

WHITEFISH MT 2022 UPDATED ORDINANCE Bear-Resistant Containers Residential and Commercial

SOLID WASTE (GARBAGE) MANDATORY MUNICIPAL CODE 4-2 REQUIREMENTS

SOLID WASTE:

SECTION:

4-2-1: Definitions

4-2-2: Mandatory Use Of City Services

4-2-3: Container Requirements

4-2-4: Placement Of Containers

4-2-5: Prohibited Acts And Conditions

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4-2-1: DEFINITIONS:

Includes each and every accumulation of animal matter, manure, fruit or vegetable matter, ashes, branches or parts of any trees, shrubs or vines, slops, tin cans, bottles, grasses or weeds, rags, paper, dead animals or parts thereof, trash or filth and all other offensive matter. (Ord. A-27, 10-17-1949)

4-2-2: MANDATORY USE OF CITY SERVICES:

Except as provided in Montana code 7-2-4736, all residents, businesses and other persons located within the city limits shall be required to use the city's solid waste hauling services with respect to all solid waste that the city hauls, unless the city approves, in writing, the use of a licensed private hauler. No resident, business or other person shall engage a licensed hauler, without first receiving written approval from the city, to haul solid waste of the type that the city hauls. (Ord. 01-05, 2-20-2001; amd. 2003 Code)

4-2-3: CONTAINER REQUIREMENTS:

A. City Approved Containers Required: "Solid waste", as identified in this chapter, shall only be placed outside of a home, garage or other animal proof enclosure if contained in a city approved solid waste container.

B. Damaged Or Stolen Containers: Residents of the city shall be responsible for repairing or replacing any city approved solid waste containers that are damaged, lost, or stolen. (Ord. 01-05, 2-20-2001)

4-2-4: PLACEMENT OF CONTAINERS:

A. Animal Resistant Containers:

1. All businesses that produce food scraps and food byproducts as part of their solid waste, including, but not limited to, restaurants, bars, and grocery stores, shall deposit and store all solid wastes in animal resistant containers throughout the year. Residents and associations of residents located within city limits will either: a) store their solid waste in securely latched animal resistant containers or, alternatively, b) store solid waste containers securely inside of a home, garage or other animal resistant enclosure. Animal resistant containers shall be set out on collection days with all latches in the open position. Solid waste will not be collected from latched containers.
2. Residents and associations of residents located within city limits will bring their solid waste containers or animal resistant containers away from their location to the city right of way for collection no earlier than four o'clock (4:00) A.M. on the morning that such solid waste will be picked up by the city or other permitted hauler. Any solid waste container placed outside of a home, garage, or other animal resistant enclosure for pick up shall be returned to a secure location no later than seven o'clock (7:00) P.M. on the day that solid waste is picked up. Any animal resistant container shall be relatched no later than seven o'clock (7:00) P.M. on the day that waste is picked up.
3. A business, resident, or association of residents convicted of violating this subsection A shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine and/or confinement as provided in the general penalty provisions in section 1-4-1 of this code. A business, resident, or association of residents who violates this subsection A shall be deemed to have committed a municipal infraction, and shall be assessed the civil penalty described in section 1-4-4 of this code. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa. Each day that a violation remains shall constitute a separate violation. (Ord. 14-20, 1-5-2015)

B. Preparation For Collection:

1. All solid waste produced in any house, flat, apartment, restaurant or other store, building or establishment, shall be drained of all surplus liquids, except grease, and thereupon shall be securely wrapped in paper before depositing in solid waste receptacles.

2. Paper and combustible rubbish of every kind whatsoever shall be securely wrapped, packed or contained in a manner that will prevent blowing by the wind and shall be deposited in a proper receptacle.
3. Trimmings resulting from trimming or removing hedges and trees shall be cut up into short lengths not to exceed six feet (6'), and placed in or beside solid waste receptacles or else moved to the county landfill by the owner or occupant of the premises; tree trunks of more than six inches (6") in diameter at the large end shall be removed to the county landfill by the owner or occupant of the premises and shall not be removed by the city solid waste collectors.

C. Dirt, Rocks And Building Debris:

1. Dirt and rocks accumulated as a result of improving or grading lawns and gardens, will not be removed from the premises, nor from the streets and alleys by the city solid waste collectors, but shall be removed to the county landfill by the owner or occupant of the premises where such material originated.
2. Dirt and rocks accumulated as a result of excavation of building sites, shall not be deposited in streets or alleys, but shall be removed from the premises where such material originates by the owner, occupant or contractor, or whoever was responsible for doing the work. (Ord. A-27, 10-17-1949)
3. Other building rubbish shall be removed to the county landfill from the premises where such rubbish originates, by the occupant, owner, contractor or whoever was responsible for doing the work, at least once weekly or as specified by the public works department. (Ord. A-27, 10-17-1949; amd. 2003 Code)

4-2-5: PROHIBITED ACTS AND CONDITIONS:

A. Deposits On Public Ways: It is unlawful for any person to throw, scatter or otherwise place or leave, or cause to be thrown or scattered or otherwise placed or left, upon or along any street, avenue, alley or other public place, or upon any vacant or unoccupied lot or lots within the city, any wastepaper, rubbish, refuse, debris or solid waste of any kind. (Ord. A-27, 10-17-1949; amd. Ord. A-129, 3-16-1964)

B. Burning: Except in case of receiving a fire department permit, it shall be unlawful to burn papers, paper goods, carbon, rubbish, solid waste, organic debris, or any other type of combustible matters outdoors within the city. (Ord. 88-2, 3-21-1988)

C. Use Of Specific Containers:

1. It is unlawful for any person to place, discard or deposit solid waste into solid waste containers provided or placed within the city's parks unless such solid waste is actually generated and accumulated in the park by park visitors. The use of such solid waste containers and/or receptacles provided in the city's parks is restricted to solid waste generated in the park by park visitors, and no other solid waste shall be brought into the city's parks for disposal.
2. All persons shall place, dispose, discard or deposit their solid waste in the solid waste containers provided for their particular residence or place of business and shall not use such solid waste containers and/or receptacles provided for other persons or for public use at city parks or street receptacles. (Ord. 94-5, 8-1-1994)

4-2-6: REMOVAL OF PROHIBITED CONDITIONS:

A. Responsibility Of Owner: It shall be sufficient proof for the purpose of securing a conviction under the terms of this chapter that any such solid waste or other offensive matter is shown to have been found improperly packed or at any unauthorized place as specified hereinabove, or to have been found in, upon or adjacent to the grounds or premises used or occupied by such person that are charged with violation of the terms of this chapter whether such premises are owned, rented, leased or otherwise held or occupied in any manner and any such owners, occupants, tenants or lessees aware of, or who should have been aware of, the presence of the solid waste which has been improperly disposed of are declared to be personally responsible under this chapter for any such refuse, solid waste or offensive matter so thrown, located, placed or found. (Ord. A-27, 10-17-1949; amd. Ord. A-204, 2-20-1973)

B. Removal Authority: The city manager, the public works director or the fire chief shall have power and they are empowered and authorized to order by printing, posting or by written personal notice, to order the agent, tenant or owner to remove from his premises or the streets and alleys adjacent thereto, any rubbish or filth which in the judgment of any of these officers, is a menace to public health or hazardous in case of fire.

C. Removal By City: In case the rubbish is not removed within the time specified in the notice and order, any of the officers shall have the power to cause the rubbish to be removed at the cost of the city. (Ord. 112, 4-19-1915)

D. Lien On Premises: The cost for the removal of such rubbish, when duly approved by the city council, shall be a lien against the property from which such matter was deposited, and the city clerk is authorized to certify the cost to the county clerk for collection along with those taxes and other legal charges against the property. (Ord. 112, 4-19-1915; amd. Ord.126, 5-15-1917)

4-2-7: VIOLATION; FINE OR PENALTY:

A person convicted of violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine as provided in the general penalty in section 1-4-1 of this code. A person who violates any of the provisions of this chapter shall be deemed to have committed a municipal infraction, and shall be assessed the civil penalty described in section 1-4-4 of this code. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa. Each day that a nuisance or other offense remains shall constitute a separate violation. (Ord. 09-20, 10-19-2009)

Contact Us

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Whitefish, Montana September 2022

Bear Resistant Refuse Container Roll Out

We are excited to announce that the City is preparing for the transition to individual 95-gallon bear resistant refuse containers for all single-family homes, duplexes, townhomes, and some commercial properties. We will begin delivering carts within city limits beginning September 12, 2022. The change out process will take several months to complete and your patience is greatly appreciated.

The City will be divided into four (4) quadrants with each quadrant broken down into 3-4 sections. Please see the map below to identify what quadrant and section your property is located in. You will be able to access the map and receive updated information regarding the schedule for your cart delivery.

Republic Services will be dropping off your new container and trying to pick up your current individual roll-out cart or the 300-gallon shared container at the same time. Each cart will have a postcard attached to the lid with [instructions for placement \(PDF\)](#) and [how to use your bear-resistant trash cart \(PDF\)](#). It is important to follow all guidelines to ensure your refuse cart is serviced as scheduled. If you leave for the winter season and have not received your new bear resistant roll-out cart, please contact us at (406) 863-2456, press option #2.

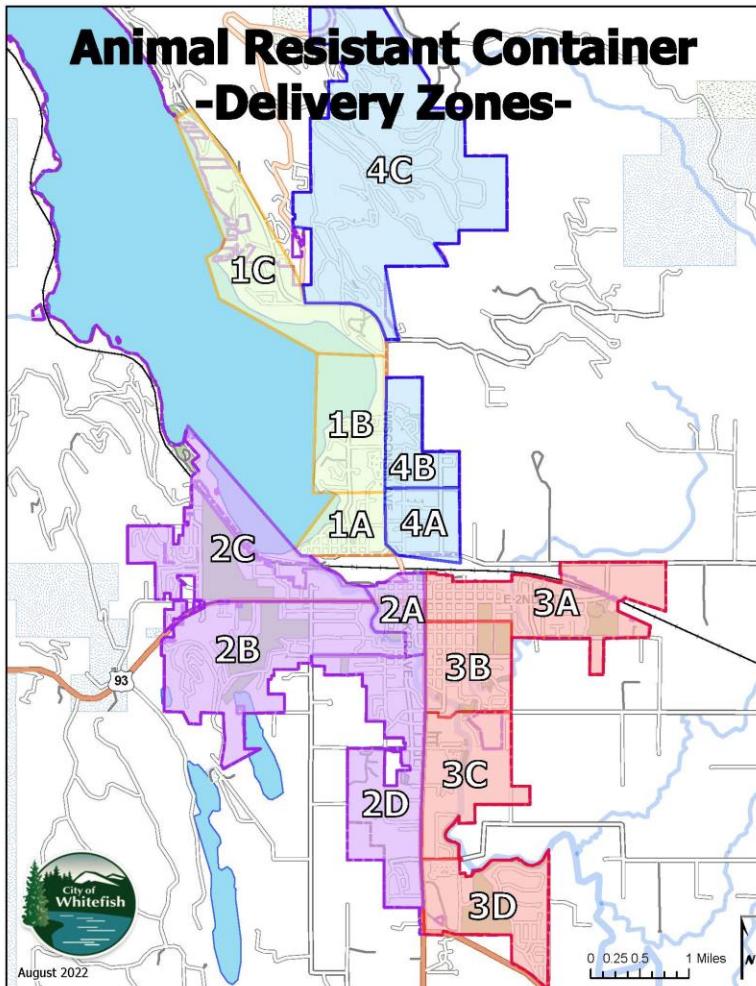
If you have received your new cart, please do not use the old cart. Leave this empty and out at the curb until it is picked up.

*** IMPORTANT ***

- Place your cart at the curb or alley the night before or by 7 a.m. on pickup day.
- Place your cart within 2 feet of the curb.
- Items placed outside of the cart will be charged an additional fee.
- Do not place any items on the top of the lid, it will NOT be collected.
- Carts placed incorrectly by the curb will NOT be collected.
- Do NOT overfill the cart, the lid must be closed for collection.
- Place carts so they can be opened towards the street or alley.
- Carts must be at least 4 feet from obstacles preventing collection, including other carts.
- Your service location is the same spot the cart was delivered to. For some, this is in the alley. For others it is on the street.

- The cart that is placed at your home is your responsibility, the serial number on the cart is linked to your address.

Additional bear resistant roll-out carts will be available upon request for an additional fee. If you have questions, please call (406) 863-2456 between 8am and 5pm, Monday through Friday.



[Animal Resistant Containers Ord 14-20](#)

[Mandatory Municipal Code 4-2 Solid Waste \(Garbage\)](#)

[Resolution No. 22-12, amending Resolution No. 21-15](#)

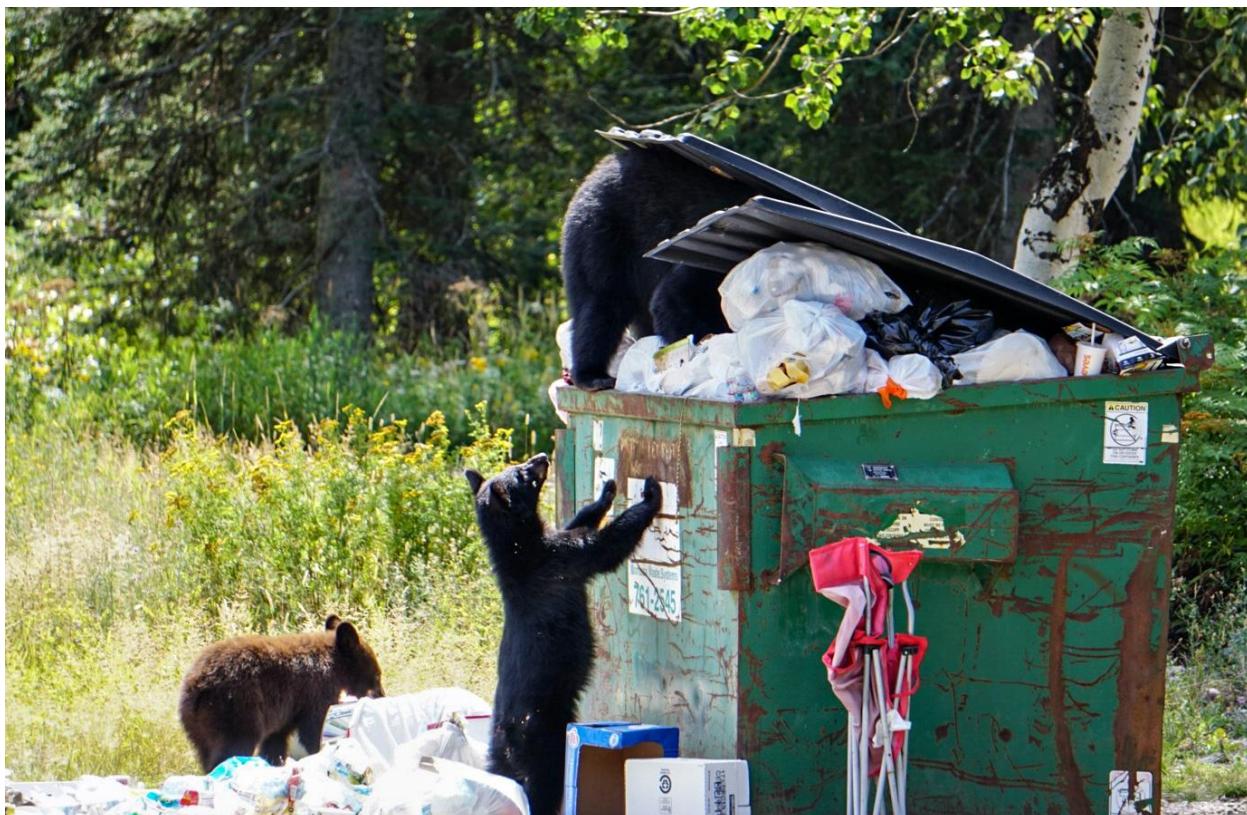
[Garbage Rates](#)

ENVIRONMENT

Whitefish Adopts Ordinance Requiring Bear-resistant Garbage Cans

Despite 55% cost increase to residents citywide, wildlife managers say the shift to secure trash bins dramatically reduces the potential for bear-human conflicts

BY TRISTAN SCOTT MAY 11, 2022



Black bears dig through dumpsters in Whitefish. Photo courtesy of FWP

The Whitefish City Council has adopted a citywide ordinance requiring bear-resistant garbage containers at all residential properties, voting unanimously to approve a new policy they hope will help reduce the potential for human-wildlife conflicts, even as it comes with an expensive price tag.

Council's May 2 decision came after it considered multiple iterations of a new ordinance that gained urgency last fall following a record year for bear-human conflicts inside Whitefish city limits, where during one extended period in September 2021 at least 19 black bears were browsing bins for unsecured garbage and other attractants. The new ordinance furnishes all residential accounts with 95-gallon animal-resistant garbage containers and comes with a 55% increase to monthly residential rates, which will rise from the current garbage service cost of \$10.78 to a new cost of \$16.75.

The city of Whitefish has an ordinance requiring homeowners to store individual garbage cans indoors until the day of collection or have an animal-resistant container, which are not currently provided to all residential neighborhoods through the city's service contract. Under the statute, unsecured trashcans cannot remain at the curb in the days prior to a pickup.

However, that arrangement isn't sustainable as not all residents have indoor storage space for garbage and others, including the influx of new out-of-state residents, don't abide by the rules. Meanwhile, bears are using the Whitefish River as an arterial into town in greater abundance.

"These regulations were originally designed and adopted to reduce the accessibility of solid waste to bears and other animals," according to Whitefish City Manager Dana Smith. "Unfortunately, the city has many residential and commercial locations that are currently using shared 300-gallon containers in alleys throughout town and along the river corridor, which makes it impossible for those residents and businesses to follow the regulations. Currently, there are no 300-gallon containers available on the market that meet bear-resistant requirements."

To that end, the new policy provides all residential locations with a single 95-gallon bear-resistant container that will be serviced at the curb.

"City staff confirmed with Republic Services that individual containers will have to be serviced curbside due to logistics and the limitations of our alleys," according to Smith. "This change in service may be challenging for those residents that are accustomed to alley service with a shared container. While they will not be required to store the bear resistant container in their garage, it must be pulled away from the right-of-way on the day of service."

To accommodate the new service provision for containers in the city's right-of-way, Public Works Director Craig Workman said the city will need to consider making its alternate-side parking standards a year-round requirement. The transition period to bear-resistant containers is expected to last until the end of August.

The ordinance will increase the cost to the city by approximately \$282,500 for an estimated 3,949 residential accounts, with the city passing the cost increase on to customers.

"The cost and extra difficulty is not lost on me, but as we heard tonight there are significant bear-human conflicts and I see this as us doing our part," Councilor Ben Davis said.

According to Erik Wenum, a bear and mountain lion manager with Montana Fish, Wildlife and Parks, the rise in bear-human conflicts isn't going to be diminished without proactive solutions like the bear-resistant bin ordinance.

"We had multiple hundreds of incidents in town last year and just so you're aware, four nights ago we had a radio-collared grizzly bear walk down Fifth Avenue," Wenum said at the May 2 council meeting. "So this is a real deal and we have talked to the city attorney at length about the potential liabilities. We're talking about an extra \$60 per year per resident, but when you are looking at some of the settlements that cities have faced throughout the country – for \$17 million and \$18 million and \$23 million – I think that would be a few dollars extra a month that will be well spent."