

APPENDIX C - BEAR RESISTANT CONTAINERS AND ORDINANCES

	COLORADO	CALIFORNIA	LAKE TAHOE, NEVADA	GATLINBURG, TENNESSEE
	<i>La Plata County</i>	<i>El Dorado County</i>	<i>Nevada Department of Wildlife</i>	
Ordinance Name	Unsecured Trash, Rubbish or Refuse Containers Adopted December 18, 2008 by La Plata County	Bear Resistant Garbage Can Encl. Adopted May 2002 Updated through 10/19/10	Model Bear Feeding Ordinance Implemented in 1997	Animal Proof Enclosure Ordinance # 2188 Adopted September 1999
Title & Location of Ordinance	La Plata County, Colorado, Code of Ordinances; Chapter 46 – Solid Waste: Article II: Collection and Disposal; Division 2. Regulations: Section 46-57 Unsecured Trash, Rubbish or Refuse Containers	Article V- Responsibilities of Solid Waste Generators; Title 8- Health and Safety; Chapter 8.76 Solid Waste	Chapter - Prevention of Wildlife Access To Refuse [this is a model ordinance to be amended for each city or county as needed]	Title 17- Refuse and Trash Disposal; Chapter 1- Refuse; Section 17-111- Animal resistant garbage collection devices
Website(s)	http://www.co.laplata.co.us ; click on the <i>Department</i> link; click <i>County A to Z</i> ; Select <i>Code Enforcement</i> . http://library.municode.com/index.aspx?clientId=13098&stateId=6&stateName=Colorado	http://edcgov.us/ http://edcgov.us/Government/EMD/SolidWaste/Bear_Resistant_Garbage_Can_Requirements.aspx	www.ndow.org http://www.tahowildbears.org/ordinance.htm	http://www.ci.gatlinburg.tn.us http://www.wildlifemanagement.info/gatlinburg/enforcement.htm
Contact Person	City Operations Department Garbage Collection & Recycling Services 970.375.5004 http://www.durangogov.org/index.aspx?NID=665	Solid Waste Placerville Office 2850 Fairlane Court, Building C Placerville, CA 95667 Local Number: 530.621.5300	USDA Forest Service Nevada Division of Wildlife (NDOW) 24-Hour dispatch 775.688.1331	City of Gatlinburg Sanitation Department 865.436.5959

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<i>Reasons For Instituting Ordinance /Regulation</i>	<p>Nuisance bears were rummaging through residential garbage.</p> <p>Was becoming a growing problem in mountain areas, including in City of Durango.</p>	<p>The federal and state campgrounds voluntarily started instituting bear proof containers prior to the ordinance.</p>	<p>Bear complaints have risen sharply in the last ten years, due in part to the increase in people living in bear habitat.</p> <p>DOW recognizes that bears rummaging through garbage cans or foraging on fruit trees may constitute a nuisance, and frighten residents. But, first, it is the residents' responsibility to remove or make the attractant inaccessible before further steps are taken by NDOW.</p> <p>Research of various ordinances and created a "model" ordinance pertaining to bear proof containers.</p>	

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Applicability	<p>Requires all new homes to have bear-resistant garbage containers (new residential units and/or guest quarters, as well as additions greater than 500 square feet to existing residential buildings).</p> <p>Applies to those portions of Placer County five thousand feet above sea level and higher, in elevation.</p> <p>Any person receiving a 30-day notification by the County that installation of an approved bear resistant garbage enclosure is required. (grandfathered in)</p> <p>The owner, lessee, resident or person exercising physical control of any private property, including businesses, <i>shall at all times</i> maintain and use an approved container for collection, storage, and disposal of garbage.</p>	<p>Requires the installation of bear-resistant garbage can enclosures in conjunction with the construction of new residential units on parcels that lie within the boundaries of the Silver Fork, Tahoe Truckee Unified, and Lake Tahoe Unified School Districts. The ordinance is intended to enhance public health and safety by eliminating conditions that attract bears to inhabited areas.</p> <p>Those portions of El Dorado County 4,000 feet above sea level and higher in elevation.</p> <p>If there is a complaint by an existing resident. (grandfathered in)</p> <p>The owner of any property, including any residence, commercial establishment, or institution, or industry, vacant or occupies, <i>shall be responsible for the satisfactory storage and removal of all solid waste accumulated on that property.</i></p> <p>In instances where a person rents or leases to another, the property owner shall be responsible for solid waste generated or stored on those premises if waste remains on premises during/ beyond the tenant term.</p>	<p>The ordinance would be imposed on those who fall to “bear proof” garbage containers or who put garbage where bears can get to it.</p> <p>Many have had the containers custom painted or fabricated to match their homes. Home Depot sells a Greenlee ® trash can for about \$250.</p> <p>It is the residents’ responsibility to remove or make the attractant inaccessible FIRST.</p> <p>The best success has been with the ordinance in Homeowner Associations. By-laws were written to include new containers. The Associations split the cost of the containers with the residents to purchase a metal container that held 2 32-gallon trash cans.</p>	<p>The entire area within the city limits of Gatlinburg on the west side of the Foothills Parkway, the area north of the National Park Service boundary on either side of the western prong of the Little Pigeon River between Parkway and the Foothills Parkway boundary bounded on the north by LeConte Street and the Skyland Park and Winfield Heights subdivision, the entire limits from Low Gap Road on the east and to the south of Highway 321 and Parkway.</p> <p>All restaurants within Gatlinburg City Limits.</p> <p>Rental companies are responsible for cleaning up any trash caused from the bears. The rental companies explain to all renters about proper trash disposal procedures.</p>

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<i>Type of Container</i>	A fully enclosed structure containing four sides and a roof or cover. The door must have a latching mechanism. The sides of the structure must extend to within 2” of the ground, and ventilation opening must be covered with a heavy gauge steel mesh or other material. Wild-proof refuse container (WPRC) or Wildlife resistant refuse container (WRRC)	A secured enclosure made of metal or equivalent with a secured door or doors in front of the enclosure, weather resistant, and makes the contents of the garbage can enclosure inaccessible to bears.	A fully enclosed structure containing four walls and a roof. Walls must extend to ground and door to not have more than 3/8-inch gap along the bottom. The latching device must be of sufficient strength and design to prevent access by wild life.	Animal resistant, not just bear proof. Strong, durable, rodent/insect proof closed container, not less than 20 or more than 35 gallons in capacity. They may not exceed 75 pounds. Plastic bags are not acceptable.
<i>Placement</i>	<p>Trash containers shall be placed out for collection at the edge of the right-of-way of a street or alley. Recycling containers shall be placed for collection along the curbside of the property being served. Such placement shall not be within any fenced or enclosed area. Wildlife-Resistant Refuse Containers shall be unlatched when placed out for collection. Trash and recycling containers shall be placed so as to leave a four-foot clearance around the container for safe pickup. Trash containers and recycling containers shall be placed out for collection no earlier than 6:00 a.m. on the day of collection and must be removed from the right-of-way no later than 8:00 p.m. on the day of collection.</p> <p>The unit must be installed prior to final and/or occupancy approval for all new residential construction.</p>	<p>A site plan that clearly designates the location and name of the bear-resistant garbage can enclosure must be approved by the Environmental Management Department. Bear resistant garbage can enclosures shall be located within 20 feet of a county maintained road, or other road if subject to garbage pickup service, but not closer than 10 feet from the edge of pavement or curb. The enclosures shall not be located within a road right of way or easement.</p> <p>The unit must be installed prior to final and/or occupancy approval for all new residential construction.</p>	Containers are to be outdoors away from homes. Typically, no more than 25 feet from road.	<p>In alleys, containers shall be placed on or within six (6) feet of the alley line in such a position as not to intrude upon the traveled portion of the alley.</p> <p>On streets, containers shall be placed adjacent to and back of the curb, or adjacent to and back of the ditch or street line if there is no curb.</p>

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<p align="center"><i>Penalties</i></p>	<p>A party authorized to investigate a report of an apparent wildlife disturbance shall determine that a person’s failure to comply has occurred, and he or she may issue a summons and complaint to that person.</p> <p>A summons and complaint issued by an enforcement officer shall contain the name of the defendant, shall identify the offense charged, including a citation of the statute or resolution section alleged to have been violated, shall contain a brief statement or description of the offense charged, including the date and approximate location thereof, and shall direct the defendant to appear before the county court at a stated time and place.</p> <p>First Violation: At the discretion of the enforcement officer, also result in the issuance of a notice of violation and a fine as set forth below. Failure to correct a notice of violation with a reasonable time, not to exceed 72 hours, is grounds for issuance of a summons and complaint. In lieu of paying for the violation, a violator may instead elect to either purchase or lease for a period of no less than 12 months a WPRC or WRRC within the time period for payment of the fine and agree to thereafter exclusively use that container for the purpose of storing or containing trash, rubbish or refuse on the premises or for leaving out for curbside pick-up.</p>	<p>Violations shall be punished by the following progression of sanctions:</p> <ol style="list-style-type: none"> 1. For the first violation, a verbal or written warning will be issued to the responsible party. 2. For a second violation within two years of receiving a verbal or written warning for a prior incident, the responsible party will be required to purchase or construct a bear-proof collection bin, container or structure and install within thirty days of the violation, or take such other corrective action as may be required by the El Dorado County Environmental Health Division. 	<p>The council crafted a “three strikes and you pay” model ordinance that was presented to communities with bear populations for possible adoption. The ordinance would be imposed on those who fail to “bear proof” garbage containers or who put garbage where bears can get to it. It is important to note that a garbage can enclosure (GCE) costs about \$700 and holds two garbage cans. Money collected from violations would be used for community education and to assist low-income families become bear-proof.</p>	<p>Penalty. Every person who shall violate any provision of this chapter shall be punished by a fine not to exceed \$500 per offense.</p> <p>Each day that a violation shall occur shall be a separate offense. (Ord. #2188, Sept. 1999)</p> <p>Injunctive or other relief: In addition to any penalty, violation of the provisions of this chapter may be remedied by obtaining injunctive relief, or by a restraining order, or other appropriate equitable remedy by the city. (Ord. #2188, Sept. 1999)</p>
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<i>PENALTIES</i> (Continued)	<p><i>Subsequent violation.</i> Offenders who continue to violate this section or continue to fail in achieving timely compliance as set forth in any previous notice of violation shall be subject to a graduated fine schedule as set forth below.</p> <p><i>Penalties.</i> Pursuant to C.R.S. § 30-15-402(1), any person who or entity that violates this section shall be guilty of a class 2 petty offense, punishable as follows:</p> <ul style="list-style-type: none"> a. A fine not exceeding \$200 for first notice of violation. b. A fine not exceeding \$300 for second notice of violation. c. A fine not exceeding \$500 for each additional notice of violation. 		<p>3. Any successive violation within two years of a second violation, shall be punishable as an infraction with a fine of not less than \$100.00.</p> <p>Except in cases where a different punishment is prescribed by an ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.</p>	<ul style="list-style-type: none"> 1. First Violation: Written citation and warning that if preventative measures are not implemented, offender may be required to install an approved wildlife resistant container at his/her expense. 2. Second Violation: Offender will be required to install an approved wildlife resistant container at his/her expense. 3. Third Violation: Offender will be required to install an approved wildlife resistant container at his/her expense and pay a fine equal to the cost of an approved wildlife resistant container. 	<p>Financial assistance: Those persons living within the areas where animal resistant containers or enclosures are required, may be eligible for financial assistance to defray a portion of the cost of compliance. Those persons who qualify for project assistance as determined by the Douglas Cherokee Economic Authority shall be eligible for a grant from the city in an amount not to exceed 50% of the actual cost of compliance.</p>