

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

AUDIBLE BIRD SCARE DEVICES FARM

BYLAW 2013 NO. 5005

EXPLANATORY NOTE

Bylaw 2013 No. 5005 is a farm bylaw adopted pursuant to Sections 917 and 918 of the *Local Government Act*, RSBC 1996, c 323 to regulate the use of Audible Bird Scare Devices in the Township of Langley.

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AUDIBLE BIRD SCARE DEVICES FARM BYLAW

2013 NO. 5005

WHEREAS Sections 917 and 918 of the *Local Government Act*, RSBC 1996, c 323 authorize the Corporation of the Township of Langley to make farm bylaws in relation to farm areas with the approval of the Minister of Agriculture;

AND WHEREAS Council considers that regulation is desirable to ensure Audible Bird Scare Devices are used in a socially responsible manner;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as "Audible Bird Scare Devices Farm Bylaw 2013 No. 5005".

Severability

2. If any part, section, sub-section, clause or sub-clause 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 the validity of the remaining provisions of this Bylaw shall not be affected.

Definitions

3. In this Bylaw, unless the context otherwise requires:

"Activation" means multiple shots from a Bird Scare Device if they occur in less than a 30-second period.

"Agricultural Land Reserve" means agricultural land designated as an agricultural land reserve under the *Agricultural Land Commission Act*, SBC 2002, c 36 and includes an agricultural land reserve under a former Act;

"Bird Control Manager" means the person responsible for:

- a) implementing the Bird Predation Management Plan and the terms it establishes for the use of Bird Scare Devices;
- b) making regular visits to the Sites to ensure that Bird Scare Devices are functioning properly;
- c) monitoring the operation and use of Bird Scare Devices in the context of bird pressures;
- d) adjusting Bird Scare Device usage in relation to bird pressure with a view to minimizing both Bird Scare Device use and bird habituation;

- e) responding quickly and proactively to misfirings of Bird Scare Devices and making adjustments to the firing frequencies of Bird Scare Devices based on variations in bird pressures and issues of bird habituation to Bird Scare Devices; and
- f) recording bird pressure and the operation of Bird Scare Devices on a regular basis.

“Bird Predation Management Plan” means an integrated pest management program designed to use normal farm practices in a socially responsible manner prepared in accordance with Section 8 of this Bylaw.

“Bird Scare Device” means a Category ‘A’ Bird Scare Device or a Category ‘B’ Bird Scare Device.

“Category ‘A’ Bird Scare Device” means a stationary device that creates an impulse sound from impacts or explosions and can include, but is not limited to, propane fueled exploders or cannons. Neither firearms nor shell launchers (e.g. orchard pistols) are Category ‘A’ Bird Scare Devices.

“Category ‘B’ Bird Scare Device” means a stationary device which is not a Category ‘A’ Bird Scare Device and which generates sounds to scare or disturb birds and can include, but is not limited to, a device that broadcasts birdcalls or other sounds through loudspeakers. Neither firearms nor shell launchers (e.g. orchard pistols) are Category ‘B’ Bird Scare Devices.

“Dwelling Unit” has the meaning ascribed to it in the Township Zoning Bylaw 2500, as amended from time to time.

“Farmed Area” means the total land area of a farm that is actively involved in the production of food and fibre, but excludes areas that are not used for crops or livestock.

“Horse Farm” means an individual lot or business in the Agricultural Land Reserve used for keeping, breeding, boarding, riding, or training of horses.

“Horse Trail” means a trail designated for horse riding that is maintained by a local government.

“Local Contact Person” means an individual who lives within earshot of one or more Bird Scare Devices and is responsible for:

- a) ensuring that the Bird Scare Device(s) are not operated outside of the hours permitted by this Bylaw; and
- b) responding promptly should out-of-hours operation occur.

“Site” means a farm operation located on a lot or contiguous lots upon which one or more Bird Scare Devices is used.

“Township” means the Corporation of the Township of Langley.

Conditions for Use of Bird Scare Devices

4. The use of a Bird Scare Device is not permitted unless:
 - a) it is registered annually with the Township. A Bird Predation Management Plan is required for registration;
 - b) it is used with non-audible bird control techniques identified in the Bird Predation Management Plan;
 - c) it is operated only when it is strictly necessary and only between 6:30 a.m. and 8:00 p.m., or from sunrise to sunset, whichever is of lesser duration;
 - d) it is the only Bird Scare Device operated at any one time within the surrounding two hectares of Farmed Area; and
 - e) it is relocated every 4 days.
5. In addition to Section 4, a Category 'A' Bird Scare Device is not permitted unless:
 - a) it has a maximum firing frequency of one firing per 5 minutes for a single shot device and a maximum of 11 Activations or 33 shots in any hour for a multiple-shot device;
 - b) it is located a minimum of 200 metres from all adjacent Dwelling Units. Where written permission from the owner of an adjacent Dwelling Unit is obtained, the separation distance can be reduced or waived;
 - c) if it is located within 200 metres of a Horse Farm, the owner of the Category 'A' Bird Scare Device notifies the owner of the Horse Farm in writing at least 24 hours prior to the first firing of the season;
 - d) it is located a minimum of 100 metres from all Horse Trails;
 - e) it is pointed away from adjacent Dwelling Units, Horse Farms and Horse Trails, where possible;
 - f) it is not operated between noon and 3:00 p.m.; and
 - g) a sign is affixed on or adjacent to the main street entrance of the Site operating the Category 'A' Bird Scare Device which indicates the registration number, street address and contact information for the Township Bylaw Enforcement and the British Columbia Blueberry Council to report violators.
6. In addition to Section 4, a Category 'B' Bird Scare Device is not permitted unless it is located a minimum of 100 metres from all adjacent Dwelling Units. Where written permission from the owner of an adjacent Dwelling Unit is obtained, the separation distance can be reduced or waived.

7. In addition to Section 4, shell launchers or orchard pistols must not be used within 200 metres of all adjacent Dwelling Units. Where written permission from the owner of an adjacent Dwelling Unit is obtained, the separation distance can be reduced or waived. Shell launchers must not be pointed in the direction of adjacent Dwelling Units. Notwithstanding the above, bear bangers are not permitted for use as Bird Scare Devices.

Bird Predation Management Plan

8. A Bird Predation Management Plan shall be updated annually and shall include:
 - a) a description of the Site, including:
 - i) the name of the Site and location (street address) where the Bird Scare Device is used;
 - ii) the full name of the Bird Control Manager and contact phone number; and
 - iii) the full name of the Local Contact Person and contact phone number;
 - b) a description of Site size, including total acreage and acreage by harvest season (if applicable);
 - c) a description of the bird species for which the Bird Scare Device is used (and an estimate of crop/feed loss by bird species, if appropriate) based on observations from past years;
 - d) an outline of the use of bird control techniques with a focus to maximize their effectiveness and minimize disruption to neighbours. Such techniques include, but are not limited to:
 - i) netting,
 - ii) falconry,
 - iii) Bird Scare Devices (such as propane cannons, cracker or whistler shells and electronic sound makers),
 - iv) visual devices (such as hawk-kites, scarecrows, reflective tapes and lasers), and
 - v) bird trapping;
 - e) records of bird pressure and propane cannon use within the overall Bird Predation Management Plan. These records should be made on a regular basis and should evaluate bird pressure in conjunction with effectiveness of bird control techniques based on the time of the day, the time of growing season, the location of propane cannon(s) on the Site, bird habituation to the Bird Scare Devices and other factors that the farmer deems appropriate;

- f) a section addressing potential changes to the Bird Predation Management Plan for the following year based on the evaluation; and
- g) a diagram of the field map that shows buildings, neighbouring houses, blocks of early, mid and late season crops, bird perching sites, and location of the Bird Scare Devices at the start of the season, indicating separation distances between Bird Scare Devices and all neighbouring Dwelling Units.

Bylaw Contraventions and Enforcement

- 9. Township Bylaw Enforcement Officers are hereby authorized to disable a Bird Scare Device used in contravention of this Bylaw and to enter a Site, with reasonable notice to the Site owner, for that purpose.

Penalty (Bylaw Notice Enforcement Bylaw)

- 10. Any person who contravenes or violates any provision of this Bylaw, or who causes, 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 under this Bylaw and shall be liable to the progressive fine outlined in Schedule “A” of the Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703, as amended.

READ A FIRST TIME the	27	day of	May	, 2013.
READ A SECOND TIME the	27	day of	May	, 2013.
READ A THIRD TIME the	27	day of	May	, 2013.
RECEIVED THE APPROVAL OF THE MINISTRY OF AGRICULTURE the	18	day of	June	, 2013.
RECONSIDERED AND ADOPTED the	24	day of	June	, 2013.

“JACK FROESE”

Mayor

“SUSAN PALMER”

Deputy Township Clerk