

VILLAGE OF RADIUM HOT SPRINGS

BYLAW NO. 490, 2023

Being a bylaw to minimize attractants that would encourage wild animals to enter the residential areas of the municipality.

WHEREAS, the Village is surrounded by wilderness areas containing bear, cougar, coyotes and other potentially dangerous wild animals, some of which may wander into areas of human habitation, and;

WHEREAS, animals like deer, turkey, skunk and feral cat are resident within the community and may become both a nuisance and a hazard to humans, pets and property, if habituated to humans, and;

WHEREAS, human conduct making food or other attractants available to wild animals encourages these animals to become both a nuisance and a hazard to humans, pets and property.

NOW THEREFORE, the Council of the Village of Radium Hot Springs, in open meeting assembled, enacts as follows:

1. **CITATION:**

This bylaw may be cited as the “*Village of Radium Hot Springs Wild Animal Attractant Bylaw No. 490, 2023*”.

2. **REPEAL:**

The “*Village of Radium Hot Springs Animal Safety Bylaw No. 440, 2018*” is hereby repealed.

3. **DEFINITIONS:**

(a) In this bylaw:

"**Attractant**" means any substance which could reasonably be expected to attract a Wild Animal or Animals or does attract a Wild Animal or Animals, including but not limited to, fowl, fowl coops, food products, refuse, kitchen waste, offal, unclean barbeques, pet food, bird feed, grain, honey, livestock feed, restaurant grease, used food packaging, game meat, fruit, seed, nuts, salt, oil, antifreeze or other petroleum product, an unmanaged compost other than grass clippings, leaves or branches;

"Bylaw Enforcement Officer" means the person or persons appointed from time to time by the Council to enforce and administer this bylaw and shall include any Peace Officer including an R.C.M.P. Officer;

"Commercial refuse" means refuse originating from income producing property;

"Council" means the municipal Council of the Village of Radium Hot Springs;

"Domestic refuse" means refuse originating from privately owned residential property;

"Person" includes any company, corporation, owner, partnership, firm, association, society or party;

"Property" means real property and includes land, highways, parks, and every private and public place and the improvements, buildings and structures thereon located within the Village;

"Village" means the Corporation of the Village of Radium Hot Springs or the area within the boundaries of the Corporation;

"Wild Animal or Animals" means any animal or reptile natural to the wild and includes such animals or reptiles born in captivity;

"Wildlife Resistant Container" means a fully enclosed container with a lid which can be completely closed. The lid must have a latching or locking mechanism, which prevents access by wildlife. Both the container and the lid must be constructed of metal or material of equivalent strength to prevent forcible entry by bears. Any container which is over filled so as to prevent latching is not a wildlife resistant container; and

"Wildlife Resistant Enclosure" means a fully enclosed structure containing four walls, a roof, and at least one door, and is of sufficient construction, strength and materials to prevent access or forcible entry by Wild Animal or Animals.

4. WILDLIFE ATTRACTANTS:

- (a) No Person shall knowingly or willingly feed, or in any manner provide access to any Attractant to, a Wild Animal or Animals.
- (b) No Person shall knowingly or willingly leave or store any Attractant, in a manner which would constitute an attractant to any Wild Animal or Animals.
- (c) Every Person must ensure that:
 - i) any fruit and/or nuts that have fallen from a tree or bush is removed from the ground and properly disposed of within 24 hours;

- ii) any refrigerator, freezer or similar appliance, device or apparatus that contains food or Attractants, is located and equipped in such a manner that it is inaccessible to a Wild Animal or Animals;
 - iii) barbeque equipment and tools that remain outdoors must be clean and free of residual food or grease;
 - iv) a bird feeder containing bird feed is permitted, but it must be suspended on a cable or other device in such a manner that it is inaccessible to a Wild Animal or Animals and that bird feed fallen from a bird feeder is removed from the ground and properly disposed of within 24 hours; and
 - (v) composting activity is maintained in such a manner that avoids odours. Meat or fish products or large amounts of fruit shall never be placed in the compost. Any composting device or equipment is maintained in such a manner that it is inaccessible to a Wild Animal or Animals.
- (d) All Domestic and Commercial Refuse must be placed in one of the following:
- (i) a building, house or garage that is inaccessible to a Wild Animal or Animals;
 - (ii) a Wildlife Resistant Container;
 - (iii) a container that is placed in a Wildlife Resistant Enclosure; or
 - (iv) a Regional District transfer station or waste disposal site.
- (e) The owner of a Wildlife Resistant Container or Enclosure shall keep it closed and secure when refuse is not being deposited or contained therein. If the container becomes damaged the owner shall repair it in a timely fashion.

5. EXCEPTIONS:

- (a) A Person is exempt from Section 4 'WILDLIFE ATTRACTANTS' when the Person feeds or provides food to a trapped, injured or baby Wild Animal or Animals between the time that a Conservation Officer or designate is notified and the Wild Animal or Animals is picked up.
- (b) Gardens are allowed but must be fenced to prevent access by a Wild Animal or Animals or harvested so as to prevent problems with a Wild Animal or Animals.
- (c) Garbage containers required for temporary special events, such as weekend tournaments, and outdoor gatherings, are exempt from the Wildlife Resistant Container requirement if the containers are emptied before 10:00 pm on the day of the event. Persons responsible for special events shall collect refuse from the grounds of the event at the close of each day and deposit it in an Wildlife Resistant container or Enclosure, or at a waste disposal site or transfer station.

6. FAILURE TO COMPLY:

- (a) No Person shall fail to take remedial action to avoid contact or conflict with a Wild Animal or Animals after being advised by the Bylaw Enforcement Officer that such action is necessary.
- (b) If contact or conflict with a Wild Animal or Animals occurs, no Person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or Attractants.
- (c) Failure to comply may result in the Village by its own employees or authorized agents, cleaning up and removing such Attractants and the cost of such cleaning and removal shall be charged to the owner of the Property and where such charges are unpaid on the 31st day of December in the same year, they shall be added to and form part of the taxes payable in respect of that real Property as taxes in arrears.

7. INSPECTION AND ENFORCEMENT:

- (a) The Bylaw Enforcement Officer may enter, at all reasonable times, upon any Property in order to ascertain whether the regulations set out in this bylaw are being obeyed.
- (b) No Person shall prevent, obstruct, threaten, or attempt to prevent or obstruct, the entry of the Bylaw Enforcement Officer upon any Property as authorized under Section 7(a) of this bylaw or section 16 of the *Community Charter*.
- (c) No Person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- (d) Every Person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and:
 - i) shall be liable to a fine set out in the Municipal Ticket Information System Bylaw, as amended from time-to-time; or
 - ii) shall be liable, upon summary conviction to the penalties provided under the Offence Act.
- (e) Each day that an offence against this bylaw continues it shall be deemed a separate and distinct offence.

8. SEVERABILITY:

- (a) If any section or lesser portion of this bylaw is held to be invalid by a Court, the invalid portion shall be severed without affecting the validity of the remaining portions of this bylaw.

Read a first time this 10th day of July, 2023.

Read a second time this 10th day of July, 2023.

Read a third time this 10th day of July, 2023.

Reconsidered and adopted this 28th day of August, 2023.

Mayor Mike Gray

Corporate Officer Jill Logan

Hereby certified as a true copy of Bylaw No. 490, 2023

Corporate Officer