

DISTRICT OF SQUAMISH

WILDLIFE ATTRACTANT BYLAW NO. 2053, 2009

As Amended by Bylaws No. 2162 and 2336

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE DISTRICT OF SQUAMISH FOR CONVENIENCE ONLY. THE CORPORATION DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

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 and wolves from accessing and becoming conditioned to or dependent on food sources generated or controlled by human activity,

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. 2053, 2009".

INTERPRETATION

2. In this bylaw:

"animal" means domestic animals, birds, mammals and, without limitation, wildlife;

"animal attractant" means any substance or material, with or without an odour, which attracts or is likely to attract animals; 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;

"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

"commercial refuse container" means a metal receptacle that is designed or intended to dispose of waste by automated means;

"Coop" means a covered enclosed structure to shelter hens;

"District" means the District of Squamish;

"Hen" means a domesticated female chicken that is at least 4 months old

"Manager of Operations" means the person appointed to hold that position for the District, or a person designated to act in his or her absence;

"refuse" means any discarded or abandoned food, substance, material, or object, whether from domestic, commercial, industrial, institutional or other use;

"Pen" means a fully enclosed outdoor space for hens;

"special event" means a temporary, outdoor gathering; a sporting event; a wedding; or a convention, parade, public display, festival or other gathering for which any required permit has been obtained;

"wildlife" means a bear, cougar, coyote or wolf;

"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:

- (a) has a sturdy cover capable of being completely closed and secured with a latching device; and
- (b) if intended for use other than residential, is made of metal and is self latching.

"wildlife resistant enclosure" means a fully enclosed structure having four enclosed sides, a roof, doors and a latching device, designed to discourage and prevent access by wildlife.

"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 store any refuse that is an animal attractant in such a manner that it is accessible to wildlife.
- 4. Without limiting section 3, a person must not leave, place or store outdoors any refuse that is an animal attractant except:
 - (a) in a wildlife resistant container;
 - (b) in a container enclosed within a wildlife resistant enclosure that meets the criteria established in Schedule A; or
 - (c) in a commercial refuse container that meets the criteria established in Schedule B.
- 5. The requirements of Sections 3 and 4 do not apply with respect to a parcel of real property:
 - (a) between the hours of 5:00 a.m. and 7:00 p.m. on a day that is designated by the District for refuse collection from that parcel; or
 - (b) during a special event on the real property if refuse that is generated by that event:

- (i) is kept in containers as required by any permit issued for that event; or
 - (ii) if no permit is required, is kept in containers that are sufficient in size and number for that event; and
 - the containers used for refuse are emptied into a container in accordance with Section 4 by midnight on each day of the special event.
6. Every owner and occupier of real property must ensure that a wildlife resistant container, a wildlife resistant enclosure, or a commercial refuse container 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 clean and sanitary condition;
 - (b) in a closed and secure manner when refuse is not being deposited or emptied; and
 - (c) in a good, workable condition and in accordance with the criteria set out in Schedule A or B as applicable.
7. If a wildlife resistant container, a wildlife resistant enclosure or a commercial refuse container 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. In circumstances of adverse weather or delivery conditions, strikes, material or labour shortages, or similar hardship beyond the control of the owner or occupier, the 5-day period may be extended by the Manager of Operations in writing and in accordance with any specified time limits, conditions or requirements that the Manager of Operations may determine as being appropriate and necessary in the circumstances.

GENERAL REQUIREMENTS

8. A person must not feed wildlife, and must not feed animals in a manner that is likely to attract wildlife.
9. Every owner or occupier of real property must ensure that:
- (a) any fruit that has fallen from a tree is removed from the ground within 3 days and if stored outdoors, only in a wildlife resistant container or wildlife resistant enclosure;
 - (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; and the area below any bird feeding devices or activity is kept free of accumulations of seeds and similar animal 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 animal attractants 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;
 - (g) keep bees and beehives in such a manner so as not to attract wildlife;
 - (h) keep bees and beehives in such a manner so that they are reasonably inaccessible to wildlife. Beehives must be enclosed by electric fencing and situated according to the Zoning Bylaw;
 - (i) keep hens in such a manner so as not to attract wildlife;
 - (j) keep hens, coops, and pens in such a manner so that they are reasonably inaccessible to wildlife. Coops and Pens must be enclosed by electric fencing and situated according to the Zoning Bylaw.
10. Without limiting any other provision of this bylaw, any person responsible for a site that is used for filming, a catered event or a construction site must ensure that any animal attractants are disposed of in a designated wildlife resistant container that is located on that site.
- 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 to inspect and determine whether this bylaw is being met.
- Where a bylaw enforcement officer believes that, as a result of a breach of this bylaw, 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. Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not more than \$10,000.

15. This bylaw may be enforced by means of a ticket issued under the “*District of Squamish Municipal Ticket Information Bylaw No. 1832, 2004*”, as amended or replaced from time to time.

SCHEDULES

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

SEVERABILITY

17. 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

18. This bylaw repeals and replaces the “*District of Squamish Wildlife Attractants Bylaw no. 1876, 2005*”.

READ A FIRST TIME this 21st day of July 2009.

READ A SECOND TIME this 21st day of July 2009.

READ A THIRD TIME this 21st day of July 2009.

ADOPTED this 8th day of September 2009.

Greg Gardner
MAYOR

Robin Arthurs,
DIRECTOR OF ADMINISTRATIVE SERVICES

SCHEDULE A

Wildlife Resistant Enclosures

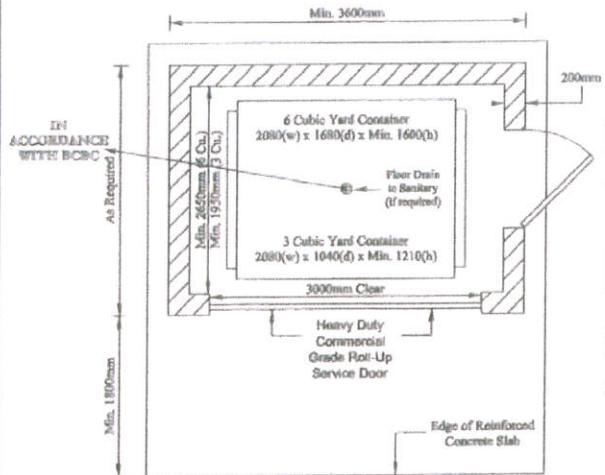
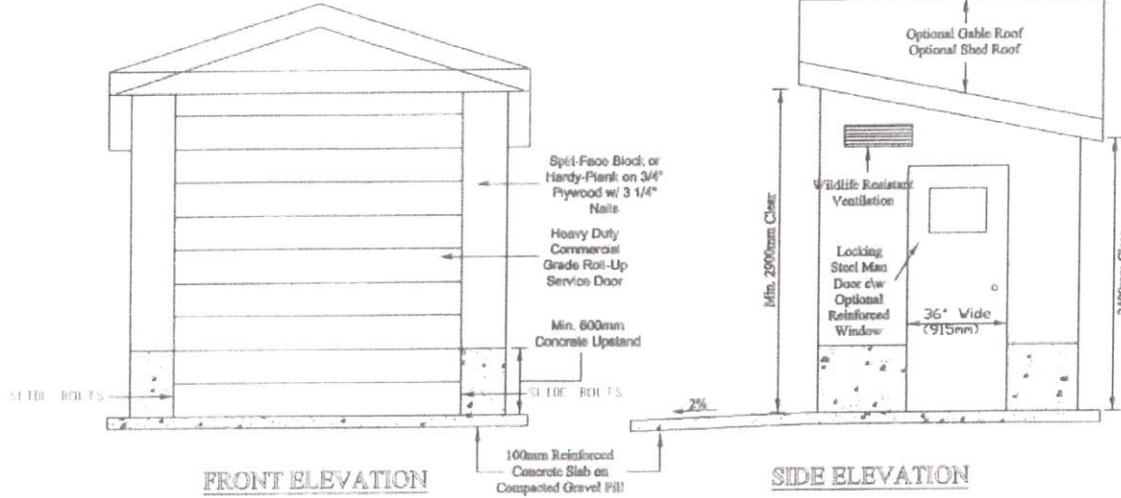
The following criteria apply to a wildlife resistant enclosure:

1. The structure must be of sufficient size to allow for placement of containers for refuse and recycling, and for removal and emptying of those containers.
2. The foundation must be a concrete up stand of at least 600mm with a 100mm reinforced concrete slab on compacted gravel fill.
3. The structure must include a floor drain to sanitary in accordance with the British Columbia Building Code.
4. The exterior of the structure must be made of split face block or hardy plank nailed to $\frac{3}{4}$ inch plywood backing with $3 \frac{1}{4}$ inch nails, in accordance with the British Columbia Building Code for wood-frame construction, and with a minimum gap between sheets and a minimum gap between door and foundation.
5. The structure must include two separate entrances, one for personnel to enter and exit, and one service door.
6. Both doors must be installed with a minimum gap on tracks and latches on both sides and must close tightly to prevent access by wildlife.
7. The service door must be constructed of heavy duty commercial grade steel and be a garage door style with no latches or opening mechanisms located on the exterior. The bottom of the service door must have slide bolts on each side.
8. Personnel doors must be constructed of 18-gauge steel, open outwards, have a reinforced window, a self-closing device, and a lever opening on the interior. The exterior doorknob must be of such design that is accessible to persons with disabilities, in accordance with the British Columbia Building Code, and resistant to interference by wildlife.
9. Enclosures must have both interior lighting and motion activated exterior lighting, and wildlife resistant venting located either on the roof or in the top of the wall near the roof.

A structure that is of substantially similar design, and being of equivalent or superior strength and resistance to interference or access by wildlife, as approved by the Building Inspector for the District, may be employed as an alternative to the criteria set out above. A wildlife resistant enclosure that meets the criteria of Guideline A is deemed to comply with this bylaw.

Bumpers may be placed on door openings to prevent damage to building when the doors are opened.

GUIDELINE A

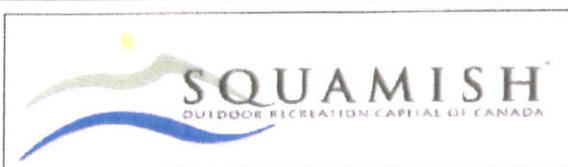


SCHEDULE A

NOTES:

1. Enclosure architecture (materials, etc) is to conform to Municipal Building and Development Permit requirements (as required).
2. Design concept only. Alternative designs meeting the intent of these requirements are invited.
3. Structures are to be constructed in accordance with the BC Building Code. Enclosures are to be designed to withstand snow loading, vehicular damage, operational damage, and bears.
4. Bear proof vent and man door window openings should be sized such that a bear could not gain access in the case of breakage.
5. Units in mm unless otherwise noted.

THANK YOU TO RESORT MUNICIPALITY OF WHISTLER FOR THE COPY OF THEIR ORIGINAL DESIGN DRAWINGS



DISTRICT OF SQUAMISH

3 & 6 CUBIC YARD GARBAGE ENCLOSURE

REVISED BY: JH	DATE: June 2009
SCALE: N.T.S.	DWG. NO.: 1

SCHEDULE B

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.
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 from chewing, battering or crushing the container.