

*[Prepared for convenience by the Office of Legislative Counsel. Note: This Act has not been revised as part of the Revised Statutes 1996. References in this Act to other Acts may be references to earlier Revised Statutes or to Acts not consolidated in a general revision of statutes, depending on when the provision of this Act containing the reference was enacted or amended.]*

## AN ACT RESPECTING CULTUS LAKE PARK

### S.B.C. 1932, CHAPTER 63

*[Updated to June 16, 2005]*

*Assented to April 13, 1932*

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WHEREAS the Corporation of the City of Chilliwack and the Corporation of the Township of Chilliwack are the registered joint owners in trust for park purposes of the following lands and premises, namely: Fractional part of Legal Subdivisions 11, 13, and 14 of Section 25, and Legal Subdivisions 3 and 4 of Section 36, Township 22, east of the Coast meridian, New Westminster District:

AND WHEREAS the City of Chilliwack and the Corporation of the Township of Chilliwack have jointly presented a petition praying that the Cultus Lake Park be governed by a joint Board

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of Park Commissioners elected from both city and municipality, and that the power of the said Commissioners be made greater than that provided for by the *Municipal Act* and the *Provincial Parks Act*:

AND WHEREAS the City of Chilliwack and the Corporation of the Township of Chilliwack have entered into an agreement under clause 184 of section 54 of the *Municipal Act*, for the joint regulation, management, maintenance, and improvement of Cultus Lake Park:

AND WHEREAS it is expedient to grant the prayer of the said petition:

THEREFORE, HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

**Short title**

- 1 This Act may be cited as *The Cultus Lake Park Act*.  
1932-63-1.

**Interpretation**

- 2 In this Act:—
- (1) “**Board**” means the Cultus Lake Park Board:
  - (2) “**Park**” means Cultus Lake Park, comprising the following lands and premises: Fractional part of Legal Subdivisions 11, 13, and 14 of Section 25, and Legal Subdivisions 3 and 4 of Section 36, Township 22, east of the Coast meridian together with any lands that may at any time be added thereto or set apart for the purpose of being administered as part of Cultus Lake Park.  
1932-63-2; 1939-9-2.

**Park Board established**

- 3 A Board of Commissioners, to be known as the “Cultus Lake Park Board,” shall be constituted as hereinafter provided and shall have the regulation, management, maintenance, and improvement of Cultus Lake Park.  
1932-63-3.

**Membership**

- 4 The Board shall be and is constituted a body politic and corporate and shall consist of seven members, five of whom shall represent the District of Chilliwack, and two of whom shall represent the residents of Cultus Lake Park and referred to hereafter as “Cultus Lake representatives”.  
1980-61-2; 1989-31-1.

**Qualifications**

- 5 (a) The qualification for a member of the Board representing the District of Chilliwack shall be the qualification of a member of the Council of a Municipality as provided by the *Local Government Act*.

- (b) The two Cultus Lake representatives shall be qualified by being such persons who are leaseholders of the Board or who reside within Cultus Lake Park; and who in all other respects would be qualified for, and not disqualified from, being nominated, elected, or holding office as a member of the Council of a municipality as provided by the *Local Government Act*.
- (c) No person shall be qualified to be a member of the Board or sit thereon unless the member possesses the qualifications set forth either in Section 5 (a) or Section 5 (b).

1980-61-3; 2000-7-191.

#### Election of Board

- 6 (a) As the term of office of each member of the Board representing the District of Chilliwack expires the electors of the District of Chilliwack shall elect his or her successor in office. Candidates for such election shall be nominated and elected at the same time and in the same manner as members of a council are elected under the provisions of the *Local Government Act*.
- (b) The 2 Cultus Lake representatives shall be elected to the Board by persons who are leaseholders of the Board or who reside within Cultus Lake Park.

Divisions 4 and 5 of Part 4 of the *School Act*, as they apply to a trustee election conducted by a board of school trustees, apply to the election of the Cultus Lake representatives except as otherwise provided and, for these purposes, the references in those Divisions are to be read in accordance with the following:

- (i) a reference to a board is to be read as a reference to the Board;
- (ii) a reference to a trustee electoral area is to be read as a reference to the Park;
- (iii) a reference to the secretary treasurer of a board is to be read as a reference to the officer or employee of the Board assigned responsibility for these matters by the Board;
- (iv) a reference to the minister is to be read as a reference to the minister responsible for this Act.

1980-61-4; 1989-31-2; 1993-54-82; 2000-7-191.

#### Term of office

- 7 Each member of the Board to be elected under the provisions of this Act shall hold office for the same term as a member of a council under the *Local Government Act*, unless the member of the Board resigns or becomes disqualified.

1989-31-3; 2000-7-191.

#### Disqualification

- 8 A member of the Board shall become disqualified and his office become vacant in any of the following events:—

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- (a) Of his being absent from the meetings of the Board for three consecutive months without leave of absence from the Board, or without furnishing reasons satisfactory to the Board, and upon the Board passing a resolution declaring the office of such member to be vacant:
- (b) Of his ceasing to hold the qualifications required by section 5 hereof:
- (c) Of his committing a breach of any of the provisions of section 20.

1932-63-8.

**Filling vacancies**

- 9** Whenever a vacancy shall occur on the Board the Council of the District of Chilliwack shall forthwith appoint a new member to the Board to take the place of such member, and the new member so appointed shall hold office for the remainder of the term for which his predecessor was elected.

1932-63-9; 1980-61-5.

**Meetings**

- 10**
- (a) Regular meetings of the Board shall be held at such times as it may by by-law or resolution determine.
  - (b) The Chairman or any two members may summon a special meeting of the Board, giving at least two days' notice in writing to the members, and specifying the purpose for which the meeting is called.
  - (c) A majority of the members of the Board shall form a quorum.

1932-63-10.

**Procedure**

- 11** All orders and proceedings of the Board shall be entered in the books to be kept for that purpose and shall be signed by the Chairman and the Secretary.

1932-63-11.

**By-laws**

- 12** The Board may from time to time pass by-laws for the use, regulation, protection, and management of the park. The by-laws of the Board shall be sufficiently authenticated by being signed by the Chairman and Secretary of the Board, and a copy of any by-law written or printed and certified to be a true copy by the Secretary of the Board shall be received in evidence in any Court of justice or elsewhere without proof of any such signature, unless it is specially pleaded that the signature to the original by-law has been forged.

1932-63-12.

**Access to by-laws**

- 13** Every by-law passed by the Board shall be kept in the custody of the Secretary of the Board at his office and shall be open to inspection by the public at all reasonable times.

1932-63-13.

**Powers of Board**

- 14** The Board shall have the power to:—
- (a) Grant concessions and licences to any person or persons for any term or terms for any purpose or purposes that the Board considers conducive to the more convenient use of the park by the public and make charges therefor; but a concession or licence shall not be granted for a term, including any option for renewal,
    - (i) in excess of five years, except with the approval of the Council of the District of Chilliwack; or
    - (ii) in excess of twenty years in any event:
  - (b) To lease campsites for any period not exceeding one year and to lease for a period not exceeding twenty-one (21) years, building sites for private or public use and make charges therefor; provided that no lot of less than 7,500 square feet shall be granted more than a one-year lease unless that lot is adequately sewerred to acceptable standards:
  - (c) To construct, operate, and maintain in the park a waterworks system, and to buy electricity and construct and maintain the necessary distribution system therefor; also to supply water and electricity to concessionaires, licensees, and lessees and to make charges therefor:
  - (d) To pass by-laws regulating its meetings:
  - (e) To pass by-laws providing for the removal of trespassers:
  - (f) To construct, operate, and maintain in the park such improvements, buildings, equipment, facilities, conveniences, amusements, and businesses as the Board considers conducive to the more convenient use of the park by the public and to make charges in respect thereof:
  - (g) To make such arrangements and to provide such facilities for the protection of the park against fire as the Board may from time to time deem necessary and by by-law to make charges therefor:
  - (h) To organize and operate a garbage collection system within the park and by by-law to make charges therefor:
  - (i) To make such arrangements and to incur such financial obligations for the provision of sewage disposal and treatment facilities within the Park, or a portion or portions of the Park, including arrangements with other governmental bodies, as the Board may from time to time deem advisable and to impose such charges upon the leaseholders benefitting from such system as may be necessary to defray the construction, maintenance, operation, or replacement costs of such facilities:
  - (j) exercise by by-law, with the approval of the Council of the District of Chilliwack, any or all of the powers under sections 703, 706, 707, 725 (1) (l) and 728 of the *Local Government Act*, other than section 728 (1) (e) of that Act.

1932-63-14; 1939-9-5; 1943-15-2; 1962-74-2,3; 1980-61-6; 1989-31-4; 2000-7-251.

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**Remuneration of Board**

- 15** (1) The remuneration for the Chairman and the other members of the Board shall be as authorized and fixed from time to time by by-law adopted by the Council of the District of Chilliwack, and in addition thereto the Chairman and each other member is entitled to receive his actual disbursement for expenses in visiting or superintending the park if such expenses are approved by the Board.
- (2) The remuneration for the Chairman may be authorized and fixed at a greater amount than for the other members of the Board.

1962-74-4; 1980-61-7.

**Secretary-Treasurer**

- 16** The Board shall appoint a Secretary-Treasurer and fix his remuneration, and the said Secretary-Treasurer shall keep distinct and regular accounts of the receipts, payments, credits, and liabilities, and the accounts of the Board shall be audited each year as directed by the Board.

1932-63-16.

**Chairman**

- 17** A Chairman shall be elected by a majority of the members present at the first meeting of the Board each year, and should a vacancy occur in such office during the year such vacancy may thereafter be filled by a majority vote of the members present at a meeting.

1932-63-17.

**Expenditure limited**

- 18** (1) Except as provided in subsection (2), the power of the Board to expend moneys shall be limited to the money received from operating the park, together with such sums as may be granted by the District of Chilliwack; and the Board shall within one month after the expiry of each year furnish the District of Chilliwack with a statement of receipts and expenditures for the year ending on the thirty-first day of December.
- (2) The Board may pass a by-law or may from time to time pass by-laws authorizing the borrowing and in pursuance thereof may borrow from any person such sum or sums of money as may be requisite to meet the lawful expenditure of the Board under the following conditions:—
- (a) That the obligation given to the lender shall be in writing, signed by the Chairman and the Finance Committee (if any) and the Secretary-Treasurer of the Board, and shall bear the corporate seal, and shall be for a period not exceeding one year, but may be renewed from time to time as circumstances may require:
- (b) That the Board shall in the by-law name the amount to be borrowed, the maximum rate of interest, the date on or before which principal and interest

shall be payable, and the form of the obligation to be given as an acknowledgment of the liability:

- (c) That the total of the liability so incurred shall not at any time exceed the sum of \$50,000.00 without the express permission of the District of Chilliwack, which permission may be given in all cases where the said municipality deems it fitting and proper.

1939-9-7; 1950-81-2; 1980-61-8.

#### **Sale of goods within park**

- 19** (1) No person or persons shall within the park follow, practise, carry on, or exercise any trade, occupation, profession, business, or calling without written permission of the Board.
- (2) The Board shall have power to grant permission to any person to follow, practise, carry on, or exercise any trade, occupation, profession, business, or calling, and may fix the conditions under which such permission is granted, but such permission shall not be granted for a period exceeding five years.
- (3) Notwithstanding anything contained in this Act or in the by-laws of the Board, the Board may by unanimous vote of all the members present at any meeting refuse in any particular case to grant any such permission.

1939-9-8.

#### **No contract or pecuniary interest**

- 20** No member of the Board shall have any contract with the Board or be pecuniarily interested, directly or indirectly, in any matter relating to the park or park's property, other than under subclauses (b) and (c) of section 14 hereof.

1932-63-20.

#### **Penalties**

- 21** Every person who sits as a member of the Board while disqualified or subject to disqualification, or who commits a breach of the provisions of this Act or of any of the by-laws of the Board, shall be liable, on summary conviction, to a fine not exceeding fifty dollars; and the person so offending shall also be liable to an action at the suit of the Board for any damages caused by him.

1932-63-21.

#### **Breach of Act an offence**

- 22** Every person who commits a breach of the provisions of this Act or of any of the by-laws of the Board shall be liable, on summary conviction, to a fine not exceeding fifty dollars; but no action for damages in respect of any such breach shall be suspended or affected by reason of any prosecution or conviction under this section.

1943-15-3.

**Power to perform work at expense of person in default**

- 23 Whenever the Board has authority to direct, by by-law or otherwise, that any matter or thing shall be done by any person, the Board may also by the same or another by-law direct that, in default of its being done by that person, such matter or thing shall be done at the expense of the person in default; and the Board may recover the expense thereof with interest at the rate of six per centum per annum in like manner as other charges imposed by the Board.

1943-15-3.

**Charges imposed recoverable as debt**

- 24 Such charges as the Board shall from time to time impose under the authority of section 14 shall be a debt recoverable by action brought by the Board in any Court of competent jurisdiction.

1943-15-3.