

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3533

A Bylaw to Promote Clean Air by Regulating Motor Vehicle Idling

WHEREAS:

- A. By Supplementary Letters Patent dated May 16, 1974, the powers, duties and obligations of all participating member Municipalities and any other local authorities to perform the function conferred on the Capital Regional District pursuant to Division XI – Community Health were transferred to the exclusive jurisdiction of the Capital Regional District, including, but without limiting the generality of the foregoing, the health powers conferred upon the Council of a municipality by the *Community Charter* S.B.C. 2003, c. 26;
- B. The Board of the Capital Regional District may, by bylaw, pursuant to section 523 of the *Local Government Act*, R.S.B.C. 1996, c. 323, regulate and prohibit for the purposes of maintaining, promoting and preserving public health and maintaining sanitary conditions and undertake any other measures it considers necessary for those purposes;
- C. The Capital Regional District has been granted the additional power to exercise the powers conferred on a council of a municipality under section 8(3)(i) of the *Community Charter*, S.B.C. 2003, c. 26, in accordance with section 14 of the Capital Regional District Regulation, B.C. Reg. 65/90;
- D. Section 9(4) of the *Community Charter*, S.B.C. 2003, c. 26, and the Public Health Bylaws Regulation, B.C. Reg. 42/2004, requires that a bylaw to be adopted in relation to a matter referred to in both subsection (1)(a) or (b) and subsection 1(c) or (d) must not be adopted until the local government has consulted with the Medical Health Officer responsible for health matters within the Capital Regional District and approved by the Minister of Health;
- E. The Board of the Capital Regional District has consulted with the Medical Health Officer and this Bylaw has been approved by the Minister of Health.
- F. Motor vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, sulphur oxide, and volatile organic compounds which are a health hazard to the inhabitants of the Capital Regional District; and
- G. It is desirable for the purposes of maintaining, promoting and preserving the public health of the inhabitants of the Capital Regional District to prohibit, regulate and impose requirements in relation to controlling vehicular idling in the Capital Regional District.

NOW, THEREFORE, the Board of the Capital Regional District, in open meeting assembled HEREBY ENACTS AS FOLLOWS:

1. INTERPRETATION

In this Bylaw:

"Idle" means the operation of a vehicle engine while the vehicle is not in motion and "idling" has a corresponding meaning.

"Vehicle" or **"Motor Vehicle"** means any vehicle that is capable of being driven or drawn on roads by any means other than muscular power exclusively, but does not include any vehicle designed to run exclusively on rails.

"Mobile Workshop" means

- i. a vehicle containing equipment that must be operated inside or in association with the vehicle; or
- ii. a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction operated by or on behalf of a local government, public utility or police, fire or emergency service; or
- iii. a vehicle with technical specifications that require the engine to idle as prescribed by the vehicle's operating manual or for the purpose of personal and/or public safety.

2. PROHIBITION

No person shall cause or permit a vehicle engine to idle for more than three consecutive minutes.

3. EXEMPTIONS

Section 2.0 does not apply to:

- (a) Police, fire or ambulance vehicles while engaged in operational activities, except where idling is substantially for the convenience of the operator of the vehicle.
- (b) Vehicles assisting in an emergency activity.
- (c) Mobile workshops while they are in the course of being used for their basic function.
- (d) Vehicles using heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo.
- (e) Vehicles for which idling is required to service the engine or conduct repairs.
- (f) Armoured vehicles in which a person remains inside the vehicle while guarding the contents, or while the vehicle is being loaded or unloaded.

- (g) Vehicles remaining motionless because of an emergency, traffic (including traffic congestion and signals), weather conditions or mechanical difficulties over which the driver has no control.
- (h) Vehicles engaged in the course of a parade or race or any other event authorized by municipal Council or the CRD Board.
- (i) Vehicles idling while passengers are embarking or disembarking.
- (j) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range.

4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court, the section, subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.

5. PENALTY

Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the *Offence Act*.

6. CITATION

This Bylaw may be cited as the "Capital Regional District Idling Control Bylaw No.1, 2008."

READ A FIRST TIME THIS	14 th	day of	May	2008.
READ A SECOND TIME THIS	9 th	day of	July	2008.
READ A THIRD TIME THIS	9 th	day of	July	2008.
APPROVED BY THE MINISTER OF HEALTH THIS	12 th	day of	January	2009.
ADOPTED THIS	8 th	day of	April	2009.

Original signed by Geoff Young
CHAIRPERSON

Original signed by Carmen Thiel
SECRETARY