



Cultus Lake Park

BOATING AND FORESHORE BYLAW

Bylaw No. 1179, 2020

A Bylaw to regulate Boating and the Foreshore.

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 fees as outlined in Schedule A of this Bylaw and the fines and 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

- 1.1 This Bylaw may be cited as “Cultus Lake Park Boating and Foreshore Bylaw No. 1179, 2020”.

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.

“**Boat**” means any watercraft or vessel propelled on water by any means.

“**Boat Launch**” means a ramp from the shore into the lake that is used for the purpose of launching a boat or removing a boat from the water.

“Boat Lift” means a structure supported from the bottom of the lake which facilitates the removal of boats from the water and can allow for a boat to be stored above the water.

“Buoy” means an anchored float used for moorage purposes.

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

“Cured Concrete” means providing adequate moisture, temperature, and time to allow the concrete to achieve the desired properties for its intended use.

“Float Plane” means an aircraft equipped with floats for landing on water.

“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.

“Grassed Area” means the grassed area between the foreshore and lakeside residences and other such structures.

“High water mark” means the point that represents the maximum rise of a body of water over land.

“Houseboat” means a boat that can be moored for use as a dwelling.

“Inflatable” means a plastic or rubber object that must be filled with air before use; including, but not limited to: party islands.

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

“Moor” means to attach a boat or ancillary or related equipment to a buoy or to anchor without a buoy, boat lift or wharf and leave unattended.

“Mooring whips” means an apparatus mounted to a wharf, used to secure a boat.

“Owner” means a person in possession or operation of a motor vehicle, boat, or ancillary or related equipment.

“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, occupier or tenant of leased land, personal or other legal representatives of a person to whom the context can apply according to law; however does not apply to Park Staff fulfilling or carrying out duties and responsibilities.

“Personal Watercraft” means a recreational watercraft that the rider sits or stands on, rather than inside as in a boat. Personal watercrafts are often referred to by the brand names such as Jet Ski, Wave Runner or Sea-Doo.

“Public Area” means any street, laneway, avenue, way, drive, boulevard, sidewalk, driveway, beach, wharf, school ground, grassed area, or such premises as the Board may from time to time designate.

“Resident” means the leaseholder; or a person(s) renting a residence within the Park as a permanent address from a leaseholder.

“Swim Raft” means a flat structure, typically made of planks, logs or barrels that floats on water and is used as a platform for swimmers.

“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. RULES AND REGULATIONS

3.1 GUIDELINES

- (a) Every person operating or in the possession of a buoy, boat lift, mooring whips, boat, boat trailer or ancillary or related equipment thereto within the Park is subject to the rules and regulations as outlined below.
- (b) Any contravention of the provisions set out in this Bylaw that results in the removal of a buoy, boat lift, mooring whips, boat, boat trailer or ancillary or related equipment will be at the owner’s risk and expense.

3.2 BOATING CONDITIONS IN THE PARK

- (a) No person will launch or operate a motor boat from any lands in the Park if that motor boat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air without first passing through the water unless the boat motor is equipped with a muffling device that ensures the exhaust gases from the engine are cooled and expelled without excessive noise.
 - i. No person will operate a motorboat powered by an engine equipped with the exhausting devices commonly described as dry stacks or dry headers;
 - ii. No person will operate a motorboat powered by an engine equipped with exhausting devices commonly described as water injected headers unless a properly operating muffler is installed;
 - iii. No person will operate a motorboat so as to cause noise which disturbs the peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.
- (b) No person will operate a boat in areas designated as swimming areas and dog swim areas.

- (c) No person will moor a boat to a public wharf.
- (d) No person will exceed the 5 km speed limit and conditions set out by the Park for operation of a boat in the foreshore.
- (e) No person will discharge any sewage, rubbish or petroleum wastes, from a boat within the Park.
- (f) No person will fuel a boat from a public wharf between the hours of 11:00 am and 7:00 pm.
- (g) No person will fuel a boat from the public boat launch, or any area within the foreshore, with the exception of 3.2 (f).

3.3 MOORAGE WITHIN THE FORESHORE

- (a) No person will place or relocate a buoy, buoy anchor, boat lift, mooring whips, or other mooring device in the foreshore without written permission by the CAO.
- (b) Placement of all buoys is at the sole discretion of the CAO and must fall within the following parameters:
 - I. Minimum distance from the high water mark will be 25m.
 - II. There must a minimum distance of 15m from a wharf or another buoy.
- (c) No person will place a buoy within 25m from the high water mark, unless the moorage registrant has a valid, long term SPARC Card and written permission from the CAO.
- (d) A boat larger than 7.62m may need to be relocated to a buoy in an area with a larger than 15m distance from a wharf or another buoy.
- (e) Buoys' current locations may be required to be relocated as determined by the CAO. Reasons may include, but are not limited to, being too close to another buoy, swim line or impede access to a wharf.
- (f) No person will moor on a buoy anything other than a boat, personal watercraft, float plane or an inflatable.
- (g) No person will maintain more than one attachment on a buoy at any given time.
- (h) No person will install boat lifts, wharves, or mooring whips without the written permission of the CAO. A maximum of one (1) boat lift per residence be allowed and the placement of boat lifts is at the discretion from the CAO.
- (i) No person will replace or install a new swim raft without written permission from the CAO.
- (j) No person will moor or anchor a houseboat within the foreshore.
- (k) No person will occupy a motorboat overnight within the foreshore.
- (l) No person will moor a boat or ancillary or related equipment within the foreshore, unless it is moored to a compliant and registered buoy, on a boat lift or attached by authorized mooring whips.
- (m) No person will store or leave any boat or ancillary or related equipment on Park property overnight.
- (n) No person will chain or tether a boat or ancillary or related equipment to any tree in any way.

- (o) Any such boat, or ancillary or related equipment left in violation of subsections 3.3 (l), (m), and (n) above, will be moved to the Public Works Yard. Any article in storage for a period of 90 days will be disposed of. Whenever possible, owners will be notified before disposal. The Park is not liable for any damages as a result of the impoundment. An impoundment fee will be charged.

3.4 MOORAGE REGISTRATION

- (a) Annual Registration is mandatory and due by March 15th for all registered moorage in the foreshore. The Cultus Lake Moorage Registration form must be completed in its entirety and the fee paid.
- (b) Registration forms and payment received following March 15 and prior to April 15 will incur a late fee.
- (c) No payment or registration will be accepted after April 15 and all non-registered or non-paid buoys will be removed from the foreshore at the owners' risk and expense. Removed buoys and anchor systems will be held for 30 days for pickup. Once a buoy has been removed by Park Staff, the buoy location will be forfeited.
- (d) If there are two registrants on the moorage registration form, both registrants must sign the form and the indemnity.
- (e) A buoy or boat lift location cannot be transferred to a new owner or sold with a residential property without the authorization of the Board.
- (f) If the registered buoy or boat lift owner no longer wants to maintain the buoy or boat lift location the Park must be notified, and the buoy or boat lift must be removed by owner.
- (g) If the owner of an existing swim raft wishes to retain control and assume liability for the swim raft, then the owner must register the swim raft each year with the Park. No annual fee will apply. If the owner does not wish to assume responsibility and liability, the swim raft will be removed by Park Staff. 30 days' notice will be given to the owner.
- (h) No person will place a buoy in the Cultus Lake Park foreshore unless it is Transport Canada compliant.
- (i) No person will place a buoy in the Cultus Lake foreshore unless it displays, in a conspicuous location and in a permanent and legible manner, a R# (residential house number), S# (Sunnyside site number) or NR# (a number supplied by the Park).
- (j) Buoy stickers must be affixed to registered buoys before July 1st.
- (k) It is the buoy owner's responsibility to ensure that any boat moored to their buoy maintains adequate liability insurance.
- (l) It is the responsibility of the buoy owner to ensure that they use cured concrete, as the only acceptable material for their anchors. Unacceptable anchors may be removed by Park Staff at the owners' risk and expense.
- (m) The buoy owner will be responsible for the integrity of their entire mooring system; anchor, chain, and buoy.
- (n) Park Staff will monitor the foreshore for non-complying and/or non-registered buoys.

- (o) Should a boat break loose from a buoy, if possible, the Park Staff will make their best efforts to contact the registered owner. The Park accepts no liability for boat rescue.

3.5 BOAT TRAILER PARKING

- (a) Leaseholders and residents may park their boat trailer within their lease lot boundaries.
- (b) Daily vehicle and boat trailer parking is available in the designated parking areas within Lot B (Main Beach) for a fee.
- (c) Limited daily outdoor boat trailer parking is available for leaseholders and residents at the Public Works Yard from June 1 to September 30 for a fee.
- (d) Limited monthly outdoor boat trailer parking is available for leaseholders and residents at the Public Works Yard from October 1 to May 31 for a fee.

3.6 BOAT LAUNCH

- (a) Leaseholders may purchase an annual boat launch permit from the Park Office for a fee.
- (b) A daily boat launch permit may be purchased from the parking meter in Lot C for a fee. Parking fees are not included in the boat launch fee.
- (c) Boat launch usage is included in the moorage registration fee.

4. FEES AND FINES

- 4.1** All leaseholders, residents, visitors, and persons are subject to the fines and the provisions as outlined in Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019 and Schedule A-3 in that 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.
- 4.3** Any contravention of the provisions set out in this Bylaw that results in the removal of a buoy, boat, boat trailer or ancillary or related equipment thereto will be at the owner's risk and expense.

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

The Cultus Lake Park Boating and Foreshore Bylaw No. 1143, 2019 and all amendments are repealed.

7. EFFECTIVE DATE

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

READ A FIRST TIME this 21day of October, 2020

READ A SECOND TIME this 21day of October, 2020

READ A THIRD TIME this 21day of October, 2020

ADOPTED this 18 day of November, 2020



David Renwick, Chair
Cultus Lake Park Board



Joe Lamb
Chief Administrative Officer

I HEREBY CERTIFY the foregoing to be a true
and correct copy of Cultus Lake Park
Boating and Foreshore Bylaw No. 1179, 2020

Chief Administrative Officer

Schedule A

BOATING FEES

Anchor removal.....	Actual cost + 25% overhead
Annual moorage registration fee (includes launch fees).....	\$500.00
Annual moorage registration late fee – March 16 - April 15.....	\$150.00
Annual boat launch permit.....	\$50.00
Daily boat launch fee.....	\$15.00
Daily outdoor boat trailer parking at Public Works Yard (leaseholders and residents only) June 1 to September 30.....	\$2.50/day
Monthly outdoor boat trailer parking at Public Works Yard (leaseholders and residents only) October 1 to May 31.....	\$65.00/month