

ORDINANCE 1323

AN ORDINANCE ADDING SECTIONS 8.12.105 AND 8.12.108 TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON RELATING TO BEAR RESISTANT CONTAINERS AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED, THAT:

SECTION 1.

Sections 8.12.105 and 8.12.108 of the Municipal Code of the Town of Jackson are hereby created and added as follows:

...

8.12.105 Bear-resistant container or building, fencing, or enclosure required in bear mitigation zone.

8.12.108 Maintenance and operation of bear-resistant containers and buildings, fencing, and enclosures.

...

8.12.105 Bear-resistant container or building, fencing, or enclosure required in bear mitigation zone.

A. For the purposes of this section, the following definitions shall apply:

1. "Attractant waste and refuse" means all trash or other substances that could reasonably be expected to attract bears, which includes, but is not limited to, kitchen organic waste, food, food packaging, toothpaste, deodorant, lotion, insect repellent, cosmetics, spices, seasoning, grease, pet food, pet food packaging, soiled diapers, and feminine hygiene products. Attractant waste and refuse does not include recyclables that have been rinsed and cleaned or yard rubbish.
2. The "bear conflict zone" means the areas within the Town of Jackson that have experienced bears foraging for food in waste containers and other sources at levels that pose a threat to the health, safety, and welfare of the citizens and visitors to the Town. The bear conflict zone is hereby established and adopted by Town Council, and is as depicted on the Official Zoning Map located on the Teton County Map Server at <http://maps.greenwoodmap.com/tetonwy/mapserver/>.
3. A "bear-resistant building, fencing, or enclosure" is one that consists of or contains:
 - a. A framed building, fencing, or enclosure with hard sides and a roof constructed of wood, non-reflective metal, or other like product reasonably designed and manufactured to withstand an intrusion by a bear;
 - b. Chain-link fencing that is fully enclosed, including the top being fully covered;
 - c. Functional and maintained electric fencing designed to exclude bears; or
 - d. A combination of the above; and
 - e. Functional, maintained self-latching doors and gates, or doors and gates with manually-operated locks.
4. "Bear-resistant container" means a self-locking container or dumpster that is certified to be bear-resistant by the Interagency Grizzly Bear Committee (IGBC) or is approved by an alternative organization designated by the Town at the time of purchase. A list of certified bear-resistant containers and dumpsters is available on the IGBC website. A list of bear-resistant containers and dumpsters approved through the alternative organization designated by the Town is available through the Town.
5. "Property" means any residence, building, premises, place of business, or public building or place.
6. "Yard rubbish" means tree branches, twigs, grass, shrub, clippings, weeds, leaves, and other general yard, garden, and organic waste material.

B. The following requirements apply to collection and disposal of attractant waste and refuse within the bear conflict zone:

1. Every owner, lessee, or occupant of any property shall properly store all attractant waste and refuse in a bear-resistant container.
2. Attractant waste and refuse may be stored in a non-bear-resistant container as long as the container is stored within a bear-resistant building, fencing, or enclosure at all times while on the property.
3. All containers at construction sites that include any attractant waste and refuse shall be bear-resistant containers, which shall be kept closed and secured at all times when not in active use. Non-bear-resistant containers may be used to store construction trash that does not contain attractant waste and refuse.

(Ord. 1323, § 1.)

8.12.108 Maintenance and operation of bear-resistant containers and buildings, fencing, and enclosures.

A. Bear-resistant containers, buildings, fencing, and enclosures shall be functioning and closed and secured when attractant waste and refuse is not actively being deposited.

- B. Bear-resistant containers shall not be altered, modified, or in any manner changed beyond the manufacturer's specifications and doing so renders the container out of compliance with this Code.
- C. A damaged, whether irreparably or otherwise, bear-resistant container, building, fencing, or enclosure that may be accessed by bears shall be repaired within seventy-two (72) hours after the damage.
- D. An irreparably damaged bear-resistant container must be replaced or removed within seven (7) days after the damage.
- E. Trash haulers are required to display their business names on all receptacles they provide within the Town.

(Ord. 1323, § 1.)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective April 1, 2023.

PASSED 1ST READING THE 6 DAY OF SEPTEMBER, 2022.
 PASSED 2ND READING THE 3 DAY OF OCTOBER, 2022.
 PASSED AND APPROVED THE 17 DAY OF OCTOBER, 2022.

TOWN OF JACKSON

BY: _____
 Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
 Riley Taylor, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
 COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. 1323 was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the 19 day of October, 2022.

I further certify that the foregoing Ordinance was duly recorded on page 231 of Book 9 of Ordinances of the Town of Jackson, Wyoming.

 Riley Taylor, Town Clerk