

Tennessee Wildlife Resources Commission Proclamation Feeding of Black Bears Prohibited

**Proclamation 00-17
August 23, 2000**

Pursuant to the authority granted by the Title 70, Tennessee code Annotated, and Sections 70-1-302 and 70-5-101 thereof, the Tennessee Wildlife Resources Agency hereby proclaims the following regulations pertaining to the feeding of black bears:

Sections I. Black Bear Feeding Prohibited

It is unlawful to intentionally or knowingly feed a black bear or intentionally or knowingly leave food or garbage in a manner that attracts bears. It is also unlawful to engage in any indirect or incidental feeding of bears if the activity occurs after the notice from either the City of Gatlinburg or a law enforcement officer thereof or from an employee of the Tennessee Wildlife resources Agency to the person responsible for such indirect or incidental feeding. Such notification shall include the type of activity which is prohibited. Further such activity by the responsible person after notice shall be a violation of this section.

Section II. Areas Closed to the Feeding of Black Bears

For the purpose of this proclamation, areas closed to the feeding of bears include the Corporate Limits of the City of Gatlinburg and Chalet Village North Subdivision, as posted. A more complete description may be found on file in the office of the Tennessee Wildlife Resources Agency in Nashville, Tennessee.

Penalty

Violation of this law is a Class C misdemeanor punishable by a fine of up to \$50 and a court cost of \$180.50. In addition, the punishment may involve community service.

City and State Laws

Gatlinburg City Ordinance 2188

Section 8-111 Animal Resistant Garbage Collection Devices

From and after June 1, 2000, all garbage, containers, dumpsters or equipment used to store garbage, not otherwise located within an approved enclosure prior to municipal or private pick-up in the areas described as follows: The entire area within the city limits on the west side of the Foothills Parkway: the area north of the National prong of the Little Pigeon River between Parkway and the Foothills Parkway boundary bounded on the north by LeConte Street and the Skyland Park and the Winfield Heights Subdivisions: the entire area between the National Park Service boundary on the South and Southeast city limits from Low Gap Road on the east and to the South of Highway 321 and Parkway, and as shown on a map dated December, 1998 on file at the offices of the City Manager and incorporated herein by reference, shall be of a type which shall be resistant to animals being able to open, overturn or remove garbage from them. Each type of container shall be of a design approved by the City Building Official. This requirement shall not apply to containers that are also enclosed within fences or other enclosures which do not allow entry by scavenging animals or are located inside a structure such as a house, building or other enclosed structure and are taken to a City or County approved garbage collection site by the owner.

Section 8-112. Enclosures

All garbage containers in said areas of a type which do not meet City standards as being animal resistant shall be fully enclosed in a manner to prevent entry by animals. Such enclosures shall be approved in advance by the City Building Official. Any enclosure which does not prevent the entry of animals and removal of garbage from the enclosure shall be modified by the owner to prevent such entry and removal. Owners who are notified of a deficient enclosure shall have 60 days to cure such deficiency. All garbage containers of a type not resistant to animals shall be so enclosed by June 1, 2000. Every animal resistant enclosure shall be properly secured. Failure to keep such enclosure secured and closed shall also be a violation of this section.

Section 8-113. Grease

The provisions of Sections 8-111 and 8-112 shall also apply to containers and enclosures used to store grease and the contents of grease traps.

Section 8-114. Restaurants

All restaurants within the city limits of the City of Gatlinburg shall be required to comply with the provisions of 8-111 through 8-113 with regard to garbage containers and/or enclosures for the storage of garbage containers and grease.

Section 8-115. Garbage Collection

The City will not collect garbage which is not placed in an animal resistant container unless it is placed within an approved enclosure, as required in Sections 8-111 through 8-114. The provisions of Sections 8-111 and 8-112 shall not apply to curbside garbage collection containers within the downtown business district.

Section 8-117 Injunctive or Other Relief

In addition to any penalty, violation of the provisions of this chapter may be remedied by obtaining injunctive relief, or by a restraining order, or other appropriate equitable remedy by the city.

Section 8-118 Penalty

Every person who shall violate any provision of this chapter shall be punished by a fine not to exceed \$500 per offense. Each day that a violation shall occur shall be a separate offense.