

VILLAGE OF RADIUM HOT SPRINGS

BYLAW NO. 358, 2009.

Being a bylaw to minimize attractants that would encourage wild animals to enter the residential areas of the municipality.

Whereas, the Village is surrounded by wilderness areas containing bear, cougar and other potentially dangerous wild animals, some of which may wander into areas of human habitation, and;

Whereas, human conduct making food or other attractants available to wild animals allows these animals to become both a nuisance and a hazard to humans, pets and property.

Now therefore, the Municipal Council of the Corporation of the Village of Radium Hot Springs, in open meeting assembled, enacts as follows

1. DEFINITIONS:

(a) In this by-law:

"attractant" means any substance which could reasonable be expected to attract a wild animal or animals or does attract a wild animal or animals, including but not limited to, waste and garbage, food products, fruit on trees and bushes, bird food, pet food, feed, grain or salt;

"Bylaw Enforcement Officer" means the person or persons appointed from time to time by the Council to enforce and administer this by-law and shall include any Peace Officer including an R.C.M.P. Officer;

"Council" means the municipal Council of the Corporation of the Village of Radium Hot Springs;

"Commercial refuse" means refuse originating from income producing property;

"Domestic refuse" means refuse originating from privately owned residential property;

"Person" includes any company, corporation, owner, partnership, firm, association, society or party;

"Property" means real property and includes land, highways, parks, and every private and public place and the improvements, buildings and structures thereon;

"Refuse" means 'garbage' and 'rubbish' and includes all substances and materials which are an attractant to a wild animal or animals;

"Village" means the Corporation of the Village of Radium Hot Springs or the area within the boundaries of the Corporation;

"Wild animal" means any mammal which is not normally domesticated, including but not limited to, deer, elk, bear, coyote, fox, cougar, and skunk.

"wildlife resistant container" means a fully enclosed container with a lid which can be completely closed. The lid must have a latching mechanism, which prevents access by wildlife. Both the container and the lid must be constructed of metal or material of equivalent strength to prevent forcible entry by bears. Any container which is over filled so as to prevent latching is not a wildlife resistant container.

“**wildlife resistant enclosure**” means a fully enclosed structure containing four walls, a roof, and at least one door, and of sufficient construction, strength and materials to prevent access or forcible entry by wild animals.

2. GENERAL REGULATIONS:

- (a) No person shall knowingly or willingly feed, or in any manner provide access to food, to any wild animal.
- (b) No person shall knowingly or willingly leave or store any attractant, refuse, food product, pet food or grain in a manner which would constitute an attractant to any wild animal.
- (c) No person shall knowingly or willingly allow fruit to remain on trees or bushes in a ripe or overripe condition, or will allow overripe fruit to remain on the ground.
- (d) All domestic and commercial refuse must be placed in one of the following:
 - (i) A building, house or garage that is inaccessible to wildlife;
 - (ii) A wildlife resistant container;
 - (iii) A container that is placed in a wildlife resistant enclosure, or;
 - (iv) A Regional District transfer station or waste disposal site.
- (e) No person shall fail to take remedial action to avoid contact or conflict with wild animals after being advised by the Bylaw Enforcement Officer that such action is necessary. Remedial action may include, but is not limited to, cleaning, removal or relocation of cooking grills, pet food, bird feeders, fruit or any other attractants.
- (f) After an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants.
- (g) The owner of an animal resistant container or enclosure shall keep it closed and secure when waste is not being deposited and if the container becomes damaged, shall repair it in a timely fashion.

3. EXCEPTIONS:

- (a) A person is exempt from Section 2 ‘GENERAL REGULATIONS’ when the person feeds or provides food to a trapped, injured or baby wild animal between the time that a Conservation Officer is notified and the wild animal is picked up.
- (b) Bird feeders are allowed but must be inaccessible to wild animals. The area below the bird feeder shall be kept free of accumulations of seed.
- (c) Compost containers are allowed but shall be maintained in a manner that avoids odours. Meat or fish products or large amounts of fruit shall never be placed in the compost.
- (d) Gardens are allowed but must be fenced to prevent access by wild animals or harvested so as to prevent problems with wild animals.

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- (e) Garbage containers required for temporary special events, such as weekend tournaments, and outdoor gatherings, are exempt from the animal resistant container requirement if the containers are emptied before 10:00 pm on the day of the event. Persons responsible for special events shall collect refuse from the grounds of the event at the close of each day and deposit it in an animal resistant container or enclosure, or at a waste disposal site or transfer station.

5. FINES AND PENALTIES SECTION:


- (a) Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law or who does any act which violates any of the provisions of this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence under this by-law.
- (b) A person who is deemed to have committed an offence against this Bylaw is liable, on summary conviction under the Offence Act, to the penalties deemed appropriate by the presiding Provincial Court Judge or Justice of the Peace.
- (c) As an alternative to seeking remedy in Court, the Village may deal with offences against this Bylaw by having the Bylaw Enforcement Officer issue a Municipal Ticket to the person committing the offense. The fine, under the Municipal Ticket Information process, for a single infraction against this bylaw, shall be \$200.00.

6. Effective Date, Severability and Citation:

- (a) This Bylaw is effective, in force, and binding on all persons as from the day following the date of its adoption.
- (b) 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.
- (c) This Bylaw may be cited as the “Village of Radium Hot Springs Animal Safety Bylaw No. 358, 2009”.

Read a first second and third time this 26th day of August, 2009.

Reconsidered and adopted this 9th day of September, 2009.



Mayor Dee Conklin



Clerk Mark Read

Hereby certified as a true copy of Bylaw No. 358, 2009.

Clerk