

DISTRICT OF SQUAMISH

WILDLIFE ATTRACTANT BYLAW NO. 2781, 2020

WHEREAS Council for the District of Squamish deems it advisable to enact a bylaw to store and secure refuse and food sources securely so as to discourage and prevent bears, cougars, coyotes, wolves and deer from accessing and becoming conditioned to, or dependent on, food sources generated or controlled by human activity in order to protect public safety and help wildlife populations thrive in the wild.

NOW THEREFORE Council for the District of Squamish enacts as follows:

CITATION

1. This bylaw may be cited as the “District of Squamish Wildlife Attractant Bylaw No. 2781, 2020”.

INTERPRETATION

2. In this bylaw:

“**Animal Control Bylaw**” means the District of Squamish Animal Control Bylaw No. 2781, 2020 as amended from time to time;

“**Bees**” mean any insect of the species *apis mellifera*;

“**Beehive**” means a structure which houses a colony of worker bees with a queen and drones;

“**Bylaw Enforcement Officer**” means a person appointed by the Council to enforce the bylaws of the District;

“**Collection Contractor**” means the Person who collects and disposes of Municipal Solid Waste as part of the Residential Curbside Collection Service as defined within the *District of Squamish Solid Waste Utility and Regulation Bylaw No. 2547, 2017* as amended from time to time;

“**Commercial Refuse Container**” means a metal receptacle that is designed or intended to dispose of waste by automated means and is wildlife proof;

“**Coop**” means a covered enclosed structure to shelter hens;

“**Dangerous Wildlife**” means a bear, cougar, coyote or wolf as any animal prescribed as such under the BC Wildlife Act;

“**District**” means the District of Squamish;

“Feed” means providing, leaving or placing in, on or about land or premises, food, food waste or any other substance that could be considered a wildlife attractant;

“Hen” means a domesticated female chicken that is at least 4 months old;

“Pen” means a fully or partially enclosed outdoor space for the keeping of animals;

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

“Remedial Action” may include, but is not limited to, removal of any wildlife attractant, refuse, bird feeder, fruit, nuts, pet food, cooking grills or any other real or potential wildlife attractant;

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

“Wildlife” means dangerous wildlife and members of the family *Cervidae* (deer);

“Wildlife Attractant” means any substance or material, with or without an odour, which attracts or is likely to attract wildlife; and without limitation includes food or other edible products, whether intended for humans, animals, or birds, grease, oil, antifreeze, paint, petroleum products, and compost other than grass clippings, leaves or branches;

“Wildlife Proof Enclosure” means a fully enclosed structure having four enclosed sides, a roof, doors and a locking device, designed to discourage and prevent access by wildlife, and for clarity, includes a garage, shed, or other structure that is inaccessible to wildlife and that is designed and constructed in accordance with the specifications set out in Schedule B;

“Wildlife Resistant Container” means a refuse container that is sufficient to accommodate normal uses of the property, is designed to discourage and prevent access by wildlife, and has a sturdy cover capable of being completely closed and secured with a locking device;

“Zoning Bylaw” means the District of Squamish Zoning Bylaw as amended from time to time.

TREATMENT OF REFUSE

3. Except as permitted in this bylaw, a person must not cause or allow any Refuse that is a Wildlife Attractant to be stored, deposited or placed on any parcel or highway within the District in such a manner that it is accessible to Wildlife.
4. Without limiting Section 3, a person must not store, deposit or place outdoors any Refuse that is a Wildlife Attractant except:
 - (a) in a Wildlife Resistant Container provided by the Collection Contractor;
 - (b) in a Commercial Refuse Container that meets the criteria established in Schedule A; or
 - (c) in a container enclosed within a Wildlife Proof Enclosure that is designed and constructed in accordance with the criteria established in Schedule B.

- 4.2 Without limiting any other provisions 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 Wildlife Attractant is disposed of in a designated Wildlife Resistant Container, Commercial Refuse Container or Wildlife Proof Enclosure.
5. Every owner or occupier of real property must ensure that a Wildlife Resistant Container provided by the Collection Contractor be:
- (a) set out for collection only on the designated day of collection between 5:00 am and 7:00 pm;
 - (b) unlocked only on the designated day of collection between 5:00 am and 7:00 pm;
 - (c) removed from the collection location by 7:00 pm on the designated day of collection; and
 - (d) kept locked at all times, except as described in paragraph (b).
6. Every owner or occupier of real property must ensure that a Wildlife Resistant Container, a Commercial Refuse Container, or a Wildlife Proof Enclosure located on the property is of a size that is suitable for the amount of Refuse generated and is kept and maintained:
- (a) in a closed and locked manner when Refuse is not being deposited or emptied; and
 - (b) In a good, workable condition and in good repair.
7. If a Wildlife Resistant Container is damaged or defective, the owner or occupier of the real property on which it is located must immediately, upon noticing any damage or defects, contact the Collection Contractor to arrange for a repair.
8. If a Commercial Refuse Container or Wildlife Proof Enclosure is damaged, the owner or occupier of the real property on which it is located must ensure that it is repaired within 5 business days of the damage occurring or within 5 business days of being notified.

GENERAL REQUIREMENTS

9. A person must not feed Wildlife in a manner that is likely to attract Dangerous Wildlife.
10. Every owner or occupier of real property must ensure that:
- (a) any fruit or nuts from a tree, bush or shrub on a parcel is maintained and stored in such a manner so as not to attract Wildlife;
 - (b) any bird feeder containing bird feed, suet or nectar is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife, other than birds; and the area below any bird feeding devices or activity is kept free of accumulations of seeds and similar Wildlife Attractants;
 - (c) any composting activity is carried out and any composting device or equipment is maintained in such a manner so as not to attract Wildlife;
 - (d) barbecue equipment and tools that remain out of doors must be clean and free of residual food or grease;

- (e) any refrigerator, freezer, storage container or similar appliance, device or apparatus that contains Wildlife Attractants of any type, if placed or located outdoors, is located and equipped in such a manner that it is inaccessible to Wildlife;
- (f) any grease, antifreeze, paint or petroleum product is stored in such a manner that it is inaccessible to Wildlife;
- (g) Bees and Beehives are kept in such a manner so as not to attract Wildlife;
- (h) Bees and Beehives are kept in such a manner so that they are reasonably inaccessible to Wildlife;
- (i) Beehives are enclosed by electric fencing and situated according to the Zoning Bylaw;
- (j) Hens are kept in such a manner so as not to attract Wildlife and are registered in accordance with the Animal Control Bylaw;
- (k) Hens, Coops, and Pens are kept in such a manner so that they are reasonably inaccessible to Wildlife;
- (l) Coops and Pens are enclosed by electric fencing and situated according to the Zoning Bylaw;
- (m) Any home food delivery items that are left outdoors are stored in such a manner so as to not attract Wildlife; and
- (n) Any animals kept on a property are kept in such a manner as to not attract Wildlife.

ENTRY & INSPECTION

11. A Bylaw Enforcement Officer for the District may enter onto any property in accordance with section 16 of the *Community Charter*, S.B.C. c. 26.

Where a Bylaw Enforcement Officer believes that, as a result of a breach of this bylaw, Dangerous Wildlife is located on or near the property and has endangered or harmed a person, or presents an imminent threat to the safety of any person, the officer may take steps to prevent, avert, reduce or mitigate the harm or threat or provide assistance. In so doing, the officer may seek the assistance of a conservation officer appointed under the *Wildlife Act*, R.S.B.C. 1996, c. 488, or a police officer, as may be reasonable or necessary in the circumstances.

12. A person must not obstruct or interfere with a Bylaw Enforcement Officer who has entered onto property pursuant to section 11, or other person assisting the officer.

OFFENCE, PENALTY & ENFORCEMENT

13. Any person who contravenes or violates any portion of this bylaw, who fails or omits to do anything required under this bylaw, or who permits, suffers or allows any act or thing to be done or omitted to be done in contravention or violation of this bylaw, commits an offence; and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
14. No person shall fail to take immediate or Remedial Action to avoid contact or conflict with Wildlife after being advised that such action is necessary.
15. Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not less than \$5,000 and not more than \$50,000.
16. This bylaw may be enforced by means of a ticket issued under the “District of Squamish Notice Enforcement Bylaw No. 2418, 2019 or Municipal Ticket Information Bylaw No. 1832, 2004”, as amended or replaced from time to time.

SCHEDULES

17. Schedules A and B are attached hereto and form part of this bylaw.

SEVERABILITY

18. If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion may be severed and such invalidity shall not affect the validity of the remaining portions of this bylaw.

REPEAL

19. This bylaw repeals and replaces the “District of Squamish Wildlife Attractant Bylaw No. 2053, 2005”.

READ A FIRST, SECOND AND THIRD TIME this 1 day of December, 2020.

ADOPTED this 15 day of December, 2020.

Karen Elliott, Mayor

Robin Arthurs, Corporate Officer

SCHEDULE A

Commercial Refuse Container

The following criteria applies to a commercial refuse container:

1. The lid or lids, and any man doors, must close tightly to prevent access by Wildlife and/or Dangerous Wildlife.
2. The lid or lids, and any man doors, must be:
 - a) self-closing; or
 - b) self-latching; or
 - c) capable of being completely closed and secured with a latching device.
3. The latches for the lid or lids and bag removal must be such that an adult bear using its claws will be unlikely to reach the latch trigger mechanism.
4. Hinges and latches for lids must be sufficiently strong, and sufficiently affixed to the container, that they cannot be pried open by an adult bear using its claws. As a guideline, a lid that can be dismantled using a crowbar is not sufficient.
5. The container must be sufficiently stable or capable of being so anchored as to prevent tipping by an adult bear.
6. Container material must be of sufficient strength to prevent Wildlife and/or Dangerous Wildlife from chewing, battering or crushing the container.

SCHEDULE B

Solid Waste Wildlife Proof Enclosure

