

## Carson City Agenda Report

Item # 26

**Date Submitted:** October 2, 2009

**Agenda Date Requested:** October 15, 2009

**Time Requested: 5 Minutes**

To: Mayor and Supervisors

**From:** Pat Wiggins, Animal Services

**Subject Title:** Action to adopt Bill No. 126, on second reading, an ordinance amending the Carson City Municipal Code, Title 7, Animals, by adding Chapter 7.01, Bear Proof Collection Bins, Containers, and Structures, and adding Section 7.01.10, Definitions, Section 7.01.020 Statement of Intent, Section 7.01.030 Applicability, Section 7.01.040, Collection Bin, Container and Structure Maintenance, Section 7.01.0500, Authority to Issue Citations, Section 7.01.060, Violation and Penalty, Section 7.01.070, Severability and other matters properly related thereto. (Pat Wiggins)

**Staff Summary:** One of the major reasons bears are drawn into the community is that they are searching for food and unattended garbage cans are a prime source. The other problem is that some people intentionally leave food for the bears. The concern with this is that it does draw the bears into more contact with humans and at some point there could be a devastating encounter. This proposed ordinance will put some controls on feeding bears and consequences of leaving cans out in such a manner that bears are attracted.

**Type of Action Requested:** (check one)

Resolution  Ordinance -- 2<sup>nd</sup> Reading  
 Formal Action/Motion  Other (Specify)

Does This Action Require A Business Impact Statement: ( ) Yes (X) No

**Recommended Board Action:** I move to adopt Bill No. 126 on second reading, Ordinance No. \_\_\_\_\_, an ordinance amending the Carson City Municipal Code, Title 7, Animals, by adding Chapter 7.01, Bear Proof Collection Bins, Containers, and Structures, and adding Section 7.01.10, Definitions, Section 7.01.020 Statement of Intent, Section 7.01.030 Applicability, Section 7.01.040, Collection Bin, Container and Structure Maintenance, Section 7.01.0500, Authority to Issue Citations, Section 7.01.060, Violation and Penalty, Section 7.01.070, Severability and other matters properly related thereto.

**Explanation for Recommended Board Action: See Staff Summary.**

**Applicable Statute, Code, Policy, Rule or Regulation: CCMC 7.01**

**Fiscal Impact: N/A**

**Explanation of Impact: N/A**

**Funding Source:** N/A

**Alternatives:** Do not approve.

**Supporting Material:** Draft Ordinance

**Prepared By:** Janet Busse, Office Supervisor

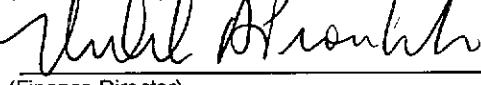
**Reviewed By:**

  
(City Manager)

Date: 10-6-09

  
(District Attorney)

Date: 10-6-09

  
(Finance Director)

Date: 10-6-09

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay \_\_\_\_\_  
2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

Ordinance No. \_\_\_\_\_

Bill No. 126

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 7, ANIMALS, BY ADDING CHAPTER 7.01, BEAR PROOF COLLECTION BINS, CONTAINERS, AND STRUCTURES, AND ADDING SECTION 7.01.010, DEFINITIONS, SECTION 7.01.020 STATEMENT OF INTENT, SECTION 7.01.030 APPLICABILITY, SECTION 7.01.040, COLLECTION BIN, CONTAINER AND STRUCTURE MAINTENANCE, SECTION 7.01.050, AUTHORITY TO ISSUE CITATIONS, SECTION 7.01.060, VIOLATION AND PENALTY, SECTION 7.01.070, SEVERABILITY AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: Chapter 7.01 of the Carson City Municipal Code is hereby added to Title 7 as follows:

7.01.010 Definitions.

7.01.020 Statement of Intent

7.01.030 Applicability.

7.01.040 Collection bin, container and structure maintenance.

7.01.050 Authority to issue citations.

7.01.060 Violation and Penalty.

Section II: Chapter 7.01.010 of the Carson City Municipal Code is hereby added to Chapter 01 of Title 7 as follows:

7.01.010 Definitions.

As used in this section:

1. "Bear-proof collection bin" means a secured container, made of metal or its equivalent, with a locked lid or swinging door on top of the bin or its equivalent that makes the contents of the bin inaccessible to bears.
2. "Bear-proof container or structure" means any container or structure that as a result of its construction makes the contents of the container or

structure inaccessible to bears. A bear-proof container or structure should meet or exceed the standards of testing by the Living with Wildlife Foundation (LWWF) and Interagency Grizzly Bear Committee (IGBC). Wooden trash enclosures and trashcans kept in garages are not acceptable.

3. "Garbage" means swill, offal, and any accumulation of animal, vegetable or other matter associated with the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and the waste wrappers or containers thereof and filthy or odoriferous objects.
4. "Responsible Party" means a natural person, a lessee or lessor, any form of business or social organization, including, but not limited to, a corporation, partnership, association, trust or unincorporated organization exercising physical control of any private property.
5. "Enforcement Officer" means any sheriff, deputy sheriff, animal control officer, peace officer, or code enforcement officer.

Section III: Chapter 7.01.020 of the Carson City Municipal Code is hereby added to Chapter 01 of Title 7 as follows:

#### 7.01.020 Statement of Intent

The purpose of this ordinance is to stress the importance of handling garbage in such a way that the disposal does not become an attraction for bears, creating a serious public safety issue particularly in residential neighborhoods.

Section IV: Chapter 7.01.030 of the Carson City Municipal Code is hereby added to chapter 01 of Title 7 as follows:

#### 7.01.030 Applicability.

All responsible parties with two or more violations as defined in Section 7.01.050, must, at all times, place garbage in a bear-proof collection bin, container or structure.

Section V: Chapter 7.01.030 of the Carson City Municipal Code is hereby added to Chapter 01 of Title 7 as follows:

#### 7.01.040 Collection bin, container, and structure maintenance.

Each bear-proof collection bin, container or structure must be kept clean inside and out, by the responsible party so that no odor or nuisance is

allowed to exist. A cover must not be removed, except when necessary to place or remove garbage inside the bear-proof collection bin, container or structure. The bear-proof collection bin, container or structure must not be overloaded to the extent a cover cannot be securely replaced or the container or structure securely enclosed.

Section VI: Chapter 7.01.040 of the Carson City Municipal Code is hereby added to Chapter 01 of Title 7 as follows:

7.01.050 Authority to issue citations.

Enforcement officers are empowered to investigate, prepare, sign and serve written citations on a responsible party or person accused of violating this chapter

Section VII: Chapter 7.01.050 of the Carson City Municipal Code is hereby added to Chapter 01 of Title 7 as follows:

7.01.060 Violation and Penalty.

1. A responsible party shall not allow a bear to gain access to garbage, or intentionally feed a bear.
2. It is unlawful for any person to tamper with or disable a bear-proof collection bin, container or structure.
3. Violations of this Chapter will be punished by the following progression of sanctions:
  - a. For the first incident, a verbal or written warning will be issued to the responsible party.
  - b. For the second incident within two years from receiving a verbal or written first incident, the responsible party will be issued a mandatory court citation or the responsible party can voluntarily purchase or construct a bear-proof collection bin, container or structure and install within ninety days of the incident.
  - c. For a successive incident within two years of a second incident, the responsible party will be cited and if convicted punished for an infraction with a fine of not less than \$100.00.

Section VIII: Chapter 7.01.060 of the Carson City Municipal Code is hereby added to Chapter 01 of Title 7 as follows:

7.01.070 Severability.

If any of the provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not impair the other provisions of this chapter. To this end the provisions of this chapter are declared to be severable.

Section IX:

That no other provisions of Title 7 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on \_\_\_\_\_, 2009

PROPOSED by Supervisor \_\_\_\_\_

PASSED on \_\_\_\_\_, 2009

VOTES: AYES: Supervisors \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYES: Supervisors \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ABSENT: Supervisors \_\_\_\_\_

\_\_\_\_\_  
Robert L. Crowell, Mayor

ATTEST:

\_\_\_\_\_  
ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the \_\_\_\_\_  
day of the month of \_\_\_\_\_ of the year 2009.