

- **15.110.030 - Definitions.**

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

*Bear-resistant container* means a container that meets the requirements for such a container as certified by the Interagency Grizzly Bear Committee (IGBC), **or the equivalent or greater as certified by the waste management provider.**

*Containers* means all cans, dumpsters, or similar containers designed and used to hold trash, rubbish, recyclables, and all other waste.

*Rubbish* means non-putrescible solid wastes (excluding ashes) or recyclable material consisting of either: combustible wastes such as paper, cardboard, plastic, yard waste, grass clippings and wood; or noncombustible wastes such as metal, glass and crockery.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece of artificially built up or composed of parts joined together in some definite manner.

*Temporary construction dumpster* means a dumpster rented or leased for less than 90 days for temporary use in collecting residential or commercial construction debris, yard waste, or other non-putrescible solid wastes.

*Trash* means any solid or liquid waste, whether combustible or noncombustible. Trash includes, without limitation, garbage, rubbish, rubble, refuse, industrial waste products, brush, vehicle tires, vehicle bodies or parts, household items, organic material, animal or vegetable waste resulting from the preparation, cooking, and serving of food, paper, ashes, cardboard, cans, cups, plastic, yard clippings, wood, branches, twigs, glass, rags, soiled diapers, and wearing apparel of any kind.

*Violator* means any person(s), organization, company, business, corporation, property owner, tenant, contractor, contractee, lessor, lessee or other entity that handles solid waste/garbage in a manner not in compliance with the requirements of this Code.

(AO No. [2019-74\(S\)](#), § 1, 6-18-19)

- **15.110.040 - Trash handling standards.**

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A.

All trash containers shall be rodentproof, insect proof, watertight, structurally strong to withstand handling stress, and easily filled, emptied and cleaned; shall be provided with tightfitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition.

1.

Plastic bags shall not be used without the container for on-site storage of trash except for bags containing only rubbish.

**Commented [A1]:** What exactly does this mean? Suggest clarifying.

**Commented [FJL2R1]:** It means the waste management provider is the subject matter expert with the experience to know if the container meets as good or better requirements as a container approved by the IGBC. No change required.

2.

This provision shall not apply to temporary construction dumpsters.

B.

All trash containers shall be placed or stored in a manner to prevent the occurrence of spillage and littering and in the manner required by applicable provisions of this title, title 26 or state law relative to interim solid waste storage and solid waste collection. Where inconsistent, the more restrictive provision controls.

C.

The total capacity of all provided trash containers shall be sufficient to meet the reasonable ordinary household needs of the occupants of the dwelling.

D.

Locked bear-resistant trash containers may be placed for pick up no more than 12 hours prior to the day of collection and retrieved not later than 9:00 p.m. of the same day.

E.

All other trash containers shall be placed for pick up the morning of collection and retrieved not later than 9:00 p.m. of the same day. This provision shall not apply to temporary construction dumpsters.

F.

When not set out for collection, trash containers shall be stored inside a structure or within five feet of the principal (main) structure. This provision shall not apply to temporary construction dumpsters.

G.

No person shall place into the public right-of-way or yard setback any trash container that is not securely closed, regardless of whether it contains refuse attractants.

(AO No. [2019-74\(S\)](#), § 1, 6-18-19)

- **15.110.050 - Violations.**

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In any instance where solid waste, trash/garbage or junk of any kind is placed, deposited in, on, under or adjacent a garbage can/refuse container not in compliance with this section, the owner of the property shall be responsible and is defined as a violator. If a violator, other than the property owner, handles solid waste/garbage in a manner not in compliance with the requirements of this Code as described above, both the violator and property owner may be defined as violators.

(AO No. [2019-74\(S\)](#), § 1, 6-18-19)

- **15.110.060 - Penalties.**

**Commented [A3]:** Would it be possible to add to STRZ that trash containers may not be set out before 5am? In areas of high bear activity, whether a can is bear resistant or not, the longer it is curbside, the likelihood it gets knocked around and possibly breached by a bear goes up.

**Commented [JL4R3]:** We can suggest it. That was our original intent but people that work shift work or alternate schedules saw it as a hardship and the Assembly compromised.

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A.

The department may seek any or all of the following penalties: Recover a fine as set forth in [section 14.60.030](#).

B.

Failure to comply with any of the standards in this chapter is defined as a violation for each day the violation exists.

C.

It is an affirmative defense to a citation under this section if the violator can show a good faith effort to obtain a compliant bear-resistant container from their solid waste service hauler or provider and the solid waste service did not supply them with one.

(AO No. [2019-74\(S\)](#), § 1, 6-18-19)

- **15.110.070 - Secure trash regulation zones.**

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A.

The municipal manager or designee may recommend that the assembly by resolution designate an area, neighborhood, or specific location to be a secure trash regulation zone when the municipal manager or designee determines:

1.

That the area, neighborhood, or specific location has experienced wildlife in trash, the presence of wildlife has greatly increased the likelihood of wildlife in trash, or any other potential wildlife-in-trash hazard exists; and

2.

The designation is in the best interests of the municipality.

B.

Requirements for secure trash regulation zones:

1.

All trash containers in a secure trash regulation zone shall be bear-resistant containers except temporary construction dumpsters.

2.

All trash collection providers shall offer bear-resistant containers in multiple sizes.

**Commented [A5]:** This may not be practical and could present a barrier for haulers. The resulting cost to customers between the two sizes is so marginal as to be negligible.

**Commented [FJL6R5]:** I agree.

3.

No adult occupant of a single-family dwelling, duplex, triplex, or fourplex, no private owner, local agent or manager of any property, nor lessee leasing the entire premises shall fail to keep all trash in bear-resistant containers or securely stored within a house, garage, shed or other structure at least as secure as a bear-resistant container at all times, except when being transported and placed for pickup.

4.

No person shall place into the public right-of-way or yard setback any bear-resistant container that is not securely closed, regardless of whether it contains refuse attractants.

5.

No lessee or user of a temporary construction dumpster shall allow the disposal of any trash except residential or commercial construction debris, yard waste, or other non-putrescible solid wastes in a temporary construction dumpster.

6.

No private owner, local agent or manager of any property, nor lessee leasing the entire premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a fourplex shall fail to repair or replace a damaged bear-resistant container by the trash hauler's next scheduled delivery date after written notification by any municipal official, or such other time designated in the notice by the municipal official. No trash may be stored outdoors until the bear-resistant container is repaired to the working condition as designed or replaced.

a.

Notice under this subsection is sufficient if hand delivered, emailed, mailed, telephoned to such person, or by posting on the premises.

b.

It is not a defense to a violation of this section that a container or enclosure was damaged and the owner had not received the notice under this subsection.

c.

After designation of an area, neighborhood, or specific location as a secure trash regulation zone, the municipal manager shall cause notice to be given to owners and residents of real property in the manner indicated by the resolution designating the secure trash regulation zone.

**Commented [A7]:** This was perhaps a drafting error and this should apply to apply to the whole code rather than just item #6.

**Commented [FJL8R7]:** I agree.