



## Legislation Details (With Text)

**File #:** 18-0422      **Version:** 2

**Type:** Agenda Item      **Status:** Approved

**File created:** 3/8/2018      **In control:** Board of Supervisors

**On agenda:** 5/8/2018      **Final action:** 5/8/2018

**Title:** Community Development Services, Environmental Management Department, recommending the Board approve Final Passage (Second Reading) of Ordinance 5083 amending in its entirety Chapter 8.76, Ordinance 4629, of the El Dorado County Ordinance Code pertaining to bear-proof garbage can requirements. (Cont. 4/24/18, Item 32))

**FUNDING:** County Service Area 10, Zone C Litter Abatement.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet, 2. B - Bear-Proof Garbage Can Requirements Ordinance Summary, Chapter 8.76, 3. C - Bear-Proof Garbage Can Requirements Ordinance, Chapter 8.76, 4. Executed Ordinance 5083

Date	Ver.	Action By	Action	Result
5/8/2018	2	Board of Supervisors	Approved	Pass
4/24/2018	1	Board of Supervisors	Approved	Pass

Community Development Services, Environmental Management Department, recommending the Board approve **Final Passage** (Second Reading) of Ordinance **5083** amending in its entirety Chapter 8.76, Ordinance 4629, of the El Dorado County Ordinance Code pertaining to bear-proof garbage can requirements. (Cont. 4/24/18, Item 32))

**FUNDING:** County Service Area 10, Zone C Litter Abatement.

**DEPARTMENT RECOMMENDATION**

At their meeting of April 24, 2018 (Item 32) the Board approved Ordinance 5083 and set a hearing for Final Passage (Second Reading) on May 8, 2018.

Community Development Services, Environmental Management Department (Environmental Management) is recommending the Board amend Title 8, Public Health and Safety, Chapter 8.76, Bear-Resistant Garbage Can Enclosures within the County (Ordinance 4629), in its entirety in order to incorporate additional provisions for the protection of public health and safety as well as to address nuisances caused by wildlife access to garbage. Consistent with Board Policy A-3, Ordinances - New or Amended, the Board provided conceptual approval on September 15, 2015 (Item 18) to amend Chapter 8.76 of the Ordinance Code.

**DISCUSSION/BACKGROUND**

On June 11, 2002 (Item 11), the Board first adopted the Bear-Resistant Garbage Can Enclosure Ordinance (Ordinance 4600) to enhance public health and safety by eliminating conditions which attract bears and other wildlife to inhabited areas. The ordinance requires the installation of bear-resistant garbage can enclosures in cases where a bear access problem has been identified and also

in conjunction with the construction of all new residential units in the unincorporated area that lie within the boundaries of the Silver Fork, Tahoe Truckee Unified, and Lake Tahoe Unified School Districts. The following year, on May 13, 2003 (Item 58), the Board adopted Ordinance 4629 which made minor revisions to Ordinance 4600.

Over the past several years, human-wildlife conflict incidents have increased, posing increased public health and safety issues for the residents of and visitors to Lake Tahoe, as well as increased danger for the health and wellbeing of bears and other wildlife. In addition, bear access to garbage containers, in both single family residential and vacation home rental circumstances, results in garbage being scattered on properties and roadways resulting in additional work for South Tahoe Refuse Co., Clean Tahoe Program, and property owners to clean up the debris scattered by bears and other wildlife.

In 2015, the South Lake Tahoe Basin Waste Management Authority, a Joint Powers Authority (JPA) recommended that all JPA member agencies (El Dorado County, the City of South Lake Tahoe, and Douglas County, NV) revise their respective bear enclosure ordinances as necessary to be consistent with each other, where appropriate, and include additional provisions protective of public health, safety, and the environment. The JPA developed provisions for a model ordinance in 2015, which were later updated in 2016 and 2017.

On November 21, 2017, the South Lake Tahoe City Council adopted a revised vacation home rental (VHR) ordinance that incorporates bear-proof garbage can enclosure requirements for all VHRs. The proposed changes to Chapter 8.76 are consistent, where appropriate, with the City of South Lake Tahoe's revised ordinance. Douglas County, NV, is still in the process of revising its ordinance.

In developing the County's revised ordinance, Environmental Management received input from the JPA, Clean Tahoe Program, and South Tahoe Refuse Co., as well as the County's Treasurer-Tax Collector.

Significant proposed changes to Chapter 8.76 include, but are not limited to, the following:

- A title change of the Ordinance to Bear-Proof Garbage Can Requirements;
- Existing VHR units will be required to install a bear-proof garbage can enclosure by October 15, 2018;
- New VHR units will be required to install a bear-proof garbage can enclosure prior to issuance of a vacation home rental permit by the Treasurer-Tax Collector's office;
- VHR unit bear-proof garbage can enclosure capacity requirements will be established such that VHR units 2,500 to 3,500 square feet will be required to install one or more bear-proof enclosures capable of holding three thirty-two (32) gallon garbage cans, and a minimum of four thirty-two (32) gallon garbage cans for VHR units greater than 3,500 square feet;
- Expansion of administration and enforcement provisions, including increased progressive monetary penalties for violations of Chapter 8.76 as well as an appeal process; and
- Reference to the JPA interest-free loan program, if available and in effect, to assist owners of developed properties with deferring costs associated with the purchase and installation of bear-proof garbage can enclosures.

Environmental Management will be returning to the Board on May 8, 2018, for the Second Reading of Chapter 8.76 of the Ordinance Code.

### **ALTERNATIVES**

The Board may choose not to amend Chapter 8.76 of the Ordinance Code. This will result in the continuation of the current bear and animal access to garbage issues.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Treasurer-Tax Collector, South Lake Tahoe Basin Waste Management Authority

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

There is a financial impact due to staff time required to administer and enforce the revised ordinance; however, the full extent of the impact is unknown at this time. There is no change to Net County Cost.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Publish the Summary Ordinance in the appropriate local newspaper(s) following Board approval of the Introduction (First Reading) of the Ordinance; and
- 2) Continue this agenda item to Tuesday, May 8, 2018 for Final Passage of the Ordinance.

### **STRATEGIC PLAN COMPONENT**

Good Governance and Public Safety

### **CONTACT**

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Community Development Services, Environmental Management Department