

Presented by: The Assembly
Introduced: 05/07/2001
Drafted by: J.R. Corso

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2001-23(am)

An Ordinance Amending the Health and Sanitation Code to Prohibit the Creation of a Bear Attraction Nuisance, Control the Storage of Putrescible Waste, Require Ownership Identification on Garbage Cans, and Prohibit the Unauthorized Use of Garbage Containers.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough code.

Section 2. New Section. Title 36, the Health and Sanitation Code, is amended by the addition of a new section 36.20.056 reading:

36.20.056 Urban Bear Control.

(a) Bear Attraction Nuisance.

(1) No owner or person in control of property shall wilfully or negligently cause or allow the property to be a bear attraction nuisance.

(2) Violation of this section is:

(A) a class A misdemeanor if the bear attraction nuisance is created or maintained for the purpose of attracting bears, or

(B) a class B misdemeanor if the bear attraction nuisance is not created or maintained for the purpose of attracting bears.

(b) Storage of Garbage.

(1) Except as provided in this section, no person shall store garbage except in:

(A) a fully enclosed structure subject to the setback requirements of Title 49 of this code,

(B) a garbage can meeting at least the requirements of subsection (c) of this section and:

(i) located in a garage, the doors of which are kept closed except as necessary for ingress and egress, or

(ii) owned and emptied daily by a government agency,

(C) a bear-resistant structure or container, or

(D) a certificated landfill.

(2) Notwithstanding subsection (b)(1) of this section, garbage may be stored outside in a garbage can meeting only the requirements of subsection (c) of this section temporarily for purposes of collection after 4:00 a.m. on a day scheduled for collection.

(3) This subsection (b) is a lesser included offense of subsection (a). Violation of this subsection (b) is an infraction.

(c) Definitions. As used in this section:

“Bear attraction nuisance” means property containing any garbage, or other organic material:

(i) accessible to bears, and

(ii) not under the immediate control of a person.

“Bear-resistant” means capable of preventing access to the contents by a person using neither hands nor tools.

“Garbage” means all putrescible wastes, except animal wastes, but including disposal diapers and from wastes resulting from the handling, preparation and consumption of food.

“Garbage can” or “garbage container” means a watertight, odor-free, corrosion-resistant container of not less than 20 nor more than 33 gallons capacity, equipped with tight-fitting covers, loaded only as much as will allow the covers to be securely placed, and inscribed with the address of its owner.

“Person in control” means a tenant or an agent, superintendent, or other owner’s representative.

“Property” means developed or undeveloped real property, including any apartment house, mobile home park, planned unit development, or other multifamily development.

(d) Regulations. The Director of the Department of Community Development may adopt regulations pursuant to CBJ 01.60 to implement the provisions of this chapter.

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Section 3. New Section. Title 36, the Health and Sanitation Code, is amended by the addition of a new section 36.30.250 reading:

36.30.250 Unauthorized Use of Garbage Containers.

(a) No person may deposit garbage in or about a residential garbage can, commercial dumpster, or other container owned or leased by another unless the person depositing the refuse has been authorized to do so by the owner or lessee of the container.

(b) No person may deposit garbage in or about a garbage container placed by a government agency on public property unless the garbage was generated while making a permitted use of the public property associated with the container. Unless otherwise posted on the containers, garbage containers placed by a government agency within highway rights-of-way, parking areas abutting a public highway, scenic pullouts or overlooks, highway rest areas and similar places serving the traveling public may be used only for the deposit of garbage generated while making a lawful use of such area or while traveling upon the streets and highways.

(c) No person may deposit refuse in or about a garbage container which is on a facility or property which is a part of a municipally operated harbor facility unless the refuse was generated during the use of a boat, whether it was generated while the boat was inside the harbor or was afloat or underway outside the harbor.

Section 4. Fine Schedule. CBJ 03.30.053, the Health and Sanitation Code Fine Schedule, is amended by the addition of new fines reading:

36.20.056(a)(2)(A)	Bear attraction nuisance (purposeful)	1 st	250.00
		2 nd within 2 years	500.00
		3 rd & subseq. within 2 years	MCA
36.20.056(a)(2)(B)	Bear attraction nuisance (nonpurposeful)	1 st	100.00
		2 nd within 2 years	250.00
		3 rd & subseq. within 2 years	MCA
36.20.056(b)	Storage of waste	1 st	25.00
		2 nd within 2 years	50.00
		3 rd & subseq. within 2 years	100.00
36.30.250	Unauthorized use of garbage container	Any	50.00

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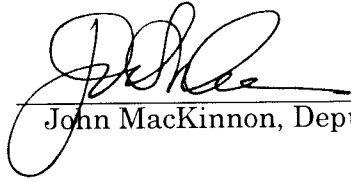
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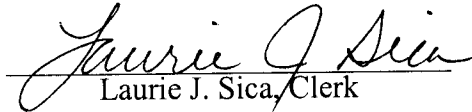
Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 21st day of May, 2001.



John MacKinnon, Deputy Mayor

Attest:



Laurie J. Sica, Clerk