



# Cultus Lake Park

## THE CABINS AT CULTUS LAKE PARK BYLAW

### Bylaw No. 1208, 2022

A Bylaw to regulate The Cabins at Cultus Lake Park.

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Section 12 of the Cultus Lake Park Act, SBC 1932, c 63, as amended, enables the Cultus Lake Park Board to adopt bylaws, and Section 9.2 (1) provides that Section 260 – Enforcement Powers of the Community Charter (British Columbia) 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 (British Columbia) provides that fines and other penalties imposed and collected under or because of Cultus Lake Park bylaws must be paid to the Board.

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 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

This Bylaw may be cited as “Cultus Lake Park - The Cabins at Cultus Lake Park Bylaw No. 1208, 2022.”

#### 2. INTERPRETATION

**2.1** Words or phrases defined in *The Cultus Lake Park Act* (British Columbia), the *Interpretation Act* (British Columbia), the *Motor Vehicle Act* (British Columbia), the *Transportation Act* (British Columbia), the *Local Government Act* (British Columbia), the *Community Charter* (British Columbia) or any successor legislation to any of them, will have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

#### 2.2 DEFINITIONS OF TERMS

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

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

“**Cabins**” means the Cabins rented nightly, weekly or monthly by Cultus Lake Park and includes the physical Cabins as well as the grounds surrounding them.

“**Camperized Van**” means a van equipped with beds and cooking equipment.

**“Campground”** means Sunnyside Campground including all Public Areas, individual sites, Campground buildings, foreshore, beaches, wharves and any other area within Sunnyside Campground.

**“Charcoal/Coal”** means a carbonaceous material obtained by heating wood or other organic substances in the absence of air.

**“Designate”** means a Person appointed by the Manager of Sunnyside Campground and Accommodations.

**“Guest”** means any Person means any Person staying overnight with a Registered Guest.

**“Nuisance”** means one or more acts by a Person that, individually or in the aggregate over a period of time, does any one of the following or a combination thereof:

- (a) Harms or threatens to harm the life, health, property or comfort of any Person at the Cabins;
- (b) obstructs any Person at the Cabins in their exercise or enjoyment of the Cabins;
- (d) harasses any other Person at the Cabins, including but not limited to any Park Staff;
- (c) uses offensive, belligerent, aggressive or derogatory language or behavior towards any Person at the Cabins, including but not limited towards any Park Staff; and
- (d) directly or indirectly uses a disproportionate amount of Park resources (including Park Staff time) relative to other Persons at the Cabins.

**“Park Staff”** means any Person employed by Cultus Lake Park.

**“Person”** has the same meaning as in the Interpretation Act (British Columbia) and for the purpose of this Bylaw may include Seasonal Camper, Overnight Camper, Guest or Visitor.

**“Public Area”** means any Highway, driveway, parking lot, beach, wharf, school ground, or playground in The Park, or such other premises as the Board may from time to time designate.

**“Recreational Vehicle”** means any Vehicle designed or used primarily for accommodation during travel or recreation, including but not limited to a “motor home” as defined in the *Motor Vehicle Act* (British Columbia).

**“Registered Guest”** means any Person the reservation information states the cabin is registered to.

**“Smoker Units”** means an apparatus for cooking at low temperatures in a controlled, smoky environment, powered by a wide variety of fuels, including electricity, propane or natural gas, wood, Charcoal and pellets.

**“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. Commonly known as a UAV or drone.

**“Vehicle”** has the same meaning as in the *Motor Vehicle Act* (British Columbia).

**“Visitor”** means any Person visiting a Registered Guest.

**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**

All Registered Guests, Guest and Visitors are subject to the provisions as outlined in this bylaw, the Cabins at Cultus Lake Park Administrative Policy and all other Cultus Lake Park Bylaws and amendments.

### **4 NOISE REGULATION**

#### **4.1 Exemptions**

Notwithstanding anything contained herein, no Person will be guilty of an infraction of this Bylaw while:

- (a) Operating or in charge of Fire Department, Police, Ambulance and Park Staff Vehicles while in the execution of their duties;
- (b) operating any Vehicle, machinery or other apparatus or thing during an emergency or in furtherance of the public interest including, without limiting the generality of the foregoing, water main and sewer main break repairs; or
- (c) performing works of an emergency nature for the preservation or protection of life, health or property, provided that, the responsibility will be on the Person performing the work to show cause that the work was of an emergency nature.

#### **4.2 General Prohibitions**

- (a) No Person will make, cause, or permit to be made or caused, any noise in or on any Public Area at the Cabins which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person or Persons in the vicinity of that place.
- (b) No Person will make, cause, or permit such Cabin to be used so that noise or sound which occurs on or emanates from, disturbs, or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person or Persons in the same Cabins or in the neighborhood or vicinity of the Cabins.
- (c) Quiet hours will be maintained between 11:00 pm and 7:00 am when the Cabins will be free of any excessive noise that could disrupt the peaceful enjoyment of the Cabins and no Person will make unnecessary or continuous noise during these quiet hours.

#### **4.3 Public Address Systems**

No Person will possess or operate a Public Address and/or sound system in the Cabins or on Cabin grounds without written permission from the Manager of Sunnyside Campground and Accommodations or Designate.

#### **4.4 Motor Vehicle Noise**

- (a) The following noises are considered unnecessary, objectionable, or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of Registered Guest, Guest or Visitor and while operating a Motor Vehicle, no Person will:

- i. Squeal a tire on a road or highway surface;
- ii. emit a loud, roaring or explosive sound;
- iii. allow amplified sound of a radio, CD-player, or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates and can be easily heard by someone outside the Motor Vehicle;
- iv. allow the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding three (3) minutes, or made more than three (3) times in a 24-hour period; or
- v. allow the sound of a horn or other warning device to be used for any purpose other than as an audible warning incidental to the safe operation of the Motor Vehicle.

#### **4.5 Vehicles Idling and Air Quality**

- (a) While operating a Motor Vehicle, no Person will idle or otherwise run continuously for more than three (3) minutes at the same location, except:
  - i. A Vehicle containing equipment that must be operated inside or in association with a Vehicle; or
  - ii. a Vehicle serving as a facility for taking measurements or making observations by or on behalf of the Cabins, public utility, police, fire or ambulance.

#### **4.6 Specific Prohibitions**

Without limiting the generality of Subsection 4.2 no Person will:

- (a) Play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or near any Cabin or on any road, laneway, in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any Person in the neighborhood or vicinity of those premises or place;
- (b) allow or permit any Cabin to be used by a Person for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any Person in the neighborhood or vicinity of said Cabin; or
- (c) create a Nuisance or disturbance at the Cabins or any portion of a road, laneway, or other Public Area by participating in a fight or other similar physical confrontation between consenting or non-consenting Person.

### **5 GUESTS AND VISITORS**

- 5.1** No Person will cause a Nuisance anywhere in the Cabins. Violators will be subject to fines and/or eviction. Registered Guests, Guest and Visitors who are ongoing or repeat violators will in all cases be subject to eviction pursuant to Section 14 [Evictions] of this Bylaw.
- 5.2** No Person will have or cause belligerent or disrespectful behavior at the Cabins. Violators will be subject to fines and/or eviction pursuant to Section 14 [Evictions] of this Bylaw.

## **6 CABIN GROUNDS**

- 6.1** No Person will operate an Unmanned Aerial Vehicle (commonly known as a drone) within the Cabins area.
- 6.2** No Person under the age of 18 years will be out of their Cabin after 11:00 pm unless accompanied by an adult. Fines will be applied per attendance and may result in eviction.
- 6.3** No Person will occupy the common areas, such as the green space, after dusk. This does not apply to the community fire pit areas.
- 6.4** No Person will smoke within the Park, except for in the exempted areas.

## **7 VEHICLES**

- 7.1** Vehicles parked at the Cabins must:
  - (a) Comply with the *Motor Vehicle Act*;
  - (b) have valid insurance;
  - (c) be registered at the Visitor Services office;
  - (d) be parked in a way as to not impede the flow of traffic within parking lots; and
  - (e) must not be a Recreational Vehicle or a Camperized Van.
- 7.2** Unauthorized Vehicles are subject to towing and/or fines as outlined in the Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019.

## **8 TERMS OF OCCUPANCY**

- 8.1** No Person under the age of 21 will be permitted to occupy any Cabin unless accompanied by the Registered Guest, aged 21 years of age or older, who will remain responsible for all bylaw contraventions and Visitor and Guest actions at the Cabin during the entirety of stay.
- 8.2** No Person, being the Registered Guest, will allow more than the specified number of overnight occupancies for each individual cabin.
- 8.3** No Person will occupy or remain at a Cabin beyond the set check out time of 11:00 am, unless they have prior written permission from the Manager of Sunnyside Campground and Accommodations or Delegate.
- 8.4** No Person will erect a tent anywhere on the Cabin grounds.
- 8.5** A replacement fee will be charged for any lost, stolen, or damaged cabin keys as outlined in Schedule A of this Bylaw.

## **9 LIQUOR**

No Person will consume liquor and/or alcoholic beverages or have open liquor and/or alcoholic beverages in their possession outside of the Cabins or the Cabin deck perimeters.

## **10 PETS**

No Person will allow or harbor any domestic pets or exotic animals within a Cabin or the Cabin grounds.

## **11 PLANTS AND TREES**

**11.1** No Person will:

- (a) Cut, trim or damage plants and/or trees, including fallen trees; or
- (b) use nails, screws or any material which could damage a tree.

**11.2** Violations will result in fines and may result in eviction.

## **12 ELECTRICITY**

**12.1** No Person will maintain lit lighting during daylight hours or when retiring for the night, within a Cabin.

**12.2** No Person will operate, or cause to allow to be operated, an air conditioner in a Cabin not occupied for twelve (12) hours or more.

## **13 CAMPFIRES AND FIRE BANS**

**13.1** No Person will light or maintain an open burning wood fire on the Cabin grounds, except for in the designated fire pits and are subject to the following conditions, the fire must:

- (a) Be in the fire rings provided by Cultus Lake Park;
- (b) not be left unattended, an adult must be present;
- (c) be a safe distance from any tree, building, Vehicle and combustible structure or any type of material that may be subject to combustion;
- (d) have flames lower than six (6) inches in height;
- (e) only burn untreated wood; and
- (f) not be outside of the permitted daily times of 7:00 am to 11:00 pm.

**13.2** No person will use a Smoker Unit at the Cabins.

**13.3** In the event of a Fire Ban, all fire ban regulations must be strictly adhered to. Please refer to the current Cultus Lake Park Burning Conditions, Restrictions and Fire Ban Bylaw and all amendments pertaining to fire bans within Cultus Lake Park.

## **14 EVICTIONS**

If a Registered Guest contravenes any section of this Bylaw or any Cultus Lake Park Bylaw, the Guest may be subject to the following:

- (a) With respect to any eviction pursuant to this Section 14, the Person who are evicted are not entitled to any refunds, damages, or reimbursement for any costs or expenses whatsoever, known, or unknown, arising directly or indirectly from the eviction.
- (b) All Guests and Visitors associated with the reservation will be required to leave the Cabins and remove all personal property immediately.
- (c) A Guest that has been evicted from the Cabins will not be permitted to return as a Registered Guest, Guest or Visitor for two (2) years and only with approval of The Manager of Sunnyside Campground and Accommodations or Delegate and the CAO.
- (d) Evictions will be at the sole discretion of The Manager of Sunnyside Campground and Accommodations or Delegate and the CAO.

## 15 FEES AND FINES

**15.1** All Persons are subject and will pay the types of fees as listed in Schedule A of this Bylaw and the provisions and fines set out in Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019, as amended from time to time.

**15.2** The amounts of all fees listed in Schedule A of this Bylaw are determined and set from time to time as follow:

- (a) The Board hereby delegates to the Chief Financial Officer all of the powers, duties and functions of the Board under Sections 14(a.1) and 14(f.1) of the *Act* to determine and publish, on an annual basis, the amount of each fee;
- (b) by March 31 of each calendar year, the Chief Financial Officer will determine and publish, or cause to be published, a notice (the "Fee Notice") in the Cultus Lake Park Office stating the amount of each fee, and such Fee Notice will remain published in the Cultus Lake Park Office until such fee amounts are no longer in effect;
- (c) all fee amounts go into effect the later of (i) 14 days after the applicable Fee Notice is published, or (ii) such other date specified in the Fee Notice, and supersede any prior Fee Notices and fee amounts;
- (d) in determining any fee amounts pursuant to this Section 15.2, the Chief Financial Officer will consider, acting reasonably, all of the following factors:
  - (i) all costs to the Board of enforcing this Bylaw;
  - (ii) all costs to the Board in managing and maintaining the Cabins at Cultus Lake, including administration, infrastructure and security;
  - (iii) the most recently passed budget of the Board;
  - (iv) the financial circumstances of the Board;
  - (v) the best interests of the Board; and
  - (vi) the mandate of the Board;
- (e) the amount for each type of fee determined pursuant to Section 15.2 will not increase more than 20% year-over-year;
- (f) the Chief Financial Officer may publish copies of the Fee Notice at locations that are in addition to the Cultus Lake Park Office, but in the event of a conflict or inconsistency between the Fee Notice published in the Cultus Lake Park Office and any other notice, the Fee Notice published in the Cultus Lake Park Office will prevail and govern; and

(g) if no Fee Notice is published by the Chief Financial Officer by the deadline set out in Section 15.2(b), then any Fee Notice from the previous year remains in effect and enforceable.

**15.3** Each occurrence or day that a contravention of a provision of this Bylaw exists or is permitted to exist will constitute a separate offence.

**15.4** All outstanding fees and fines must be paid in full before renewal or bookings are permitted.

## **16 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.

## **17 REPEAL**

Cultus Lake Park The Cabins at Cultus Lake Park Bylaw No. 1152, 2019 and amendments are repealed upon adoption.



**18 EFFECTIVE DATE**

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

READ A FIRST TIME THIS 19<sup>th</sup> DAY OF JANUARY, 2022

READ A SECOND TIME THIS 19<sup>th</sup> DAY OF JANUARY, 2022

READ A THIRD TIME THIS 19<sup>th</sup> DAY OF JANUARY, 2022

ADOPTED this 16th day of FEBRUARY, 2022



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David Renwick, Chair  
Cultus Lake Park Board



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Joe Lamb  
Chief Administrative Officer

I HEREBY CERTIFY the foregoing to be a true  
and correct copy of Cultus Lake Park The Cabins  
at Cultus Lake Park Bylaw No. 1208, 2022



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Chief Administrative Officer

## Schedule A

<b>No.</b>	<b>Fee Type</b>	<b>Fee Sub-types</b>
1.	Arbutus Nightly Rate	High Season Low Season
2.	Arbutus Weekly Rate	High Season Low Season
3.	Birch Nightly Rate	High Season Low Season
4.	Birch Weekly Rate	High Season Low Season
5.	Cedar & Fir Nightly Rate	High Season Low Season
6.	Cedar & Fir Weekly Rate	High Season Low Season
7.	Dogwood & Elm Nightly Rate	High Season Low Season
8.	Dogwood & Elm Nightly Rate	High Season Low Season
9.	Forestview Nightly Rate	High Season Low Season
10.	Forestview Weekly Rate	High Season Low Season
11.	Lakeview Nightly Rate	High Season Low Season
12.	Lakeview Weekly Rate	High Season Low Season
13.	Twin Alders Nightly Rate	High Season Low Season
14.	Twin Alders Weekly Rate	High Season Low Season
15.	Administration Fee	Not Applicable
16.	Non-Refundable Reservation Fee	Not Applicable
17.	Cancellation Fee	Not Applicable
18.	Retained Deposits	Not Applicable
19.	Key Replacement Fee	Not Applicable
20.	Cabin damage or replacement of broken item(s)	Not Applicable
21.	Cost of cleaning and deodorizing a cabin due to smoking	Not Applicable
22.	Cost of replacement tree	Not Applicable