



Cultus Lake Park

LITTERING BYLAW

Bylaw No. 1145, 2019

A Bylaw to regulate Littering.

Section 12 of the *Cultus Lake Park Act* (1932 and Amendments) enables the Cultus Lake Park Board to adopt Bylaws, and Section 9.2 (1) provides that Section 260 – Enforcement Powers of the *Community Charter* apply to the enforcement of the bylaws of the Board, and Section 261 – Payment of Fines and Other Penalties to Municipality under the *Community Charter* provides that fines and other penalties imposed and collected under or because of a Cultus Lake Park bylaw must be paid to the Park.

Every person who offends against any of the provisions of this Bylaw or who suffers or permits any act to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, will be in breach of this Bylaw, and will be liable to the fines and the provisions as outlined in the “Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019.

The Cultus Lake Park Board in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as “Cultus Lake Park Littering Bylaw No. 1145, 2019.”

2. INTERPRETATION

2.1 Words or phrases defined in the *British Columbia Interpretation Act*, *Motor Vehicle Act*, *Local Government Act*, *Community Charter* or any successor legislation, will have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

2.2 DEFINITIONS OF TERMS

“**Boulevard**” means that portion of highway between the curb lines or the lateral boundary lines of a road way and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways.

“**CAO**” means the Chief Administrative Officer; a position appointed by the Board.

“**Designate**” means a person appointed by the CAO.

“Highway” means any street, roadway, laneway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas.

“Laneway” means a public thoroughfare or way which affords only a secondary means of access to a lot at the side or rear.

“Leased Lot” means land, with or without improvements, located within the Park, used for residential and commercial purposes.

“Litter” means any garbage discarded in an open or public area.

“Park” means the area within the Park boundaries and the foreshore assigned to the Park by the Province of British Columbia.

“Person” means a natural person, a company, corporation, partnership, firm, association, society, or party and the heirs, executors, administrators, personal or other legal representatives of a person to whom the context can apply according to law.

“Public Areas” means any street, laneway, avenue, way, drive, boulevard, sidewalk, driveway, beaches, wharves, school ground, or such premises as the Board may from time to time designate.

“Rubbish” in addition to its common dictionary meaning, will include decaying or non-decaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, construction and demolition waste, derelict vehicles and other vessels, tires, batteries, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above.

“Vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks or a motor assisted cycle, and for the purpose of this Bylaw will include boat or other trailers; and will include the meaning designated to a vehicle in the *British Columbia Motor Vehicle Act*.

- 2.3** In this Bylaw, unless the context otherwise requires, the singular will include the plural and the masculine includes the feminine gender.
- 2.4** The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

3. LITTERING

- 3.1** No person will deliver, circulate or place circulars, pamphlets, handbills or papers (with the exclusion of newspapers) to, on or within any leased lot, building, vehicle, unless such deliveries are deposited within a receptacle provided by the leaseholders or occupiers of the leased lot or building and requires prior written permission issued by the CAO or designate.
- 3.2** No person will deposit or throw bottles, broken glass, circulars, pamphlets, handbills, paper or other litter, rubbish or trash anywhere within the Park except in a receptacle designated for that purpose.
- 3.3** No person will dump household and/or yard waste in any public areas within the Park or wooded areas.
- 3.4** No person will carry into, or cause to be placed in the Park or lake, refuse, litter or dangerous goods.

4. FINES

- 4.1** All leaseholders, residents, visitors, and persons are subject to the fines and provisions as outlined in Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019, and Schedule A-5 in said bylaw.
- 4.2** Each occurrence that a contravention of the provisions of this Bylaw exists or is permitted to exist will constitute a separate offence.

5. SEVERABILITY

If any part of this Bylaw is for any reason held invalid by a court or competent jurisdiction, the invalid portion will be severed and the severance will not affect the validity of the remainder.

6. REPEAL

Cultus Lake Park Littering Bylaw No. 1109, 2018 and all amendments are repealed.

7. EFFECTIVE DATE

This Bylaw will come into force and effect upon its adoption.

READ A FIRST TIME this 19TH day of JUNE, 2019

READ A SECOND TIME this 19TH day of JUNE, 2019

READ A THIRD TIME this 19TH day of JUNE, 2019

ADOPTED this 25th day of JUNE 2019



Joe Lamb, Chair
Cultus Lake Park Board



Bonny Bryant
Chief Administrative Officer

I HEREBY CERTIFY the foregoing to be a true
and correct copy of Cultus Lake Park
Littering Bylaw No. 1145, 2019.



Chief Administrative Officer