



DISTRICT OF TOFINO

**CORPORATION OF THE
DISTRICT OF TOFINO**

**District of Tofino Firewood Retail Regulation Bylaw No.
1262, 2019**

Effective Date – May 28, 2019

DISTRICT OF TOFINO

BYLAW NO. 1262, 2019

A bylaw to regulate the display and distribution of Provincial and Municipal campfire guidelines with the retail or supply of firewood for the purpose of campfires.

WHEREAS the *Community Charter* authorizes a council to regulate in relation to business;

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

1. Name

The name of this Bylaw for citation purposes is "District of Tofino Firewood Retail Regulation Bylaw No. 1262, 2019."

2. Definitions

In this Bylaw:

Business means carrying on a commercial or industrial undertaking of any kind or nature or the provision of professional, personal or other services for the purpose of gain or profit but does not include an activity carried on by the government, its agencies or government owned corporations.

Retail means the sale of goods in relatively small quantities to the public, and said goods are usually not for resale.

Campfire means an outdoor fire started, maintained, or gathered around or near for warmth, enjoyment, or cooking.

3. Regulation

- (1) Except as provided in this Bylaw, no Business shall Retail or supply complimentary to a customer any firewood for the purpose of Campfires without the following:
 - (a) Posting in a conspicuous location both the Provincial and Municipal Campfire regulations; and,
 - (b) Providing the customer with a copy of both the Provincial and Municipal Campfire regulations.
- (2) During any period that the Province of BC or the Coastal Fire Center has issued a Campfire ban within the District of Tofino, any business that retails or supplies firewood for the purpose of campfires shall post the notice of the fire ban at the point of sale.

4. Offence

- (1) A person commits an offence and is subject to the penalties imposed by this bylaw, and the *Offence Act* if that person:
 - (a) contravenes a provision of this bylaw;
 - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw; or
 - (c) neglects or refrains from doing anything required by a provision of this bylaw.
- (2) Each day that a contravention of a provision of this bylaw occurs or continues shall constitute a separate offence.

5. Enforcement

- (1) Bylaw Enforcement Officers of the District of Tofino are responsible for the enforcement and administration of this Bylaw.
- (2) No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his or her duties as prescribed in this bylaw. The Bylaw Enforcement

Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions in this bylaw are carried out.

- (3) 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 3(3) (a), (b), and (c).

- (4) The intent of this Bylaw is to set standards of general public interest, and not to impose a duty on the District of Tofino or its employees to enforce its provisions and:
 - (a) A failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favour of any person; and
 - (b) The grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the issuance thereof in error is not to give rise to a cause of action.

6. 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.

7. Effective Date

This Bylaw shall come into force and effect upon adoption.

READ A FIRST TIME on February 26, 2019

READ A SECOND TIME on February 26, 2019

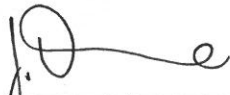
NOTICE GIVEN UNDER SECTION 59(2)(A) AND (3) OF THE COMMUNITY CHARTER on May 6 and May 9, 2019

READ A SECOND TIME AS AMENDED on May 14, 2019

OPPORTUNITY TO MAKE REPRESENTATIONS TO COUNCIL UNDER SECTION 59(2)(B) OF THE COMMUNITY CHARTER PROVIDED on May 14, 2019

READ A THIRD TIME on May 14, 2019

ADOPTED on May 28, 2019



Josie Osborne, Mayor



Robert MacPherson, Corporate Officer