

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 19 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE RELATING TO WILDLIFE RESISTANT CONTAINERS; PROVIDING AN EFFECTIVE DATE; SETTING A HEARING DATE; AND REPEALING ALL CONFLICTING ORDINANCES.

WHEREAS, the City Council finds that there are increasing numbers of bear and other wildlife encounters in urban areas of the City and that the increase is primarily due to inadequate security of household and commercial waste placed outside for collection; and

WHEREAS, the City Council of the City of Steamboat Springs finds it necessary and appropriate to the public health, safety, and welfare to adopt this ordinance requiring the storage of household and commercial waste in wildlife resistant containers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS THAT:

SECTION 1. Chapter 19, Article III of the City of Steamboat Springs Revised Municipal Code is hereby amended to read as follows:

"ARTICLE III. - BEAR RESISTANT CONTAINERS

Sec. 19-100. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Wildlife means any non-domestic mammal indigenous to the Yampa Valley including, but not limited to, bear, deer, elk, moose, raccoon, coyote, beaver, skunk, badger, bobcat, mountain lion, porcupine, and fox.

Attractant refuse means any waste that could reasonably attract wildlife which includes, but is not limited to, kitchen organic waste, food, food packaging, toothpaste, deodorant, cosmetics, spices, seasoning, and grease. Attractant refuse does not include recyclables that have been rinsed and cleaned.

Bear resistant container means a refuse container that is certified to be bear resistant by the Interagency Grizzly Bear Committee (IGBC).

Bear resistant dumpster means a fully enclosed metal refuse container with either a tight fitting metal lid or a hardened, plastic lid with metal reinforcement that can be latched into a closed position which prevent access to its contents by wildlife.

Bear resistant dumpster enclosure means an enclosed structure consisting of four (4) sides and a secure door or cover which shall have a latching device of sufficient design and strength to prevent access by bears.

Person in charge of a property means a tenant, renter, property manager, bank, realtor, or other person who is responsible for maintenance of a property.

Sec. 19-101. - Bear resistant container, dumpster, or enclosure required.

(a) No owner or person in charge of a property shall cause or allow the creation of or maintain a non-bear resistant refuse container or dumpster on that property or the adjacent right-of-way at any time.

(b) Any refuse container left outside a house, garage, or other enclosed building which is accessible by wildlife, regardless of size, that receives refuse attractant to bears or other wildlife shall be either:

- (1) A bear resistant container; or
- (2) A bear resistant dumpster; or
- (3) Enclosed by a bear resistant dumpster enclosure.

(c) Any trash hauler who provides a refuse receptacle to a city customer shall only provide bear resistant containers or bear resistant dumpsters. The trash hauler may charge a fee for providing the container or dumpster.

(d) The trash hauler may phase in the supply of bear resistant containers and dumpsters over the span of three years and completed by 2023. The schedule for phasing in bear resistant containers and dumpsters will be as follows:

- (1) 25% of containers and dumpsters must be bear resistant by December 31, 2020.
- (2) 50% of containers and dumpsters must be bear resistant by December 31, 2021.
- (3) 75% of containers and dumpsters must be bear resistant by December 31, 2022.
- (4) 100% of containers and dumpsters must be bear resistant by December 31, 2023.

(e) Trash haulers must submit a report by December 31st of each year beginning in 2020 to show the number of bear resistant containers and dumpsters that have been purchased and are now utilized by their customers.

(f) For public reference, the City Clerk shall maintain an official list of bear resistant containers approved by the IGBC. The City Manager may remove an IGBC certified container from the list upon finding that the container is (a) incompatible with local trash hauler equipment, practices, or procedures or (b) is not resistant to local wildlife.

Sec. 19-102. - Maintenance and operation of bear resistant containers, dumpsters, and dumpster enclosures.

(a) Bear resistant containers, dumpsters, and dumpster enclosures must be closed and secured when refuse is not being deposited.

(b) If a bear resistant dumpster or enclosure is damaged, allowing access to wildlife, repairs must be made within seventy-two (72) hours after written notification by a City-designated official.

(c) A damaged bear resistant container must be replaced by the trash hauler within seven (7) days.

(d) Providers are required to display their business names on all receptacles they provide within the city.

Sec. 19-103. - Refuse disposal.

(a) All attractant refuse that is accessible and edible by wildlife must be stored in a bear resistant container, a bear resistant dumpster, or a bear resistant enclosure.

(b) Customers with curbside refuse pickup service shall place bear resistant containers at the curb, alley, or public right-of-way on the morning of the scheduled pick up **no earlier than regularly scheduled service.** After pickup, all containers must be removed from the curb, alley, or public right-of-way on the same day.

(c) Other household waste that cannot reasonably be considered "attractant refuse" as defined in this chapter including but not limited to, non-edible yard maintenance waste, household items, recyclables, and cardboard shall not require the use of bear resistant containers when not commingled with attractant refuse.

(d) The owner(s) and/or manager(s) of any property on which refuse is stored in a bear resistant dumpster or bear resistant dumpster enclosure that is not fully secured in accordance with its design shall be liable for such violation regardless of whether the owner(s) and/or manager(s) are directly responsible for the failure to secure the dumpster or enclosure in accordance with its design.

Sec. 19-104. - Property maintenance.

(a) It shall be unlawful for the owner of any property located within the city, including properties used for special events and properties that are the site of construction

activities, to permit the accumulation on the property of refuse attractive to or edible by wildlife. Refuse shall be stored on and collected from such properties and stored in accordance with the provisions of [section 19-101](#).

(b) Properties found to be in violation of this section may be deemed to be a nuisance as defined in [section 15-2](#) of this Code and treated accordingly.

Sec. 19-105. - Feeding of wildlife.

(a) It shall be unlawful for any person to knowingly leave or store any refuse, recyclable, food product, pet food, grain, salt or any other materials attractive to or edible by wildlife in a manner which may attract or entice wildlife.

(b) Bird feeders shall be permitted under this section. However, between the dates of April 15 and November 15, all feeders must be removed or suspended on a cable or other device so that they are inaccessible to bears and other wildlife and the area below the feeders must be kept free of the accumulation of seed, seed debris, or other attractive or edible materials.

Sec. 19-106. - Remedies.

(a) The municipal court is hereby authorized to establish a penalty schedule for violations of this article. The penalty schedule may establish mandatory minimum fines for violations of this article and the mandatory minimum fines may increase for repeat and multiple offenders.

(b) Mandatory minimum fines contained in a penalty schedule established per this provision shall not affect the court's authority to impose a greater fine up to the court's jurisdictional limit.

(c) Trash haulers who do not comply with Sec. 19-101 or Sec. 19-102 may have their license granted under Division 2 of this Article suspended or revoked pursuant to Sec. 19-55(a)(1).

Sec. 19-107- Presumption.

In any case involving wildlife entry into or removal of contents from a refuse container, dumpster, or enclosure, there shall be a rebuttable presumption that the contents of the refuse container, dumpster, or enclosure were attractive to or edible by wildlife.

SECTION 2. The City Council hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

SECTION 3. This ordinance shall take five (5) days after publication following final passage as provided in Section 7.6(h) of the City of Steamboat Springs Home Rule Charter.

SECTION 4. A public hearing on this ordinance shall be held on _____, 2020, at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

INTRODUCED, READ AND ORDERED published, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the ___ day of _____, 2020.

Jason Lacy, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, CMC
City Clerk

FINALLY READ, PASSED AND APPROVED this ___ day of _____, 2020.

Jason Lacy, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, CMC
City Clerk