



Cultus Lake Park

NO SMOKING BYLAW

Bylaw No. 1148, 2019

A Bylaw to regulate Smoking.

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 for all purposes as "Cultus Lake Park No Smoking Bylaw No. 1148, 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 DEFINITION OF TERMS

"Building Inspector" means the building officials designated or appointed by the Board of Directors of Fraser Valley Regional District (FVRD).

"CAO" means the Chief Administrative Officer; a position appointed by the Board.

"E-Cigarette" means an (electronic cigarettes or personal vaporizer) that simulates the look and feel of a conventional cigarette and uses a battery to heat a liquid solution, producing a visible, vapour emission that may produce an odour depending on the flavour of the liquid used. "Vaping" is inhaling or exhaling an e-cigarette.

“Foreshore” means the area under the Lease Agreement from the Ministry of Forests, Lands and Natural Resource Operations within Cultus Lake Park along the lakeshore, and 100 meters or 328 feet into the lake from the high-water mark.

“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/or commercial purposes.

“Leaseholder” means a person(s) having a current and valid lease with the Cultus Lake Park Board.

“Nuisance” means anything that annoys, irritates, disturbs or interferes with a person’s use or enjoyment of private or public property or is offensive to the senses or causes injury to health, comfort or convenience of any person.

“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 the 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 Address System” means a sound amplification system, either by megaphone or electronically, used outdoors to broadcast the spoken word and/or music to the public in general and includes outdoor sound amplification systems used for purposes of a performance, concert, exhibition or entertainment, but does not include systems used for internal communications in schools and businesses.

“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.

“Smoke or Smoking” means to inhale, exhale, burn or carry a lighted cigarette, cigar, cigarillos, pipe, hookah pipe, electronic cigarette, vaporizing system or other smoking equipment, that burns or vaporizes, tobacco, marijuana or any other substance. A person must not use a controlled substance or other smoking equipment that burns or vaporizes tobacco, marijuana or any other substance in the areas noted below.

“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. Smoke free parks and outdoor spaces contributes to a healthy and safe environment. Cultus Lake Park No Smoking Bylaw prohibits smoking, except for the exempted areas and uses in, inter alia, the following designated areas:

- Public Green spaces;
- Beach and Foreshore area;
- Treed areas;
- Trails;
- Parking lots;
- Playgrounds;
- Public washrooms;
- Off leash dog areas;
- Volley Ball and tennis courts;
- Residential roadways;
- Common areas in Sunnyside Campground

The following areas and uses are exempted from the provisions of this bylaw:

- The ceremonial burning of tobacco as part of an Aboriginal cultural activity;
- Sunnyside Campground individual camping sites; and
- Residential properties.

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-8 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 shall be severed and the severance shall not affect the validity of the remainder.

6. REPEAL

Cultus Lake Park No Smoking Bylaw No. 1077, 2016 is repealed.

7. EFFECTIVE DATE

This bylaw shall 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 No Smoking
Bylaw No. 1148, 2019".



Chief Administrative Officer