



CORPORATION OF THE  
DISTRICT OF TOFINO

**PUBLIC PROPERTY USE REGULATION BYLAW NO.  
1098, 2009**

**Consolidated for Convenience Only**

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 1108, 2010	February 10, 2010
Bylaw No. 1098.01, 2025	October 7, 2025

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 1098 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 1098 and all amending bylaws must be consulted.

Bylaw numbers appearing in the margin of this consolidated version refer to the applicable amendment bylaw.

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

**DISTRICT OF TOFINO**

**PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

**A Bylaw to Regulate the Use of and Activities in Public Places, Parks, Open Spaces, Beaches, and Highways in the District of Tofino**

**WHEREAS** the Council of the District of Tofino may, pursuant to the Community Charter, pass a bylaw to regulate, prohibit, and impose requirements in relation to public places, and protection of the natural environment;

**NOW THEREFORE** the Council of the District of Tofino in the Province of British Columbia, in open meeting assembled enacts as follows:

**SECTION 1: Title**

This Bylaw may be known and cited for all purposes as “The District of Tofino Public Property Use Regulation Bylaw No. 1098, 2009”.

**SECTION 2: Definitions**

In this Bylaw, unless the context otherwise requires:

**Assembly** - means a gathering or grouping of twelve (12) or more people in a public place, and includes but is not limited to concerts, parties, festivals, meetings, gatherings, events, and classes, and does not apply to any assemblies sponsored, operated, or organized by the District or a public institution;

**Beach** - means all foreshore parcels of land including sand, rock, and natural material from the visible high water mark down to any body of water, and includes areas of land commonly described as beach;

**Beach Material** - means any natural material found on the foreshore or beach, such as driftwood and plant materials;

**Boulevard** - means the area between the curb lines or the shoulder of a highway and the adjacent property line and includes but is not limited to, curbs, sidewalks, ditches, Multi Use Path and any area sodded, seeded or otherwise improved or maintained under the direction of the District;

**Bylaw Enforcement Officer** - means a person duly appointed by Council to enforce this Bylaw;

**Camping** – means to camp, lodge, or otherwise encamp with or without a tent or other form of shelter anytime, and shall include taking up temporary or permanent abode;

**Camping Supplies** – means one or more of the following: a tent, a tarp, a cot, or a sleeping bag;

**Continuous Sound** - means any sound or noise occurring for a duration of more than two (2) minutes, or occurring continually, sporadically or erratically but totaling more than three (3) minutes in any fifteen (15) minute period;

**Council** - means the Council of the District of Tofino;

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

**Designated Campground** - means a commercial campground facility licensed and zoned as such in the District of Tofino, or a place designated by Council.

**District** - means the Corporation of the District of Tofino;

**Driveway, Roadway, Trail, or Path** - means any way or thoroughfare set apart other than a highway, and improved by grading, clearing, gravelling, boarding or other means, for use by pedestrians, vehicular or animal traffic;

**Drug Paraphernalia** - means any goods, products, equipments, things, or materials of any kind primarily used or intended to be primarily used to produce, process, package, store, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in Schedules I, II, or III of the Controlled Drugs and Substances Act (R.S.C. 1996, c. 19) as may be amended from time to time.

**Garbage** - means all domestic and commercial waste or refuse including but not limited to waste or refuse originating from a motor vehicle, dwelling, trailer, vessel, building, commercial establishment, or person;

**Highway** - means every street, road, lane, right-of-way designed or intended for or used by the general public for the passage of vehicles; and every private place or passageway to which the public, for the purpose of parking or servicing vehicles, has access or is invited;

**Hospital** - means the area designated in Schedule "A", attached to and forming part of this bylaw, which surrounds the Tofino General Hospital;

**Littering** – means the discharge of litter, refuse, garbage or waste;

**Loiter** – means to linger, stand around, idle, hangout, or similar action;

**Multi Use Path (MUP)** - means that public pathway running along the inlet side of the Pacific Rim Highway, which has been constructed for the use of non motorized traffic, including pedestrians, cyclists, joggers, skaters, etc.;

**Noise** - means any sound, continuous or non-continuous, which disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort and/or convenience of the neighborhood or persons in which such sound is received;

**Park/Municipal Park** - means any real property within the District used as a public park, used as a public beach, or for public recreational purposes and shall include any other parcel of land:

a) Operated or maintained by the District for public use, or

b) Owned by the District and left undeveloped;

**Public Place** – means any place to which the public are entitled or permitted to have access without payment and could include parks, open spaces, beaches, or District owned land or highways;

**Skateboard Park** – means that concrete facility, located in the Village Green Park designated for skateboarding use;

**Vessel** – means any ship, boat, jet ski or other motorized marine vessel, except sea planes which are used or designed to be used in navigation.

## DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009

### SECTION 3: Public Access

- 3.1** All parks shall be deemed closed between the hours of 11 pm of one day and 6 am of the next day.
- 3.2** When deemed necessary, a Bylaw Enforcement Officer or an employee of the Public Works or Parks and Recreation Department for the District of Tofino, may order the temporary closure of a park by posting written notice at the entrances to the park, or by erecting a fence or other barricade to bar access.
- 3.3** No person shall:
- (a) Enter, loiter, or be within a park while it is closed;
  - (b) Climb, walk, or sit upon any District owned or maintained wall, fence, building, structure, tower, or planter unless it is provided for that purpose and open for public use;
  - (c) Obstruct access to any person or vehicle on or to a public place, park or highway;
  - (d) Interfere with, obstruct, or otherwise disturb any person in a public place or park;
  - (e) Enter onto a park, public place, highway, or any District owned building, structure, or property where prohibited by signage;
  - (f) Park any vehicle in the designated parking area of a park, beach or public place or on a highway access to same, between the hours of 11 pm of one day and 6 am of the next day.
  - (g) Launch any motorized vessel from any public beach unless by means of a facility provided for such a purpose.

### SECTION 4: Protection of Natural Resources

- 4.1** **Vegetation** - No person shall cut, break, burn, injure, foul, move, disrupt, remove, pollute, mark, inscribe, paint, deface, mutilate, or otherwise destroy or damage any tree, shrub, plant, turf, flower or any natural or cultivated vegetation in any park, beach, or public place.
- 4.2** **Water** - No person shall in any way foul, pollute, or divert any fountain, pool, lake, reservoir, stream, river, or sea.
- 4.3** **Soil** - No person shall in any way foul, pollute, remove, or alter any soil, dirt, sand, or similar material in any park, beach, or public place.
- 4.4** **Animals** - No person shall molest, disturb, frighten, injure, kill, catch, trap or ensnare any bird or animal.
- 4.5** **Minerals** - No person shall paint, or otherwise deface or mutilate any rock within or in view of any public place or highway.

### SECTION 5: Protection of Public Property

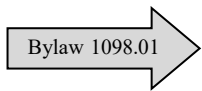
**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

- 5.1 Buildings and Structures** - No person shall injure, destroy, deface, remove, alter, possess, paint, damage, or otherwise deface or mutilate any District owned building, structure, facility, sign, fence, field, seat, bench, ornament, playground, or any other property or equipment.
- 5.2 Construction** - No person shall erect, maintain, build, or otherwise construct a structure, tent, shelter, building or similar matter on public property without the written permission of Council.

**SECTION 6: Littering and Property Maintenance**

**6.1 Littering** - No person shall throw down, drop, or otherwise deposit or leave in any public place, park, beach, or on any District owned property, boulevard or highway, other than in a receptacle provided for that purpose, anything such as litter, garbage, or waste.

**6.2 Removal of Snow**



- (a) Each owner/occupant of real property shall ensure that any accumulation of snow or ice is removed from any sidewalk bordering their real property.
- (b) If the owner or occupant fails to comply with Section 6.2 (a) of this Bylaw, the District shall remove the snow or ice and invoice the owner or occupant of the real property.

**6.3 Removal of Litter** – Each owner/occupant of real property shall ensure that any accumulation of litter, garbage, waste, leaves, clippings, or other debris is removed from any boulevard or sidewalk bordering their real property.

**6.4 Boulevard Maintenance** – Each owner/occupant of real property shall ensure that any boulevard bordering their real property is kept in a clean, neat, and safe condition, including but not limited to:

- (a) Ensuring that the grass is mowed regularly;
- (b) Ensuring that flowers, shrubs, and trees are maintained by watering, weeding, and pruning as appropriate to maintain sufficient sight lines along streets, sidewalks and the Multi Use Path;

**6.5 Boulevard Landscaping** – Each owner/occupant of real property shall ensure that no trees, shrubs, or other landscaping are removed from the boulevard, except with the express written permission of Council.

**6.6 Remedial Action** – If the condition of the boulevard is in contravention of Section 6.3 or 6.4 of this Bylaw, the District shall give written notice to the owner or occupant of real property stating that if the property continues to be in contravention of the bylaw for longer than 72 hours, the District shall complete the work and invoice the owner or occupant of the real property.

**SECTION 7: Noise**

**7.1 Noise Disturbing the Peace** - No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise anywhere within the District which may disturb or tend to disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood or persons in which such sound or noise is received between the hours of 10 pm of one day and 7 am of the next day.

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

**7.2 Continuous Sound**

- (a) No person shall make, allow, or cause to be made any continuous sound or continuous noise anywhere within the District which may disturb or tend to disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood or persons in which such sound is received.
- (b) Despite Section 7.2 (a) of this Bylaw, continuous sound generated from construction, building, demolition, excavation, grading, clearing, property maintenance, repairing, loading or unloading, or any similar works shall be allowed between the hours of 7 am and 10 pm or as approved by Council.

**7.3 Noise Disturbing Hospital** - No person shall make, allow, or cause to be made any loud, objectionable, or unnecessary noise which may disturb or tend to disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the residents, employees, or patients of a hospital.

**7.4 Motor Vehicle Noise** - No person shall make, allow, or cause to be made any loud, objectionable or unnecessary noise from a motor vehicle or vessel which may disturb or tend to disturb the peace, quiet, rest, enjoyment, comfort, and/or convenience of the neighborhood or persons in which such sound or noise is received.

**7.5 Musical/Percussion Instruments and Amplified Sound**

- (a) No person shall use any percussion or musical instrument, radio, speaker, amplifier, cd player, mp3 player, or anything similar in nature in such a way as to disturb the peace, quiet, rest, enjoyment, comfort and/or convenience of the neighborhood or persons in which such continuous noise is received.
- (b) Where any person is in contravention of Section 7.5 (a) of this Bylaw, such percussion or musical instrument, radio, speaker, amplifier, cd player, mp3 player, or anything similar in nature may be removed, detained, or impounded by the Bylaw Enforcement Officer.
- (c) After such a removal, detention, or impounded the person entitled to the possession of the impounded item will be entitled to its release upon payment to the District of an impound fee and all lawfully imposed fines and penalties.
- (d) Any percussion or musical instrument, radio, speaker, amplifier, CD player, MP3 player, or anything similar in nature not claimed by its owner within 30 days of its impoundment shall be advertised and sold by public auction to the highest bidder. All proceeds of such auction shall be applied against any and all outstanding fees, penalties, and fines, with the balance of the proceeds, if any, held by the District for a period of one year from the date of sale for the owner. If unclaimed at the end of the year, such sum shall be paid into the General Revenue Account of the District.

**SECTION 8: Public Nuisances**

**8.1 Possession of Liquor in a Public Place**

- (a) No person shall consume or be in possession of open liquor in a public place without written approval from Council, in the form of a Special Events Permit.

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

- (b) Where any person is in possession of open liquor in contravention of Section 8.1 (a) of this Bylaw, such liquor may be removed and disposed of by the Bylaw Enforcement Officer.

**8.2 Possession of Drug Paraphernalia**

- (a) No person shall be in possession of drug paraphernalia in a public place.
- (b) Where any person is in possession of drug paraphernalia in contravention of Section 8.2 (a) of this Bylaw, such drug paraphernalia may be seized by the Bylaw Enforcement Officer and transferred to the custody of a police officer.

**8.3 Public Indecency** - No person shall within or in view of a public place:

- (a) Urinate or defecate unless in a facility provided for that purpose;
- (b) Be nude or unclothed; or
- (c) Be intoxicated.

**8.4 Posted Rules and Regulations** - No person shall contravene any rule, notice, or regulation posted in a public park on the authority of the District.

**8.5 Removal of Persons**

- (a) A Bylaw Enforcement Officer may order a person to leave a public place if that person is:
  - (i) Acting in contravention of this or any other Bylaw;
  - (ii) Acting in contravention of a provincial or federal enactment; or
  - (iii) Causing a disturbance, nuisance, or breach of the peace.
- (b) Every person ordered to leave a public place by a Bylaw Enforcement Officer must proceed immediately to the nearest exit point.
- (c) No person who has been ordered to leave a public place by a Bylaw Enforcement Officer shall re-enter or be within that public place within 24 hours of such an order.

**SECTION 9: Assemblies and Special Events**

**9.1 Assemblies**

- (a) No person shall organize, manage, promote or advertise an assembly on District owned property, parks, public places, highways, or beaches without a Special Events Permit.
- (b) No person shall continue participating in or be gathered in or near an assembly on District owned property, parks, public places, highways, or beaches between the hours of 10 pm of one day and 6 am of the next day, except with the written permission of Council.

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

- 9.2 Filming** – No person shall film or otherwise produce a motion picture, movie, television show, commercial, or part thereof on any District owned property, parks, public places, highways, or beaches without a valid Film Permit issued by the District of Tofino, except those films intended solely for private non-commercial use.

**SECTION 10: Unattended Property**

**10.1 Bikes and Skateboards**

- (a) No person shall store, deposit, abandon, lock, park, or otherwise leave any bicycle, skateboard, scooter, or similar conveyance unattended in a public place, highway or boulevard unless it is in a facility provided for such a purpose.
- (b) Where a bicycle, skateboard, scooter, or similar conveyance is found in contravention of Section 10.1 (a), it may be removed, detained, or impounded by the Bylaw Enforcement Officer.
- (c) After such a removal, detention, or impoundment, the person entitled to the possession of the impounded item will be entitled to its release upon payment to the District of an impoundment fee and all lawfully imposed fines and penalties.
- (d) Any bicycle, skateboard, scooter, or similar conveyance not claimed by its owner within 30 days of its impoundment shall be advertised and sold by public auction to the highest bidder. All proceeds of such auction shall be applied against any and all outstanding fees, penalties, and fines, with the balance of the proceeds, if any, held by the District for a period of one year from the date of sale, for the owner. If unclaimed at the end of the year, such sum shall be paid into the General Revenue Account of the District.
- (e) Despite Section 10.1 (d), the Bylaw Enforcement Officer may dispose as garbage without notice any impounded bicycle, skateboard, scooter, or similar conveyance that he or she believes to have a value of less than \$50.00.

**SECTION 11: Camping**

- 11.1 Outdoor Camping** - No person shall be within a park or beach for the purpose of camping, except with the express written permission of Council.
- 11.2 Camping Supplies** - No person shall be in the possession of camping supplies within a park, beach, or District owned property, except with the express written permission of Council.
- 11.3 Vehicles Use for Camping** - No person shall stand, stop, park, or be within any vehicle within the District of Tofino for the purpose of overnight camping or sleeping except:
- (a) In a designated campground;
  - (b) On private property with the express written permission from the owner or occupier of that property available on hand for inspection by the Bylaw Enforcement Officer; or
  - (c) With the express written permission of Council.

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

**11.4 Camping on Private Property** - No person shall establish, maintain or be within a camp, or encamp on private property except:

- (a) In a designated campground; or
- (b) On private property with the express written permission from the owner or occupier of that property available on hand for inspection by the Bylaw Enforcement Officer.

**11.5 Long-term Camping** - Despite Sections 11.4 (b) and 11.5 (b) of this Bylaw, no person shall establish, maintain or be within a camp, or encamp on private property other than a designated campground for a period of greater than 15 days in a calendar year, except with the express written permission of Council:

**11.6 Removal of Camping Supplies**

- (a) Where any person is found in contravention of Section 11 of this Bylaw, any camping supplies and any other goods found within or near a camp or vehicle may be removed, detained, or impounded by the Bylaw Enforcement Officer.
- (b) After such a removal, detention, or impoundment the person entitled to the possession of the impounded item will be entitled to its release upon payment to the District of an impoundment fee and all lawfully imposed fines and penalties.
- (c) Any impounded item not claimed by its owner within 30 days of its impoundment shall be advertised and sold by public auction to the highest bidder. All proceeds of such auction shall be applied against any and all outstanding fees, penalties, and fines, with the balance of the proceeds, if any, held by the District for a period of one year from the date of sale for the owner. If unclaimed at the end of the year, such sum shall be paid into the General Revenue Account of the District.
- (d) Despite Section 11.6 (c), the Bylaw Enforcement Officer may dispose as garbage without notice any impounded item that he or she believes to be unsanitary or of a value of less than \$50.00.

**SECTION 12: Protection of Natural Resources**

**12.1** The provisions of this Bylaw do not apply to the following situations:

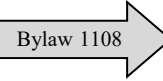
- (a) The driver of an emergency vehicle may disregard all of the provisions of this Bylaw while acting in the course of an emergency.
- (b) To any peace officer, firefighter, paramedic, or other emergency service provider acting in the course of his or her duties.
- (c) The pilot of an aircraft engaged in lawful aviation activities carried on within the jurisdiction of and in compliance with the Aeronautics Act and all other applicable Federal and Provincial Enactments.
- (d) Authorized construction, installation, repair, excavation, or law enforcement carried out by agents or employees of the District, BC Hydro, BC Telephone, Telus, or the Federal, Provincial, or Regional Government, in the protection of property, life, or health.

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

**SECTION 13: Bylaw Enforcement Officer**

- 13.1** A Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this Bylaw are carried out.
- 13.2** For the purpose of this Bylaw, the Bylaw Enforcement Officer means any of the following:  
Chief Administrative Officer  
Director of Development Services  
Bylaw Enforcement Officer  
Superintendent of Public Works  
Building Inspector  
RCMP Officers  
or their duly appointed designate.
- 13.3** No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his duties as prescribed in this Bylaw.

**SECTION 14: Offences**

-  **14.** Every person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out, or perform a duty or obligation imposed by this bylaw, shall be deemed to have committed an offence against this bylaw and:
- a) shall be liable to a fine set out in the District of Tofino Municipal Ticket Information System Bylaw No. 1088, 2009 as amended from time to time; or
  - b) shall be liable to a penalty set out in the District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2009 as amended from time to time; or
  - c) shall be liable, upon summary conviction, to the penalties provided under the Offence Act and amendments thereto; or
  - d) any combination of 14 a), b), and c).

**SECTION 15: Severance**

If any portion of this Bylaw is declared ultra vires by a court of competent jurisdiction, that portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

**SECTION 16: Repeal**

The District of Tofino Public Property Use Regulation Bylaw No. 702, 1995 and all amendments thereto are hereby repealed.

READ A FIRST TIME this 25<sup>th</sup> day of August, 2009

READ A SECOND TIME this 25<sup>th</sup> day of August, 2009

READ A THIRD TIME this 25<sup>th</sup> day of August, 2009

RECONSIDERED AND ADOPTED this 8<sup>th</sup> day of September, 2009

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John Fraser, Mayor

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

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Bob Long, CAO

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1098, 2009, cited as the "District of Tofino Public Property Use Regulation Bylaw No. 1098, 2009" as adopted by Council this 8<sup>th</sup> day of September, 2009.

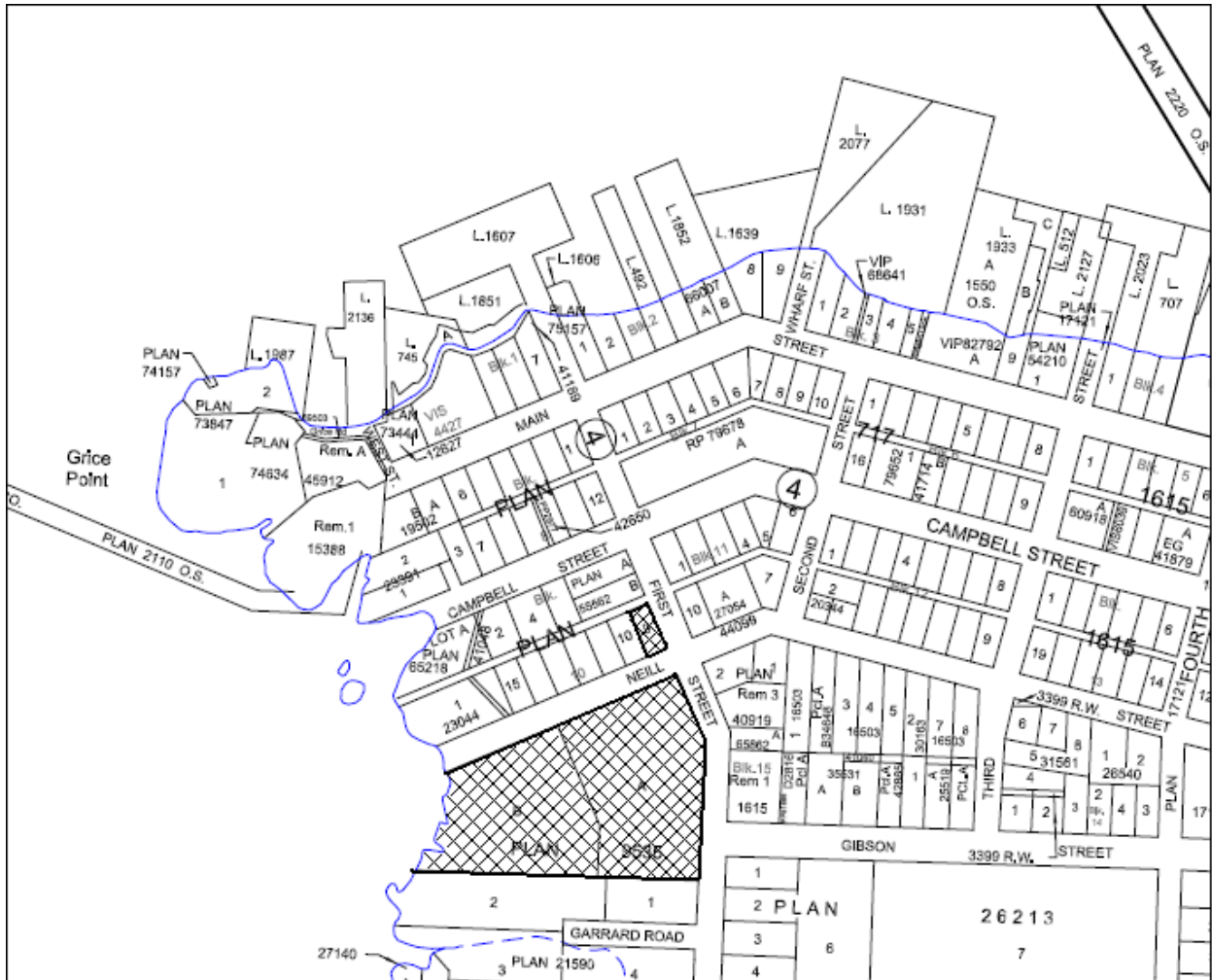
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Bob Long, CAO

**DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION BYLAW NO. 1098, 2009**

**SCHEDULE 'A'**

THIS SKETCH IS ATTACHED TO AND FORMS PART OF BYLAW NO. 1098, 2009  
CITED AS THE "DISTRICT OF TOFINO PUBLIC PROPERTY USE REGULATION  
BYLAW NO. 1098, 2009"



 Hospital Zone