

## VILLAGE OF PEMBERTON

### BYLAW No. 684, 2011

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Being a Bylaw to provide for the control of wildlife attractants

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The Council of the Village of Pemberton, in open meeting assembled, ENACTS AS FOLLOWS:

#### 1. CITATION

This Bylaw may be cited as “Wildlife Attractants Bylaw No. 684, 2011”.

#### 2. DEFINITIONS

##### In this Bylaw:

“**agent**” means a person authorized to act on behalf of an owner of a parcel in respect to the parcel;

“**bylaw enforcement officer**” means the person appointed to hold that position for the Village, or a person designated to act in his or her absence;

“**commercial garbage container**” means a wildlife resistant container that is emptied by a garbage contractor and used to dispose of domestic garbage or waste or both;

“**commercial recycling container**” means a wildlife resistant container that is emptied by a garbage contractor and used to dispose of recyclable materials;

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

“**dangerous wildlife**” means bear, cougar, coyote or wolf, or a species of wildlife that is prescribed as dangerous under the *BC Wildlife Act*;

“**domestic garbage**” means all discarded matter resulting from residential activity, but does not include special waste or waste from construction, utility, commercial or other non-residential activities;

“**dwelling unit**” means a self-contained set of habitable rooms in a building, including one set of cooking facilities;

“**garbage compactor**” means a metal receptacle operated by or on behalf of the Municipality for the depositing and compacting of domestic garbage;

“**garbage contractor**” means a person or company which collects and disposes of garbage and carries out related duties;

**“hazardous waste”** means hazardous waste as defined in the British Columbia Hazardous Waste Regulations, BC Reg. 63/88, O.C. 268/88, as amended from time to time.

**“highway”** means every highway, road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles; and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;

**“occupant”** means a tenant or guest of or an invitee to premises in or on a parcel;

**“parcel”** means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

**“recycling facility”** means a municipal or Regional District recycling facility, a Municipal Waste Transfer Station or the Pemberton Waste Transfer Station located at the Pemberton Industrial Park;

**“recyclable material”** includes, but is not limited to, glass jars and bottles, tin and aluminium cans, plastic bottles, rigid plastic containers, plastic grocery bags, newsprint, mixed paper, and corrugated cardboard;

**“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.

**“waste”** means garbage other than domestic garbage and special waste, including that from utility, commercial, industrial or other non-domestic activities, that could or does act as a wildlife attractant

**“wildlife attractants”** means any substance or material, with or without an odour, which attracts or is likely to attract dangerous wildlife and includes but is not limited to domestic garbage, waste, food for human consumption, restaurant grease, ash, food for animals (e.g., pet food, livestock feed, birdseed, hummingbird nectar or suet), barbecues, recyclable materials, game meat, salt, petroleum products, antifreeze, paint, outdoor refrigerators or freezers, and compost waste other than lawn clippings, leaves or branches;

**“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 devise; and

- b) if intended for use other than for residential, is made of metal and is self-latching; and
- c) preferably is the same or similar in design to that provided by Carney's

**“wildlife proof enclosure”** means a structure having four enclosed sides, a roof, doors and a self-latching mechanism of sufficient height, design and strength to discourage and prevent access by dangerous wildlife.

### **3. STORAGE AND DISPOSAL**

- 3.1 After July 1, 2012, except as permitted in this bylaw, every owner or occupier must dispose of or store domestic garbage, waste, recyclable material or wildlife attractants in such a manner that it is not accessible to wildlife..
- 3.2 Every owner or occupier of a dwelling unit within the Village who stores and/or uses curb side garbage pickup shall provide and maintain in good and sufficient order and repair a suitable wildlife resistant container sufficient in number to contain all collectable garbage from that dwelling unit.
- 3.3 Every owner or occupier of a dwelling unit, who has arranged for weekly curb side garbage pickup, within the Village shall only put out garbage and/or recycling containers on the day of curb side pickup.
- 3.4 Garbage and recycling containers required for temporary special events are exempt from this requirement under Section 4 if emptied and removed from public access before 10:00 p.m. each day.
- 3.5 No person shall dispose of domestic garbage or recyclable materials except into:
  - a) a suitable wildlife resistant container;
  - b) a container within a wildlife proof enclosure; or
  - c) a garbage compactor;
- 3.6 No person shall dispose of waste/garbage except at an approved Waste Transfer Station or approved alternative such as curb side pickup.
- 3.7 No person shall throw, place or pile, or cause to be thrown, placed or piled on a highway, or parcel, domestic garbage, waste, hazardous waste, recyclable materials or wildlife attractants.
- 3.8 No owner or occupier of a parcel shall place or have placed a wildlife resistant container or wildlife proof enclosure on or outside the boundary of their parcel.

- 3.9 No owner or occupier of a single family or duplex parcel shall place or have placed a permanent commercial garbage container on a parcel unless approved in writing by the Village of Pemberton. The Village will consider aspects as, but not be limited to, the siting of the bin in relation to parking and snow clearing, and visual effects from the street and neighbouring properties.
- 3.10 No person shall place any explosive substance in any wildlife resistant container.
- 3.11 All wildlife resistant containers shall, at all times, be kept in good and sanitary condition and shall be accessible for inspection at all reasonable hours. When any Wildlife Resistant Container has been condemned by the Village for the purpose, such wildlife resistant container shall be removed along with the garbage and the occupier shall forthwith provide a suitable and sanitary wildlife resistant container as described in this bylaw.

#### **4. WILDLIFE PROOF CONTAINERS AND ENCLOSURES**

- 4.1 Every person who owns, uses or possesses a wildlife resistant container, a wildlife proof enclosure or a commercial refuse container located on the property shall ensure it 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 in accordance with the criteria set out in Schedule B and as applicable.
- 4.2 No person shall leave garbage, waste, recyclable materials or other attractants outside the container or enclosure.
- 4.3 Every owner or occupier of a newly constructed commercial, industrial, institutional and tourist accommodation building shall provide a garbage storage site located inside a building or within a wildlife proof enclosure in accordance with the guidelines established in Schedule A. Existing commercial, industrial, institutional or tourist accommodation buildings that currently do not have an enclosure shall provide a locking wildlife proof container or alternatively build a wildlife proof enclosure if space on the property allows. In all zones other than RS-1 as defined in the zoning bylaw, developments must provide a garbage storage site located inside a building or within a wildlife proof enclosure.
- 4.4 If a wildlife resistant container, a wildlife resistant enclosure or 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 five (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 five (5) day period may be extended by the Bylaw Enforcement Officer in writing and in accordance with any specified time limits, conditions or requirements that the Bylaw Enforcement Officer may determine as being appropriate and necessary in the circumstances.

## **5. WILDLIFE ATTRACTANTS**

- 5.1 A person must not store, handle and dispose of wildlife attractants in such a way that they are accessible to dangerous wildlife.
- 5.2 A person must not feed wildlife, and must not feed animals in a manner that is likely to attract wildlife.
- 5.3 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 three (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 seed and similar animal 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) 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 time, 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.
- 5.4 Every owner or occupier must ensure that remedial action is taken to avoid contact or conflict with dangerous wildlife after being advised by a designated bylaw enforcement officer that such action is necessary.

## **6. GARBAGE CONTRACTOR**

The Municipality may recover the costs so incurred for contracting with a garbage contractor for the collection and disposal of garbage from a property by invoicing the property owner.

## **7. OFFENCE AND PENALTY**

- 7.1 This Bylaw may be enforced by means of a municipal ticket in the form prescribed for the purpose of section 264 of the Community Charter.
- 7.2 Each day during which any violation, contravention or breach of this Bylaw continues shall be deemed a separate offence.
- 7.3 Every person who contravenes a provision of this Bylaw or continues to violate any provision of this Bylaw, or who continues to permit, suffer or allow any act to be done in violation of any provision of this Bylaw, or continues to neglect to do anything required to be done by any provision of this Bylaw, may have the case moved by Bylaw Services to a provincial court and if upon summary conviction is deemed guilty of committing an offence will be liable to a fine not exceeding \$10,000.00, and the cost of prosecution.
- 7.4 Pursuant to Section 264 (1) (b) of the Community Charter, Bylaw Enforcement Officers are designated to enforce this Bylaw.
- 7.5 Council hereby delegates to Bylaw Enforcement Officers the authority to refer any disputed ticket information, under this or any other bylaw, to the Provincial Court.
- 7.6 Pursuant to Section 265 (1) (a) of the Community Charter, Schedule C designates the offence committed, Bylaw section number and fine amount.

## **8. ENTRY**

The Bylaw Enforcement Officer is hereby authorized, in accordance with Section 16 of the Community Charter, to enter, at any reasonable time, onto property in the course of enforcing this bylaw in order to ascertain whether the regulations of this bylaw are being observed.

## **9. Severability**

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.

**GIVEN FIRST READING** this 4th day of October, 2011

**GIVEN SECOND READING** this 4th day of October, 2011

**GIVEN THIRD READING** this 4th day of October, 2011.

**GIVEN FOURTH AND FINAL READING** this 18<sup>th</sup> day of October, 2011.

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Mayor

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Corporate Officer

## **SCHEDULE A**

### **WILDLIFE PROOF ENCLOSURES**

The following guidelines are preferred for a wildlife resistant enclosure:

1. That all construction complies with the latest edition of the BC Building Code.
2. The structure be of sufficient size to allow for placement of containers for refuse and recycling, and for removal and emptying of those containers.
3. The foundation be a concrete stand up of at least 600mm with a 100mm concrete slab on compacted gravel fill.
4. The structure include a floor drain to sanitary in accordance with the British Columbia Building Code.
5. The exterior of the structure be made of split face block or hardy plank nailed to  $\frac{3}{4}$  in plywood backing with  $3 \frac{1}{4}$  in nails, in accordance with the British Columbia Building Code or wood-frame construction, and with a minimum gap between sheets and a minimum gap between door and foundation.
6. The structure should include two separate entrances, one for personnel to enter and exit and one service door (these can be combined)
7. Doors be installed with a minimum gap on tracks and latches on both sides and must close tightly to prevent access by wildlife
8. The service door be constructed of heavy duty commercial grade steel and be a garage door style with no latches or opening mechanisms located on the exteriors. The bottom of the service door must have slide bolts on each side.
9. Doors 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 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.
10. Enclosures have both interior lighting and 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 Village, may be employed as an alternative to the criteria set out above.



## **SCHEDULE B**

### **COMMERCIAL REFUSE CONTAINER**

The following criteria may apply 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.

**SCHEDULE C**  
**OFFENCES AND FINES**

<u>SECTION</u>	<u>Designated Expression</u>	<u>FIRST OFFENCE</u>	<u>SECOND OFFENCE</u>	<u>THIRD OFFENCE</u>
3.1, 4.2, 4.3, 5.1	<u>Improper Storage of Garbage</u>	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>
3.2, 4.1, 4.4	Failure to Provide/Maintain Wildlife Resistant Container	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>
3.3 & 3.4	Failure to comply with pick up and removal timeframes	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>
3.5, 3.6, 3.7, 3.8, 3.11, 4.2	Improper Disposal	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>
3.9	Improper Placement of Garbage Containers	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>
3.10	Failure to utilize a commercial garbage container without approval	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>
4.1	Failure to Provide/Maintain Wildlife Resistant Container	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>
5.2	Intentionally providing wildlife attractants	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>
5.3, 5.4	Failure to remove wildlife attractants	<u>\$100</u>	<u>\$200</u>	<u>\$400</u>