

CHAPTER 7

BEAR CONFLICT MITIGATION AND PREVENTION

Section:

- 4-7-1: Purpose
- 4-7-2: Applicability
- 4-7-3: Definitions
- 4-7-4: Bear Conflict Prevention Standards
- 4-7-5: Enforcement
- 4-7-6: Penalties
- 4-7-7: Interference with Authorized Persons

4-7-1: PURPOSE

Problem bears are often the product of human carelessness. Human-bear conflicts can be reduced by changing human behavior, such as those behaviors related to garbage disposal and hanging of bird feeders. Proper food storage (specifically in the form of bear resistant food containers) is a proven tool for preventing human-bear conflict.

Many communities throughout North America have developed waste management strategies that reduce the availability of human garbage and attractants to bears and as a result, reduce the frequency of human-bear conflicts. Teton County desires to prevent and mitigate conflicts between humans and bears by establishing garbage and bear-attractant standards. These requirements are limited to areas within the County where human-bear conflicts have occurred as delineated on the map overlay entitled “Bear Conflict Map.”

4-7-2: BEAR CONFLICT ZONES

General These zones refer to those areas in Teton County where residential or commercial use and occupancy are in close proximity to known bear occupied habitat or regular travel corridors and or seasonal bear-use areas. These zones are delineated as “Bear Conflict Zones” on the map overlay entitled “Bear Conflict Map.”

Risk Level of Bear Conflicts Given the proximity of human settlement and development to bear-occupied habitat or travel corridors, there is a potential that bears will come into contact with garbage, livestock feeds, pet feeds, human foods, or other anthropogenic foods. As a result, conflicts tend to be concentrated in these areas more so than anywhere else in Teton County.

Applicable Standards Adherence to the standards in section 4-7-4 is required for mitigating and preventing bear conflicts.

4-7-3 DEFINITIONS

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, grain, or salt.

Bear-Resistant Building or Enclosure Bear-resistant buildings or enclosures are hereby defined as:

- a. A structure consisting of four (4) hard sides. These four sides may be constructed of hard wood, metal siding, or chain-link fencing no less than 6 feet in height or functional maintained electric fencing; and
- b. Containing a roof or cover or else the sides must be crowned with electrified fencing or else barbed-wire fencing angled outwards from the top of the four (4) hard sides; and
- c. Containing functional, maintained self-latching doors/gates or else doors and gates with locks.
- d. Examples of bear-resistant enclosures include, but are not limited to, garages, metal sheds, houses, and electrified fencing or any other building designed and constructed to prevent access by bears.

Certified Bear-Resistant Container or Dumpster Containers or dumpsters are considered to be “bear-resistant” if they are said to meet the “minimum structural design standards” published by the Interagency Grizzly Bear Committee (IGBC) in 1989 and any revisions to these standards thereafter. Certification is granted to containers and dumpsters that have successfully passed a testing program and protocols stipulated in the *Bear-Resistant Products Testing Program* (October, 2005) and all revisions thereafter. The lid must have a latching mechanism or other device of sufficient design and strength to prevent access of the contents by bears.

Garbage Any waste that could reasonably attract wildlife which includes, but shall not be limited to: food, food packaging, toothpaste, deodorant, cosmetics, spices, seasonings and grease. Other household waste that cannot reasonably be considered "garbage" or an “attractant” as defined in this chapter, including, but not limited to: non-edible yard maintenance waste, household items, recyclables cleaned of food particles, and cardboard, shall not require the use of wildlife resistant or wildlife proof containers when not commingled with refuse or any other attractant.

Map Overlay The conflict zones defined in this section are delineated in the Teton County map overlay entitled “Bear Conflict Map.” This map was developed with advice from the Idaho Department of Fish and Game and serves as an addendum to this Chapter and demarcates where the standards outlined in section 4-7-4 below must be applied.

4-7-4 BEAR CONFLICT PREVENTION STANDARDS

Bear Conflict Zones All residential, commercial and public property, including curbs, roads, streets, right of ways, highways, etc. where garbage is placed for pick up, stored or kept that is located in the Bear Conflict Zones, must comply with the following standards.

A. Garbage.

a. It is unlawful to accumulate or store garbage or attractants within the Bear Conflict Zones in any manner that allows bears access.

b. All commercial property shall be required to use certified bear-resistant garbage containers/dumpsters that have passed the *Bear-Resistant Products Testing Program* (October, 2005) or else use a bear-resistant building or enclosure as defined in section 4-7-3 in which garbage containers are to be stored inside this enclosure at all times.

c. All commercial property doing business as a food/drink preparation and service facility shall be required to store grease bins, and stored foods inside a bear-resistant building or enclosure as defined in section 4-7-3.

d. All residential property shall be required to use International Grizzly Bear Committee (IGBC) certified bear-resistant garbage containers or containers that have passed the *Bear-Resistant Products Testing Program* (October, 2005).

e. All condominium and similar multi-unit associations shall be required to:

- (1) Use certified bear-resistant containers for each unit or contain garbage in a bear resistant building or enclosure as defined in section 4-7-3; or
- (2) Use certified bear-resistant dumpsters for association or contain garbage in a bear resistant building or enclosure as defined in section 4-7-3; and
- (3) Employ a procedure and / or service agreement with waste management provider for proper maintenance, repair and replacement of bear-resistant containers to ensure their continued functionality and certification.

f. Residential property may, as an alternative to the above, place non-bear resistant garbage containers containing bear attractants at the curb, alley, or public right-of-way only after 8:00 am on the morning of waste pickup. After waste pickup, the non-bear resistant garbage container that previously held bear attractants must be re-secured and stored inside an enclosed building or inside a bear resistant enclosure by 6:00 pm on the day of waste pickup.

B. Bird Feeders and Feeding Wildlife In the Bear Conflict Zones: Birdfeeders shall be hung at least ten (10) feet from the ground, deck, railing or surface and four (4) feet from any structure, tree or limb and should have a catch pan attached directly underneath the feeder that is 2" larger in diameter than the widest diameter of the feeder itself.

4-7-5 ENFORCEMENT

- A. **Administrator:** The Teton County Building Official, his designated code enforcement officer, or any peace officer shall be responsible for the administration and enforcement of the provisions of this ordinance.
- B. When a **violation** of this ordinance is discovered within unincorporated Teton County:
 - i. A written notice of the existence of the violation shall be served upon the owner, and the occupant or person in charge of the premises or property, if known. The written notice may be personally served or sent by mail. If written notice cannot be served personally or by mail, the notice shall be posted by being affixed to the building, garbage container or other place on the premises or property so conspicuous that any person occupying, possessing, or using the premises or property would be reasonably expected to see it.
 - ii. The written notice referred to above shall advise that the violation must be corrected within 7 calendar days; that either civil or criminal proceedings may be initiated if the violation is not corrected, and that costs may be assessed.

4-7-6: PENALTIES:

- A. **Penalty:** Any person found in violation of this provision shall be guilty of an infraction and shall be punished as provided in Idaho Code 18-113A as it may from time to time be amended.
- B. **Continuing Violation:** After the seventh (7th) day since the notice referenced in Section 4-7-5(B) of this ordinance was served, a separate offense shall accrue for each subsequent day that the violation exists.
- C. **Costs of Abatement:** In addition to the above penalties, should the County remedy a violation of this chapter on lands or premises not in compliance, such work shall be billed to and paid by the property owner involved. The Court shall permit payment to the County of the above cost as restitution. Such costs may also be assessed to the property owner as taxes.

4-7-7: INTERFERENCE WITH AUTHORIZED PERSON:

- A. **Interference Prohibited:** It shall be unlawful, and shall be a misdemeanor, to interfere with the Sheriff, code enforcement officer or any local, State or Federal officer in the performance of duties connected with enforcement of this ordinance. Such interference shall include, but not be limited to, removal of notices posted on the property pursuant to this ordinance or impediment or harassment of the authorized person in the performance of their duties under this ordinance.

- B. **Violation; Penalty:** A violation of this Section shall be punishable as a misdemeanor as provided in Idaho Code Section 18-113 as it may from time to time be amended.

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