

1 grease. Attractants do not include recyclable materials properly enclosed in a
2 recycling container, ~~or~~ materials that do not meet the definition of trash in Section
3 1-2-1, "Definitions," B.R.C. 1981, fruit close to a fruit tree or bush, produce close
4 to a garden, bird feed associated with a bird feeder or yard waste, including leaves,
5 clippings, wood and branches ~~and is fruit associated with a fruit tree or bush,~~
6 ~~produce associated with a garden, or a bird feeder.~~

7 Section 3. With all other sections remaining the same, Section 6-3-5(a)(9), B.R.C.

8 1981 is amended as follows:

9 **6-3-5. - Storage, Disposal, and Screening of Trash, Recyclables, Compostables, and**
10 **Specified Other Materials.**

11 (a) No person shall:

12 . . .

13 (9) Place a trash, recycling, or composting container, that is not a bear-resistant
14 container or a recycling container containing only recycling materials in a front
15 yard setback or in the public right of way, excepting public alleys, any earlier than
16 5 a.m. on the day on which such materials are scheduled to be collected or place a
17 bear-resistant container or a recycling container containing only recycling material
18 in a front yard setback or in the public right of way, excepting public alleys, any
19 earlier than 8:00 p.m. on the day before the day on which such materials are
20 scheduled to be collected. All such containers shall be removed from those
21 locations by 9 p.m. of the same day on which such materials are scheduled to be
22 collected.

23 Section 4. Section 6-3-12, B.R.C. 1981, is amended to read as follows:

24 **6-3-12. - Bear Resistant Containers Required.**

25 (a) No private owner, agent appointed pursuant to section 10-3-14, "Local Agent
Required," B.R.C. 1981, or manager of any property, lessee leasing the entire
premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a
fourplex shall fail to keep all refuse attractants in bear resistant enclosures, in bear
resistant containers, bear resistant dumpsters or securely stored within a house,
garage, shed or other structure at least as secure as a bear resistant enclosure at all
times, except when being transported from a house, garage or bear resistant
enclosure for pickup. Refuse attractants transported for pickup **not in a bear
resistant container** shall be attended, by a person remaining within 15 feet of the
container at all times. 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 subsection (d) below.

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

4 (cb) This section shall apply to the area bounded by Broadway Street, the City's
5 southern boundary, the city's western boundary and a line extended from Sumac
6 Avenue due west through Wonderland Lake Park. Provided that the city manager
7 may extend the area by rule adopted pursuant to Section 6-3-11 "City Manager
8 Authorized to Issue Rules," B.R.C. 1981.

9 (de) No private owner, agent appointed pursuant to Section 10-3-14, "Local Agent
10 Required," B.R.C. 1981, or manager of any property, lessee leasing the entire
11 premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a
12 fourplex shall fail to repair a damaged container or enclosure within 72 hours after
13 written notification by any city official, or such other time designated in the notice
14 by the city official. If a container or enclosure is damaged, allowing access by
15 wildlife, repairs must be made within 72 hours after written notification by any
16 city official, or such other time designated in the notice by the city official.

17 (ed) If the city manager finds a violation of any provision of this section, the manager,
18 after notice and an opportunity for hearing under the procedures prescribed by
19 Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may impose a civil penalty
20 according to the following schedule:

21 (1) For the first violation of the provision, ~~\$250~~100;

22 (2) For the second violation of the same provision, ~~\$500~~250;

23 (3) For the third violation of the same provision, ~~\$500~~1,000; and

24 (4) The hearing officer may adjust the penalty, based on evidence presented at a
25 hearing.

26 (fe) The city manager's authority under this section is in addition to any other authority
27 the manager has to enforce this chapter, including but not limited to Section 5-2-4,
28 "General Penalties," B.R.C. 1981, and election of one remedy by the manager shall
29 not preclude resorting to any other remedy as well.

30 (gf) The city manager may, in addition to taking other collection remedies, certify due
31 and unpaid charges to the Boulder County Treasurer for collection as provided by
32 Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to
33 County Treasurer for Collection," B.R.C. 1981.

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

1 READ ON THIRD READING, PASSED, AND ADOPTED this 7th day of
2 February, 2017.

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4 Suzanne Jones
Mayor

5 Attest:

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7 Lynnette Beck
City Clerk

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Declarations Are Now Listed in the CAC Agenda