

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

IN THE MATTER OF)
AN ORDINANCE ESTABLISHING) ORDINANCE NO. 756
PROCEDURES TO ALLEVIATE)
BLACK BEAR PROBLEMS IN)
SIERRA COUNTY)

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA DOES ORDAIN as follows:

Ordinance Section One: A new Chapter 8.40 of the Sierra County Code is hereby added as follows:

CHAPTER 8.40

BLACK BEAR MANAGEMENT AND SAFETY

Sections:

- 8.40.010 Name
- 8.40.020 Purpose
- 8.40.030 Definitions
- 8.40.040 Feeding Prohibited
- 8.40.050 Collection Bins
- 8.40.060 Owner to Maintain Premises
- 8.40.070 Bear-Proof Containers
- 8.40.080 Loitering; Transfer Stations
- 8.40.090 Harassment; Luring
- 8.40.100 Shooting Prohibited
- 8.40.110 Depredation Permit
- 8.40.120 Protection
- 8.40.130 Violation
- 8.40.140 Severability

8.40.010 Name

This chapter shall be known as the Sierra County Black Bear Management and Safety Ordinance.

8.40.020 Purpose

Black bear are posing a risk to property and potentially to health and safety of the residents and visitors of Sierra County. It is the purpose of this Chapter to control and reduce those factors which cause dangerous inducements for black bear to forage in and around the populated unincorporated residential areas of the County. Further, it is intended to reduce risk to residents from potential use of firearms in connection with bear encounters. It is not the purpose of this Chapter to interfere with those matters under the exclusive jurisdiction of the California Department of Fish and Game.

8.40.030 Definitions

- a) "Bear-Proof" means a container or structure which is reasonably secure against access or opening by an adult black bear. Containers shall be fitted with an overlapping tight-fitting cover. Specifically excluded from the definition of "Bear-Proof" are plastic garbage cans, plastic or paper bags, metal garbage cans made of metal less than 1/16" thick (55 gallon oil drum thickness), metal garbage cans without chained lids (or other Bear-Proof locking lids), sheds, garages or outbuildings without substantial locking doors and windows that would prevent entry by an adult bear.
- b) "Collection bins" means those metal receptacles placed at the Transfer Sites or at other locations within the County by County or commercial solid waste haulers.
- c) "Garbage" means all putrescible wastes, except sewage and body wastes, including food wastes resulting from the handling, preparation and consumption of food, and includes all such substances from all public and private establishments and residences.
- d) "Harass" means to do any act in the immediate vicinity of a bear which would reasonably tend to annoy, agitate or anger such bear. Not included within the meaning of "harass" are those actions intended or reasonably calculated to frighten bears away, including banging on metal objects or similar activity.
- e) "Loyalton Landfill" means the Sierra County solid waste disposal site located approximately two (2) miles East of Loyalton on "Garbage Pit Road", County Road #861, (sometimes referred to as "the Loyalton Landfill").
- f) Solid Waste Transfer Site(s) ("Transfer Site(s)") means the disposal sites within the County identified and located as follows:
 - 1. Alleghany Transfer Site, located approximately three (3) miles West of Alleghany on the "Dump Road", County Road #308
 - 2. Ramshorn Transfer Site, located approximately two (2) miles West of Goodyears Bar on the "Ramshorn Road", County Road #463.
 - 3. Sierra City Transfer Site, located approximately one (1) mile West of Sierra City on the "Columbo Mine Road", County Road #528.
 - 4. Sattley Transfer Site, located approximately four

(4) miles North of Sattley on "Westside Road",
County Road #S640.

8.40.040 Feeding Prohibited

It is unlawful to feed or bait bears by giving or attempting to give any substances to bears within the unincorporated areas of the County of Sierra.

8.40.050 Collection Bins

It is unlawful to leave any food substance or other substance that would reasonably be expected to attract bears (including, but not limited to, garbage) at or near any collection bin within the unincorporated areas of the County of Sierra unless such substance is placed into a Bear-Proof collection bin.

8.40.060 Owner to Maintain Premises

Within the boundaries of Sierra County Service Area 2, the owner or person exercising physical control of any private property shall at all times maintain the premises free of garbage provided, however, that this provision shall not prohibit the storage of garbage in private Bear-Proof containers for collection, or inside Bear-Proof structures.

8.40.070 Bear-Proof Containers

Within the boundaries of Sierra County Service Area 2, it is unlawful to place, leave, or allow to be left outside any bear-proof structure any food substance or other substance which would reasonably be expected to attract bears, including but not limited to garbage, unless such substance is placed in a sealed, Bear-Proof Container. Further, it shall be the duty of every person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, trailer camp, hospital, hotel, school, club, restaurant, boardinghouse or eating place, or in possession, charge or control of any shop, place of business, or manufacturing establishment where garbage is created or accumulated, at all times to keep or cause such garbage to be kept in Bear-Proof containers or Bear-Proof structures. Each Bear-Proof container or structure shall be kept clean inside and out, so that no odor or nuisance shall exist. Covers shall not be removed except when necessary to place garbage in a Bear-Proof container or to take the same therefrom. The Bear-Proof container or structure shall not be overloaded to the extent whereby covers cannot be securely replaced, or the structure securely closed.

8.40.080 Loitering; Transfer Stations

It is unlawful to loiter at any Transfer Site or the Landfill. For the purpose of this Chapter, "loiter" means remaining at any Transfer Site within the County for a longer period of time than is

reasonably necessary to drive into position, dump, or off-load solid waste materials into the Transfer Site storage bins, and drive off. This provision does not apply to persons present at the Transfer Sites or Landfill with specific authorization of the Sierra County Department of Public Works or the Sierra County Sheriff.

8.40.090 Harassment; Luring

It is unlawful to Harass bears within the County of Sierra, or to lure them into or onto any private or public property without a license duly issued by the California Department of Fish and Game.

8.40.100 Shooting Prohibited

It is unlawful for any person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, to discharge any firearm or other deadly weapon within 150 yards of any dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith without a permit issued by the Sierra County Sheriff's Department. Such permit shall be required, irrespective of whether or not a depredation permit has been issued by the California Department of Fish and Game, or by any other agency. The 150-yard area is a "safety zone."

8.40.110 Depredation Permit

In the event a depredation permit is issued by the California Department of Fish and Game for use anywhere within the unincorporated areas of the County of Sierra, the person or entity to whom such permit is issued, or such person's agent, may not discharge any firearm or other projectile device pursuant to such permit without a permit duly issued by the Sierra County Sheriff's Department. If such Sheriff's permit be issued, the holder thereof may discharge a firearm or other projectile device within the "zone of safety" as defined in 8.40.100 above in exercise of such depredation permit.

8.40.120 Protection

No provision of this Chapter shall be construed to prohibit any person from the emergency utilization of a firearm or other projectile propelling device in self-defense from attack by a predator where there is reasonable ground to believe that the predator will cause immediate serious bodily injury to a person or the predator is in the act of injuring a domestic animal or livestock.

8.40.130 Violation

Except for violation of Section 8.40.110, any violation of this

Chapter may be charged as an infraction or as a misdemeanor. As a misdemeanor, the sentence may include a fine up to \$500 and up to six (6) months in jail. A person who violates the provisions of this Chapter shall be deemed to be guilty of a separate offense for each day, or portion thereof, during which the violation continues. Further, any violation of this Chapter constitutes a public nuisance and is subject to abatement in any manner authorized by law. Violation of Section 8.40.110 is a misdemeanor.

8.40.140 Severability

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are hereby declared to be severable.

PASSED and ADOPTED this 6th day of March, 1990 by the Board of Supervisors of the County of Sierra, State of California, by the following vote of said Board:

AYES: Supervisors McIntosh, Lewis, McCaffrey, and Bowling
NOES: None
ABSTAIN: Supervisor McHenry
ABSENT: None




JEROME MCCAFFREY, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:



SANDRA LOVING
CLERK OF THE BOARD

APPROVED AS TO FORM:


WILLIAM W. PANGMAN
COUNTY COUNSEL

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