



THE CORPORATION OF THE VILLAGE OF FRUITVALE BYLAW 965, 2024

A Bylaw to Regulate Refuse and Other Wildlife Attractants

WHEREAS the *Community Charter* authorizes the Council of the Village of Fruitvale to enact a bylaw to regulate the security, storage and management of wildlife attractants, in order to discourage and prevent wildlife from accessing food sources generated or controlled by human activity in order to minimize human wildlife interactions, to the greatest extent possible, and help wildlife populations thrive in the wild.

AND WHEREAS it the Village of Fruitvale considers that it is necessary to provide regulations for the control of wildlife attractants;

NOW THEREFORE, the Council of the Village of Fruitvale, in open meeting assembled, enacts as follows:

PART 1- SHORT TITLE

This bylaw may be cited as the "Village of Fruitvale Wildlife Attractant Control Bylaw No. 965, 2024".

PART 2- DEFINITIONS

For the purposes of this bylaw, the following words and expressions are defined:

- a. "**Attractant**" includes any substance which could reasonably be expected to, or does, attract Wildlife, including but not limited to food products, food containers, pet and bird food, seeds, restaurant grease, game meat, carcasses, animal waste products, uncollected fruit, garbage, organic waste, barbecues, grills, and related equipment, diapers, grease barrels, petroleum products, antifreeze, other chemical products and any other substance or thing prescribed by the *Wildlife Act*.
- b. "**Bylaw Enforcement Officer**" means a person appointed by the Council to enforce the bylaws of the Village of Fruitvale.
- c. "**Commercial Refuse Container**" means a metal receptacle that is designed or intended to dispose of waste by automated means, is bear-resistant, and meets the criteria established in Schedule A.
- d. "**Composting**" means a technique used to promote the decomposition of organic matter.
- e. "**Critter-Resistant Bin**" means the same as a "Wildlife Resistant Container" as defined in this bylaw.
- f. "**Domestic Animal**" means any animal that is kept as a pet or any animal that provides an economic benefit as food producers or farm workers.
- g. "**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.

- h. "**Large Carnivore**" means a bear, cougar, coyote, or wolf.
- i. "**Refuse**" means any discarded or abandoned food, compostable materials (as accepted by the Regional District of Kootenay Boundary Green Bin Organics Program), substance, recycling, material, or object, whether from domestic, commercial, industrial, institutional, or other use.
- j. "**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.
- k. "**Special Event**" means a temporary, outdoor gathering; a sporting event; a wedding; or a convention, parade, public display, festival or similar gathering.
- l. "**Wildlife**" means all birds (*Aves*), mammals and without limitation, Large Carnivores.
- m. "**Wildlife Attractant**" means any substance, material or animal, with or without an odour, which attracts or is likely to attract Wildlife; and without limitation includes Refuse, recycling, 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.
- n. "**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.
- o. "**Village**" shall mean the Village of Fruitvale in the Province of British Columbia, or the area within its boundaries.

PART 3 – STORAGE OF REFUSE

- 3.1 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 street within the Village of Fruitvale in such a manner that it is accessible to Wildlife.
- 3.2 Without limiting Part 3 of this Bylaw, a person must not store, deposit or place outdoors any Refuse that is a Wildlife Attractant except:
 - i. in a Critter-Proof/Wildlife-Resistant Container;
 - ii. in a Commercial Refuse Container;
 - iii. in a container enclosed within a Wildlife-Resistant Enclosure.
- 3.3 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 Resistant Enclosure.

PART 4 – REFUSE COLLECTION DAY

- 4.1 Every owner or occupier of real property must ensure that any refuse container be:
- i. set out for collection only on the designated day of collection between 7:30 am and 3:30 pm;
 - ii. removed from the collection location by 7:00 pm on the designated day of collection; and
 - iii. stored within a Wildlife-Resistant Enclosure; or
 - iv. in a manner inaccessible to wildlife until the next collection day.
- 4.2 Every owner or occupier of real property must ensure that any Refuse container not emptied or collected on a scheduled collection day be:
- i. removed from the collection area by 7:00 pm, on the same day; and
 - ii. stored in a manner inaccessible to wildlife until the next collection day or as otherwise directed.
- 4.3 Every owner or occupier of real property must ensure that any Refuse container, Wildlife Resistant Container, or 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:
- i. in a closed and locked manner when Refuse is not being deposited or emptied; and
 - ii. in a good, workable condition and in good repair.
- 4.4 If any refuse 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, arrange for a repair.
- 4.5 If 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 24 hours of the damage occurring or within one business day of being notified.
- 4.6 Every commercial, industrial, institutional and tourist accommodation building, and every multiple family residential development having three or more dwelling units, shall be required to store all Refuse within a Commercial Refuse Container of a size that is suitable for amount of Refuse reasonably expected to be generated. The provisions of refuse storage under this section must align with the requirements of the relevant Development Permit Guidelines in the City's Official Community Plan.

PART 5 – GENERAL REQUIREMENTS

- 5.1 A person must not:
- i. feed Wildlife; or
 - ii. feed, attempt to feed, or permit to feed animals in a manner that is likely to attract Large Carnivores.
- 5.2 Every owner or occupier of real property must ensure that:

- i. 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;
 - ii. any food production on a parcel is maintained and stored in such a manner so as to not attract Wildlife;
 - iii. any bird feeder containing bird feed, seeds, 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 other Wildlife Attractants;
 - iv. notwithstanding Section (iii) the placement of outdoor bird feeders containing bird feed, seeds, suet, nectar, or similar other Wildlife Attractants is not permitted between March 1st and November 30th of each year.
 - v. any composting activity is carried out and any composting device or equipment is maintained in such a manner so as not to attract Wildlife;
 - vi. barbecue equipment and tools that remain out of doors must be clean and free of residual food or grease;
 - vii. 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;
 - viii. any domestic animal(s) kept on a property are kept in such a manner as to not attract Wildlife;
 - ix. any domestic animal(s) kept on a property are kept in such a manner so they are reasonably inaccessible to Wildlife;
 - x. any home food delivery items that are left outdoors are stored in such a manner that they are inaccessible to Wildlife; and
 - xi. any camping activity is carried out or any Wildlife Attractant generated by camping activity is managed in such a manner as to not attract Wildlife.
- 5.3 The Bylaw Enforcement Officer for the Village of Fruitvale may enter onto any property in accordance with the *Community Charter*.
- 5.4 Where a Bylaw Enforcement Officer believes that, as a result of a breach of this bylaw, a Large Carnivore 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 to 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, a police officer or RCMP, as may be reasonable or necessary in the circumstances.
- 5.5 A person must not obstruct or interfere with a Bylaw Enforcement Officer or other person assisting the officer.

PART 6 – OFFENCES, ENFORCEMENT AND PENALTIES

- 6.1 Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be

done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not to exceed \$50,000, and a jail term of not more than 6 months, in accordance with an *Offence Act* prosecution.

- 6.2 Each day the offence continues is considered a separate offence.
- 6.3 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.
- 6.4 Penalties shall be levied in accordance with Appendix 16 of any Rates, Fees and Charges Bylaw or amendments thereto.

PART 7 – SCHEDULES

- 7.1 Schedule A – Commercial Refuse Container is attached hereto and forms part of this bylaw.

PART 8 - SEVERABILITY

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

PART 9 - ENACTMENT

- 9.1 This Bylaw shall come into full force and effect upon the final adoption thereof.

READ a first time this 8th day of January, 2024.

READ a second time this 8th day of January, 2024.

READ a third time this 4th day of March, 2024.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 8th day of April, 2024.

Mayor

Chief Administrative Officer

CERTIFIED a true copy of Bylaw 964 cited as "Village of Fruitvale Wildlife Attractant Control Bylaw No. 965, 2024".

DATED this 8th day of April, 2024.

Chief Administrative 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 bears.
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 or being dragged away by an adult bear.
6. Container and lid material must be metal and of sufficient strength to prevent Bears from chewing, battering or crushing the container.
7. Container must meet the standards developed by the Interagency Grizzly Bear Committee for Technical Evaluations of Metal Products [IGBC Testing](#).