

2022

# WILDLIFE ATTRACTANT BYLAW TOOLKIT

Prepared for:  
Get Bear Smart Society

Prepared by:  
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**This *Sample* Bylaw and guideline is for reference purposes only. It is recommended that prior to using the *Sample* Bylaw, or any portions, that legal review and advice is obtained.**

**Acknowledgment: The main template for this *Sample* Bylaw is from the District of Squamish Wildlife Attractant Bylaw No. 2781, 2020.**

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## Background

Bylaws reflect a community's overall principles and values and are meant to evolve as the community's standards and norms shift.

Local government councils, or boards, create policy through bylaw adoption and can provide direction to enforcement staff in relation to enforcement priorities. Bylaw enforcement actions can range between compliance-focused (gaining voluntary compliance through education, warnings, mediation) and enforcement-focused (by issuing bylaw offense notices/tickets, seeking injunctions). Bylaws must have a degree of fairness and reasonableness and be designed with the unique needs of the community in mind and updated as these needs change (Office of the Ombudsperson, Province of British Columbia, 2021).

This toolkit provides insights into the process for creating a stand-alone wildlife attractant bylaw as well as the option for incorporating wildlife attractant considerations into an existing bylaw. In addition to the Wildlife Attractant *Sample Bylaw* is a guide with a step-by-step approach to understanding the various sections of the *Sample Bylaw*.

## Why wildlife attractant bylaws are necessary

While the management of wildlife is a provincial responsibility, the regulation and management of refuse and other wildlife attractants that bring wildlife into communities is the responsibility of local government. This can be accomplished by (1) educating residents and visitors; and (2) by adopting bylaws that assist with minimizing, to the greatest extent possible, the availability of anthropogenic (human) foods and other substances.

Local government, whether a municipality or regional district, is responsible for providing a comprehensive range of services that enhance many aspects of life for its citizens and play a key role in ensuring the overall health, safety and well-being of their community. Creating a wildlife attractant bylaw is inherently within the scope of this local government responsibility as it improves public health and safety.

It is worth noting that local government elected officials/councils can direct enforcement staff to prioritize specific bylaws and can also provide direction on the enforcement process, such as when to provide more warnings than tickets and vice versa. Currently, wildlife is being killed in direct relation to being fed, whether intentionally or unintentionally. Local governments must place a higher priority on the creation and enforcement of these wildlife attractant bylaws to reduce the potential for human injury, injury to pets/livestock, agricultural losses, or property damage; and to reduce, and potentially eliminate, the needless and preventable human-caused loss of local wildlife.

## Methods for reducing human-bear interactions

In British Columbia, the Ministry of Environment and Climate Change Strategy administers the official Bear Smart Community Program and supports those communities that choose to participate. This program is a proactive, conservation strategy that outlines the necessary steps a local government can take to reduce the potential for human interactions with wildlife. Other provinces or states can use this program as a foundation or framework for their own program.

The BC Bear Smart Community Program contains six criteria for a community to pursue in order to reduce the potential for human-bear interactions, including: (1) an assessment of the current situation and identifying potential issues; (2) a management plan outlining the necessary steps to resolve any issues identified; (3) revision of the community's planning and decision-making documents; (4) implementing continuing education and outreach; (5) developing and maintaining a bear-resistant waste management system; and lastly, but very importantly, (6) creating and enforcing bylaws that prohibit providing bears with anthropogenic food sources due to careless storage and management of wildlife attractants, whether intentional or unintentional. This also requires implementing an enforcement strategy to ensure full compliance.

A community doesn't need to be pursuing Bear Smart Community status to implement any or all of the Bear Smart criteria, including implementing a wildlife attractant bylaw or inserting wildlife attractant management criteria into an existing bylaw. Having said that, encouraging local government to pursue Bear Smart Community status can be an effective way to reduce interactions with bears, increase awareness in the community and reduce access to anthropogenic sources of food. This will lead to increased public safety and the reduction in the needless injury and loss of bears. These best practices will also benefit other wildlife species. Some communities may choose to start the process of managing wildlife attractants by way of implementing a bylaw along with a communication plan and/or educational outreach program.

A thorough review of all existing pertinent bylaws is recommended as there may be an opportunity to amend an existing bylaw, such as a solid waste bylaw, by adding wildlife attractant management criteria. Amending an existing bylaw is less time consumptive for staff and may be a more manageable first step for local government. However, creating a stand-alone wildlife attractant bylaw is preferred as it is easier for the public to reference and becomes more relevant when incorporated into wildlife conflict reduction messaging and communication.

The Wildlife Attractant *Sample* Bylaw contains sections that can be cut and pasted into existing bylaws, or it can be used as a stand-alone document including all or just the applicable sections.

## First Nation bylaw considerations

First Nation communities can create a stand-alone wildlife attractant bylaw or insert wildlife attractant management criteria into an existing bylaw. Similar to the process taken by a municipality or regional district, any bylaw would require approval from the appointed officials; in this case, a First Nation council. The bylaw would then apply to all persons on the reserve irrespective of whether they are residents of the reserve or are band members (Government of Canada, 2022).

The [Indian Act Amendment and Replacement Act](#) (2014), which amended and repealed various sections of the Indian Act, provides the regulations necessary for enacting and enforcing band bylaws.

To be enforceable, a bylaw must comply with the [Indian Act](#) and any provisions set out within the Act. Two sections within the act that relate to bylaws are [Section 73](#) which provides parameters on what type of regulations can be included within a bylaw, e.g., Section 73(1) (a) for the protection and preservation of fur-bearing animals, fish and other game on reserves; and [Section 81](#) which outlines the powers of council.

Similar to a municipal or regional bylaw, the Indian Act provides the ability of a First Nation council to enact bylaws specific to the concerns of a reserve. As each municipality or regional district has its own unique challenges, which can be addressed through the creation of a specific bylaw, First Nation reserves can also address their own unique challenges through the creation of a specific bylaw, such as a wildlife attractant bylaw.

Wildlife utilizes the landscape irrespective of jurisdictions. A collective community and jurisdiction-wide approach to minimizing human-wildlife interactions, through the adoption and enforcement of wildlife attractant bylaws, will result in increased public safety and conservation of local wildlife.

## Considerations for presenting a bylaw to council/board:

- Ensure council/board is aware that creating a bylaw, or amending one, can typically be accommodated within the existing operational budget.
- Ensure council/board is aware of other communities that have already implemented wildlife attractant bylaws or have included wildlife attractant management criteria within existing bylaws. Refer to the list of Bear Smart community bylaws on pg. 31. Please note that this list is not exhaustive, and communities update their bylaws on an ongoing basis.
- Address the organizational impacts: who will be affected by this bylaw, e.g., the Bylaw Enforcement Office, Communications Department (getting the message out/awareness/educational outreach campaign), Animal Control, Building Department (inspecting wildlife-proof enclosures), Parks [and Protected Areas] Department, and Solid Waste Department. Outside organizational impacts could

include the Conservation Officer Service, police force, and independent waste management contractors.

- List additional bylaws that parallel the wildlife attractant bylaw and look for opportunities to make connections. A good place to start is by reviewing the Official Community Plan (OCP) which is a community's over-arching guiding policy document, to gauge whether there are any references to wildlife, protection of the environment, zero waste strategies, waste management, climate change impacts, public safety, etc. New bylaws should align with the vision and spirit of the OCP.
- List policies or environmental protection initiatives that might support this bylaw such as regional growth strategy priorities.
- Connect to any council goals for climate change, environment, community safety, green spaces, and solid waste management. Find out what the council priorities are and make connections between the bylaw and how it supports council's priorities. Research a community's Business Plan, Regional Growth Strategy, Official Community Plan, Climate Action Report/Plan, and Solid Waste Management Plan. These documents can be found throughout various departments, and local governments are required to post them on their websites.
- Solicit support from outside agencies such as the Conservation Officer Service and police force. Collaborating with these enforcement agencies (which can be delegated by council to issue bylaw tickets) and having agency members attend a presentation showcases the importance of implementing the bylaw and highlights the partnerships and shared responsibilities that are required to reduce the potential for human-wildlife interactions.
- To aid in the enforcement process, ensure the bylaw has consequences, such as fines for contravention. While enforcement staff typically seek voluntary compliance through education or warnings, fines are a necessary tool for gaining compliance.

Please note: For information on the differences between municipal councils and regional district boards, their responsibilities and procedures and the implications for the bylaw process, please refer to this [link](#).

## Wildlife Attractant *Sample* Bylaw



[DISTRICT, CITY, TOWN OR VILLAGE OF NAME]  
**WILDLIFE ATTRACTANT BYLAW NO. XXXX, 20XX**

**WHEREAS** Council for the [ District, City, Town or Village of NAME] deems it advisable to enact a bylaw to store and secure wildlife attractants securely 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.

**NOW THEREFORE** Council for the [District, City, Town or Village of NAME] enacts as follows:

**CITATION**

1. This bylaw may be cited as the “[District, City, Town or Village of NAME] Wildlife Attractant Bylaw No. XXXX, 20XX”.

**INTERPRETATION**

2. In this bylaw:

“**Bear-Resistant Container**” means a fully enclosed plastic, wheeled Refuse container meant for individual household or business use, that is sufficient to accommodate normal uses of the property, is designed to discourage and prevent access by bears, has a sturdy cover capable of being completely closed and secured with a locking device, and is Interagency Grizzly Bear Committee certified;

“**Bear-Resistant Enclosure**” means a fully enclosed structure having four enclosed sides, a roof, doors and a locking device, designed to discourage and prevent access by bears, and for clarity, includes a garage, shed, or other structure that is inaccessible to bears and that is designed and constructed in accordance with the specifications set out in Schedules B & C;

“**Bear-Resistant Pedestrian Container**” means a fully enclosed metal Refuse container that is sufficient to accommodate normal uses of the property, is designed to discourage and prevent access by bears, has a sturdy lid capable of being completely closed and locked with a self-latching locking device, and is Interagency Grizzly Bear Committee certified;

“**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;

“**Bylaw Enforcement Officer**” means a person appointed by the Council to enforce the bylaws of the [District, City, Town or Village];

**“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;

**“Coop”** means a covered enclosed structure to shelter Hens or other fowl (pigeons, peacocks etc.);

**“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;

**“Hen”** means a domesticated female chicken that is at least four months old;

**“Large Carnivore”** means a bear, cougar, coyote, or wolf;

**“Pen”** means a fully or partially enclosed outdoor space for the keeping of hens or animals;

**“Refuse”** means any discarded or abandoned food, substance, recycling, material, or object, whether from domestic, commercial, industrial, institutional, or other use;

**“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;

**“Special Event”** means a temporary, outdoor gathering; a sporting event; a wedding; or a convention, parade, public display, festival or similar gathering;

**“Waste Contractor”** means the Person who collects and disposes of Municipal Solid Waste as part of the Residential Curbside Collection Service (as defined within the *[District, City, Town or Village of NAME] Solid Waste Utility and Regulation Bylaw No. XXXX, 20XX* as amended from time to time);

**“Wildlife”** means all birds (*Aves*), mammals and without limitation, Large Carnivores;

**“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.

## TREATMENT OF REFUSE

3. 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 highway within the [District, City, Town or Village] in such a manner that it is accessible to Wildlife.

4. Without limiting Section 3, a person must not store, deposit or place outdoors any Refuse that is a Wildlife Attractant except:
  - (a) in a Bear-Resistant Container;
  - (b) in a Bear-Resistant Pedestrian Container;
  - (c) in a Commercial Refuse Container; or
  - (d) in a container enclosed within a Bear-Resistant Enclosure.
  
- 4.2 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 Bear-Resistant Container, Bear-Resistant Pedestrian Container, Commercial Refuse Container or Bear-Resistant Enclosure.
  
5. Every owner or occupier of real property must ensure that a Bear-Resistant Container be:
  - (a) set out for collection only on the designated day of collection between 5:00 am and 7:00 pm;
  - (b) unlocked only on the designated day of collection between 5:00 am and 7:00 pm;
  - (c) removed from the collection location by 7:00 pm on the designated day of collection; and
  - (d) kept locked at all times, except as described in paragraph (b).
  
- 5.2 Every owner or occupier of real property must ensure that any non bear-resistant Refuse container be:
  - (a) set out for collection only on the designated day of collection between 5:00 am and 7:00 pm;
  - (b) removed from the collection location by 7:00 pm on the designated day of collection; and
  - (c) stored within a Bear-Resistant Enclosure in between collection days.
  
- 5.3 Every owner or occupier of real property must ensure that any Refuse container not emptied or collected on a scheduled collection day be:
  - (a) removed from the collection area by 7:00 pm, on the same day; and
  - (b) stored in a manner inaccessible to bears until the next collection day or as otherwise directed.
  
6. Every owner or occupier of real property must ensure that any non bear-resistant Refuse container, Bear-Resistant Container, Bear-Resistant Pedestrian Container, Commercial Refuse Container, or Bear-Resistant Enclosure 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 closed and locked manner when Refuse is not being deposited or emptied; and
  - (b) in a good, workable condition and in good repair.

7. If a Bear-Resistant 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.
8. If a Commercial Refuse Container or Bear-Resistant Enclosure 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.
9. 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 Bear-Resistant Enclosure of a size that is suitable for amount of Refuse reasonably expected to be generated.

#### **GENERAL REQUIREMENTS**

10. A person must not:
  - (a) feed Wildlife; or
  - (b) feed, attempt to feed, or permit to feed animals in a manner that is likely to attract Large Carnivores.
11. Every owner or occupier of real property must ensure that:
  - (a) 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;
  - (b) any food production on a parcel is maintained and stored in such a manner so as to not attract Wildlife;
  - (c) 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;
  - (d) notwithstanding Section (c) 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.
  - (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) barbecue equipment and tools that remain out of doors must be clean and free of residual food or grease;
  - (g) 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;

- (h) any grease, antifreeze, paint, or petroleum product is stored in such a manner that it is inaccessible to Wildlife;
- (i) Bees and Beehives are kept in such a manner so as not to attract Wildlife;
- (j) Bees and Beehives are kept in such a manner so that they are reasonably inaccessible to Wildlife;
- (k) Beehives are enclosed by electric fencing in accordance with the criteria established in Schedule D;
- (l) Hens are kept in such a manner so as not to attract Wildlife;
- (m) Hens, Coops, and Pens are kept in such a manner so that they are reasonably inaccessible to Wildlife;
- (n) Coops and Pens are enclosed by electric fencing in accordance with the criteria established in Schedule D;
- (o) any animals kept on a property are kept in such a manner as to not attract Wildlife;
- (p) any animals kept on a property are kept in such a manner so they are reasonably inaccessible to Wildlife;
- (q) any home food delivery items that are left outdoors are stored in such a manner that they are inaccessible to Wildlife; and
- (r) 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.

## **ENTRY & INSPECTION**

12. A Bylaw Enforcement Officer for the [District, City, Town or Village] may enter onto any property in accordance with section 16 of the *Community Charter*, S.B.C. c. 26.

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 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.

13. A person must not obstruct or interfere with a Bylaw Enforcement Officer or other person assisting the officer.

## **OFFENCE, PENALTY & ENFORCEMENT**

14. Any person who contravenes or violates any provision 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 violation is continued shall constitute a separate and distinct offence against this bylaw.
15. 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.
16. Upon being convicted of an offence under this bylaw, a person shall be liable to pay a fine of not less than \$5,000 and not more than \$50,000.
17. This bylaw may be enforced by means of a ticket issued under the “[District, City, Town or Village of NAME] Notice Enforcement Bylaw No. xxxx, 20xx or Municipal Ticket Information Bylaw No. xxxx, 20xx”, as amended or replaced from time to time.

## **SCHEDULES**

18. Schedules A, B, C, D and E are attached hereto and form part of this bylaw.

## **SEVERABILITY**

19. If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid provision may be severed, and such invalidity shall not affect the validity of the remaining provisions of this bylaw.

## **REPEAL**

20. This bylaw repeals and replaces the “[District, City, Town or Village of NAME] Wildlife Attractant Bylaw No. XXXX 20XX”.

READ A FIRST TIME this            day of            , 20XX.

READ A SECOND TIME this            day of            , 20XX.

READ A THIRD TIME this            day of            , 20XX.

ADOPTED this            day of            20XX.

## Schedule A

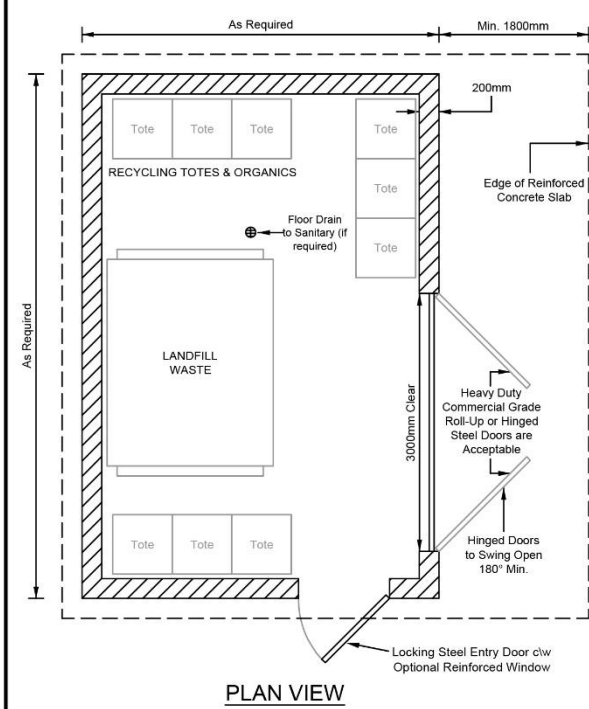
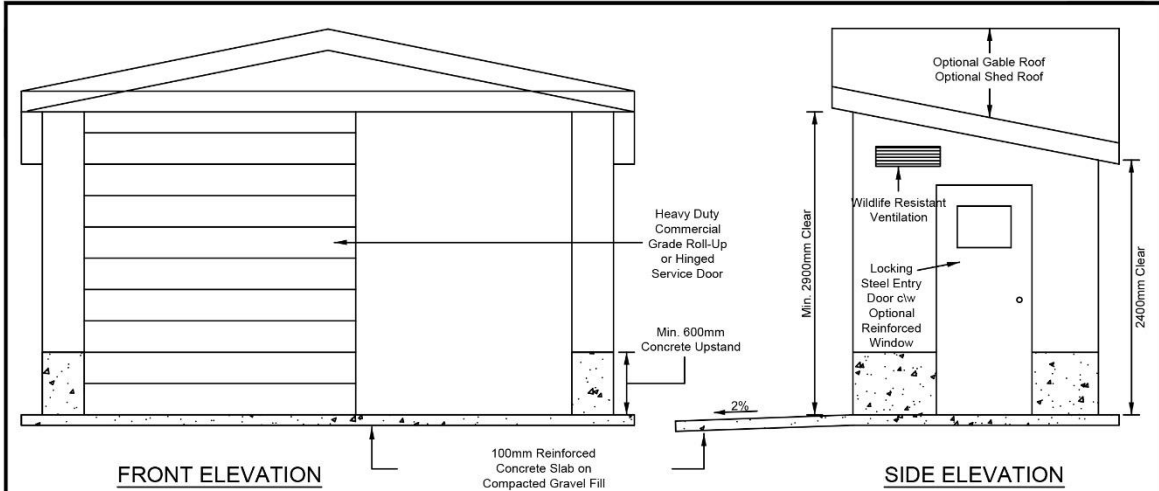
### Commercial Refuse Container

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](#).

# Schedule B

## Bear-Resistant Enclosure Specifications



- 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. Roofs should be designed to avoid snow shed in front of service and entry doors.
  5. Service door(s) are to have dual locking mechanisms. Hinged doors require a heavy-duty cane bolt at the bottom and a slide bolt at the top of the stationary door. Roll-up doors require slide bolt locking mechanisms on the bottom of the door, each side. All locking mechanisms to be located on the interior; no hardware should be located on the service door(s) exterior.
  6. Steel entry door is to be 36" wide (915mm) and be equipped with a self-closing mechanism. Door may have a round turning knob complete with a covered keyed knob guard on the exterior for access and panic hardware on interior for egress. Alternatively a push button lock with a turning knob is acceptable.
  7. Adequate motion activated interior and exterior lighting is to be provided (if required).
  8. Bear-resistant vent and steel entry door window openings should be sized such that a bear could not gain access in the case of breakage.
  9. Units in mm unless otherwise noted.
  10. Roll-up doors are preferable in areas that may have ice and snow build up but hinged doors are acceptable.
  11. Separate enclosures for Commercial & Residential uses on the same property are strongly recommended.

All structures must comply with applicable Municipal Bylaws

Dimensions shown serve as a guideline only, the ultimate size and configuration of the garbage enclosure will be dependant on the owners preference and services being provided.

[Insert Municipal or District Logo here]	<b>SOLID WASTE BEAR-RESISTANT ENCLOSURE</b>	
	District, City, Town or Village of NAME	
	DRAWN BY: BL	DATE: Month, 20XX
	SCALE: N.T.S.	DWG. NO.: G11



## **Schedule C**

### **Bear-Resistant Enclosure Criteria**

The following criteria apply to a Bear-Resistant Enclosure:

1. The structure must be of sufficient size to allow for placement of containers for refuse, composting and recycling and for removal and emptying of those containers.
2. The foundation must be a concrete up stand of at least 600 mm with a 100 mm reinforced concrete slab on compacted gravel fill.
3. The structure must contain 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 3 ¼ inch plywood backing with 3 ¼ inch nails with 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 side and must close tightly to prevent access by bears.
7. The service door must be constructed of heavy-duty commercial grade steel.
8. Personnel doors must be constructed of 18-gauge steel, open outwards and 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 bears.
9. Enclosure must have bear-resistant venting located either on the roof or in the top of the wall near the roof.
10. Bumpers may be placed on door opening to prevent damage to the building when the doors are opened.

A structure that is of substantially similar design and being of equivalent or superior strength, and whose design plans have been pre-approved and receive final inspection approval from the building inspector/official, may be used as an alternative to the criteria set out above.

## **Schedule D**

### **Electric Fencing Requirements**

The following criteria apply for electric fences:

1. Electric fencing must be designed and maintained in accordance with the electric fencing guidelines of the WildSafeBC Electric Fencing Program.
2. Must display unobstructed warning signage that clearly indicates the risk of electric shock.
3. May not involve the electrification of barbed or razor wire.
4. Must only use fence energizers that meet the requirements of any applicable Canadian [or other] Standards Association standard.
5. Regular inspections, maintenance and voltage meter testing will be required to ensure proper functioning.

**Schedule E**  
**Designated Bylaw Contraventions and Penalties**

Section	Description	Penalty
3	Refuse accessible	\$300
4 (a)	Failure to store refuse in required container	\$300
4 (b)	Failure to store refuse in required container (pedestrian)	\$300
4 (c)	Failure to store refuse in required container – Schedule A	\$300
4 (d)	Failure to store refuse in required enclosure – Schedule B	\$300
4.2	Failure to store refuse in required container or enclosure- Special Event, filming, catered event, construction site	\$300
5 (a)	Container set out for collection outside designated times	\$300
5 (b)	Container unlocked outside designated times	\$300
5 (c)	Failure to remove container	\$300
5 (d)	Failure to lock container	\$300
5.2 (a)	Container set out for collection outside designated times	\$300
5.2 (b)	Failure to remove container	\$300
5.2 (c)	Container not stored in a bear-resistant enclosure	\$300
5.3 (a)	Failure to remove container	\$300
5.3 (b)	Container accessible	\$300
6 (a)	Failure to close and lock container or enclosure	\$300
6 (b)	Failure to maintain container or enclosure	\$300
7	Failure to repair container after damage	\$300
8	Failure to repair commercial container or enclosure after damage	\$300

9	Failure to store refuse in required enclosure – Schedule B	\$300
10 (a)	Feeding wildlife	\$300
10 (b)	Attracting large carnivores	\$300
11 (a)	Fruit/nuts attracting wildlife	\$300
11 (b)	Food production attracting wildlife	\$300
11 (c)	Birdfeeder or bird feed accessible	\$300
11 (d)	Birdfeeder in use outside designated times	\$300
11 (e)	Composting activity attracting wildlife	\$300
11 (f)	Improperly maintained barbeque equipment	\$300
11 (g)	Outdoor food container accessible	\$300
11 (h)	Grease, antifreeze, paint or petroleum product accessible	\$300
11 (i)	Bees or beehives attracting wildlife	\$300
11 (j)	Bees or beehives accessible	\$300
11 (k)	Beehives not enclosed by electric fencing	\$300
11 (l)	Hens attracting wildlife	\$300
11 (m)	Hens, coops or pens accessible	\$300
11 (n)	Coops and pens not enclosed by electric fencing	\$300
11 (o)	Animals attracting wildlife	\$300
11 (p)	Animals accessible to wildlife	\$300
11 (q)	Home food delivery items accessible	\$300
11 (r)	Camping activity attracting wildlife	\$300

The following is a guide to reading and interpreting the Wildlife Attractant *Sample* Bylaw. The guide provides explanations for each section of the *Sample* Bylaw and provides information on the key elements required for a comprehensive bylaw.

## Guide to: Wildlife Attractant Sample Bylaw

### Title

Title and number of the bylaw, using official corporate title of the district, city, town or village along with the year the bylaw was adopted.

### Whereas (Purpose)

Provides the reasoning behind the bylaw. A few sentences to describe what the bylaw is regulating and why this regulation is needed. This provides clarity for the requirements set out in the content of the bylaw; should the reader not understand the reasoning for a particular criterion, this section should provide clarity on the intent of the requirement(s).

### Citation

Provides the name of the bylaw and how it can be referenced

### Interpretation (Definitions)

Bylaws are educational tools and should be written with the general public in mind. The intent of the bylaw should be apparent and the content readable and understandable. Definitions remove uncertainty and subjectivity and leave the bylaw less vulnerable to legal challenges which assists enforcement staff with the enforcement process.

“Bear-Resistant Container”: provides clarity on what is considered bear-resistant for plastic, wheeled containers for use in individual household or business purposes.

Note: The Wildlife Attractant *Sample* Bylaw refers to bear-resistant containers as an option for the storage of wildlife attractants. Best practices are to use *certified* bear-resistant products, and a requirement or wording to this effect can be included within a bylaw. The [Interagency Grizzly Bear Committee \(IGBC\)](#), provides testing and certification for various models of bear-resistant refuse containers and other products.

“Bear-Resistant Enclosure”: provides clarity on what is considered bear-resistant. Schedules B & C contain the requirements for these types of buildings.

Please note: In 2019, the BC Ministry of Municipal Affairs and Housing (Building and Safety Standards Branch) revised the [Building Act](#) to allow municipalities the ability to build waste storage structures that may supersede the requirements of the BC Building Code. Section 2.3 of the Building Act Regulation, Collection of municipal solid waste and recyclable states: 2) The following matters are unrestricted as they relate to the storage and collection of specified waste: (e) any matter as it relates to the prevention of animals being attracted to or accessing specified waste. A key element to writing a

bylaw is ensuring any requirements are in line with existing provincial or state bylaws/ordinances.

“Bear-Resistant Pedestrian Containers”: refers to metal, self-latching containers that are installed at trailheads, within retail and business parking lots and in community fields and recreational areas. These too need to be IGBC certified.

“Bees” & “Beehives”: many communities/districts are supportive of local food security activities and allow bee keeping in urban areas. Including bees and beehives within the interpretations identifies bee keeping as a potential wildlife attractant that requires regulation.

“Bylaw Enforcement Officer”: identifies who will be enforcing this bylaw as referenced in Section 12 Entry and Inspection. Any other enforcement staff should be identified.

“Commercial Refuse Container”: identifies the type of container required for larger volumes of waste generated by the industrial/commercial/institutional (ICI) sector or multi-unit residential dwellings. Schedule A of the *Sample* Bylaw addresses the requirements for commercial containers. If adopted, this would then require all collection contractors to provide bear-resistant commercial containers and would assist with eliminating dumpsters that are easily accessed by bears and other wildlife, such as plastic lid dumpsters/containers. Once a local government adopts the bylaw, waste contractors would be required to provide the necessary waste infrastructure to comply with the bylaw.

“Coop”, “Hen” & “Pen”: the local food sustainability and security movement that many communities are supporting has increased the prevalence of backyard hens which in turn has contributed to increases in rodent issues and interactions with wildlife in relation to depredation. Including these terms within the interpretation section identifies how the keeping of hens is a wildlife attractant concern and as such, must be regulated and managed.

Please note: It is possible to include additional animal species within the bylaw interpretations or to define ‘livestock’. Sections 11 (p) & (q) of the *Sample* bylaw address ‘animals’ being attracted or being accessible to wildlife without providing an actual interpretation for what constitutes an ‘animal’. This allows for more enforcement staff discretion versus listing the different species and limiting the enforcement to just those species listed. Care must be taken to ensure the bylaw isn’t too prescriptive and limiting; at the same time, it should address all potential species that may attract wildlife and large carnivores. Some enforcement staff have been challenged with residents who keep chickens as pets and not necessarily for eggs/food, blurring the line between domestic animal or livestock. While not as prevalent as urban hens, the keeping of teacup pigs, pygmy goats, pigeons and ducks is becoming popular; it would be difficult to list all potential species within the bylaw. The *Sample* Bylaw uses ‘animal’ to encompass any species being kept on a property as well as providing requirements for the keeping of hens.

“Feed”: provides clarity for instances where people are free-feeding wildlife, e.g., leaving birdseed or nuts on a deck, or leaving pet/livestock food accessible.

“Large Carnivore”: encompasses the four species (bear, cougar, coyote and wolf) as defined in the Ministry of Environment’s [Wildlife Management Procedure](#): Preventing and Responding to Conflicts with Large Carnivores.

“Refuse”: in broad terms, provides clarity on what refuse is, providing opportunity for enforcement staff discretion. Refuse is also included within the interpretation for wildlife attractant, making it abundantly clear that refuse is an attractant.

“Remedial Action”: in keeping with Sections 72 & 73 of the Community Charter where council may impose remedial action requirements. Section 14 of the *Sample* Bylaw requires immediate action or remedial action to remove the attractant to avoid contact or conflict with wildlife, which is deemed as a potentially hazardous situation. This provides enforcement staff the ability and discretion to have the attractant removed either through immediate action or by way of remedial action.

“Special Event”: ensures special event organizers are aware of local regulations which must be adhered to. These events can generate substantial refuse and including requirements for special events provides local government the ability to oversee the management and regulation of the waste generated. It also allows local government the opportunity to include compliance wording within the application form event organizers must complete and a requirement for organizers to provide a waste management plan that complies with the bylaw.

“Waste Contractor”: identifies the person/party responsible for removing waste. Each community will have its own system of waste removal whether through an internal municipal service for residential waste removal, a municipal contract with a waste contractor for a residential waste removal service, or a private contract between residents and a collection contractor. A Waste Contractor would also remove waste for the ICI sectors and multi-unit residential dwellings through a contract service.

Please note: In the *Sample* Bylaw, the solid waste and utility regulation bylaw is referenced within the definition for Waste Contractor because this is typically where the regulations related to refuse removal for the community are contained (and this is the type of bylaw that is typically amended to include wildlife attractant considerations if a stand-alone wildlife attractant bylaw isn’t an option). When writing a bylaw, it is recommended to research and connect any other pertinent bylaws that may impact the management of refuse or wildlife attractants. Adding “as amended from time to time” provides acknowledgment that the bylaw being referred to may be amended and updated from time to time resulting in a different bylaw number and date than what is being referenced.

“Wildlife”: defines the multitude of species potentially impacted by this bylaw; notably, Large Carnivores, but also including other mammals and birds, as often people who feed birds inadvertently attract other wildlife, e.g., raccoons or rodents (who then attract predators).

Note: For further clarity, communities can include specific conflict species relevant to their area in addition to a more general classification of birds and mammals. For example, communities experiencing high urban deer interactions may want to specify this by adding ungulates within the general definition for wildlife.

“Wildlife Attractant”: provides a broad definition of what an attractant is which enables enforcement staff to use discretion. Animals are included as attractants in relation to Section 11 (p). No animal can be kept in a manner that might attract wildlife which could include the keeping of livestock or domestic pets, such as rabbits or guinea pigs.

### **Treatment of Refuse**

(3) Provides a fundamental requirement to not allow refuse to be accessible to wildlife within the district/city/town/village boundaries. This broad requirement allows for enforcement staff discretion.

(4) Provides provisions for four options for storing wildlife attractants outdoors: only in a bear-resistant container, a bear-resistant pedestrian container, a commercial refuse container (Schedule A) or a bear-resistant enclosure (Schedules B & C). No other options are allowed. All refuse containers stored outdoors must be inaccessible to wildlife using one or more of these four options.

(4.2) Addresses special events, filming, catering and construction sites and the need for these activities to comply with the bylaw by ensuring all wildlife attractants are stored using one or more of the four methods outlined in Section (4).

(5) Provides direction and clarity on when refuse containers that are bear-resistant can be set curbside and unlocked for collection, when containers must be removed from curbside and when containers must be locked. Oftentimes, these bear-resistant containers are placed curbside the night prior to collection and are left locked – Section 5 provides clear direction that even if these containers are locked, they cannot be placed curbside prior to 5:00 am.

5(2) Provides direction and clarity on when refuse containers that are *not* bear-resistant can be placed curbside for collection, when they must be removed and where they must be stored in-between collection times.

5(3) Provides direction on what to do with any refuse container if for some reason it was not emptied on collection day (waste contractors can run into mechanical or weather issues which impact collection schedules). This section accounts for missed pick-ups and the need for refuse containers to be removed from curbside and stored such that they are inaccessible to wildlife until directed to re-situate containers for curbside collection. Most likely, the waste contractor will determine when the containers should be placed for servicing after a missed pick-up occurs.



(6) Addresses the requirement that containers and enclosures are kept closed and locked in-between being used or emptied and are in good working condition.

(7) Immediately upon noticing any damage or defects to a bear-resistant refuse container, arrangements must be made for repair. Depending on the system utilized within the community, the owner of the container may be a waste contractor, an in-house solid waste department, or the resident. The word “immediately” denotes the importance of getting the damage repaired promptly and allows enforcement staff discretion on whether the owner or occupier of the property on which the container is kept, has taken reasonable action and within a reasonable amount of time.

8. This provides 24 hours to get a commercial refuse container or bear-resistant enclosure repaired. The time frame for repairs could potentially be impacted by the need to order parts, supply labour, etc. Each community will likely determine a reasonable time frame based on these factors. Providing a 24-hour time frame within the *Sample* Bylaw denotes the time-sensitive nature and importance of getting repairs addressed in a timely manner. Enforcement discretion can then be applied depending on the circumstances.

9. This addresses ICI, tourist accommodations and multi-unit residential complexes containing three or more units and the need for these types of facilities to have bear-resistant enclosures versus commercial refuse containers or bear-resistant containers for the storage of refuse. The size of the bear-resistant enclosure must be sufficient to house the refuse generated by the facility. This assists with eliminating separate individual recycling, kitchen organics and garbage containers for commercial or townhouse complexes. A growing concern is that individual locking containers/totes (even those that have been certified) if left outdoors 24/7 are subject to wear and tear and environmental degradation resulting in a weakened product. Additionally, the locking containers are typically left outdoors and unattended because many residents are not aware that these containers are only bear-resistant, and not bear-proof; this allows bears ample opportunity to troubleshoot and learn how to gain access. Best practices are to store refuse containers, specifically plastic residential containers, indoors within a bear-resistant enclosure. If there is no option for indoor storage, the containers should be anchored such that they can't be tipped or dragged away. Specific wording to this effect could be included within a bylaw.

### **General Requirements**

The following general requirements are less prescriptive than the requirements listed in the section “Treatment of Refuse”. This allows enforcement staff the ability to use discretion and apply a level of reasonableness to the enforcement process. When something becomes too prescriptive or too detailed it is often not followed or supported by the public, and it becomes a challenge to enforce. Ensuring a wildlife attractant, such as fruit, is ‘inaccessible’ can be accomplished using various methods, and careful wording allows for flexibility and a degree of reasonableness, e.g., installing an electric fence, picking the fruit, removing select blossoms so the harvest is more manageable. Education is key to supporting bylaws, and the more

information and support the public has increases the likelihood of their success in managing and securing attractants.

Most enforcement staff first seek to gain voluntary compliance through education and awareness measures, giving priority consideration to the immediate impact non-compliance has on public safety, pets, livestock and property; and on the welfare and lives of wildlife involved. If voluntary compliance is not gained, having a comprehensive and well-worded bylaw provides a solid enforcement tool for staff to then gain compliance through enforcement measures such as warnings or tickets/fines.

(10) Addresses the fundamental requirement that a person cannot feed wildlife and cannot feed animals in a way that may attract large carnivores.

(11) A person must ensure that:

(a) fruit or nuts from a tree, bush or shrub are managed and stored in a manner that doesn't attract wildlife. Some bylaws provide a timeline for removing fruit, e.g., fruit must be removed within three days, but this can be difficult for enforcement staff to determine and enforce. An overall requirement to manage the attractant and ensure the attractants are stored in an inaccessible manner assists with enforcement ability and discretion.

(b) any food production is maintained in such a manner as to not attract wildlife and ensure that all food is stored in such a manner as to not attract wildlife. This addresses vegetable gardens, grapevines and any other crop that might be considered an attractant. Again, this provides enforcement staff discretion.

(c) bird feeders are inaccessible and that bird seed, or other wildlife attractant, is not accumulating underneath the feeder.

(d) bird feeding is restricted during specified months. For example, some communities opt to ban bird feeding during bear activity months, typically March-November.

(e) any composting activity and any tools/equipment used for composting, are inaccessible to wildlife.

(f) barbeques and tools used for the barbeque are kept clean and inaccessible to wildlife.

(g) outdoor food storage containers, specifically fridges and freezers, are inaccessible to wildlife. Enforcement staff can apply discretion on what is considered reasonably inaccessible. Since bears are strongly attracted to the contents in freezers and refrigerators, requirements for the indoor storage of these containers may be needed in communities that experience a high number of human-bear interactions.

(h) outdoor storage containers of grease, antifreeze, paint, and petroleum products such that they are all inaccessible to wildlife.

(i) bees and beehives do not attract wildlife. If wildlife is being attracted to the bees and beehive(s), e.g., a report or complaint was received related to wildlife on the property where the beehives are kept, the person is potentially non-compliant. This broad requirement provides enforcement staff discretion as to whether the keeping of bees and beehives is contributing to the attracting of wildlife.

(j) in addition to (i), bees and beehives are kept in such a manner that they are reasonably inaccessible to wildlife. Let's look at a situation where a resident has a functional electric fence enclosing their bees and beehives but has situated the beehives next to a tree or fence. Because the beehives are near a climbable structure, allowing a bear the ability to climb the tree or fence and enter the enclosure without receiving a shock from the electric fence, this could be viewed as being kept in such a manner that the bees/beehives are not reasonably inaccessible and are instead, reasonably accessible. This broad requirement provides enforcement staff the ability to apply discretion and a level of fairness and reasonableness as to whether the way the bees are being kept is in fact inaccessible to wildlife incursions.

(k) in addition to (i) and (j), bees and beehives must be enclosed by electric fencing as outlined in Schedule D. This is a more prescriptive and detailed requirement because specific steps must be taken to comply with Schedule D. This option removes subjectivity and requires less discretion from an enforcement standpoint.

Note: sections (i), (j), (k) & (l), (m), (n) may appear to be very similar requirements, but each criteria allows enforcement staff flexibility in determining whether the keeping of bees/beehives and hens is attracting wildlife, whether the bees/beehives or hens/coops/pens are accessible, and whether electric fencing is being effectively used. This offers three separate requirements with three separate ticketable offences providing a broad spectrum of enforcement abilities.

(l) keeping hens must not attract wildlife. For example, if a resident provides kitchen scraps to their hens, scattering the food and not cleaning up any un-consumed portions, then this type of activity could be determined as potentially attracting wildlife. Or in a situation where hens are allowed to roam the yard and forage freely, with the electric fence turned off, potentially attracting wildlife. This broad requirement provides enforcement staff discretion as to whether the keeping or management of the hens is contributing to the attracting of wildlife.

(m) in addition to (l), hens, pens and coops are managed so that they are reasonably inaccessible to wildlife. This broad requirement provides enforcement staff the ability to apply discretion as to whether the way the hens, pens and coops are kept or managed is sufficient to prevent access. An example of an accessible pen or coop is one that is located next to a tree or fence allowing wildlife the opportunity to climb into the enclosure without encountering the electric fence.

(n) in addition to (l) and (m), the coops and pens are enclosed by electric fencing as outlined in Schedule D. Again, this is a more prescriptive and detailed requirement

because specific steps must be taken to comply with Schedule D. This option removes subjectivity and requires less discretion from an enforcement standpoint.

(o) any animals kept on the property are kept in such a manner to not attract wildlife. As mentioned on pg. 22 (within the interpretation for coop/hens/pen), animals could include livestock, domestic animals, pigeons, fowl, rabbits, etc.

(p) in addition to (o) any animals that are kept on the property are reasonably inaccessible to wildlife. How this is achieved is determined by enforcement staff discretion and could involve requiring that all animals are kept within a bear-resistant enclosure or electric-fenced area.

(q) with the upswing in popularity of home food delivery items left outdoors, such as grocery/food boxes, they must be stored in such a manner that they are inaccessible to wildlife.

(r) with the increase in outdoor recreation and camping, any camping activity and any wildlife attractant generated by camping activity is managed such that it does not attract wildlife.

### **Entry and Inspection**

The [BC Community Charter](#) is an over-arching document that provides comprehensive information on the statutory abilities of municipalities to enforce bylaws. It is the legal framework that outlines what authority local government has in relation to accessing private property, issuing tickets, etc.

12. This section addresses the ability of bylaw enforcement officers to enter onto a private property or enter a private property without prior consent from the owner or occupier as per Section 16 of the BC Community Charter.

Some communities list who can assist a bylaw enforcement officer, e.g., the District of Squamish Wildlife Attractant Bylaw No. 2781, 2020 lists both the Conservation Officer Service and police force while the City of Castlegar Wildlife Attractant Control Bylaw No. 1198 (consolidated) doesn't list any assisting agencies. It is not only beneficial and safer to have additional partners assisting in the overall effort to reduce and secure wildlife attractants, but it also demonstrates the importance of the bylaw and the collaboration required to effect change.

13. Identifies that it is an offence for any person to interfere or obstruct an officer or anyone assisting the officer.

### **Offence, Penalty & Enforcement**

14. Outlines how an offence is committed in respect to violating any provisions or portions of the bylaw and that if the offense is continuous, that each day of the contravention is considered as a separate offense which could then result in multiple fines.

15. Addresses the need for immediate or remedial action as directed to do so to reduce the risk of contact or conflict with wildlife. Implies the need for action to fix the problem.

16. If an offender is convicted of an offense, they can be subject to a fine of not less than \$5,000 and no more than \$50,000 as decided by the courts. Including this section provides incentive for people to comply with the bylaw and manage their wildlife attractants and can be used as an educational tool for enforcement staff should they have issues with gaining compliance.

17. The Community Charter outlines the Municipal Ticketing Information System (MTI). Many communities have MTI bylaws that contain contravention and penalty schedules for each of their bylaws. The MTI system allows local governments to enforce minor to medium contraventions of local government bylaws by way of a bylaw ticket. Should an offender not pay the fine or should they dispute the ticket, they may be subject to conviction in a provincial court where the justice determines the fine. This process can be costly for municipalities, i.e., time consumptive and requiring substantial staff resources.

Alternatively, through the Local Government Bylaw Notice Enforcement Act, local government can avoid the provincial court system by using the bylaw notice adjudication system. If a notice of contravention is disputed by an offender, this more cost-effective and streamlined approach employs a neutral, non-judicial adjudicator to oversee the dispute process eliminating the more formal process of going to provincial court. Municipalities utilizing this system will have a Notice of Enforcement (NOE) Bylaw containing the contravention and penalty schedule for each community bylaw (Province of British Columbia, 2021).

In Section 17 of the *Sample Bylaw*, both the MTI and the NOE are included in keeping with the system used by the District of Squamish. It is advised that each community be researched to determine the best location for the designated bylaw contraventions and subsequent fines. For example, Lions Bay has a Bylaw Notice Enforcement Bylaw No. 385, 2006 (consolidated) whereas the City of Coquitlam has a Municipal Ticket Information Bylaw No. 4320, 2012, as does the City of Castlegar.

For the purposes of this *Sample Bylaw*, the contraventions and fines are included within Schedule E, which forms a part of this bylaw. Typically, the fines are contained within the municipality's MTI bylaw or NOE bylaw, whichever the community uses. However, there are some communities that have the fines form a part of the bylaw such as the City of Castlegar's Wildlife Attractant Control Bylaw No. 1198, Appendix 1. This is in addition to their MTI Bylaw.

A consideration with having the bylaw fines form a part of a bylaw is that any adjustments or amendments to the fine amounts need to be made not only to the bylaw itself but also to the bylaw (MTI or NOE) that contains all the community's bylaw contravention and fee schedules.

To ensure consistency, more than one bylaw requires amending which can have implications for staff resourcing and can oftentimes result in a bylaw being overlooked and not updated.

Please note: Schedule E provides the contraventions and fine schedule. It is possible to include, within the fine schedule, an option for rebates for early payment, penalties for late payment, or increased fines for repeat offenders. Fines may be higher than the amounts listed depending on what would best serve compliance in your community.

### **Schedules**

18. Schedules contain additional information that support the content of the bylaw. In the Sample Bylaw:

Schedule A contains the criteria for a commercial refuse

Schedules B & C contain the specifications and criteria for a wildlife-resistant enclosure

Schedule D contains criteria for electric fencing

Schedule E is the designated bylaw contraventions and penalties.

### **Severability**

19. This section provides clarity that if for any reason a provision/section of the bylaw is held to be invalid or flawed by the court, that only the flawed portion is considered severed or defective, and the remaining provisions of the bylaw are not affected. This would require the severed portion of the bylaw to be amended.

### **Repeal**

20. If this bylaw is replacing an existing bylaw, then the existing bylaw must be repealed and replaced by the new one. If this bylaw is new, then the repeal section can be removed.

### **Signatures and dates of first three readings and adoption**

The Community Charter and Local Government Act provide the legislative requirements for the bylaw adoption process. Three readings must be given to a bylaw prior to adoption. Some bylaws require additional provincial or other approvals.

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