



To: Town Council
From: Jen Coates, Town Manager
Date: December 8, 2017

RE: Animal Resistant Containers Ordinance

After much public discussion, the Animal Resistant Containers Ordinance was introduced by the Town Council last month (November 8th) and is on the December 13th agenda for adoption at the regular Town Council meeting. Staff would like to request more time to consider the impacts and the administration of the ordinance and to explore other opportunities for the Town. This memo will describe some of the challenges with implementing the ordinance as it is currently written, and if adopted on December 13th.

1. The Town's waste and recycling 5-year contract is set to expire at the end of May 2018. Implementation of this ordinance before that time creates some structural challenges for the Town.
2. Timely purchase and acquisition of containers

The Town recently ordered animal-resistant containers and they were delivered more than 6 weeks after the order was placed, and the order was for only 10 containers. With the need for nearly 600 animal-resistant containers town-wide, it is likely it will be difficult for all residences to order and acquire compliant containers by an ordinance implementation date of January 13, 2018, if the ordinance is adopted in December. At a minimum, we will likely need a 60 day implementation time period, and more reasonable would be 90 days. This would provide everyone time to understand and acquire the appropriate containers.

3. Container Lease Agreements with Waste/Recycle Provider (Bruin)

For households wanting to enter into a lease agreement on a new container with Bruin, Bruin will need to identify a container, purchase and order the containers, and then try to have the containers delivered by the January implementation date. This is likely not possible. In addition, Bruin will be purchasing containers that they may only be able to lease for 4 months (through the May 2018 term of the current contract), and therefore Bruin is being asked to purchase containers for which they may never be reimbursed. This will trigger an amendment to the current contract and likely an increase in service rates to try and cover the cost of uncertainty with the investment.



4. Existing contract with Bruin and service rates

If the Town adopts the current ordinance, the contract agreement we have in place through May 2018 will likely need amended as the terms of agreement will have changed with the new requirements. Trash pickup will take more time as Bruin employees will be navigating all new, and varied, waste containers that will take effort and exploration to open in order to dispose of the contents. It is likely the service rates will increase because of the requirements in the ordinance, on top of the cost of purchasing the container. We will need to negotiate an amendment to the contract and try have that amendment in front of the Council for consideration at the January 2018 regular Council meeting. At the same time, we will be working on bid documents to publish in January for a new waste/recycle service contract in June 2018.

5. Existing contract with Bruin and limits on waste

Our existing contract allows for up to 96 gallons of waste per household each week at a cost of \$14.42 per customer. If the Town is contemplating a different container size and a different amount of waste, then a new rate will need to be negotiated with Bruin. Again, any negotiated waste amount and associated rate would need to be a contract amendment presented to the Council in January at the earliest. The Town Council has been considering smaller waste containers, which may be an opportunity to discuss a change in any contracted amount (gallons and dollars) for 2018.

6. Home-made containers

Providing for home-made cans creates a high level of uncertainty for the waste provider and will likely result in the highest service rate for waste hauling under an amended contract. If the employees of the waste provider have to figure out each individual container, their time on the street increases, which increases the cost to the provider, and ultimately increases the cost of service to the community. Home-made cans are likely not a reasonable opportunity given that the savings in the container purchase / manufacturing will likely be lost in the service cost paid to the provider. While the container is a one-time known cost, any increase in the service rate will exponentially increase the overall cost over time.

In summary, these are just a few of the more salient complications with adopting the current ordinance in December. Staff believes we can arrive more optimal solutions and an effective approach for implementation of an ordinance requiring animal-resistant containers if we take additional time to incorporate provider requirements for animal-resistant containers into bid documents for 2018 services. We could look to implement any new requirements with the new



contract effective June 1, 2018. In the meantime we will continue enforcement of the existing regulations that require trash to only be put outside on the day of service. In addition, the Council has budgeted in 2018 to purchase animal-resistant containers for public spaces.

The cost for service will need to be weighed equally with any container costs in order to manage the overall short and long-term costs to the community. Containers with an automatic releasing mechanism may save the Town more in the longer term. With this, staff is strongly suggesting that home-made and screw on lid containers not be an option, and instead some standardized containers be considered to better manage the cost of service, although we would appreciate more time to explore the various costs and options.

Staff is requesting additional time to work on the details of the ordinance and also the content of the bid documents for the 2018 bid for waste and recycle services, and what may be required for animal-resistant containers in 2018. This transition and implementation is complicated. The Town's expiring service contract in 2018 also adds a level of complexity to implementation of new requirements.

ORDINANCE NO. 17 - _____

AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO AMENDING CHAPTER 9 OF THE RIDGWAY MUNICIPAL CODE TO PROVIDE FOR MANDATORY ANIMAL-RESISTANT TRASH CONTAINERS FOR ALL PROPERTIES WITHIN THE TOWN OF RIDGWAY, DEFINING ANIMAL-RESISTANT CANS, CONTAINERS AND DUMPSTERS, AND AMENDING THE SHORT-TERM RENTAL REGULATIONS IN CHAPTER 7-3 TO REFERENCE THE ENTIRE CHAPTER 9-2 FOR TRASH AND RECYCLING UTILITY SERVICES.

WHEREAS, the Town Council of the Town of Ridgway desires to ensure the safety of the community and the safety of our wildlife; and

WHEREAS, when wildlife has access to trash, it brings them closer to our homes, businesses and public spaces, creating a potentially dangerous situation for animals and people and creating a nuisance for the community by distributing trash; and

WHEREAS, the Town Council desires to compel compliance with Town regulations making trash inaccessible to animals; and

WHEREAS, the Town has received numerous complaints on bears in town accessing garbage, and birds distributing trash from open trash receptacles into the streets and public places; and

WHEREAS, the Town's current regulations in Chapter 9 Section 2 state "Animal resistant cans and containers are preferred"; and

WHEREAS, the Town Council has discussed the necessity of requiring animal-resistant cans and containers for a number of years and the past couple of years have seen an increase in wildlife access to garbage throughout the Town; and

WHEREAS, the Town of Ridgway Municipal Code Section 2-4 currently provides for Administrative Enforcement of the Ridgway Municipal Code including issuance of Notices of Violation and Citations for violations of the Ridgway Municipal Code including violations of Chapter 9 Section 2, with penalties assessed from \$150 for the first citation and up to \$999 for the third violation; and

WHEREAS, the Town Council has determined it is necessary and appropriate to change the Town's regulations for trash to preserve the public health, safety and welfare of the Ridgway community.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO,
as follows:

SECTION 1.

Subsection 9-2-1(C) is added, as follows:

* * *

(C) Any trash hauler who provides a refuse container to a town customer shall only provide animal-resistant refuse cans, animal-resistant containers or animal-resistant dumpsters, which meet the requirements set forth herein or is approved by a Town-designated official.

* * *

Subsection 9-2-4(D) of the Ridgway Municipal Code, is amended, as follows:

* * *

(D) All refuse cans and refuse containers shall be animal-resistant, except for those cans and containers used for yard-trimmings such as grass, leaves and branches. Animal-resistant refuse cans and animal-resistant refuse containers means a fully enclosed container that can be constructed of pliable materials, but must be reinforced to deter access by wildlife. The container must employ a sturdy lid that has a latching mechanism preventing access to its contents by wildlife. Wildlife Resistant Containers must meet the standards of testing by the Living With Wildlife Foundation and a “passing” rating by the Interagency Grizzly Bear Committee (IGBC) as bear resistant for 60 minutes or otherwise be approved by a City-designated official.

* * *

Subsection 9-2-4(H) of the Ridgway Municipal Code, is amended, as follows:

* * *

(H) When common dumpsters are used, they shall be screened by fencing. All common dumpsters shall be animal-resistant. Animal-resistant dumpster enclosure means an enclosed structure consisting of four (4) sides and a secure metal door or cover, which shall have a latching device of sufficient design and strength to prevent access by wildlife.

* * *

Subsection 9-2-4(l) of the Ridgway Municipal Code is added, as follows:

* * *

(l) If a container or enclosure is damaged, allowing access by wildlife, repairs must be made within seventy-two hours after written notification by a Town official.

* * *

SECTION 2.

Subsection 7-3-13(l)(3)(d) of the Ridgway Municipal Code regarding Short Term Rentals, is amended as follows:

* * *

(d) Adequate trash and recycle containers shall be provided and information on placement for collection shall be provided in the short-term rental as stated in Ridgway Municipal Code Section 9-2.

* * *

INTRODUCED before the Town Council of the Town of Ridgway, Colorado on the ____ day of _____, 2017

TOWN OF RIDGWAY, COLORADO, A HOME-RULE MUNICIPALITY

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this ____ day of _____, 2017.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on _____, 2017, published by title and posted thereafter, and adopted by the Ridgway Town Council on _____, 2017.

(SEAL)

Pam Kraft, MMC, Town Clerk