

Reduction of Human – Bear Conflicts Through Effective Management of

Attractants in Communities: A Toolkit for Municipal By-laws

1.0 Purpose and Objectives of By-laws

The purpose of enacting Municipal Bear Wise by-laws is to provide for safer communities while minimizing the creation and destruction of problem bears. Negative human interaction with problem bears and the potential for destruction of property or threat to personal safety needs to be managed to the extent possible. Bear Wise by-laws are an important element in the overall efforts to reduce human – bear conflicts but need to be coupled with other prevention initiatives and importantly, education and awareness. Communities are encouraged to take a comprehensive holistic approach to reduce the risk of human-bear conflicts – in fact, the active participation of communities is key. The standards set and actions taken in each community will need to be monitored and adjusted as appropriate on an ongoing basis as the needs of each community vary largely and change with time.

By-laws can significantly contribute to the goals of municipalities willing to implement the Bear Wise management program. The variety of types of by-laws indicates that general and specific by-laws can address the intent, neglect, or irresponsible management of attractants for bears in particular and wild animals in general. By-laws can address feeding of wildlife, attractants, improper garbage storage, improper timing of placement of garbage, etc. An enforcement strategy and a commitment to take the appropriate action are necessary to ensure compliance with by-laws and ordinances.

2.0 Key Elements of By-laws

By-laws must be designed individually by each municipality. While this document includes sample phrases based upon municipal by-laws from other jurisdictions designed to reduce the availability of non-natural attractants to bears and the resulting safety and property damage risk posed by the presence of bears in search of food in the community, these sample by-law phrases are provided for information purposes only. The Ministry of Natural Resources does not guarantee the accuracy or completeness of the sample phrases, the effectiveness of the sample by-law phrases to achieve any particular purpose, or the legal authority for their enactment. The Ministry assumes no liability or obligation whatsoever for any consequences arising out of anyone's use of, or reliance on, the information provided in this Toolkit. The Ministry does not recommend any particular sample by-law. However, it is hoped that the information below will

provide some assistance as you consider what specific solution will address the needs and circumstances in your particular municipality. As with any legal instrument, individual municipalities must consult their own technical staff and legal advisors prior to relying on any of the information or sample by-law phrases provided in this Toolkit.

Programs in other jurisdictions and the experience of communities elsewhere suggest some methods to reduce the availability of bear attractants supported by by-laws are:

- Limiting the placement of garbage to the day of pickup e.g. 6AM to 7PM.
- Prohibiting garbage from being stored outside unless it is in bear resistant containers or stored in secure buildings.
- Eliminating curb side collection (no garbage left out on the street).
- Providing residents with access to use bear-proof dumpsters for 24/7 (less accumulation of stored garbage in residences and on streets).
- Requiring all containers to be bear-proof (no more open containers containing bear attractants).
- Requiring the use and proper maintenance of grease barrels (fewer bears attracted to restaurants / food services facilities).
- Outlining requirements for garbage management at special events.
- Prohibiting the feeding of undomesticated and unconfined wildlife on any communal property.
- Restricting the use of birdfeeders (prohibit use during bear season or require placement to be bear proof).
- Prohibiting the accumulation of fruit in residential yards (bears will not find fruit, fallen or ripe, at residences).

Emerging municipal wet waste and composting programs would also benefit from bylaws managing placement and pickup of attractants as illustrated above.

Programs in other jurisdictions and the experience of communities elsewhere also suggest that principles can be written into by-laws to provide clear context, for example:

“Whereas, Alpine County contains a substantial population of bears, some of which reside or wander in areas of human habitation; and

Whereas, human conduct making food or other attractants available to bears in Alpine County allows the bears to become both a nuisance and a hazard to humans and pets; and

Whereas, nuisance bears which become accustomed to interaction with humans must be destroyed; and

Whereas, the Board of Supervisors of Alpine County intends that wild animals shall not be needlessly destroyed and human safety shall be preserved.” (10)

The following Parts 3 and 4 of the Toolkit provide sample wording for some common elements that might be found in Municipal Bear Wise by-laws. As stated earlier, the

Ministry of Natural Resources does not guarantee the accuracy or completeness of the sample definitions, or the sample phrases that follow. As with any legal instrument, prior to relying on any of the sample wordings, individual municipalities must consult their own technical staff and legal advisors and consider what specific solution will address the needs and circumstances in their particular municipality.

Please consult Part 6 for the list of References from other jurisdictions.

3.0 By-law Definitions for Common Elements

Attractant: includes any substance that could be reasonably expected to attract wildlife or domesticated animals including but not limited to food products, refuse, pet food, feed, grain, or salt.

Bear: means a black bear (*Ursus americanus*).

Bear resistant container: a fully enclosed container with a [metal] lid which can be completely closed with a latching mechanism that prevents access by bears. Any container which is overfilled so as to prevent latching is not a bear resistant container.

Bear resistant enclosure: a structure with four enclosed sides, roof, doors, and a latching device, of sufficient design and strength to prevent access by bears.

Feed: to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing bears or other wildlife and does not include baiting during legal activities.

Garbage: includes any and all rubbish, trade waste, ashes, household waste, discarded matter, substances or objects, abandoned or discarded waste or vegetable or animal food, floor sweepings, crockery, glass or metal ware having contained food. Alternatively, any material that currently has no economic value to a local enterprise and those items which are designated by the Municipality as being acceptable for refuse collection.

Garbage collection day: the regular scheduled garbage pickup day established for each location in the [City, Municipality] and shall include the adjusted date where public holidays occur.

Grease barrel: any container used to store discarded cooking oil and/or grease.

Refuse: includes all substances and materials which are an attractant to bears.

Wildlife: includes any animal which is wild by nature and not normally domesticated in Ontario.

4.0 Sample By-law Phrases

4.1 Feeding of Black Bears:

Example 1: To prohibit feeding of bears

No person shall knowingly or willingly store, or in any manner provide access to food, to any bear. (12, 15)

Example 2: To prohibit feeding of bears and birds

No person shall knowingly leave or store any refuse, food product, birdseed, grain or salt in a manner which would constitute a lure, attraction or enticement of birds and bears. (16)

Example 3: To prohibit feeding but account for confined wildlife

No person shall feed, in any public park or on any other property owned or operated by {municipality name}, any wildlife, excluding confined wildlife (for example, confined in zoos, parks, or rehabilitation centres, or unconfined at education centres). (14)

Example 4: To prohibit feeding except where authorized

No person shall feed any wildlife within a park unless such feeding is expressly authorized by the Park Authority by a posted sign or in writing. (13)

Example 5: To prohibit feeding of black bears

No person shall feed, give, place, expose, deposit, distribute, or scatter any attractant with the intention of feeding, attracting, or enticing a black bear. (1)

4.2 Attracting Black Bears:

Example 1: To prohibit storage of attractants

No person shall place or store bear attractants out of doors (16)

No person shall accumulate, store, collect, deposit, distribute or scatter any attractant including but not limited to food wastes, discarded fruit, pet food, garbage, in such a manner as to promote an increase in bear activity. (7)

Example 2: Clauses addressing various attractants

- a) Feeding bears and depositing or storing any domestic garbage, pet food, food waste, or other edible refuse that could attract bears is prohibited.
- b) Bee hives shall be protected by an electric fence or otherwise be made inaccessible to bears.
- c) Outdoor fridges or freezers shall be inaccessible to bears.
- d) No meat by-products or waste shall be put in compost piles. (18)

- e) Birdseed in outdoor feeders is permitted only from October 31st to April 1st each year. The area below the bird feeder shall be kept free of accumulations of seed.
- f) Hummingbird feeders shall be suspended on a cable or other device so that they are inaccessible to bears.
- g) Pets shall be fed inside and pet food stored in a secure building.
- h) Barbeques that are stored outside shall be cleaned thoroughly after each use.
- i) Compost 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. (15)

Example 3: To address bee hives

The owner of bee hives must protect the hives by an electric fence or otherwise make them inaccessible to bears. (18)

Example 4: To minimize bear/human conflicts

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 not limited to, removal of attractants such as barbeques, pet food, and bird feeders. (2)

Subsequent to initial contact or conflict with a bear, no person shall continue to provide an attractant, or otherwise fail to secure or remove any likely attractants, including but not limited to refuse, barbeques, pet food, and bird feeders. (2)

4.3 Storage Of Garbage**Example 1: Storage**

Every person providing an outdoor container or receptacle used for depositing or storing food waste or other edible waste that could attract bears shall provide a bear resistant container. The owner of every commercial, industrial, institutional and tourist accommodation building and every multiple residential development with three or more dwelling units, shall provide a garbage storage site located inside a building or within a bear resistant enclosure. (14)

Example 2: Disposal

Any person disposing of domestic and commercial refuse shall place the waste in one of the following between collection days:

- 1) a building, house or garage that is inaccessible to bears (not in a carport, on a deck, patio, balcony, or in a yard)
- 2) a bear resistant container
- 3) a container that is placed in a bear resistant enclosure
- 4) deposited at an appropriate Municipal disposal site. (1)

Example 3: Grease barrels

The owner of a grease barrel shall empty it regularly, not allow it to overflow, and keep it in secure enclosures that prevent access to bears. (15)

Example 4: Maintenance

The owner of a bear 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. (14)

Example 5: To exempt special events

Garbage containers required for temporary special events, such as weekend tournaments, weddings, outdoor conventions, and Canada Day celebrations are exempt from the bear resistant container requirement if the containers are emptied before 10:00PM on the day of the event. (14)

Example 6: To include special events

Persons responsible for a special event shall collect refuse from the grounds of the event at the close of each day and deposit it in a bear resistant container, a bear resistant enclosure, or at a waste disposal site or in a building which is inaccessible to bears. (1)

4.4 Timing Of Placement Of Garbage**Example 1: Curb side placement**

No person shall place garbage before 6:00AM on garbage collection day. (8)

No person shall place any container containing bear attractants on any city street or boulevard prior to 6:00AM of the collection day. (7)

4.5 Enforcement

Municipalities must consult their own technical staff and legal advisors regarding the appropriate enforcement measures that comply with applicable laws.

5.0 Benefits of Enacting Bear Wise By-laws

Reducing human-bear conflicts is a necessary step towards maintaining a safe and healthy community and a sustainable environment. Where bears have become problematic and pose a potential threat to public safety, Bear Wise By-laws are intended to:

- Protect human health
- Protect human safety

- Reduce property damage
- Increase human-wildlife awareness
- Maintain biodiversity
- Increase animal welfare
- Increase community tourism
- Reduce community financial costs

While it is not possible to eliminate all risks, prevention in the form of by-laws may help to minimize these risks.

An increase in human-bear awareness can have a strong effect on overall community health. Awareness can be long-lasting and places a sense of ownership on responsibility for wildlife health in communities. The important place that bears have in our ecology can be preserved as fewer bears would be needlessly destroyed. The role of a community in conserving and maintaining a variety of life in all its forms is invaluable and reinforces a comfort level with wildlife in general. As a community becomes Bear Wise, the community progresses into a preventive mode of managing wildlife conflicts that is more effective in reducing human-bear conflicts. A community may choose to market their appeal as being Bear Wise. Increased tourism activity and economic gain could result from the effective implementation of Bear Wise by-laws as communities move to proactively manage human-bear conflicts and recognize the important place black bears have in our natural heritage.

6.0 References

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