

Executive Summary – Proposed Bear Resistant Trash Container Ordinance

Detailed below are the highlights of the proposed Bear Resistant Trash Can Ordinance. A copy of the draft ordinance is posted to the La Plata County website (<http://co.laplata.co.us>).

- The proposed ordinance requires all property owners, residents, businesses or associations operating within unincorporated La Plata County to either:
 - (a) purchase and utilize a bear-proof or bear-resistant trash containers and dumpsters for all continuous outside (including curbside) trash storage; or
 - (b) make sure that any trash containers that contain garbage and are not bear-proof or bear-resistant are kept inside of a secure structure or enclosure (such as a garage or shed) when they are not being put out for pick-up.
- In the case of the latter option, residents are only allowed to leave the unsecured and full trash containers out for pick-up from 6 a.m. to 9 p.m. on the date of pick-up. A party can leave an unsecured trash container out or along the right-of-way permanently only so long as the container is left empty except for the date of pick-up.
- All trash containers would be covered by the ordinance, whether they be small single household types or large dumpsters for condominium, trailer or apartment communities. Commercial and residential properties would be bound by the ordinance.
- A violation of the ordinance only accrues when the resident's failure to take one of the above actions results in a wildlife disturbance of the trash container. Penalties for violations of the ordinance begin with a \$200 fine for a first violation and escalate to \$300 for a second violation and \$500 for subsequent violations; however, if a violator wishes to do so, they may purchase or lease a bear-proof or bear-resistant trash container and agree to use that container going forward in lieu of paying a fine for a first violation.
- The proposed ordinance is enforceable by the Sheriff's Department or any other party or office designated to do so by the Board and designates a violation as being a petty offense; as a result, the ordinance would be prosecuted by the District Attorney's Office. The Sheriff's Department would be responsible for initially determining whether or not a wildlife encounter is a result of non-compliance with the ordinance and they would also have the discretion to either issue a warning, a citation and/or a Notice of Violation on a first offense. The Sheriff's Department would be responsible for setting its own policies regarding enforcement mechanisms (i.e. whether they investigate on a complaint basis or whether they will proactively look for violations).
- Major changes from the original draft that was presented to the Board in June include the fact that this draft of the ordinance would be applicable County-wide, not just in the "bear prone" areas of the County. This change was made to address concerns that other areas of the County may have trash and wildlife issues that are not strictly related to bears (such as coyotes or loose dogs).
- The proposed ordinance as written also does not attempt to directly regulate the intentional or unintentional feeding of wildlife, but instead seeks to regulate waste storage and removal in an effort to remove a major attractant for bears and other wildlife. We think this better fits the County's legislatively granted regulatory authority.