

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1754, 2022

A bylaw to regulate, prohibit, and impose requirements respecting the feeding and attracting of dangerous wildlife and members of the family Cervidae

WHEREAS Section 8(3)(k) of the *Community Charter* authorizes the Council of the City of Enderby to, by bylaw, regulate, prohibit and impose requirements in relation to animals;

AND WHEREAS Section 9(1)(c) of the *Community Charter* recognizes wildlife as a sphere of concurrent authority for which Council may not adopt a bylaw unless in accordance with a regulation, an agreement, or an approval of the Province;

AND WHEREAS Section 2(1)(c) of the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* enables Council to regulate, prohibit, and impose requirements respecting the feeding or attracting of dangerous wildlife or members of the family Cervidae;

NOW THEREFORE the Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. CITATION

1. This Bylaw shall be cited as “City of Enderby Wildlife Attractant Bylaw No. 1754, 2022”.

2. DEFINITIONS AND INTERPRETATION

In this Bylaw:

“**City**” means the Corporation of the City of Enderby.

“**Dangerous Wildlife**” includes bear, cougar, coyote, wolf, and any species of wildlife that is prescribed as dangerous under the *Wildlife Act*.

“**Wildlife**” includes Dangerous Wildlife and members of the family Cervidae [deer].

“**Wildlife 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*.

3. GENERAL

1. Bylaw Enforcement Officers appointed by the City are authorized to enforce and carry out the provisions of this Bylaw.
2. Bylaw Enforcement Officers appointed by the City are hereby authorised to enter, at all reasonable times, upon any property within the municipal boundaries of the City of Enderby

subject to this Bylaw and Section 16 of the *Community Charter*, in order to ascertain whether the regulations of this Bylaw are being obeyed.

3. A person, operation, or facility is exempt from this Bylaw if their activities are consistent with section 2(3) of the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*.

4. REGULATIONS, PROHIBITIONS AND REQUIREMENTS

1. Except as permitted in this Bylaw, a person must not:
 - (a) Leave or place Wildlife Attractants in, on, or about any land or premises where there are or are likely to be people, in a manner in which the Wildlife Attractant could attract Wildlife to the premises and be accessible to Wildlife.
 - (b) Feed, or attempt to feed, Wildlife.
2. Every owner or occupier of real property must ensure that:
 - (a) Fruit that has fallen from a tree or bush is removed, stored, or disposed in such a manner so as not to attract or be accessible to Wildlife.
 - (b) Birdfeeders containing bird feed, suet or nectar are suspended on a cable or other device in such a manner that it is inaccessible to Wildlife, and the area below any birdfeeder is kept free of accumulations of Wildlife Attractants.
 - (c) Barbecue equipment and tools that remain outdoors after use must be clean and free of residual food or grease so as not to attract or be accessible to Wildlife.
 - (d) Refrigerators, freezers, storage containers or similar units containing Wildlife Attractants of any type, if outdoors, are located and equipped in a manner that is inaccessible to Wildlife.
 - (e) Grease, antifreeze, paint and petroleum products are stored in such a manner that is inaccessible to Wildlife.
 - (f) Compost is kept and maintained in an enclosed and secure rigid container that is inaccessible to Wildlife.
 - (g) Other animals, including backyard hens and bees, as well as domestic animals, are kept in a manner that is reasonably inaccessible to Wildlife, including their food.
 - (h) Garbage is stored indoors or otherwise in durable, rigid receptacles fitted with covers that are inaccessible to Wildlife, and not placed at curbside until 4:00 a.m. on the day of collection.
 - (i) All garbage is kept and disposed in accordance with this Bylaw, the City of Enderby Garbage Collection Regulation Bylaw No. 1566, 2015 and any other relevant enactment.

5. OFFENSES

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 \$10,000, and a jail term of not more than 6 months.
2. Each day the offence continues is considered a separate offence.
3. This bylaw is enforceable through the City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 and the City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015.

6. SEVERABILITY

1. If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and such decision shall not affect the validity of the remaining portions of this Bylaw.

7. EFFECTIVE DATE

1. This bylaw shall come into force and effect as and from the date of adoption.

READ a FIRST time this 6th day of June, 2022.

READ a SECOND time this 6th day of June, 2022.

READ a THIRD time this 6th day of June, 2022.

ADOPTED this 20th day of June, 2022.

MAYOR

CORPORATE OFFICER