



Cultus Lake Park

MANAGEMENT OF PUBLIC AREAS BYLAW

Bylaw No. 1146, 2019

A Bylaw to regulate the Management of Public Areas.

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 Management of Public Areas Bylaw No. 1146, 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

"**Board**" means the elected Board for the Park.

"**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.

“Grass” means vegetation consisting of typically short plants with long narrow leaves, growing wild or cultivated on lawns and pasture.

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

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

“Park Staff” means any person employed by Cultus Lake Park.

“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.

“Recreational Vehicle” means a motor vehicle or trailer equipped with living space and amenities found at home.

“Squatter” means a person who settles on land or occupies property without title.

“Tree” means a member of any evergreen or deciduous species having one or more self-supporting trunk(s) and including the roots, branches, trunk, crown, or any part thereof.

“Unmanned Aerial Vehicle” A powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, can fly autonomously or be piloted remotely, can be expendable or recoverable, and can carry a lethal or nonlethal payload. Also known as a UAV or drone.

“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*.

“Wharf” means a structure on the shore extending out into the Park foreshore.

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. MANAGEMENT OF PUBLIC AREAS

3.1 No person, other than Park staff, will use fertilizers, pesticides or herbicides in public areas.

- 3.2 No person will alter, change or mow grass in public areas without the prior written permission of the CAO.
- 3.3 Beaches, wharves and playgrounds in the Park are normally closed from: 11:00 pm – 6:00 am. The CAO or designate will have discretion to alter these times.
- 3.4 Parking lots in the Park are normally closed from 11:00 pm – 7:00 am. The CAO or designate will have discretion to alter these times.
- 3.5 No person will use the public areas that have been designated closed by the CAO or designate due to operational, maintenance and/or safety purposes.
- 3.6 No person, with the exception of Park Staff, will remove any items from any garbage or recycling receptacle.
- 3.7 No person will consume or possess any open liquor or alcoholic beverage in any public area within the Park as per *BC Liquor Control Licensing Act*.
- 3.8 No person will operate an Unmanned Aerial Vehicle (commonly known as a Drone) without written permission from the CAO.
- 3.9 No person will place or occupy any building, structure, works, tent, vehicle, secondary temporary accommodation or recreational vehicle on any part of the Park, other than on a lot for which a lease or written permission has been issued by the Board.
- 3.10 No person will discharge a firearm within the boundaries of the Park, with the exception of a Conservation Officer or Peace Officer carrying out his/her official duties, as per Federal and Provincial Statutes.
- 3.11 No person will have in their possession, except at their place of residence, any firearm and then only as set out in the *Firearm Act*.
- 3.12 No person will climb, peel, cut, deface, remove, top, injure or in any way damage any tree planted, growing or being in the Park.
- 3.13 No person will deface, remove, damage or destroy any structure, fence, or facility in public areas.
- 3.14 No person will place or erect any structure, sign, bulletin board, post, pole or any other advertising device or distribute or post, paint or affix any advertising in public areas of the Park without prior written permission issued by the CAO or designate.
- 3.15 No squatters or overnight camping in a public areas.

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-6 in said bylaw
- 4.2 Each occurrence or day 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 Management of Public Areas Bylaw No. 1107, 2018 and any 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

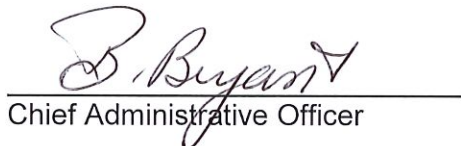
READ A THIRD TIME this 19TH day of JUNE, 2019

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
Management of Public Areas Bylaw No. 1146, 2019


Chief Administrative Officer