



Cultus Lake Park

NEIGHBOURHOOD GOLF CART BYLAW

Bylaw No. 1180, 2020

A Bylaw to regulate Golf Cart Usage

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 and all amendments”.

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 Neighbourhood Golf Cart Bylaw No. 1180, 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

“**Applicant**” means the resident that is applying for a Neighborhood Golf Cart permit.

“**Authorized parking areas**” means parking at Parking Lot A, B C, and the Cultus Lake Plaza where parking fees are required.

“**Board**” means the elected Board for Cultus Lake Park.

“Bylaw Compliance and Enforcement Officer” means a person acting as a Cultus Lake Park Bylaw Compliance and Enforcement Officer, or any other person acting in another capacity on behalf of the Cultus Lake Park Board.

“Bylaw Notice” means a ticket issued under the Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019 and all amendments.

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

“Daytime Running Lamp” means a lamp that produces a steady-burning light signal intended to improve the visibility of a vehicle from the front and the front sides.

“Emergency Brake” means a mechanism designed to stop a vehicle after a failure of the service brake system.

“Fee” means a fee charged as outlined in Schedule “A” of this Bylaw.

“Headlamp” means a lighting device that produces an upper beam, a lower beam, or both.

“Authorized roadway” means the street, road, lane, , or other way open to use by the public, in a neighborhood golf cart, as defined under the *Motor Vehicle Act* See Schedule “B”.

“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.

“Neighbourhood Golf Cart” (NGC) means a Golf Cart that

- a) has 2 axles and 4 wheels
- b) has a minimum seating capacity for 2 persons and a maximum seating capacity for 4 persons,
- c) has a motor that is not capable of propelling the golf cart faster than 32km/hr. on a paved level surface and,
- d) meets the equipment requirements of section 24.215(1) and (2) of the *Motor Vehicle Act*

“Park” means the area within the Park boundaries as outlined in the *Cultus Lake Park Act, 1932*, and the foreshore assigned to the Park by the Province of British Columbia.

“Park Staff” means any person employed by the Park

“Parking Brake” means a mechanism designed to prevent the movement of a stationary vehicle.

“Permittee” means a resident who holds a valid permit from Cultus Lake Park to operate a Golf Cart on the Cultus Lake authorized roadways.

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

“Seat Belt Anchorage” means any component of a vehicle, other than the webbing or straps, involved in transferring seat belts loads to the vehicle structure, including the attachment hardware, seat frames, seat pedestals, the vehicle structure and any part of the vehicle whose failure causes separation of the belt from the vehicle structure.

“Seat Belt Assembly” means any strap, webbing or similar device designed to secure a person in a vehicle in order to mitigate the results of any accident, and includes all necessary buckles and other fasteners and all attachment hardware but does not include any strap, webbing or similar device that is part of a built-in restraint system.

“Substantiated” means that a reported Bylaw violation was investigated, and credible evidence was gathered that supported the reported allegation.

“Unauthorized roadway” means the street, road, lane, or other way closed to use by the public, in a NGC, as defined under the *Motor Vehicle Act*. See Schedule “B”.

- 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. GENERAL REGULATIONS

- 3.1** A Permit to operate a NGC on Cultus Lake Park authorized roadways will only be available to;
- (a) residents of Cultus Lake Park,
 - (b) individuals with a valid drivers’ licence with no restrictions,
 - (c) individuals with a registered SPARC Card in their name, issued by the Social Planning and Research Council of BC (SPARC BC), and
 - (d) Individuals with the ability to park and store the NGC 100% within the leaseholders’ property pins.
- 3.2** No person will operate a NGC on Cultus Lake Park authorized roadways without a valid NGC permit issued from the Cultus Lake Park Office.
- 3.3** No person will operate a NGC that is on a Cultus Lake Park authorized roadway unless
- (a) the valid permit is in the NGC,
 - (b) the SPARC Card is in the NGC and must be accompanied by the resident that has been issued the SPARC Card,
 - (c) the use occurs during the period beginning ½ hour before sunrise and ending ½ hour after sunset, the daytime running lamps on the NGC are illuminated,
 - (d) all persons will wear a seatbelt assembly while the NGC is in operation,
 - (e) every person in the NGC is at least 9 years of age,
 - (f) no pets allowed when the NGC is in operation, and
 - (g) the authorized roadway is clear of snow, ice, and slush.

- 3.4 The permittee must register the NGC with the Insurance Corporation of British Columbia, obtain a licence for its operation and owner's certificate under the *Insurance (Vehicle) Act*.
- 3.5 NGC must be electric powered only, and not exceed a 32 km/h speed rating (20MPH)
- 3.6 NGC may only be permitted on the designated Cultus Lake authorized roadways as shown in Schedule "B" of this Bylaw.
- 3.7 The resident operating a NGC on the Cultus Lake authorized roadways, must on request of a Bylaw Compliance & Enforcement Officer, present the NGC permit and SPARC Card registered in their name.
- 3.8 All NGC permittees are responsible for ensuring their NGC is parked completely on the leaseholder's property.
- 3.9 When NGC is off leaseholder's property, the NGC must be parked in authorized parking areas only and abide by the Cultus Lake Park Parking and Traffic Regulation Bylaw.1154, 2019 and all amendments.
- 3.10 Annual NGC permits will be valid for (1) year, to commence on January 1 and to be terminated on December 31 of each year and fees will not be prorated.
- 3.11 No person will obstruct a Bylaw Compliance and Enforcement Officer in the fulfilment of his or her duties under this Bylaw.

4. NEIGHBOURHOOD GOLF CART REQUIREMENTS

- 4.1 The NGC must meet the equipment requirements as per Schedule C of this Bylaw.

5. PERMIT APPLICATION PROCESS

- 5.1 Applicant must submit application form to the Cultus Lake Park Office, along with all supporting documentation required as noted on the application, as shown in Schedule "C" of this Bylaw.
- 5.2 All NGC permit applications will be reviewed and approved or denied by the Cultus Lake Pak CAO or Manager of Visitor Services, Accommodations & Bylaw Enforcement.
- 5.3 The applicant will be notified on the status of the application.
- 5.4 If approved, the applicant will be required to pay the NGC permit fee.
- 5.5 Once the NGC permit fee has been received, the applicant will receive a NGC permit and permit number that must always be displayed on the rear of the NGC and be clearly visible.

6. PERMIT RENEWAL PROCESS

- 6.1 Annual NGC permit renewal form and invoices will be mailed from the Cultus Lake Park office to the NGC permittee no later than 30 (thirty) days prior to the

expiration date of December 31, of each year. If payment is not received by the due date, a new application and application fee will need to be processed.

- 6.2** Permits will be subject to proof of annual insurance and renewal of SPARC Card based on expiry date.
- 6.3** Upon submission of a renewal for a NGC Permit, Park staff will review Park records to determine if there any concerns with the NGC usage. In considering an application for NGC permit renewal, the Park staff may:
 - (a) consider whether a NGC permit held by the applicant has been revoked in the preceding two (2) permit periods.
 - (b) consider not renewing the NGC permit, if there are Park records that show there were more than three substantiated reports of any Cultus Lake Bylaw violation occurring regarding the NGC storage or usage.
 - (c) withhold approval of a permit if an applicant and/or leaseholder has outstanding unpaid penalties issued under the Bylaw Notice Enforcement Bylaw No. 1140, 2019.
- 6.4** Once the renewal process is complete and the applicant has their new permit, the permittee must ensure they continue to abide by all the conditions for operating a NGC as set out in this Bylaw and pay the renewal fee.

7. REVOKING CANCELLATION OR REFUSAL OF PERMIT

- 7.1** Cultus Lake Park Staff may cancel the permit if
 - (a) the Park becomes aware that the NGC does not meet the requirements for a NGC, or
 - (b) the Park becomes aware that the owner or a person operating the owner's NGC has contravened 3.3, 3.4, 3.5 and 3.6 of this Bylaw.
- 7.2** Revoking, cancellation or refusal of a NGC Permit will be at the sole discretion of the CAO in consultation with the Manager of Visitor Services, Accommodations and Bylaw Enforcement.
- 7.3** Where the application for a NGC Permit is refused, or a NGC Permit is cancelled or revoked, notice will be provided to the applicant or permittee who is subject to the decision. The applicant or permittee is entitled to have the Board reconsider the matter.
- 7.4** A notice under Section 6.3 of this Bylaw, will be issued to the applicant or permittee or delivered by registered mail to the address given by the applicant or permittee on the application for the permit within 14 days.
- 7.5** An applicant or permittee who wishes to have the Board reconsider the refusal, revocation or cancellation of a NGC Permit will give written notice of its request for reconsideration to the CAO and such notice must include a description of the grounds upon which the request for reconsideration is made. Such request must be made within 28 days of the date on the letter noted in Section 6.3 of this Bylaw. Where the request for reconsideration has not been received within the time specified, the applicant will have lost the right for reconsideration.

7.6 Upon receipt of a written notice under Section 6.4 of this Bylaw, CAO will respond within 28 days.

8. FEES AND FINES

8.1 All leaseholders, residents, visitors, and persons are subject to the fees as outlined in Schedule A of this Bylaw and the provisions and fines as outlined in Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019 and all amendments and Schedule A-19 in that Bylaw.

8.2 Each occurrence or day that a contravention of the provisions of this Bylaw exists or is permitted to exist will constitute a separate offence.

8.3 See Schedule A for the list of Fees.

9. 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.

10. 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

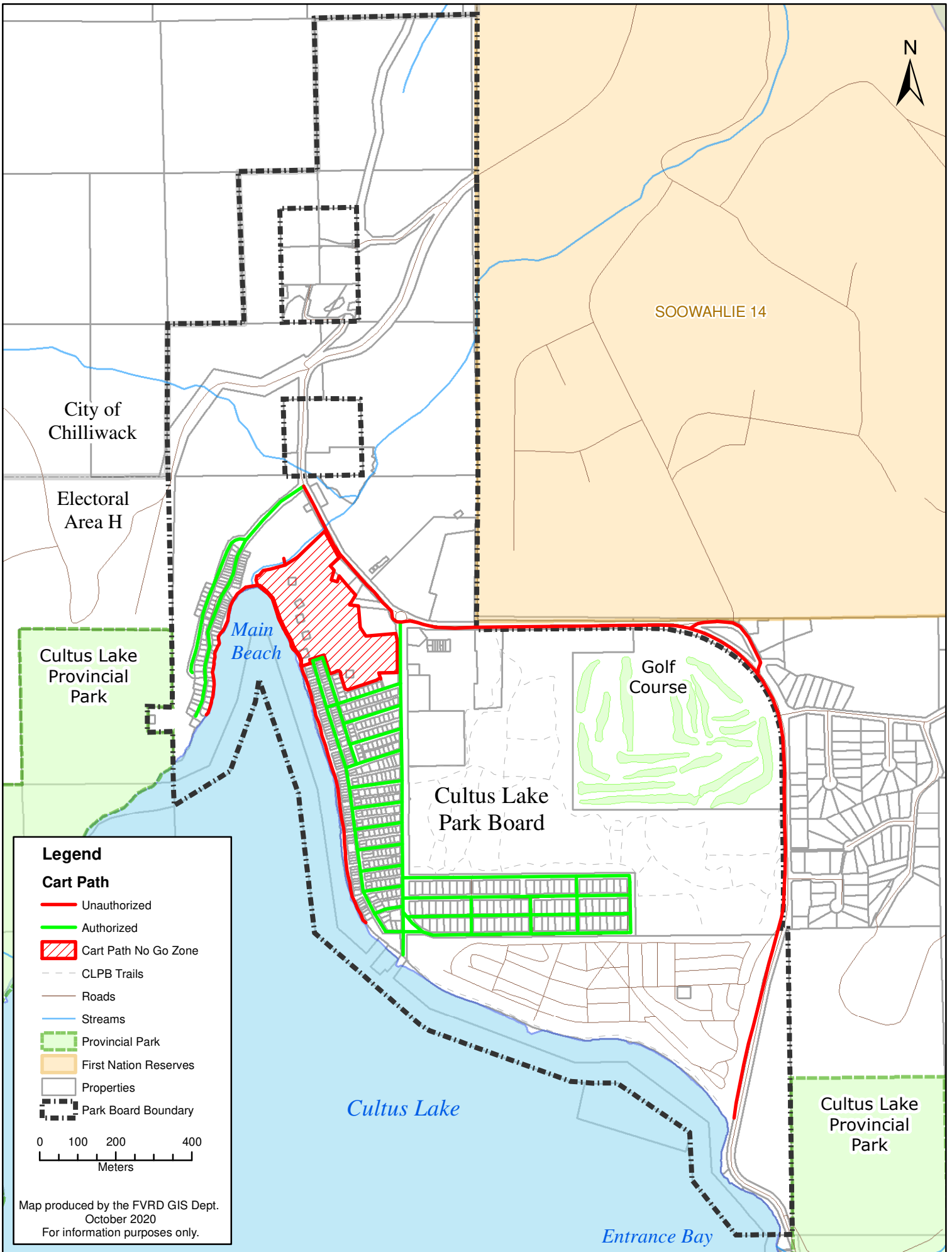
I HEREBY CERTIFY the foregoing to be a true and correct copy of Cultus Lake Park Neighbourhood Golf Cart Bylaw No. 1180, 2020

Chief Administrative Officer

SCHEDULE "A"











Fees

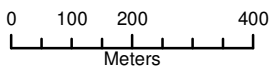
Application Fee.....	\$25
Permit Fee.....	\$150
Annual Permit Renewal Fee.....	\$150



Legend

Cart Path

-  Unauthorized
-  Authorized
-  Cart Path No Go Zone
-  CLPB Trails
-  Roads
-  Streams
-  Provincial Park
-  First Nation Reserves
-  Properties
-  Park Board Boundary



Map produced by the FVRD GIS Dept.
October 2020
For information purposes only.

INDEMNITY, INSURANCE & HOLD HARMLESS AGREEMENT

The Permit Holder(s) will indemnify and hold harmless Cultus Lake Park and its officers, officials, employees and agents from and against all losses, claims, demands, payments, suits, actions, recoveries, and judgments of every nature and description brought or recoverable against it or them by reason of any negligent act, negligent error, or negligent omission of the neighborhood golf owner and/or operator, Permittee, his/her agents, or employees for the use of this permit within the designated Cultus Lake Park areas.

Furthermore, the Permit Holder(s) will procure and maintain for the duration of this permit agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the use of the neighborhood golf cart by Permit Holder(s), his agents, representatives, employees or subcontractors.

The Permit Holder(s) hereby acknowledges and agrees:

- That I have a current, long term SPARC BC Permit;
- That the neighborhood golf cart noted in this permit is considered a motor vehicle and I agree that the operators 'drivers of this golf card are subject to the same rules and regulations as with other vehicles (including a driver's license copy attached);
- That the neighborhood golf cart noted in this permit is required to be insured by ICBC) copy of the insurance attached); and
- That, as the Permit Holder(s), I have made myself familiar with Part of Division 24 of the Motor vehicle Act Regulations, BC Reg. 26/58 which governs neighborhood golf carts, and I agree to abide by these regulations in the operation of the neighborhood golf cart noted in this permit

Equipment requirements for neighborhood golf carts:

- A neighborhood golf cart must have the following equipment:
 - Steering wheel;
 - Service brakes;
 - A parking or emergency brake that, when applied, will alone stop and hold stationary the golf cart;
 - A rear view mirror;
 - A horn;
 - Tires that do not have any of the following defects:
 - A cord break or air leak
 - Cracks, cuts or snags on the tread or sidewall of these tires that exceed 2.5 cm in length and expose the ply cords
 - Daytime running lamps mounted on the front of the golf cart;
 - A lamp type turn signal system consisting of
 - 2 lamps mounted on the front of the golf cart that are capable of displaying flashes of white or amber light that are visible to the front, and
 - 2 lamps mounted on the rear of the golf cart that are capable of displaying flashes of red or amber light that are visible to the rear;
 - 2 red stop lamps that arc
 - Illuminated exclusively on application of the service brakes, and
 - Mounted on the rear of the golf cart near the sides of the golf cart;
 - 2 amber reflectors mounted on the side of the golf cart near the front and 2 red reflectors mounted on the rear of the golf cart; and
 - A seat belt assembly for each seat in the golf cart.

Attachments: copy of the current BC Drivers License
copy of current ICBC insurance document
copy of current SPARC BC permit

Signed _____ this day of _____ at _____ 20__ at _____ British Columbia

Applicant Signature

Witness Signature

Please Print Name

Please Print Name