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ORDINANCE NO. 7962

AN ORDINANCE AMENDING CHAPTER 6-3, "TRASH, RECYCLABLES AND COMPOSTABLES," B.R.C. 1981, BY ADDING A NEW SECTION 6-3-12 REQUIRING BEAR RESISTANT CONTAINERS IN A DESIGNATED AREA OF THE CITY; AMENDING SECTION 6-3-2, BY ADDING NEW DEFINITIONS; ADDING ADMINISTRATIVE PENALTIES FOR VIOLATIONS, AMENDING SECTION 6-12-5, "CONTAINERS FOR RECYCLING OR COMPOSTING COLLECTION," AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Section 6-3-2, B.R.C. 1981, is amended to read:

6-3-2 Definitions.

The definitions in chapter 1-2, "Definitions," B.R.C. 1981, shall apply to this chapter, including, without limitation, the definitions of "Compostables," "Hauler," "Recyclable materials," "Trash," "Trash container," "Visible to the public" and "Wildlife-resistant container."

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

"Bear Resistant Container" shall mean a container that meets the requirements for such a container established by the city manager in a rule adopted pursuant to section 6-3-11 "City Manager Authorized to Issue Rules," B.R.C. 1981

"Bear Resistant Dumpster" shall mean a dumpster that meets the requirements for such a container established by the city manager in a rule adopted pursuant to section 6-3-11 "City Manager Authorized to Issue Rules," B.R.C. 1981

"Bear Resistant Enclosure" shall mean a fully enclosed structure meets the requirements for such a container established by the city manager in a rule adopted pursuant to section 6-3-11 "City Manager Authorized to Issue Rules," B.R.C. 1981

"Person" shall have the meaning set forth in chapter 1-2, "Definitions," B.R.C., and shall also include, without limitation, owner of any property or vacant land; occupant, owner, operator or manager of any single unit dwelling, multi unit dwelling, mobile home, mobile home park, private club or other similar property; or owner, operator, manager or employee of any business or business property.

1 “Refuse Attractant” shall mean any trash or other substance which could
2 reasonably be expected to attract wildlife or does attract wildlife, including, but not
3 limited to, soiled diapers, sanitary pads, food products, pet food, feed, kitchen
4 organic waste, food, food packaging, toothpaste, deodorant, cosmetics, spices,
5 seasonings or grease. Attractants do not include recyclable materials properly
6 enclosed in a recycling container, or materials that do not meet the definition of
7 trash in section 1-2-1, “Definitions,” B.R.C. 1981 and is fruit associated with a
8 fruit tree or bush, produce associated with a garden, or a bird feeder.

9 Section 2. Chapter 6-3, “Trash, Recyclables and Compostables,” B.R.C. 1981 is
10 amended by the addition of a **new section** 6-3-12 to read:

11 **6-3-12 Bear Resistant Containers Required.**

- 12 (a) No private owner, agent appointed pursuant to section 10-3-14, "Local Agent
13 Required," B.R.C. 1981, or manager of any property, lessee leasing the entire
14 premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a
15 fourplex shall fail to keep all refuse attractants in bear resistant enclosures, in bear
16 resistant containers, bear resistant dumpsters or securely stored within a house,
17 garage, shed or other structure at least as secure as a bear resistant enclosure at all
18 times, except when being transported from a house, garage or bear resistant
19 enclosure for pickup. Refuse attractants transported for pickup **not in a bear**
20 **resistant container** shall be attended, by a person remaining within 15 feet of the
21 container at all times.
- 22 (b) This section shall apply to the area bounded by Broadway Street, the City’s
23 southern boundary, the city’s western boundary and a line extended from Sumac
24 Avenue due west through Wonderland Lake Park. Provided that the city manager
25 may extend the area by rule adopted pursuant to section 6-3-11 “City Manager
Authorized to Issue Rules,” B.R.C. 1981.
- (c) If a container or enclosure is damaged, allowing access by wildlife, repairs must be
made within 72 hours after written notification by any city official, or such other
time designated in the notice by the city official.
- (d) If the city manager finds that a violation of any provision of this section, the
manager, after notice and an opportunity for hearing under the procedures
prescribed by chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may impose a
civil penalty according to the following schedule:
- (1) For the first violation of the provision, \$250.00;
 - (2) For the second violation of the same provision, \$500.00;
 - (3) For the third violation of the same provision, \$1,000.00; and
 - (4) **The Hearing Officer may adjust the penalty, based on evidence presented at a hearing.**

- 1 (e) The city manager's authority under this section is in addition to any other authority
2 the manager has to enforce this chapter, including but not limited to section 5-2-4,
3 General Penalties, and election of one remedy by the manager shall not preclude
4 resorting to any other remedy as well.
- 5 (f) The city manager may, in addition to taking other collection remedies, certify due
6 and unpaid charges to the Boulder County Treasurer for collection as provided by
7 section 2-2-12, "City Manager May Certify Taxes, Charges and Assessments to
8 County Treasurer for Collection," B.R.C. 1981.
- 9 (g) Notice under this subsection is sufficient if hand delivered, emailed, mailed or
10 telephoned to such person, or by posting on the premises.

11 Section 3. Section 6-12-5, B.R.C. 1981, is amended to read:

12 **6-12-5 Containers for Recycling or Composting Collection.**

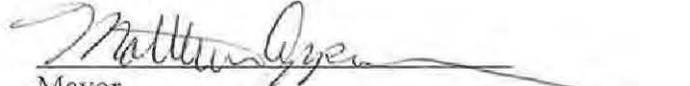
- 13 (a) Haulers providing trash collection service to multifamily customers through
14 centralized collection areas shall provide containers for recyclable materials at no
15 additional charge. Containers shall be of a sufficient size to accommodate the
16 regular accumulation of recyclables from that customer, but at a minimum, such
17 containers shall be of a volume equal to one-half of the volume of the trash
18 collection service. If the city manager requires the collection of compostables,
19 haulers shall provide containers for that service of a sufficient size to
20 accommodate the regular accumulation of compostables from that customer.
- 21 (b) Haulers providing trash collection service to residential customers are not required
22 to provide recyclables or compostables containers. However, if the hauler requires
23 a specific type of container, then the hauler shall deliver such container at no cost
24 to the residential customer. This provision does not apply to any container
25 required by the city pursuant to section 6-3-12 "Bear Resistant Containers," B.R.C.
1981.

Section 4. This ordinance is necessary to protect the public health, safety, and
welfare of the residents of the city, and covers matters of local concern.

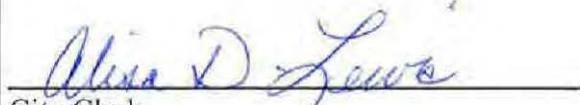
Section 5. The City Council deems it appropriate that this ordinance be published
by title only and orders that copies of this ordinance be made available in the office of the
city clerk for public inspection and acquisition.

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED

2 BY TITLE ONLY this 18th day of February, 2014.

3
4 
5 Mayor

6 Attest:

7 
8 City Clerk

9 READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED

10 BY TITLE ONLY this 5th day of March, 2014.

11
12 
13 Mayor

14 Attest:

15 
16 City Clerk

17 READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED

18 PUBLISHED BY TITLE ONLY this 18th day of March, 2014.

19
20 
21 Mayor

22 Attest:

23 
24 City Clerk