



**City Council of Fort Walton Beach**  
**ENGINEERING & UTILITY SERVICES**  
**MEMORANDUM**

**To:** Michael D. Beedie, City Manager  
**From:** Tim Bolduc, Engineering and Utilities Services Director  
**Date:** June 28, 2016  
**Subject:** 1947 Ordinance for Bear Management

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**1. BACKGROUND:**

- 1.1. According to the Florida Fish and Wildlife Conservation Commission (FWC), “urban bears” are becoming more prevalent in many areas of Florida as the edge of occupied bear ranges moves from rural areas into suburban or even urban locations.
- 1.2. According to the FWC, eliminating food sources that attract bears is the most important action that can be taken to resolve and prevent conflicts with bears in Florida.
- 1.3. According to population and household data estimated from 2010 census block groups; there are 71,704 households in Okaloosa County within bear nuisance call density areas.
- 1.4. Bear-related calls received by the FWC have increased 400% over the last decade. Further, the majority of statewide calls are related to bears entering neighborhoods to access garbage and other human-provided foods.

**2. DISCUSSION:**

- 2.1. In 2014, Okaloosa County attributed for 5% of all bear-related calls received by the FWC.
- 2.2. Between the years of 2010 and 2014, there were 1,458 bear-related calls in and around the City limits of Fort Walton Beach, 30 of the bear-related calls occurred within the City limits.
- 2.3. The City has been proactive in addressing this issue. To date, approximately one dozen commercial solid waste containers have been retrofitted with a bear-resistant retrofit kit. Additionally, the FWC has retrofitted a limited number of residential solid waste containers in the City.
- 2.4. Bear-resistant containers or retrofit kits will be provided by the City to existing solid waste customers. Customers shall ensure that solid waste containers are secured until the designated time that they are placed at curbside for pickup. Customers shall secure their container after the container has been emptied on designated collection days.
- 2.5. If areas of the City continue to face reoccurring bear conflicts and customers are not securing their containers, the properties may be subject to Code Enforcement action.

**3. FINANCIAL INFORMATION:**

3.1. Staff recommends supplying bear-resistant retrofit kits to existing customers in areas known for bear activity. Currently, the FWC has money allocated to assist communities with bear conflicts, and the adoption of an ordinance would qualify the City for grant funding.

3.1.1. Staff will work with FWC to offset the costs of the bear-resistant retrofit kits.

**4. RECOMMENDATION:**

4.1. Staff respectfully recommends City Council adoption of Ordinance 1947 to adopt new regulations addressing solid waste collection and other wildlife management techniques intended to reduce human-bear conflicts.

**ATTACHMENTS:**

- 16.05.25 Okaloosa County Coast Human-Bear Interactions (PDF)
- 16.05.25 Project Ideas to Reduce Bear Conflicts (PDF)
- 16.05.25 FWC Bear Conflict Reduction through Waste Management Initiatives (PDF)
- 15.06.24 FWC Resolution (PDF)

**SIGNATURE BLOCK:**

Tim Bolduc	Completed	06/20/2016 8:02 PM
Finance	Completed	06/21/2016 4:57 AM
City Attorney	Completed	06/22/2016 1:41 PM
City Clerk	Completed	06/22/2016 1:52 PM
City Manager	Completed	06/23/2016 2:14 PM
City Council	Completed	06/28/2016 6:00 PM

## **ORDINANCE 1947**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING CHAPTER 10, PUBLIC WORKS AND UTILITIES, OF THE CODE OF ORDINANCES TO INCLUDE NEW REGULATIONS ADDRESSING SOLID WASTE COLLECTION AND OTHER WILDLIFE MANAGEMENT TECHNIQUES INTENDED TO REDUCE HUMAN-BEAR CONFLICTS; PROVIDING DEFINITIONS; CREATING STANDARDS FOR BEAR RESISTANT SOLID WASTE CONTAINERS; CREATING OTHER MISCELLANEOUS PROVISIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:**

**WHEREAS**, City Council finds that Article IV, Section 9, of the Florida Constitution allows the Florida Fish and Wildlife Conservation Commission (FWC) to regulate the management, protection, and conservation of wild animals and freshwater and marine aquatic life in the State of Florida; and

**WHEREAS**, black bears have recovered from population declines and are a conservation success story for Florida and FWC; and

**WHEREAS**, black bears are attracted to unsecured refuse at residences and businesses found in bear range areas; and

**WHEREAS**, the majority of human-bear conflicts within urban areas are associated with unsecured refuse, and some of those conflicts have resulted in injury to humans; and

**WHEREAS**, there are 71,704 households in Okaloosa County within Bear Call Density according to population and household data estimated from 2010 census block groups; and

**WHEREAS**, data shows that between 2010 and 2014, there were 1,458 bear-related calls, including 30 bear-related calls inside the City limits; and

**WHEREAS**, Florida Administrative Code 68A-4.001(3) prohibits people from feeding bears or allowing bears to access human-provided foods when those actions are likely to result in a public nuisance; and

**WHEREAS**, the City of Fort Walton Beach finds that the incidents of bears entering populated areas of the City of Fort Walton Beach to forage for food in refuse containers, and from other sources, is increasing and has reached a level that poses a threat to the health, safety, and welfare of the citizens and visitors to the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA:**

### **Section 1. RECITALS**

The Recitals set forth above are incorporated as part of this Ordinance.

### **Section 2. ENACTMENT AUTHORITY**

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

**Section 3. AMENDMENT OF CHAPTER 10, PUBLIC WORKS AND UTILITIES**

**Section 10.80.01, Definitions**, is hereby amended as follows:

**Bear-resistant solid waste container:** A solid waste container with a reinforced lid and a latching mechanism, or other City-approved method, that prevents access to the contents by bears.

**Bear-resistant retrofit kit:** A City-approved latching mechanism that can be incorporated onto existing solid waste containers.

**Section 10.80.03, Solid Waste Container Services**, is hereby amended as follows:

**10.80.037 Bear-Resistant Containers:**

(1) Users shall have the option of using a City-approved, bear-resistant solid waste container, if available. Users shall also have the option of using a City-approved bear-resistant retrofit kit to upgrade existing non bear-resistant containers. Bear-resistant containers shall be secured until the container is permitted to be placed curbside for collection. Once the container is emptied, users shall secure bear-resistant container until the next scheduled collection day.

(2) Non bear-resistant containers containing household garbage shall be secured from bear intrusion until the container is permitted to be placed curbside for collection.

(3) For areas of the City that have reoccurring bear related conflicts, users may be required to obtain bear-resistant containers and ensure that they are properly secured at all times until the container is permitted to be placed curbside for collection. Properties with reoccurring bear related conflicts may be subject to Code Enforcement action.

**Section 4. SEVERABILITY**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon approval upon second reading by City Council and the signature of the Mayor, and shall be filed with the Okaloosa County Clerk of Court.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mike Anderson, Mayor

Attest:

Approved for form, legal sufficiency

\_\_\_\_\_  
Kim M. Barnes, City Clerk

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Hayward Dykes, Jr., City Attorney

Additions are underlined; deletions are stricken.