

CHAPTER ___ PREVENTION OF WILDLIFE ACCESS TO REFUSE

Sec. 1 Definitions

"appropriate County or City disposal site" [*include named city or county dumps or transfer sites*]

"approved wildlife resistant container" as used in this Chapter shall mean a fully enclosed container with a lid which can be completely closed. The lid must have a latching mechanism, which prevents access to wildlife. Both the container and the lid must be constructed of metal or equivalent. Any container which is over filled so as to prevent latching is not a wildlife resistant container. Wildlife resistant containers must be approved by the [*e.g. sheriff, county environmental health officer – will be County specific*]. A list of approved wildlife containers will be made available by the _____. The _____ has authority to revise the list of approved wildlife resistant containers.

"approved wildlife resistant enclosure" as used in this Chapter shall mean a fully enclosed structure containing four walls and a roof, with one side accommodating a door. The walls of the enclosure must extend to the ground and the door can have no more than a 3/8-inch gap along the bottom. The latching devise must be of a sufficient strength and design to prevent access by wild life. Ventilation openings shall be kept to a minimum and must be covered with a metal mesh or other material of sufficient strength to prevent access to wildlife. Wildlife resistant enclosures must be approved by the [*e.g. sheriff, county environmental health officer*].

"attractant" any substance which could reasonably be expected to attract wildlife or does attract wildlife, including but not limited to food products, pet food, feed, compost, grain or salt.

"commercial" as used in this Chapter shall reference to income producing property which shall include but not be limited office buildings, apartments, and time shares.

"domestic" as used in this Chapter shall reference to privately owned residential property which shall include but not be limited to single family dwellings, remodeled dwellings, resale dwellings, newly constructed dwellings, condominiums, and duplexes.

"enforcement officer" [*will be county specific and may include animal control, County Sheriff, City Police, environmental ranger etc.*]

"person" as used in this Chapter will include any natural or juridical person, including but not limited to, corporations and other business entities, the United States, the state, the county, the district and any office or agency.

"refuse" as used in this Chapter will include all substances and materials which are an attractant to wildlife. [*Depending on existing statutory language 'refuse' may need to be changed to 'garbage' or 'rubbish' – definitions change greatly from County to County. Look for an acceptable definition in existing law*]

"special event" as used in this Chapter shall mean a large outdoor gathering such as a concert, conference, fair or festival with an expected or actual attendance in excess of 50 people. [*optional: may want to exclude private events such as weddings*]

"wildlife" as used in this Chapter shall includes any mammal which is not normally domesticated in this state, including but not limited to, bears, coyotes, foxes, mountain lions, opossums, raccoons and skunks.

Sec. 2 Disposal of Domestic and Commercial Refuse

- A. All domestic and commercial refuse must be placed in one of the following:
- (1) A building, house or garage that is inaccessible to wildlife.
 - (2) An approved wildlife resistant container.
 - (3) A container that is placed in an approved wildlife resistant enclosure.
 - (4) Deposited at an appropriate County or City disposal site.

Sec. 3 Special Events Refuse Disposal

- A. All outdoor special events shall be kept free from the accumulation of refuse.
- B. Refuse must be collected from the grounds of the event at the close of each day and deposited in an approved wildlife resistant container, an approved wildlife resistant enclosure or deposited at an appropriate County or City disposal site or placed in a building or which is inaccessible to wildlife.

Sec. 4 Construction Site Refuse Disposal

- A. All construction sites must have a designated container that receives refuse. The container must be either an approved wildlife resistant container, stored in an approved wildlife resistant enclosure or emptied at the end of each day and stored in a building or trailer.

Sec. 5 Wildlife Resistant Containers or Enclosures Available for Public Use

- A. Wildlife resistant containers or enclosures will be available for refuse deposit at the following [County/City Dump or Transfer Station] locations when the facilities are open and accessible to the public:
- (1) [named dump or transfer station]
 - (2) [named dump or transfer station]
 - (3) [named dump or transfer station]
- B. The provision of approved wildlife resistant containers or approved wildlife resistant enclosures at the above locations does not relieve any person for complying with any requirement of this Chapter.

Sec. 6 Additional Provisions to Minimize Bear/Human Conflicts

- A. No person shall fail to take remedial action to avoid contact or conflict with bears after being advised by the [enforcement officer] that such action is necessary. Remedial action may include, but is not limited to removal of cooking grills, pet food, bird feeders or any other attractants.
- B. Further, after an initial contact or conflict with a bear, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, grills, pet food or bird feeders.

Sec. 7 Enforcement

- A. [Enforcement officers/agency – name] shall issue citations and summons and assess penalties for any violation of this Chapter.
- B. [Enforcement officers/agency – name] have the authority to assess the need for remedial action necessary to avoid bear contact or conflict pursuant to Section 5 of this Chapter.

Sec. 8 Penalties

- A. Any violation of this Chapter shall be subject to the following [mandatory] penalties:
 - (1) First violation: Written citation and warning that if preventative measures are not implemented, offender may be required to install an approved wildlife resistant container at his/her expense.
 - (2) Second violation: Offender will be required to install an approved wildlife resistant container at his/her expense.
 - (3) Third violation: Offender will be required to install an approved wildlife resistant container at his/her expense and pay a fine equal to the cost of an approved wildlife resistant container.
- B. In addition to the fines above the enforcement officer will issue a summons for the third and each subsequent violation of this Chapter, which occurs within two years.
- C. Each day that a violation continues or occurs will be considered a new violation for the purpose of assessing penalties under this chapter.
- D. All fines paid will be deposited into a special account to be used for assisting low-income families with installation of approved wildlife resistant containers and paying for the development and dissemination of educational materials.

Sec. 9 Enactment

This Chapter will become effective on _____.