



CORPORATION OF THE  
DISTRICT OF TOFINO

**District of Tofino Wildlife Attractant Bylaw  
No. 1317, 2022**

Effective Date – April 23, 2024

**DISTRICT OF TOFINO**

**BYLAW NO. 1317, 2022**

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A bylaw to prevent refuse and other materials becoming wildlife attractants

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**WHEREAS** in accordance with the *Community Charter*, and in the interests of public health, Council may establish services for the collection, removal, and disposal of garbage and to regulate the use of those services to prevent animals from accessing waste disposal containers;

**WHEREAS** the Council of the District of Tofino may regulate in relation to animals and nuisance prevention;

**AND WHEREAS** the Council of the District of Tofino wishes to enact a bylaw to store and secure refuse and food sources securely to prevent bears, cougars, wolves, coyotes, and deer from accessing and becoming conditioned to, or dependent on, food sources generated or controlled by human activity to protect public safety and help conserve local wildlife populations;

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

**1. CITATION**

The name of this Bylaw for citation purposes is "District of Tofino Wildlife Attractant Bylaw No. 1317, 2022."

**2. DEFINITIONS**

In this Bylaw:

**Collection Contractor** means the person, agent or contractor who collects and disposes of Municipal Solid Waste as part of the residential curbside collection service under the District of Tofino Garbage and Recyclable Materials Collection and Regulation Bylaw No. 1070, 2008 as amended from time to time;

**Commercial Refuse Container** means a metal receptacle that is designed or intended to dispose of waste by automated means and is wildlife resistant; and includes small bins for disposal on commercial properties, landscaped areas, or public spaces;

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

**Deer** means members of the family Cervidae;

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

**Domestic animal** means an animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for people, or any animal prescribed as such under the Province of British Columbia's *Community Charter*;

**Enforcement Officer** means the Fire Chief, any person employed by the District as a Bylaw Enforcement Officer, any member of the Royal Canadian Mounted Police or any member of the BC Conservation Officer Service;

**Dangerous Wildlife** means a bear, cougar, coyote, wolf or any animal prescribed as such under the Province of British Columbia's *Wildlife Act*;

**Feed** means providing, leaving or placing in, on or about land or premises, food, food waste or any other substance that is a Wildlife Attractant;

**Livestock** includes chickens, goats, pigs, turkeys, ducks, geese and rabbits.

**Order to Remove** means an order issued under section 5, and which may be issued in the form shown in Schedule B of this Bylaw, that requires a person to:

- (a) remove any Wildlife Attractant; or
- (b) remove any type of container that is used to store Refuse;

from outside on a property within 24 hours or such longer period as specified in the order.

**Pen** means a fully or partially enclosed outdoor space for the keeping of animals;

**Refuse** means any discarded or abandoned food, grease, substance, material or other object;

**Wildlife Attractant** means any substance or material, with or without an odour, which attracts or is likely to attract Dangerous Wildlife or Deer; and without limitation includes:

- (a) food or other ingestible products, whether intended for humans, animals, or birds;
- (b) grease, oil, antifreeze, paint, unclean barbecues, pet food, livestock and livestock feed;
- (c) beehives, bird feeders, offal, improperly maintained composts, restaurant grease barrels; and
- (d) fruit whether in containers or fallen fruit;

**Wildlife Resistant Container** means a refuse container that is sufficient to accommodate normal uses of the property, is designed to discourage and prevent access by wildlife, and has a sturdy cover capable of being completely closed and secured with a latch or locking device;

**Wildlife Resistant Enclosure** means a fully enclosed structure having four sides, a roof, doors, and a locking device, designed to discourage and prevent access by wildlife, and includes a garage or shed.

### 3. TREATMENT OF REFUSE

1. Except as permitted in this bylaw, a person must not cause or allow any Refuse that is a Wildlife Attractant to be stored, deposited, or placed on any parcel or highway within the District in such a manner that it is accessible to Dangerous Wildlife or Deer.
2. Without limiting Section 3.1, a person must not store, deposit or place outdoors any Refuse that is a Wildlife Attractant except:
  - a) in a Wildlife Resistant Container provided by the Collection Contractor; or

- b) in a Commercial Refuse Container that meets the criteria established in Schedule A; or
  - c) in a Wildlife Resistant Container enclosed within a Wildlife Resistant Enclosure that is designed and constructed in accordance with the criteria established in Schedule B; or
  - d) in a metal grease collection bin with a secured metal lid, when pertaining to cooking fat/grease refuse; or
  - e) enclosed by electric fencing designed and maintained in accordance with the electric fencing guidelines of the WildSafeBC program developed by the British Columbia Conservation Foundation.
3. Without limiting any other provisions of this bylaw, any person responsible for a site that is used for a temporary outdoor gathering, filming, construction, a catered event, a sporting event, a wedding, a convention, parade, public display, festival or similar gathering must ensure that any Wildlife Attractant is disposed of in a designated Wildlife Resistant Container, Commercial Refuse Container or Wildlife Resistant Enclosure.
4. Every owner or occupier of real property must ensure that a Wildlife Resistant Container provided by the Collection Contractor be:
- a) set out for collection only on the designated day of collection between 6:00 AM and 08:00 AM;
  - b) unlocked only on the designated day of collection between 6:00 AM and 10:00 PM;
  - c) removed from the collection location by 10:00 PM on the designated day of collection;
  - d) kept locked at all times, except as described in section 3(4)(b); and
  - e) except when taken out to street for pickup, kept secured in such a way that wildlife cannot drag or move the container.
5. Every owner or occupier of real property must ensure that a Wildlife Resistant Container, a Commercial Refuse Container, or a Wildlife Resistant Enclosure located on the property is of a size that is suitable for the amount of Refuse generated on the Property and is kept and maintained:
- a) in a closed and locked manner when Refuse is not being deposited or emptied; and
  - b) in a good, workable condition and in good repair.
6. If a Wildlife Resistant Container is damaged or defective, the owner or occupier of the real property on which it is located must immediately, upon noticing any damage or defects, contact the Collection Contractor to arrange for a repair.
7. If a Commercial Refuse Container or Wildlife Resistant Enclosure is damaged, the owner or occupier of the real property on which it is located must ensure that it is repaired within 5 business days of the damage occurring or within 5 business days of being notified by the Collection Contractor.

#### **4. GENERAL REQUIREMENTS**

- 1. A person must not feed domestic animals or wildlife in a manner that is likely to attract Dangerous Wildlife or Deer.
- 2. Every owner or occupier of real property must ensure that on the property:

- a) any fruit or nuts picked or fallen from a tree, bush or shrub on a parcel are collected and stored in such a manner so as not to attract Dangerous Wildlife or Deer;
- b) any bird feeder containing bird feed, suet or nectar is suspended on a cable or other device in such a manner that it is inaccessible to wildlife, other than birds; and the area below any bird feeding devices or activity is kept free of accumulations of seeds and similar Wildlife Attractants;
- c) no food is provided to songbirds between April and November, except food supplied by liquid feeders;
- d) any composting activity is properly carried out and any composting device or equipment is maintained in such a manner so as not to attract Dangerous Wildlife or Deer;
- e) barbecue equipment and tools that remain out of doors are clean and free of residual food or grease;
- f) no refrigerator, freezer, storage container or similar appliance, device or apparatus located outdoors contains a Wildlife Attractant;
- g) all grease, antifreeze, paint or petroleum products are stored in such a manner that it is inaccessible to domestic animals and wildlife;
- h) bees and beehives are kept in such a manner so as not to attract Dangerous Wildlife;
- i) bees and beehives are kept in such a manner so that they are reasonably inaccessible to Dangerous Wildlife;
- j) bees and beehives are enclosed by electric fencing designed and maintained in accordance with the electric fencing guidelines of the WildSafeBC program developed by the British Columbia Conservation Foundation;
- k) chickens, chicken coops, and Pens are kept in such a manner so that they are reasonably inaccessible to Dangerous Wildlife;
- l) chicken coops and Pens are enclosed by electric fencing designed and maintained in accordance with the electric fencing guidelines of the WildSafeBC program developed by the British Columbia Conservation Foundation; and
- m) all home food delivery items that are left outdoors are stored in such a manner so as to not attract Dangerous Wildlife.

## **5. ORDER TO REMOVE WILDLIFE ATTRACTANT**

1. Where an owner or occupant of property has contravened section 3 this Bylaw, an Enforcement Officer may deliver an Order to Remove to the owner or occupant of the property.
2. The Bylaw Enforcement Officer shall serve the Order to Remove on the owner or the occupier of the real property either personally or by posting the Order to Remove on the Property.
3. A person who has been issued an Order to Remove must comply with the requirements of that notice within the time specified in the notice.
4. Where a person has been issued an Order to Remove and that person has not removed the Refuse that is a Wildlife Attractant or the contravening container by the time noted on the Order to Remove, the District may, by its employees, agents or contractors:
  - (a) enter onto the property owned or occupied by that person;
  - (b) remove and promptly dispose of the Refuse and/or remove and store the container for 30 days if the container is not claimed earlier;

- (c) charge the owner or occupier a Refuse/Container Removal Fee in the amount prescribed by the District of Tofino Fees and Charges Bylaw No. 1271, 2019; and
- (d) if the fee remains unpaid after December 31<sup>st</sup> of the year in which it is invoiced, add the unpaid fee to the taxes for the property from which the Refuse or container was removed as taxes in arrears.

## **6. AUTHORITY TO ENTER ONTO PROPERTY**

- 1. An Enforcement Officer for the District may enter onto any property in accordance with section 16 of the *Community Charter*, S.B.C. c. 26, 2003.
- 2. A person must not obstruct or interfere with a Enforcement Officer or assistant who has entered onto property pursuant to section 6(2).

## **6. EXEMPTIONS**

- 1. With the exception of sections 3(4) to 3(7) of this Bylaw, this Bylaw does not apply to:
  - (a) a person who is engaging in hunting or trapping wildlife in accordance with the Province of British Columbia's *Wildlife Act* and its regulations;
  - (b) a person who has been authorized, by issuance of a permit, in accordance with the Province of British Columbia's *Wildlife Act* and its regulations;
  - (c) a farm operation, as defined in section 1 of the *Farm Practices Protection (Right to Farm) Act*, that is conducted within the District and meets the requirements set out in section 2 (2) (a) and (c) of that Act; or
  - (d) a waste disposal facility operated by the District or a regional district.

## **7. OFFENCE, PENALTY & ENFORCEMENT**

- 1. Any person who contravenes or violates any part of this Bylaw, who fails or omits to do anything required under this Bylaw, or who permits, suffers or allows any act or thing to be done or omitted to be done in contravention or violation of this Bylaw, commits an offence punishable by a fine of up to \$50,000.00; and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

## **8. SCHEDULES**

Schedules A and B are attached to and form part of this Bylaw.

## **9. SEVERABILITY**


If any provision of this Bylaw is held to be invalid by any court of competent jurisdiction, that provision shall be severed and its severance shall not affect the validity of the remainder of the Bylaw.

**READ A FIRST TIME** on June 13, 2023

**READ A SECOND TIME** on June 13, 2023

**READ A THIRD TIME** on June 13, 2023

This is a certified true copy of "District of Tofino Wildlife Attractant Bylaw No. 1317, 2022", certified by Nyla Attiana, Deputy Corporate Officer, on the 21<sup>st</sup> day of February, 2024.



Nyla Attiana, Deputy Corporate Officer

**APPROVAL FROM MINISTRY OF LAND, WATER, AND RESOURCE STEWARDSHIP** on April 9, 2024.



Nathan Cullen, Minister of Water, Land and Resource Stewardship

**ADOPTED** on April 23, 2024.

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Daniel Law, Mayor

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Keegan McColl, Corporate Officer

**SCHEDULE A**  
**WILDLIFE ATTRACTANT BYLAW NO. 1317, 2022**

**Commercial Refuse Container Requirements**

The following criteria applies to a Commercial Refuse Container:

1. The lid or lids, and any doors, must close tightly to prevent access by Wildlife.
2. The lid or lids, and any doors, must be:
  - (a) self-closing; or
  - (b) self-latching;
3. The latches for the lid or lids and bag removal must be such that an adult bear using its claws will be unlikely to reach the latch trigger mechanism.
4. Hinges and latches for lids must be sufficiently strong, and sufficiently affixed to the container, that they cannot be pried open by an adult bear using its claws. As a guideline, a lid that can be dismantled using a crowbar is not sufficient.
5. The container must be sufficiently stable or capable of being so anchored as to prevent tipping by an adult bear.
6. Container material must be of sufficient strength to prevent Dangerous Wildlife from chewing, battering or crushing the container.

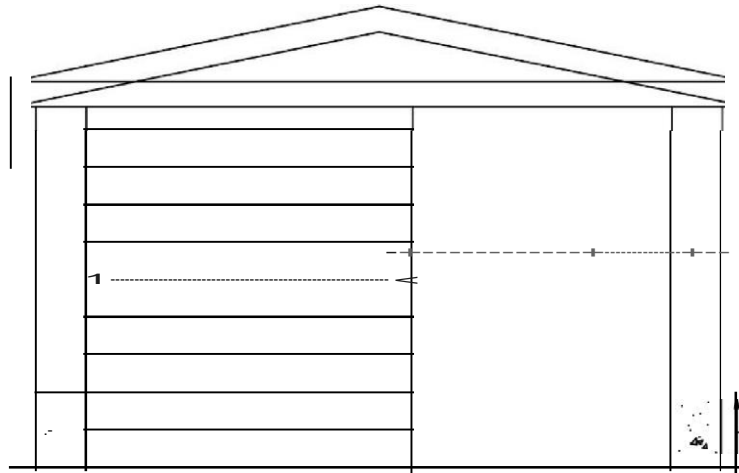
**SCHEDULE B  
WILDLIFE ATTRACTANT BYLAW NO. 1317, 2022**

**Wildlife Resistant Enclosure for Containers**

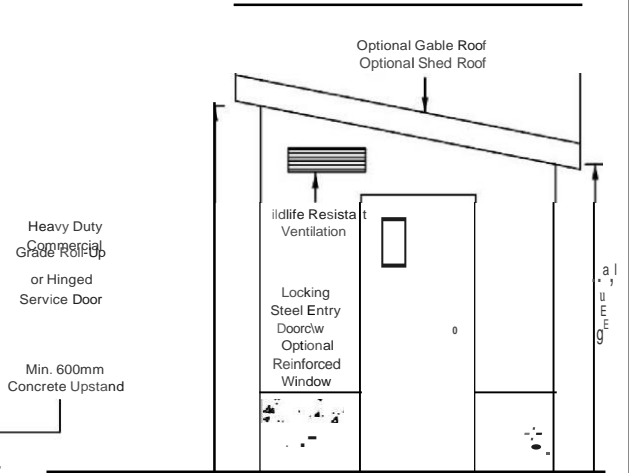
A Wildlife Resistant Enclosure containing a Wildlife Resistant Container must have all of the following, or be of a substantially similar design that has both superior strength and the approval of the District's building inspector as being an acceptable alternative:

1. sufficient size to allow for placement of containers for refuse, composting and recycling and for removal and emptying of those containers;
2. a concrete up stand of at least 600 mm with a 100 mm reinforced concrete slab on compacted gravel fill;
3. containers larger than 10m<sup>2</sup> must contain a floor drain connected to the sanitary sewer in accordance with the *British Columbia Building Code*;
4. an exterior made of split face block or hardy plank nailed to 3 ¼ inch plywood backing with 3 ¼ inch nails with a minimum gap between door and foundation;
5. two separate entrances, one for personnel to enter and exit, and one larger service door;
6. doors installed with a minimum gap on tracks and latches on both side and must close tightly to prevent access by bears;
7. a service door constructed using heavy-duty commercial grade steel;
8. all personnel doors constructed using 18-gauge steel, with open outwards hinge design and exterior doorknobs of such design that is accessible to persons with disabilities, in accordance with the *British Columbia Building Code*, but still resistant to interference by bears; and
9. venting designed to prevent access by bears and other wildlife located either on the roof or in the top of the wall near the roof.

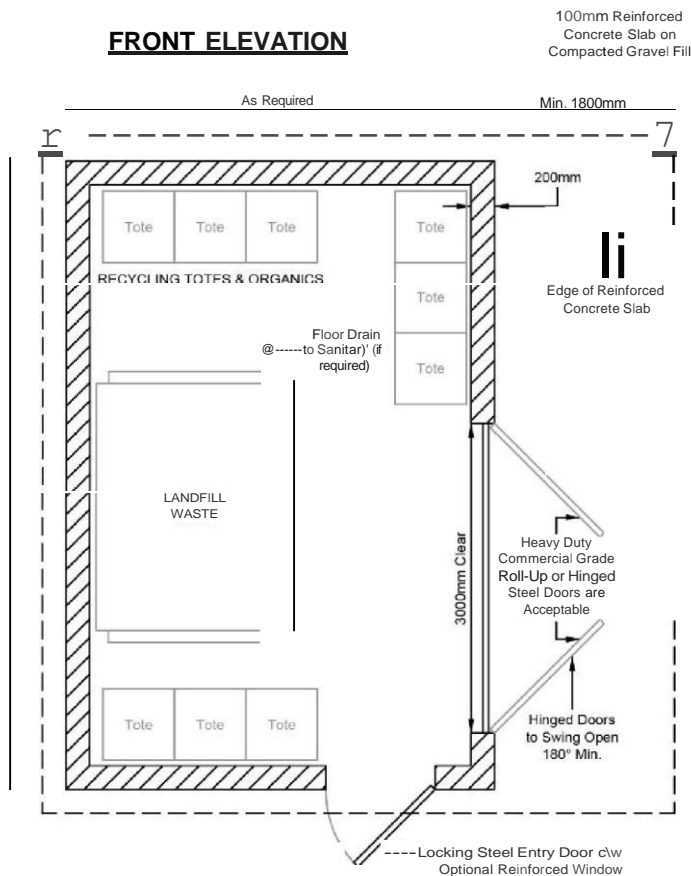
## Example Wildlife Resistant Enclosure



**FRONT ELEVATION**



**SIDE ELEVATION**



**PLAN VIEW**

All structures must comply with applicable Municipal Bylaws

**NOTES:**

1. Enclosure architecture (materials, etc) is to conform to Municipal Building and Development Permi1 requirements (as required).
2. Design concept only. Alternative designs meeting the intent of these requirements are invited.
3. Structures are to be constructed in accordance with the BC Building Code. Enclosures are to be designed to withstand snow loading, vehicular damage, operational damage, and bears.
4. Roofs should be designed to avoid snow shed in front of service and entry doors.
5. Service door(s) are to have dual locking mechanisms. Hinged doors require a heavy-duty cane bolt at the bottom and a slide bolt at the top of the stationary door. Roll-up doors require slide bolt locking mechanisms on the bottom of the door, each side. All locking mechanisms to be located on the interior; no hardware should be located on the service door(s) exterior.
6. Steel entry door is to be 36" wide (915mm) and be equipped with a self-closing mechanism. Door may have a round turning knob complete with a covered keyed knob guard on the exterior for access and panic hardware on interior for egress. Alternatively a push button lock with a turning knob is acceptable.
7. Adequate motion activated interior and exterior lighting is to be provided (if required).
8. Bear-resistant vent and steel entry door window openings should be sized such that a bear could not gain access in the case of breakage.
9. Units in mm unless otherwise noted.
10. Roll-up doors are preferable in areas that may have ice and snow build up but hinged doors are acceptable.
11. Separate enclosures for Commercial & Residential uses on the same property are strongly recommended.

Dimensions shown serve as a guideline only, the ultimate size and configuration of the garbage enclosure will be dependant on the owners preference and services being provided.