

TOWN OF PRINCETON

WILDLIFE ATTRACTANT BYLAW NO.985, 2020

WHEREAS Council for the Town of Princeton deems it advisable to enact a bylaw to store and secure refuse and food sources securely so as to discourage and prevent wildlife from accessing and becoming conditioned to or dependent on food sources generated or controlled by human activity.

NOW THEREFORE Council for the Town of Princeton enacts as follows:

CITATION

1. This bylaw may be cited as the “Town of Princeton Wildlife Attractant Bylaw No.985, 2020”.

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;

“**cable**” metal wire fiber drawn out to form a thin flexible strands which is then twisted with multiple strands to form a flexible rope;

“**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;

“**hen**” means a domesticated female chicken that is at least four (4) months old;

“Town Official” means the official or officials appointed by the Town Council to administer and enforce the provisions of this Bylaw and may include a Chief Administrative Officer, Building Inspector, and Bylaw Enforcement Officer;

“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 intended to keep domesticated animals;

“special event” means a temporary, outdoor gathering; a sporting event; a wedding; or a convention, catering, parade, public display, festival or other gathering;

“Town” means the Town of Princeton;

“wildlife” includes the family Cervidae (deer), family Ursidae (bear), Order Carnivora (cougar, bobcat, lynx), Genus Canis (coyote or wolf); ferial animals, and Order Rodentia (rodents) and family corvidae (ravens, crows, jays and magpie);

“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 Town of Princeton 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. a person must not place refuse on the Street, Avenue or Boulevard on:
 - (a) the day before the day that is designated by the Town for refuse collection;
 - (b) the designated day of collection before 5 a.m.;
- 6. The requirements of Sections 3 and 4 do not apply with respect to a parcel of real property:
 - (a) during a special event on the real property refuse that is generated by that event:
 - (i) If kept in wildlife resistant containers;
 - (ii) If kept in wildlife resistant containers that are sufficient in size and number for that event; and
 - (iii) If containers are emptied into commercial refuse container that meets the criteria established in Schedule B within 2hrs after the daily closing time of the special event.
- 7. 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:
 - (a) is of a size that is suitable for the amount of refuse generated;
 - (b) is kept and maintained in a clean and sanitary condition;
 - (c) is capable to be closed and in a secure manner to prevent wildlife access when refuse is not being deposited or emptied;
 - (d) is kept and maintained in a serviceable, working condition and in accordance with the criteria set out in Schedule A or B as applicable.
- 8. 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 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 Town Official in writing and in accordance with any specified time limits, conditions or requirements that the Town Official may determine as being appropriate and necessary in the circumstances.

GENERAL REQUIREMENTS

9. A person must not feed wildlife and must not feed animals in a manner that is likely to attract wildlife.
10. Every owner and occupier of real property must ensure that:
 - (a) fruit or nuts must not be left to mature on an untended or neglected cultivated species, ornamental species or native species of fruit bearing plant;
 - (b) all fruit or nuts that have fallen from a cultivated species, ornamental species or native species of fruit bearing plant is removed from the ground within three (3) days;
 - (c) if fruit or nuts are stored outdoors it must be in a wildlife resistant container or wildlife resistant enclosure for not more than three (3) days;
 - (d) any bird feeder containing bird feed, suet or nectar is suspended on a cable in such a manner that :
 - (i) it is inaccessible to wildlife;
 - (ii) the area below all bird feeding devices are to be kept clean and free of animal attractants;
 - (e) any composting activity is carried out and any composting device or equipment is maintained in such a manner so as not to attract wildlife;
 - (f) any outdoor cooking appliance, fire pit and barbecue including equipment and tools that remain out doors must be clean and free of residual food, grease or odor in a manner that is unlikely to attract wildlife;
 - (g) 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;
 - (h) any petroleum based, oil, grease, antifreeze, paint is stored in such a manner that it is inaccessible to wildlife;
 - (i) any bees and beehives are kept in such a manner so as not to attract wildlife and situated according to the Zoning Bylaw;
 - (j) any bees and beehives are kept in such a manner so that they are reasonably inaccessible to wildlife. Beehives must be enclosed by fencing and situated according to the Zoning Bylaw;
 - (k) any hens are kept in such a manner so as not to attract wildlife and situated according to the Zoning Bylaw;

- (l) any coops, and pens are kept in such a manner so that they are reasonably inaccessible to wildlife. Coops and pens must be enclosed by fencing and situated according to the Zoning Bylaw.

11. Without limiting any other provision of this bylaw, any person responsible for a site and every owner and or occupier of real property that is used for commercial use, public use or private use, event or function must ensure that any animal or wildlife attractants are disposed of in a designated wildlife resistant container that is located on that site for that purpose.

ENTRY & INSPECTION

12. A Town Official may enter onto any property in accordance with section 16 of the *Community Charter*, to inspect and determine whether this bylaw is being met.

Where a Town Official 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.

13. A person must not obstruct or interfere with a Town Official who has entered onto property pursuant to section 12, or other person assisting the Town Official.

OFFENCE, PENALTY & ENFORCEMENT

14. 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.

15. Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not more than \$10,000.

- (a) The offences identified in Column 1 of Schedule "C" may be enforced by issuance of a ticket under s. 264 of the *Community Charter*, in which case the fine amounts identified in Column 3 of Schedule "C" apply.

- (b) The following persons are designated as Town Official under section 264(1)(b) of the *Community Charter* for enforcing the offences in Schedule “C”: building officials, fire inspectors and persons designated by Council as bylaw enforcement officers.
- (c) The words or expressions set forth in Column 1 of Schedule “C” are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.

SCHEDULES

16. Schedules “A”, “B” and “C” 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 “Town of Princeton Deer Feeding Bylaw No. 822, 2009”.

READ A FIRST TIME this 6th day of April 2020.

READ A SECOND TIME this day 6th of April 2020.

READ A THIRD TIME 6th day of April 2020.

ADOPTED this 20th day of April 2020.

Original signed by Mayor Coyne

Mayor Spencer Coyne

Original signed by CAO Thomas

CAO Lyle Thomas

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 Town, may be employed as an alternative to the criteria set out above.

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

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 wildlife 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 wildlife. 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 wildlife.
6. Container material must be of sufficient strength to prevent wildlife from chewing, battering or crushing the container.

SCHEDULE "C"
OFFENCE, PENALTY & ENFORCEMENT

Offence <i>Column 1</i>	Bylaw Section No. <i>Column 2</i>	Fine <i>Column 3</i>
Refuse accessible to wildlife	3	\$200.00
Failure to store refuse in required container or enclosure	4 (a) (b) (c)	\$200.00
Place refuse day before	5 (a)	\$200.00
Place refuse before 5 a.m.	5 (b)	\$200.00
Unsuitable enclosure or container	7 (a)	\$200.00
Failure to maintain in a sanitary condition	7 (b)	\$200.00
Failure to secure enclosure or container	7 (c)	\$200.00
Failure to maintained in a serviceable condition	7(d)	\$200.00
Failure to repair promptly	8	\$200.00
Feeding or attracting wildlife	9	\$500.00
Failure to remove fruit	10 (a) (b) (c)	\$200.00
Bird feeder accessible to wildlife	10 (d) (i) (ii)	\$150.00
Compost accessible to wildlife	10(e)	\$150.00
Outdoor cooking appliance accessible to wildlife	10(f)	\$150.00
Outdoor food storage accessible to wildlife	10(g)	\$500.00
Chemical material accessible to wildlife	10(h)	\$400.00
Wildlife attracted to bees or beehives	10(i)	\$200.00
Bees or beehives accessible to wildlife	10(j)	\$200.00
Wildlife attracted to hens	10(k)	\$200.00
Coops or pens accessible to wildlife	10(l)	\$200.00
Improperly dispose of refuse	11	\$400.00