

**DISTRICT OF COLDSTREAM
BYLAW NO. 1828, 2023**

A BYLAW TO PROHIBIT THE FEEDING OF WILDLIFE AND REGULATE WILDLIFE ATTRACTANTS

WHEREAS Council, in accordance with the *Community Charter*, seeks to protect and enhance the well-being of its community in relation to nuisances;

AND WHEREAS Council, deems it advisable to enact a bylaw to discourage and prevent wildlife from accessing food sources generated or controlled by human activity to minimize human-wildlife interactions, to the greatest extent possible, and help wildlife populations thrive in the wild;

NOW THEREFORE the Council of the District of Coldstream ENACTS AS FOLLOWS:

TITLE

- 1 This Bylaw may be cited as the "DISTRICT OF COLDSTREAM WILDLIFE FEEDING AND ATTRACTANT REGULATION BYLAW NO. 1828, 2023".

INTERPRETATION

- 2 Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require.
- 3 A reference to an Act in this Bylaw refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.
- 4 Words in the singular include the plural, and words in the plural include the singular.
- 5 Headings are for convenience only and must not be construed as defining or limiting the scope or intent of the provisions.

SEVERABILITY

- 6 If any part of this Bylaw is held to be invalid by a court of competent jurisdiction the invalid part is severed, and the remainder of the Bylaw continues to be valid.

DEFINITIONS

- 7 In this Bylaw,

Attractant means food or food waste; a carcass or part of a carcass of an animal or fish or other meat; compost other than grass clippings, leaves, or branches; or any other waste or **refuse** that could attract or is likely to attract **wildlife** and without limitation includes grease, oil antifreeze, paint, and petroleum products;

Big Game has the same meaning as defined in the *Wildlife Act*;

Dangerous Wildlife has the same meaning as defined in the *Wildlife Act*;

Farm Operation has the same meaning as defined in the *Farm Practices Protection (Right to Farm) Act*;

Normal Farm Practice has the same meaning as defined in the *Farm Practices Protection (Right to Farm) Act*;

Refuse means any discarded or abandoned food, substance, recycling, material or object, whether from domestic, commercial, industrial, or other use;

Special Event means a temporary, outdoor gathering; a sporting event; a wedding; or a convention, parade, public display, festival or similar gathering;

Wildlife means an animal of the class of Aves (birds) and its eggs, mammals and, without limitation, **big game**, both native and non-native to the Province, excluding any domesticated animal under the control of a human and **dangerous wildlife**.

TREATMENT OF REFUSE

- 8 Except as permitted in this bylaw, a person must not cause or allow any **refuse** that is or is likely to be an **attractant** to be stored, deposited, or placed on any parcel or highway within the District of Coldstream in such a manner that it is accessible to **wildlife**.
- 9 Without limiting any other provision of this bylaw, any person responsible for a site that is used for a **Special Event**, filming, a catered event, or a construction site must ensure that any **attractant** is disposed of in such a manner so as not to attract **wildlife**.
- 10 Every owner or occupier of real property must ensure that any **refuse** container be:
 - (1) set out for collection only on the designated day of collection between 5:00 am and 7:00 pm; and
 - (2) be removed from the collection location by 7:00 pm on the designated day of collection.

PROHIBITIONS

- 11 (1) Except as permitted in the Bylaw, no person shall:
 - (a) feed or attempt to feed any **wildlife** or;
 - (b) provide, leave or place an **attractant** in, on or about any land or premises where there are or where there are likely to be people, with the intent of attracting any **wildlife** or;

- (c) provide, leave or place an attractant in, on or about any land or premises where there are or where there are likely to be people, in a manner in which the **attractant** could attract **wildlife** to the land or premises.
- (2) Every owner or occupier of real property must ensure that:
 - (a) any fruit or nuts from a tree, bush or shrub is maintained and stored in such a manner so as not to attract **wildlife**;
 - (b) any birdfeeder containing bird feed, suet or nectar is suspended on a cable or other device in such a manner that it is inaccessible to **wildlife**; and the area below any feeding devices or activity is kept free of accumulations of seeds and similar **attractants**;
 - (c) any composting activity is carried out and any composting device or equipment is maintained in such a manner that it is inaccessible to **wildlife**;
 - (d) barbeque equipment and tools that remain outside must be clean and free of residual food or grease;
 - (e) any refrigerator, freezer, storage container or similar appliance, device or apparatus that contains **attractant** of any type, if placed or located outdoors, is located and equipped in such a manner that it is inaccessible to **wildlife**; and
 - (f) any grease, antifreeze, paint or petroleum product is stored in such a manner that it is inaccessible to **wildlife**.
- (3) For certainty, the prohibitions listed in section 11 of this bylaw do not apply in relation to:
 - (a) **Farm operations and normal farm practices**;
 - (b) any plant material or vegetation growing on property, including natural vegetation, personal gardens, ornamental plants or flowers and products grown for an agricultural purpose, but excluding fruit and agricultural products which have fallen or been harvested from their plants;
 - (c) bird feeders provided they comply with Section 11(2)(b) of this bylaw.

ENTRY AND INSPECTION

- 12 As authorized by the *Community Charter* [authority to enter on or into property], any employee of the District appointed by Council to administer and enforce this bylaw is hereby authorized to enter at all reasonable times upon any property to inspect and ascertain whether the regulations, prohibitions or requirements of this Bylaw are being met or have been complied with.
- 13 A person must not obstruct or interfere with an employee who has entered onto a property.

OFFENCES AND PENALTIES

- 14 (1) Every person who
- (a) contravenes this Bylaw,
 - (b) permits, suffers or allows any act or thing to be done in contravention of this Bylaw, or
 - (c) fails or neglects to do anything required to be done under this Bylaw or of any permit or direction issued under this Bylaw,
- commits an offence, and each day any contravention continues shall constitute a separate offence.
- (2) A person found to have contravened this Bylaw is liable to pay any of the following:
- (a) a penalty imposed under the *District of Coldstream Bylaw Notice Enforcement Bylaw*;
 - (b) a penalty imposed under the *District of Coldstream Municipal Ticket Information Utilization Bylaw*;
 - (d) a penalty of up to \$10,000, and any further amounts that may be ordered by the court if proceedings are brought under the *Offence Act*.

CONSEQUENTIAL AMENDMENTS

- 15 **“District of Coldstream Municipal Ticket Information Utilization Bylaw No. 1598, 2012”** is hereby amended as follows:
- (1) **AMEND** Schedule 1 by adding to Designated Bylaws: “Coldstream Wildlife Feeding and Attractant Regulation Bylaw No. 1828, 2023” and corresponding Designated Bylaw Enforcement Officers: “Chief Administrative Officer, Corporate Officer, Bylaw Enforcement Officer, Member of the Royal Canadian Mounted Police, Agent under contact to the District of Coldstream”.
 - (2) **ADD** Schedule 13 as shown in Schedule A of this bylaw.
- 16 **“District of Coldstream Bylaw Notice Enforcement Bylaw No. 1636, 2013”** is hereby amended as follows:
- (1) **ADD** to Schedule A - Designated Bylaw Contraventions and Penalties, “Appendix 12 – Wildlife Feeding and Attractant Regulation Bylaw No. 1828, 2023.
 - (3) **ADD** to Schedule A “Appendix 12 to Schedule ‘A’ Wildlife Feeding and Attractant Regulation Bylaw No. 1828, 2023” as shown in Schedule A of this bylaw.

READ A FIRST TIME this	23 rd	day of	May	2023
READ A SECOND TIME this	23 rd	day of	May	2023
READ A THIRD TIME this	23 rd	day of	May	2023
ADOPTED this	12 th	day of	June	2023

Corporate Officer

Mayor

SCHEDULE A
Bylaw No. 1828, 2023

District of Coldstream Municipal Ticket Information
Utilization Bylaw No. 1598, 2012

Schedule 13

<u>COLDSTREAM WILDLIFE FEEDING AND ATTRACTANT REGULATIONS BYLAW NO. 1828, 2023</u>		<u>SECTION</u>	<u>FINE</u>
1.	Refuse accessible.	8	\$750.00
2.	Failure or improper disposal of refuse at a site used for a Special Event, filming, a catered event, or a construction site.	9	\$750.00
3.	Container set out for collection outside designated times.	10(1)	\$750.00
4.	Failure to remove container by designated time.	10(2)	\$750.00
5.	Feed or attempt to feed wildlife.	11(1)(a)	\$750.00
6.	Provide, leave or place an attractant on land or premises with intent of attracting wildlife.	11(1)(b)	\$750.00
7.	Provide, leave or place an attractant on land or premises in a manner which could attract wildlife.	11(1)(c)	\$750.00
8.	Fruit/nuts attracting wildlife.	11(2)(a)	\$750.00
9.	Birdfeed or Birdfeeder accessible.	11(2)(b)	\$750.00
10.	Compost accessible.	11(2)(c)	\$750.00
11.	Improperly maintained barbeque equipment/tools.	11(2)(d)	\$750.00
12.	Outdoor food container accessible.	11(2)(e)	\$750.00
13.	Grease, antifreeze, paint, or petroleum product accessible.	11(2)(f)	\$750.00
14.	Refuse entry to authorized employees for the purposes of inspection.	12	\$750.00
15.	Obstruction/interference with an authorized employee who has entered onto a property.	13	\$750.00

Appendix 12 to Schedule 'A'
Bylaw 1636, 2013

Wildlife Feeding and Attractant Regulations Bylaw No. 1828, 2023

Section	Offence	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
8	Refuse accessible.	\$200	\$100	\$300	Yes
9	Failure or improper disposal of refuse at a site used for a Special Event, filming, a catered event, or a construction site.	\$300	\$150	\$450	No
10(1)	Container set out for collection outside designated times.	\$150	\$75	\$300	No
10(2)	Failure to remove container by designated time.	\$150	\$75	\$300	No
11(1)(a)	Feed or attempt to feed wildlife.	\$450	\$300	\$500	No
11(1)(b)	Provide, leave or place an attractant on land or premises with intent of attracting wildlife.	\$450	\$300	\$500	No
11(1)(c)	Provide, leave or place an attractant on land or premises in a manner which could attract wildlife.	\$450	\$300	\$500	No
11(2)(a)	Fruit/nuts attracting wildlife.	\$150	\$75	\$300	No
11(2)(b)	Birdfeed or Birdfeeder accessible.	\$150	\$75	\$300	No
11(2)(c)	Compost accessible.	\$150	\$75	\$300	Yes
11(2)(d)	Improperly maintained barbeque equipment/tools.	\$150	\$75	\$300	No
11(2)(e)	Outdoor food container accessible.	\$150	\$75	\$300	No
11(2)(f)	Grease, antifreeze, paint, or petroleum product accessible.	\$150	\$75	\$300	No
12	Refuse entry to authorized employees for the purposes of inspection.	\$300	\$150	\$450	No
13	Obstruction/interference with an authorized employee who has entered onto a property.	\$400	\$300	\$500	No