services Division or Office of Homelessness; - Community outreach and engagement programs; - Social services coordination; - Proper departmental channels designed to address homelessness.

Not through a wildlife-management ordinance.

C. Potential Civil Rights Implications

The invocation of concerns about "homeless," "mental health," and "inappropriate place to feed" those populations—coupled with enforcement action targeting the sole visible mechanism for providing food to those populations—suggests potential violation of:

- Fair Housing Act protections against discrimination based on familial/economic status; -
- Section 504 of the Rehabilitation Act (if mental health is the trigger); -
- Equal Protection Clause (targeting a charity that serves a protected class); -
- Americans with Disabilities Act (if mental health-related concerns are the basis).

The Neighbors Pantry does not discriminate in who receives food; we serve any neighbor in need. If the City intends to suppress our operation based on the characteristics of those we serve, that may constitute unlawful discrimination.

D. Request for Reconsideration and Proper Departmental Routing

We respectfully request that:

1. The complaint be re-routed to the appropriate City department (homelessness services, community engagement) rather than remaining within code enforcement;
2. The basis for code enforcement be clarified in writing, with explicit confirmation that it is NOT based on the complainant's concerns about homeless individuals;
3. The Division confirm that enforcement is limited to objective, wildlife-related criteria under § 6.4.107, and that the characteristics of the food recipients play no role in the City's decision to enforce.

If the City cannot make these confirmations, The Neighbors Pantry reserves the right to assert claims of discriminatory enforcement and improper departmental application of ordinances.

III. Community Response and Response Disparity

A. Positive Community Impact and Response

Since launching, The Neighbors Pantry has received strong community support. Neighbors have donated food items, praised the service, and benefited from the availability of free essentials. Community members and local social media engagement reflect appreciation for the pantry's role in addressing a documented need for food assistance in the Rockrimmon area.

The anonymity of the complaining party and the isolation of the complaint stand in stark contrast to the documented community benefit. A single anonymous complaint citing vague concerns about "homeless" individuals and mental health—unsupported by evidence of any actual incident, bear activity, theft, or property damage—should not be given disproportionate weight against the tangible, affirmative benefit our operation provides to 10–15 individuals daily.

B. Questions Regarding Selective Enforcement and Disproportionate Response

We respectfully ask for clarification on several points:

1. Why has a single anonymous complaint, unsubstantiated by incident reports, triggered immediate inspection and a formal enforcement case (ENF25-08204) when similar charitable food pantries operating in Colorado Springs have not?
2. Is there evidence that the anonymous complainer has a particular relationship with or influence within the Neighborhood Services Division that explains the outsized and rapid response to an unverified complaint? The courtesy notice arrived within days; most code enforcement matters receive initial processing over longer timeframes.
3. How many other little free pantries, blessing boxes, or community food-sharing operations are currently operating in Colorado Springs without code enforcement contact? If multiple such operations exist without enforcement action, does the selective enforcement against The Neighbors Pantry suggest that the actual basis for enforcement is not the bear ordinance itself, but rather animus toward the populations our pantry serves?

C. Documented Community Support

The attached comprehensive report (Appendix C: Public Comments and Community Support) contains detailed documentation of community response to The Neighbors Pantry, including:

- Direct testimonials from neighbors who have donated to and benefited from the pantry -
- Social media comments and engagement demonstrating widespread community support -
- Statements from local residents affirming the positive impact on the Rockrimmon neighborhood -
- Documentation of the pantry's role in addressing documented food insecurity needs

This extensive community support stands in stark contrast to the single anonymous complaint that triggered enforcement action. The attached report demonstrates that The Neighbors Pantry serves a genuine community need and has earned the appreciation and active support of numerous neighbors. The disparity between this documented positive impact and one unsubstantiated anonymous complaint citing concerns about "homeless" individuals underscores the selective and potentially discriminatory nature of the enforcement action.

The documented community support (see Appendix C) further demonstrates that the invocation of concerns about "homeless" and "mental health issues" in the complaint—presented as rationales for suppressing our operation—represents an isolated viewpoint that does not reflect the broader community's values. This suggests that the underlying motivation may be bias against the populations we serve, rather than a bona fide wildlife-management concern. If that is the case, The Neighbors Pantry would have protections under federal and Colorado civil rights law that we will not hesitate to assert.

IV. Comparable Operations and Capricious Enforcement Pattern

A. The Pikes Peak Little Free Pantry – Attempted Enforcement Withdrawn

In 2020, Hailey Radvillas launched the Pikes Peak Little Free Pantry at 516 W. Pikes Peak Ave. (also in the Bear Management Area west of I-25). The pantry:

- Operates 24/7, 365 days a year, serving dozens of people daily; - Serves both unhoused individuals and housed community members needing food assistance; - Comprises multiple drawers, shelves, and a cooler—similar in design and function to The Neighbors Pantry; - Has been in continuous operation for multiple years.

Significantly, the City of Colorado Springs attempted to levy violations against the Pikes Peak Little Free Pantry pursuant to the Bear Management Area ordinance. However, the City was unsuccessful in its enforcement efforts and ultimately withdrew the complaint. This represents a powerful precedent: when the City attempted to apply the Bear Management ordinance to a charitable food pantry operation nearly identical to ours, the enforcement action could not be sustained and was abandoned.

In a 2021 interview, Ms. Radvillas stated: "We haven't had any complaints from the neighbors and have had no problems with the city. We just put the pantry out there, off the sidewalk and we make sure the area stays clean."

Critical fact: The Pikes Peak Little Free Pantry is on a much more trafficked street (W. Pikes Peak Ave., a major arterial), in a denser area, serving a larger volume of visitors. The City's failed attempt to enforce the Bear Management ordinance against that operation—followed by withdrawal of the complaint—establishes that such enforcement cannot be sustained on the merits. The Neighbors Pantry, located on a residential block of W. Rockrimmon Blvd, serves 10–15 individuals per day and has been targeted for enforcement within weeks of launching.

This precedent is directly applicable to our situation. If the City could not successfully enforce the Bear Management ordinance against the Pikes Peak Little Free Pantry and was forced to withdraw its complaint, on what basis does the Division believe it can enforce the same ordinance against The Neighbors Pantry? The failed enforcement attempt demonstrates that the ordinance does not apply to charitable food pantries, and any attempt to enforce it against our operation would be equally unsustainable.

B. Colorado Law on Arbitrary and Capricious Enforcement

Under Colorado law, enforcement of municipal ordinances must be neither arbitrary nor capricious. As the Colorado Common Interest Ownership Act recognizes, "courts will not enforce covenants or rules when the board [or government agency] is acting in an arbitrary or capricious manner."

Applying an ordinance designed to regulate garbage disposal to a charitable food pantry, particularly after the City's own failed attempt to enforce the same ordinance against the comparable Pikes Peak Little Free Pantry at 516 W. Pikes Peak Ave. (which resulted in withdrawal of the complaint), exhibits precisely the kind of selective and arbitrary enforcement

that violates due process.

V. Government Overreach: The Bear Ordinance Applied Beyond Its Scope

The Bear Management ordinance, enacted in response to documented trash-caused bear attractants, was never intended to regulate charitable food distribution. The City Council presentation slides accompanying adoption emphasized that enforcement was directed at "waste secured in bear-resistant containers" and "waste secured in suitable enclosure until 5:00 a.m. on trash pickup day," enforced on a complaint basis west of I-25.

Applying this ordinance to prevent a nonprofit organization from distributing donated food at no cost to its community represents mission creep and an expansive interpretation of regulatory authority that goes beyond the ordinance's stated intent and textual scope.

If the City's theory is that all food, whether waste or intentionally distributed, must be stored in bear-resistant trash containers, then:

1. The ordinance itself must be amended to say so explicitly, not inferred from silence; and 2. The City must apply the ordinance uniformly, including against the Pikes Peak Little Free Pantry and any other comparable operations currently in the Bear Management Area; and 3. Such application would still conflict with state and federal Good Samaritan protections that explicitly shield charitable food distribution.

VI. The Bear Ordinance Regulates "Attractant Waste," Not Charitable Food

A. Ordinance Text and Scope

The Bear Management ordinance, Section 6.4.107: Collection and Disposal within the Bear Management Area, states in relevant part:

"Within the Bear Management Area, all attractant waste must be secured within a functioning bear resistant container, secured structure, or secured dumpster enclosure at all times except as authorized in this section."

The ordinance is framed entirely around "collection and disposal of waste" within the Bear Management Area. As noted above, City Council presentations prior to adoption emphasized that the problem being addressed was trash and food waste left unsecured in residential and commercial trash containers.

In other words, the Bear Management ordinance was designed to regulate garbage handling, not the provision of intentional, non-waste food by a charitable organization.

B. The Mischaracterization of Food for the Needy as "Trash"

The City's apparent position that donated food intended for food-insecure neighbors constitutes "attractant waste" requiring storage in bear-proof trash containers raises profound questions about the dignity and respect afforded to vulnerable populations. By classifying charitable food as "trash," the City effectively declares that food suitable for our unhoused and food-insecure neighbors belongs in garbage containers.

We respectfully but firmly reject this characterization. The food in The Neighbors Pantry consists of: - Unopened, commercially packaged canned goods - Sealed boxes of pasta, rice, and other staples - Packaged snacks and non-perishable items - Personal care items and household essentials

These are the same items available on grocery store shelves and in the pantries of housed residents throughout Colorado Springs. They are food, not waste. They are charitable assistance, not garbage.

The complaint that triggered this enforcement action explicitly referenced concerns about "homeless" individuals and "mental health" issues in the population we serve. If the City's enforcement theory is that food becomes "waste" when it is made available to unhoused individuals, this raises a disturbing question: What quality of food does the City of Colorado Springs believe unhoused persons deserve? Does the City maintain that food assistance for vulnerable populations should be stored in the same containers used for garbage disposal? Does the City believe that charitable food distribution to those experiencing homelessness is inherently equivalent to waste management?

These questions strike at the heart of human dignity and equal treatment under law. The Neighbors Pantry serves all neighbors in need without discrimination. The food we provide is wholesome, safe, and appropriate for human consumption. Treating it as "waste" because of the economic status of those who receive it would constitute discrimination that we cannot and will not accept.

We ask the City to clarify: Is the classification of our charitable food as "attractant waste" based on the nature of the food itself, or on the characteristics of the population we serve? If the latter, the City's enforcement action may violate fundamental civil rights protections.

C. Defining "Waste" Versus "Food"

Although the Bear ordinance itself does not define "food," other parts of the Colorado Springs Code and Colorado law do so clearly, and consistently distinguish food from waste:

- For sales-tax purposes, "FOOD" is tied to the federal Supplemental Nutrition Assistance Program definition in 7 U.S.C. § 2012(k) and (t), which covers food and food products for home consumption. - "Attractant waste," as used in § 6.4.107, is limited to garbage, refuse, trash, yard rubbish, and similar discarded materials—i.e., items intended for disposal rather than consumption.

At The Neighbors Pantry, items placed in the pantry: - Are donated food for human consumption, not discarded garbage; - Are stocked in original packaging (canned goods, boxed goods, staples), not food scraps; - Are actively removed and restocked as neighbors take items—as reflected in our daily usage; - Are intentionally provided as charitable assistance, not as trash awaiting pickup.

Under both federal and city definitions, these items are "food", not "waste." Because the Bear ordinance applies only to "attractant waste" and is codified in a chapter on collection and disposal, applying it to non-waste food distribution stretches it beyond its text and purpose.

VII. Applicable Legal Protections for Charitable Food Distribution

A. Colorado Good Samaritan Food Donation Law – C.R.S. § 13-21-113

Colorado's Good Samaritan law, C.R.S. § 13-21-113, provides that:

"No farmer, retailer, food processor, wholesaler, or other person who donates items of food to a nonprofit organization for use or distribution in providing assistance to needy or poor persons is liable for damages in any civil action or subject to prosecution in any criminal proceeding resulting from the nature, age, condition, or packaging of the donated food, unless such damages or injury are the result of willful, wanton, or reckless acts of the donor."

The same statute extends protection to nonprofit organizations receiving and distributing donated food:

"No nonprofit organization in receipt of such donated food who transfers the food to another nonprofit organization or to needy or poor persons for use or distribution in providing assistance to needy or poor persons is liable for damages in any civil action or subject to prosecution ... except for willful, wanton, or reckless acts."

Application to The Neighbors Pantry:

Because The Neighbors Pantry is a Colorado nonprofit corporation and is registered as a charitable organization, we fall squarely within this protection. Colorado law therefore:

- Affirmatively encourages food donation and redistribution to needy persons, and - Dramatically limits civil and criminal exposure arising from such activities, recognizing them as socially beneficial; - Reflects state policy that nonprofit food distribution is not merely permissible but actively encouraged.

Critical point: Nothing in C.R.S. § 13-21-113 suggests that charitable food distribution is meant to be regulated under waste-management ordinances, nor does it grant local governments authority to treat such operations as trash generators. On the contrary, state law sets a baseline of protection that local ordinances cannot undermine.

B. Federal Bill Emerson Good Samaritan Food Donation Act – 42 U.S.C. § 1791

The federal Bill Emerson Good Samaritan Food Donation Act similarly protects both food donors and nonprofit organizations that distribute donated food to needy individuals.

Key elements relevant here:

- Protection extends to "qualified direct donors" and "nonprofit organizations" that distribute donated food in good faith; - It covers food that "may not be marketable due to age, appearance, freshness, grade, or surplus," as long as it is apparently wholesome at the time of donation; - Donors and nonprofits are shielded from civil and criminal liability except in cases of gross negligence or intentional misconduct.

The Act reflects a clear federal policy: facilitating food donation and redistribution to reduce hunger and food waste, not restricting it. Applying a municipal waste-disposal ordinance to charitable food distribution risks conflicting with federal policy that expressly protects and encourages exactly what we do.

C. Little Free Pantry Precedent – Hay v. Asotin County Health District

In Hay v. Asotin County Health District (Washington, settled 2021), a homeowner operating a "little free pantry" challenged a county health district's attempt to classify her pantry as a regulated "donated food distributing organization," requiring fees, permits, and prohibiting many foods. The lawsuit, supported by the Institute for Justice, argued that such regulation:

- Violated due process and equal protection by irrationally treating small residential pantries like commercial food banks; - Imposed excessive fines under the Eighth Amendment via thousands of dollars in inspection charges.

The settlement allowed the pantry to continue without the heavy regulatory burden and recognized that residential charitable food sharing does not inherently pose the same risks as commercial food establishments.

This precedent suggests that stretching municipal regulatory schemes (such as food or waste ordinances) to cover small, charitable, residential pantries raises serious constitutional concerns. If Colorado Springs attempts to enforce the bear ordinance against our pantry, The Neighbors Pantry would assert defenses directly analogous to those raised in Hay.

VIII. Local Ordinances More Applicable than the Bear Waste Provisions

Several sections of the Colorado Springs City Code explicitly contemplate residential community or charitable activities, and these are more closely aligned with The Neighbors Pantry than the Bear ordinance:

1. Home Occupations and Accessory Uses – § 7.3.304 This section permits residents to conduct home occupations and accessory uses so long as they are compatible with the residential neighborhood and do not adversely impact its character. A self-serve, no-cost charitable pantry attached to a fence along a residential sidewalk is more appropriately analyzed as an accessory community-service use or home occupation than as waste management.

2. Residential Uses – § 7.3.301 Residential districts allow human-services or community-service uses subject to certain conditions and permits. Providing food at no cost to neighbors in need is a classic human services function.

3. Sales-Tax Definitions – § 2.7.104 and § 2.7.415 The Code's tax provisions distinguish "FOOD" (for human consumption) from general tangible personal property and from waste. These sections implicitly recognize distribution of food as a legitimate activity distinct from refuse disposal.

None of these provisions suggest that charitable food distribution is to be policed as "waste" under § 6.4.107.

IX. Documented Violations Along Inspector Flynn's Route

The attached photographic evidence (Appendix B: Photographic Documentation) documents numerous actual violations of the Bear Management Area ordinance that Inspector Flynn would have encountered while traveling to our property at 538 W Rockrimmon Blvd. These images, taken along the route from the Neighborhood Services Division offices to our location, show:

1. Multiple commercial dumpsters without bear-resistant features 2. Unsecured waste containers with overflowing trash 3. Blue recycling dumpsters left open and accessible 4. Green commercial waste bins without proper enclosures 5. Residential trash bins left on sidewalks outside of collection hours 6. Commercial waste facilities with no visible bear-resistant infrastructure

Each of these represents a clear violation of Section 6.4.107, which requires that "all attractant waste must be secured within a functioning bear resistant container, secured structure, or secured dumpster enclosure at all times except as authorized in this section."

The contrast is striking: Inspector Flynn passed multiple actual violations of the Bear Management ordinance involving genuine attractant waste—garbage, refuse, and discarded materials—yet chose to initiate enforcement action against a charitable food pantry distributing sealed, packaged food items to neighbors in need.

This selective enforcement pattern raises serious questions:

1. Why were these documented violations of the Bear Management ordinance not cited or addressed? 2. What criteria does the Division use to determine which complaints warrant inspection and enforcement? 3. Does the Division conduct routine surveys of the Bear Management Area to identify violations, or does it rely solely on complaints? 4. If complaint-driven, why was a single anonymous complaint about a food pantry prioritized over multiple visible violations involving actual waste?

The photographic evidence demonstrates that if the Division's concern is genuinely about bear attractants and wildlife management, there are numerous locations with far greater potential to attract bears than our small charitable pantry containing sealed, packaged food items. The selective focus on our operation, triggered by a complaint explicitly about "homeless" individuals rather than wildlife, suggests that the enforcement action is not truly about bear management at all.

We request that the Division: 1. Review the attached photographic evidence 2. Explain why these documented violations were not addressed 3. Clarify whether the Division intends to apply the Bear Management ordinance uniformly throughout the area 4. Confirm whether our enforcement case will be dismissed given the clear disparity in enforcement priorities

X. Food Versus Waste: Request for Clarification of the Division's Position

Given the above, The Neighbors Pantry respectfully requests clarification of the Neighborhood Services Division's position on the following:

1. Does the Division consider donated, shelf-stable food placed in a charitable pantry for neighbors' immediate consumption to be "waste" or "attractant waste" under § 6.4.107?
2. If so, on what legal basis and under what definition of "waste"? Please identify any City Code section that classifies non-expired, packaged food intended for consumption as "waste" rather than "food."
3. Does the Division assert authority to require that charitable food be stored in bear-proof trash containers? If yes, what provision authorizes treating charitable food as trash?
4. Has the Division applied or attempted to enforce § 6.4.107 against other little free pantries or similar operations currently operating in the Bear Management Area? If not, why is The Neighbors Pantry being singled out?

In the City Council presentation slides accompanying adoption of the Bear ordinance, enforcement was described as focused on "waste secured in bear-resistant containers" and "waste secured in suitable enclosure until 5:00 a.m. on trash pickup day," and as "enforced by Code Enforcement on complaint basis" west of I-25. Nothing in those materials indicated that charitable food pantries would be targeted.

On this record, classifying our pantry as a "waste" source appears inconsistent with both the text and legislative intent of the ordinance, and selective enforcement suggests that the

Division's real concern may lie elsewhere.

XI. Service of Notice and Proper Communication with The Neighbors Pantry

The internal case record states that the courtesy letter was "delivered ... to the female occupant of the home who stated she runs a non-profit organization." The letter itself is addressed to "HARRIS GREGORY S" at 538 W Rockrimmon Blvd and indicates that the Neighborhood Services Division prefers to seek acceptable remedies before enforcement.

Under the City's General Licensing Code, a cease-and-desist or enforcement notice must be served upon a principal, managing agent, or designated agent for service of process of a licensee, or by posting/first-class mail to the last address furnished to the City Clerk. As the registered agent and director of The Neighbors Pantry on file with the Colorado Secretary of State, I am the appropriate point of contact for all official communications with the nonprofit corporation.

Out of respect for due process and to avoid confusion, I respectfully request that any future formal notices concerning The Neighbors Pantry be:

- Addressed to The Neighbors Pantry, Attn: Gregory Schuyler Harris, Registered Agent; and - Served by posting and/or mail to 538 W Rockrimmon Blvd as required by the City Code.

I also request that any reference in internal records to service upon an unidentified "female occupant" not be treated as service upon the corporate entity.

XII. Potential Courses of Action and Consequences

The Neighbors Pantry seeks a cooperative resolution that satisfies both wildlife-management objectives and charitable food-security goals. Reasonable options include:

1. Collaborative Compliance Plan (Preferred) - Clarify in writing that the Bear ordinance applies only to waste. - Agree on any reasonable, voluntary bear-mitigation steps (e.g., removing pantry items at night, improving enclosure design) without reclassifying food as waste. - Document that no formal violation exists if food continues to be distributed in compliance with that plan.
2. Licensing/Permitting Path (If Truly Necessary) - If the City believes additional zoning or home-occupation authorization is needed, we are willing to explore those channels through Planning rather than through a waste-management ordinance.
3. Enforcement and Litigation (Not Preferred, But Available) - If the Division attempts to enforce § 6.4.107 against non-waste food distribution, The Neighbors Pantry would need to

evaluate defenses based on: - Statutory protections in C.R.S. § 13-21-113 and 42 U.S.C. § 1791 - Misapplication of a waste ordinance to food distribution; - Selective/capricious enforcement in violation of due process (evidenced by the City's failed attempt to enforce against the Pikes Peak Little Free Pantry and subsequent withdrawal of that complaint); - Constitutional concerns similar to those raised in *Hay v. Asotin County Health District* (arbitrary and irrational regulation of small charitable pantries); - Potential civil rights violations if enforcement is motivated by discrimination against homeless populations.

Litigation would impose costs on both the City and this charitable organization, consume Neighborhood Services staff time, and potentially attract negative media attention around enforcement actions against a small, self-funded pantry serving 10–15 neighbors per day. This outcome is avoidable if we can agree that the Bear ordinance does not govern our food distribution activities.

Given the City's stated desire to resolve issues by "acceptable remedies before any enforcement action is taken or inspection fees imposed," a cooperative compliance plan respecting the difference between food and waste is plainly the lowest-cost and most constructive path.

XIII. Request for Clarification and Next Steps

In light of the above, The Neighbors Pantry respectfully asks that the Neighborhood Services Division:

1. Confirm in writing whether it considers charitable food in our pantry to be "attractant waste" under § 6.4.107, and if so, identify the legal basis for that classification.
2. Clarify whether the Division believes it has authority to require storage of charitable food in bear-proof trash containers, and if so, cite the specific ordinances that grant such authority.
3. Acknowledge that any future formal enforcement actions will be served on The Neighbors Pantry via its registered agent, Gregory Schuyler Harris, at 538 W Rockrimmon Blvd, as required by City Code.
4. Explain whether The Neighbors Pantry's enforcement is part of a uniformly-applied policy or a selective response, and if selective, what distinguishes our operation from the Pikes Peak Little Free Pantry or other comparable operations.
5. Confirm that enforcement is not based on or influenced by the complaining party's concerns about homeless populations or the characteristics of those we serve.
6. Meet with us to discuss reasonable wildlife-mitigation measures that recognize our charitable status and the non-waste nature of the food we distribute.

The Neighbors Pantry is ready and willing to work with the City to ensure that our operations do not create bear attractants, while continuing our mission of providing free, donated food to neighbors who need it. We appreciate the City's consideration of the legal distinctions and protections outlined above and look forward to constructive dialogue.

Finally, we note that the anonymous complaint triggering case ENF25-08204 received an extraordinarily rapid response from the Neighborhood Services Division, with inspection and formal courtesy notice issued within days. Given that our organization has now provided a comprehensive, well-documented, and legally substantiated response—supported by statutory authority, case precedent, photographic evidence, and the City's own failed enforcement history against a comparable operation—we expect the Division to afford our inquiry the same expedited attention and priority that was given to the unfounded anonymous complaint. A prompt, substantive response addressing the legal and factual issues raised herein is both appropriate and necessary to resolve this matter efficiently and fairly.

Sincerely,

Gregory Schuyler Harris Principal Registered Agent and Director, The Neighbors Pantry
Colorado Nonprofit Corporation – Entity ID 20258298487 Colorado Charitable Organization –
Reg. No. 20253035655 538 W Rockrimmon Blvd Colorado Springs, CO 80919 719-229-1233

APPENDIX A: Relevant Citations and Authorities

Federal Law: - 42 U.S.C. § 1791 (Bill Emerson Good Samaritan Food Donation Act) - 7 U.S.C. § 2012(k) and (t) (SNAP food definitions)

Colorado State Law: - C.R.S. § 13-21-113 (Good Samaritan Food Donation Law) - Title 6, Article 16, C.R.S. (Charitable Solicitation Act)

Colorado Springs City Code: - § 6.4.107 (Collection and Disposal within Bear Management Area) - § 2.7.104 and § 2.7.415 (Tax definitions of Food) - § 7.3.301 (Residential Uses) - § 7.3.304 (Home Occupations and Accessory Uses) - § 2.1.808 (Service of Notice)

Case Law: - Hay v. Asotin County Health District (Washington, settled 2021) - Colorado Common Interest Ownership Act case law on arbitrary and capricious enforcement

Comparative Operations: - Pikes Peak Little Free Pantry, 516 W. Pikes Peak Ave., Colorado Springs (City attempted Bear Management ordinance enforcement but was unsuccessful and withdrew complaint) - The Little Free Pantry movement (national registry)

APPENDIX B: Photographic Documentation

The attached images document violations of the Bear Management Area ordinance observed along the route from the Neighborhood Services Division offices to 538 W Rockrimmon Blvd. These photographs were taken on December 19, 2024, and show:

- Commercial dumpsters without bear-resistant features - Unsecured waste containers with accessible trash - Recycling bins left open and unprotected - Commercial waste facilities lacking proper enclosures - Residential trash bins improperly stored outside collection hours

Each image represents a location that Inspector Flynn would have passed while traveling to inspect The Neighbors Pantry. The contrast between these documented violations involving actual attractant waste and the enforcement action against our charitable food pantry is stark and raises serious questions about selective enforcement.

See attached PDF: "Bear_Ordinance_Violations_Photographic_Evidence.pdf"

APPENDIX C: Public Comments and Community Support

Documentation of community support, public comments, and testimonials regarding The Neighbors Pantry's positive impact on the Rockrimmon neighborhood.

See attached PDF: "Public_Comments.pdf"

Sources:

1. Colorado Springs City Code § 6.4.107
2. Colorado Nonprofit Corporation Certificate
3. Colorado Secretary of State Entity Records
4. Colorado Charitable Organization Registration Certificate
5. Colorado Charitable Organization Registration Details
6. City of Colorado Springs Code Enforcement Case ENF25-08204
7. West Rockrimmon Blvd community pantry Facebook post
8. "Little Free Pantry takes aim at food insecurity" - Pikes Peak Bulletin
9. "NEWS | Pikes Peak Little Free Pantry on Colorado Springs westside" - YouTube
10. "Selective Enforcement - Why's Everybody Always Picking On Me?" - Colorado HOA Law
11. City Council Bear Management Ordinance Presentation Slides
12. Colorado Springs City Code § 6.4.103
13. "City Council passes ordinance requiring bear-proof trash cans" - KOAA
14. Colorado Springs City Code § 2.7.104
15. C.R.S. § 13-21-113 (Good Samaritan Food Donation Law)
16. "Good Samaritan Act Provides Liability Protection For Food Donations" - USDA
17. "Washington Little Free Pantry" - Institute for Justice
18. Colorado Springs City Code § 7.3.304
19. Colorado Springs City Code § 7.3.301
20. Colorado Springs City Code § 2.1.808
21. Little Free Pantry Movement National Registry