

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2505

A BYLAW TO REGULATE REFUSE AND OTHER WILDLIFE ATTRACTANTS

WHEREAS Council of the City of Rossland deems it advisable to regulate refuse and other attractants so as not to attract wildlife;

AND WHEREAS section 8(3) of the *Community Charter* authorizes the Council of the City of Rossland, by bylaw, to regulate, prohibit and impose requirement in relation to the protection and enhancement of the well-being of its community in relation to matters referred to in section 64[*nuisances, disturbances and other objectionable situations*];

NOW THEREFORE the Council of the City of Rossland, in open meeting assembled, ENACTS AS FOLLOWS:

Citation

1. This bylaw may be cited as the “City of Rossland Wildlife Attractant Control Bylaw No. 2505, 2011”.

Interpretation

2. In this bylaw:

“Composting” means a technique used to promote the decomposition of plant matter.

“Refuse” means discarded household and trade materials, substances and objects;

“Wildlife” means a bear, wild cat, coyote, raccoon, skunk, ravens, crow or domesticated animal running at large;

“Wildlife Attractant” means antifreeze, paint, food products, food waste, compost, and other edible products or waste that could attract Wildlife;

“Wildlife Resistant Container” means a fully enclosed metal container with a sturdy metal cover capable of being completely closed to reduce odours and secured with a latching device of sufficient strength and design to prevent access by Wildlife;

“Wildlife Resistant Enclosure” means a fully enclosed structure with no more than a 1 cm gap or opening at any location, containing four walls, a roof, and door(s) capable of being securely latched and of sufficient strength and design to prevent access by Wildlife.

Storage of Refuse

3. No person shall store any Refuse that is a Wildlife Attractant in such a manner that it is accessible to Wildlife.
4. A person storing Refuse that is a Wildlife Attractant in a container shall:

 use a Wildlife Resistant Container; or store such container in a Wildlife Resistant Enclosure.
5. Every owner or occupier of real property shall ensure that a Wildlife Resistant Container or Wildlife Resistant Enclosure on such real property is:

 maintained in good condition and kept in a clean and sanitary condition;
 kept closed and secure when Refuse is not being deposited or emptied; and
 if damaged, repaired within 7 days of the damage occurring.
6. The City of Rossland is exempt from this bylaw only for the purposes of the commercial core waste disposal containers located on Columbia Avenue and Washington Street.

Refuse Collection Day

7. A person is exempt from sections 3 and 4 on refuse collection day designated for the real property between the hours of 6:00 a.m. and 6:00 p.m. on that day.

Special Events and Exemptions

8. A person is exempt from sections 3 and 4 for weddings, sports tournaments, outdoor conventions, Canada Day and other temporary special events if refuse containers required for the special event are emptied into a container in accordance with section 4 by midnight each day.
9. The Corporate Officer or his/her designate may grant exemption, in writing, for sections 5, 10, 11, 12 or 13 in cases that are deemed reasonable and do not detract from the protection or enhancement of the well-being of the community.

Other Wildlife Attractants

10. Every owner or occupier of real property shall ensure that fruit fallen from a tree or bush on such real property is removed from the ground of such real property at least every three days when fruit is on the ground of such real property.

11. Composting is exempt from the provisions of this Bylaw as long as it does not attract wildlife.
12. Every owner or occupier of real property shall ensure that a bird feeder containing bird feed on such real property is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife.
13. Every owner or occupier of real property shall store or place an outdoor fridge or freezer containing food products on such real property in such a manner that it is inaccessible to Wildlife.
14. Every owner or occupier of real property shall store antifreeze and paint on such real property in a such a manner that it is inaccessible to Wildlife.

Offence

15. Any person who violates a provision of this Bylaw shall be guilty of an offence and shall be liable to a fine set out in "Schedule A" attached to and forming part of this Bylaw to a maximum penalty upon a summary conviction not exceeding \$2000.

Separate Offence


16. Each day that a contravention or violation of or failure to perform any provision of this bylaw continues to exist will be deemed to be a separate offence.

Severability

17. 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.
18. This bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
 READ A SECOND TIME
 READ A THIRD TIME
 RECONSIDERED AND FINALLY ADOPTED

this 11th day of April, 2011
 this 11th day of April, 2011
 this 11th day of April, 2011
 this 26th day of April, 2011



 MAYOR



 CORPORATE OFFICER

SCHEDULE A

Offence	Bylaw Section No.	Fine
Refuse accessible to wildlife	3	\$50.00
Failure to store refuse in wildlife resistant container or enclosure	4	\$50.00
Failure to maintain wildlife resistant container or enclosure	5	\$50.00
Failure to secure wildlife resistant container or enclosure	5	\$50.00
Failure to repair wildlife resistant container or enclosure	5	\$50.00
Failure to remove fruit from ground	10	\$100.00
Bird feeder accessible to wildlife	11	\$50.00
Outdoor fridge or freezer accessible to wildlife	12	\$50.00
Antifreeze or paint accessible to wildlife	13	\$200.00