



COLUMBIA FALLS MONTANA

Item No.5.

City Council Agenda Item Summary

Title: Emergency Bear Ordinance

Date: 9/18/2026

Staff Contact: City Manager

AGENDA ITEM SUMMARY

Staff recommends approval of Ordinance No. 846 - Emergency Bear Ordinance, adopting temporary city-wide measures to reduce wildlife attractants and human-bear conflicts for a period not exceeding ninety (90) days pursuant to MCA 7-5-104.

BACKGROUND

Throughout the summer and early fall of 2026, Columbia Falls has experienced increased bear activity throughout residential neighborhoods, parks, public facilities, commercial areas, and river corridor neighborhoods. Montana Fish, Wildlife & Parks (FWP) and the Columbia Falls Police Department have reported numerous incidents involving bears accessing garbage, pet food, fruit trees, bird feeders, and other attractants.

FWP has consistently identified unsecured garbage and other food attractants as the primary cause of human-bear conflicts. These conflicts pose risks to residents, visitors, pets, property, and wildlife. Once bears become conditioned to human food sources, conflicts typically increase and often result in the relocation or destruction of the bear.

Several factors have contributed to increased concerns this year. FWP Wildlife Specialists have noted that years with reduced natural food availability, including lower berry production, often lead to increased bear movement into developed areas in search of alternative food sources. As natural forage declines, bears are more likely to seek easily accessible calories in garbage containers, fruit trees, pet food, bird feeders, chicken coops, and other attractants located within City limits.

In September 2022, the City adopted a similar Emergency Ordinance due to increased bear activity within the City.

ANALYSIS

The ordinance is intended to reduce human-bear conflicts through community education and attractant management. The ordinance focuses on practical measures that have been recommended by Montana Fish, Wildlife & Parks and implemented in neighboring Montana communities. These measures include:

- Restricting the placement of garbage containers on collection day.
- Requiring outdoor garbage and attractants to be secured.

- Encouraging bear-resistant containers and enclosures.
- Limiting outdoor pet food and other attractants.
- Supporting broader community education efforts.
- The ordinance also recognizes existing Montana law regarding the intentional attraction of bears through supplemental feeding.

The intent of this ordinance is **public compliance and education, not aggressive enforcement**. The City understands that most residents want to help reduce bear conflicts and simply need clear information and practical guidance regarding attractant management. For this reason, the ordinance includes a fourteen-day education and warning period during which staff will prioritize outreach, education, and voluntary compliance.

During this period, enforcement personnel are directed to provide warning notices and educational materials whenever practical. Citations may still be issued when immediate threats to public safety exist, when conflicts have already occurred, or when violations continue after notice has been provided.

The City has limited enforcement resources and does not intend to conduct widespread proactive enforcement across all neighborhoods. Instead, City efforts will focus on:

- Public education.
- Responding to complaints and bear reports.
- Addressing repeat violations.
- Prioritize neighborhoods along transit corridors closer to the Flathead River.

When enforcement becomes necessary, priority will generally be given to the most egregious situations and known conflict locations, particularly areas along the Flathead River corridor and other neighborhoods that have historically experienced recurring bear activity.

The goal is not to penalize residents but to prevent avoidable conflicts before they occur.

The ordinance also recognizes that residents have access to the Flathead County public solid waste container site located in Columbia Falls. This facility provides a free disposal option that can help reduce the accumulation and storage of garbage and other bear attractants at residences. The availability of this facility provides residents with an additional compliance option, particularly during periods of increased bear activity.

LONG-TERM WAY AHEAD

This emergency ordinance is appropriate to address immediate public safety concerns. The staff will schedule additional Council and Planning Commission discussions for permanent City Code solutions similar to best practices from neighboring Montana communities and FWP recommendations. A permanent ordinance would:

- Provide predictable and consistent standards.
- Reduce the need for future emergency actions.
- Improve public education efforts.
- Support Bear Smart community goals.
- Provide long-term tools for reducing human-bear conflicts.

FINANCIAL CONSIDERATIONS

Minimal costs for the emergency ordinance.

STAFF RECOMMENDATION

Staff recommends that the City Council adopts Ordinance No. 846.

SUGGESTED MOTION

I move to adopt Ordinance No. 846, establishing temporary emergency measures to manage bear attractants and protect public and animal safety.

ORDINANCE NO. 846**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, PURSUANT TO MCA 7-5-104, ESTABLISHING TEMPORARY CITY-WIDE MEASURES TO REDUCE BEAR ATTRACTANTS, PREVENT HUMAN-WILDLIFE CONFLICTS, AND PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE**

WHEREAS, the Montana Department of Fish, Wildlife and Parks ("FWP") and the Columbia Falls Police Department have reported significant bear activity within the City of Columbia Falls, including bears being attracted to garbage, food waste, pet food, fruit trees, bird feeders, and other attractants; and

WHEREAS, FWP has identified unsecured attractants as a primary cause of human-bear conflicts, property damage, threats to public safety, and bear mortality; and

WHEREAS, MCA 87-6-216 prohibits purposely or knowingly attracting bears with supplemental feed attractants and, after a previous warning, negligently failing to properly store supplemental feed attractants and allowing bears access to those attractants; and

WHEREAS, the City Council finds that repeated bear occurrences throughout residential neighborhoods, parks, commercial districts, and public facilities present an immediate threat to public health, safety, and welfare and increase the likelihood of injury to residents, visitors, and wildlife; and

WHEREAS, trash management and attractant reduction have been identified as important means of reducing bear conflicts; and

WHEREAS, Flathead County provides a free public solid waste container site within Columbia Falls that offers residents a readily available alternative for the disposal of household garbage, reducing the need for prolonged outdoor storage of refuse and supporting efforts to minimize bear attractants within the community; and

WHEREAS, MCA 7-5-104 authorizes the City Council to adopt an emergency ordinance by a two-thirds vote of the entire governing body, effective immediately upon passage, for a period not exceeding ninety (90) days; and

WHEREAS, after consultation with Wildlife Conflict Management Specialists from FWP, the City Council has determined that immediate City-wide action is necessary to reduce bear attractants and conflicts until permanent City Code amendments can be considered.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this Ordinance is to reduce human-wildlife conflicts by minimizing bear access to attractants, protecting public health and safety, protecting wildlife, and promoting community-wide participation in bear-aware practices.

SECTION 2. DEFINITIONS

A. Attractant. "Attractant" means any substance, material, or item that may attract bears, including but not limited to garbage; food waste; recycling containing food residue; pet food;

livestock feed; bird seed; fruit and fruit residue; compost; grease and cooking byproducts; coolers and food-storage containers; outdoor cooking equipment; and any other material emitting food-related odors.

B. Bear-Resistant Container. "Bear-resistant container" means a container specifically designed and constructed to prevent access by bears and capable of preventing a bear from obtaining its contents.

C. Secured Structure or Enclosure. "Secured structure or enclosure" means a building, garage, shed, enclosure, or other structure designed and maintained to prevent access by bears.

D. Commercial Refuse Container. "Commercial refuse container" means any dumpster, roll-off, compacting container, refuse enclosure, or similar waste-storage system used for commercial, multifamily, institutional, or industrial purposes.

SECTION 3. MANDATORY ATTRACTANT MANAGEMENT REQUIREMENTS

The following requirements apply to all persons, businesses, property owners, and occupants within the City limits:

A. Collection-Day Placement. Solid waste containers shall not be placed within a public street, alley, sidewalk, easement, or right-of-way earlier than 4:00 a.m. on the day of scheduled collection.

B. Outdoor Storage. All garbage, recycling containing food residue, food waste, and other attractants stored outdoors shall be maintained in a bear-resistant container, within a secured structure, or within a secured enclosure.

C. Commercial Refuse Containers. Commercial refuse containers shall remain closed and secured except during active loading, unloading, or collection.

D. Feeding Bears. No person shall purposely or knowingly attract bears with supplemental feed attractants or intentionally place food or other attractants in a manner likely to attract bears. Nothing in this subsection supersedes or limits MCA 87-6-216, including its exemptions and enforcement provisions.

E. Pet Food and Animal Feed. No person shall leave pet food or animal feed outdoors overnight unless it is stored within a secured structure, bear-resistant container, or secured enclosure inaccessible to bears.

F. Waste Accumulation. Garbage, recycling containing food residue, food waste, or other attractants shall not be accumulated or left exposed in pickup beds, utility trailers, open yards, open porches, unsecured containers, or vehicles not designed for refuse transport.

SECTION 4. PUBLIC NUISANCE AND CORRECTION

A violation of this Ordinance is declared a public nuisance because unsecured attractants may create an elevated risk to people, property, and wildlife. The City may require prompt correction or removal of the violation and may use warnings, abatement, municipal citations, or other remedies authorized by law. The City may pursue any lawful enforcement remedy appropriate to the circumstances.

SECTION 5. INITIAL FOURTEEN-DAY EDUCATION AND WARNING PERIOD

For the first fourteen (14) calendar days following adoption of this Ordinance, the City shall prioritize public education, voluntary compliance, and written warnings whenever practical.

- A. Enforcement personnel should provide educational information and a written warning for a first observed violation during this period whenever practical.
- B. A citation may be issued during the fourteen-day period when the violation creates an immediate threat to public health or safety, results in a documented bear conflict, continues or recurs after a written warning, or the responsible person refuses to correct the violation after notice.
- C. Nothing in this section limits the City's authority to take immediate lawful action when necessary to protect public safety or prevent an imminent wildlife conflict.

SECTION 6. RECOMMENDED BEAR-AWARE PRACTICES

The following practices are strongly encouraged but are not mandatory under this Ordinance:

- A. Remove or empty bird feeders during periods of bear activity.
- B. Promptly harvest ripe fruit and remove fallen fruit from the ground.
- C. Clean and store grills, smokers, coolers, and food-preparation equipment in secured areas.
- D. Install and properly maintain electric fencing around attractants where appropriate.
- E. Secure chicken coops, livestock feed, compost, and other potential attractants.
- F. Use bear-resistant waste containers whenever possible.
- G. Use the Flathead County solid waste container site in Columbia Falls when secure on-site storage is not available.

SECTION 7. SEVERABILITY

If any word, phrase, clause, sentence, paragraph, section, or other portion of this Ordinance is held invalid by a court of competent jurisdiction, the judgment shall affect only the portion held invalid, and the remaining provisions shall continue in full force and effect.

SECTION 8. EFFECTIVE DATE AND EXPIRATION

Pursuant to MCA 7-5-104, this Emergency Ordinance takes effect immediately upon adoption by a two-thirds vote of the entire City Council. This Ordinance expires ninety (90) days after adoption unless earlier repealed or replaced by a permanent ordinance.

SECTION 9. REPEAL OF CONFLICTING EMERGENCY PROVISIONS

Any existing temporary or emergency City provision that directly conflicts with this Ordinance is superseded for the duration of this Ordinance. All nonconflicting provisions of the Columbia Falls City Code remain in effect.

**PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS,
MONTANA, THIS 21ST DAY OF SEPTEMBER, 2026, BY A TWO-THIRDS VOTE OF
THE ENTIRE CITY COUNCIL, THE COUNCIL VOTING AS FOLLOWS:**

Mayor

ATTEST:

City Clerk