

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 and functions of all participating member Municipalities and any other local municipalities the function conferred on the Capital Regional District pursuant to the *Community Charter* were transferred to the exclusive jurisdiction of the Capital Regional District without limiting the generality of the foregoing, the Council of a municipality may, on the Council of a municipality by the *Community Charter* S.B.C. 2003, c. 3.
- B. The Board of the Capital Regional District is authorized by section 523 of the *Local Government Act*, R.S.B.C. 1996, c. 240, to prohibit for the purposes of maintaining, promoting and preserving the public health, safety, sanitary conditions and undertake any other measures it considers necessary for those purposes;
- C. The Capital Regional District has been authorized by section 10(1) of the *Community Charter*, S.B.C. 2003, c. 3, to exercise the powers conferred on a council of a municipality by section 10(i) of the *Community Charter*, S.B.C. 2003, c. 3, and section 10(i) of the *Capital Regional District Regulation*, B.C. Reg. 65/96.
- D. Section 9(4) of the *Community Charter*, S.B.C. 2003, c. 3, and the Public Health Bylaws Regulation, B.C. Reg. 65/96, require that a bylaw or regulation adopted in relation to a matter of public health, safety or the environment under subsection 1(c) or (d) must not be adopted unless the bylaw or regulation has been approved by the Medical Health Officer responsible for the area in 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 the Minister of Health and the bylaw or regulation has been approved by the Minister of Health.
- F. The presence of particulate matter, nitrogen oxide, carbon monoxide, sulphur dioxide and other air pollutants in the Capital Regional District is a health hazard to the inhabitants of the Capital Regional District.
- 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 idling" has a corresponding meaning.

"Vehicle" or **"Motor Vehicle"** means any vehicle that is not drawn on roads by any means other than muscular power, or any vehicle designed to run exclusively on rails.

"Mobile Workshop" means

- i. a vehicle containing equipment that must be used in connection with the vehicle; or
- ii. a vehicle serving as a facility for taking measurements, making observations or conducting maintenance or construction work on behalf of a municipality, public utility or police, fire or emergency services.

2. PROHIBITION

No person shall cause a vehicle to idle for more than three minutes in a 60-minute period.

3. EXEMPTIONS

Section 2 does not apply to a vehicle while engaged in operational activities, except for the convenience of the operator of the vehicle.

(b) Vehicles engaged in an emergency activity.

(c) Vehicles while they are in the course of being used for their basic

- (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

4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Bylaw is 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 Act.

6. CITATION

This Bylaw may be cited as the "Capital Region Restriction on Parades Bylaw No.1, 2008."

READ A FIRST TIME THIS _____ day of _____ 2008.

READ A SECOND TIME THIS _____ day of _____ 2008.

READ A THIRD TIME THIS _____ day of _____ 2008.

APPROVED BY COUNCIL THIS _____ day of _____ 2008.

ADOPTED BY THE BOARD THIS _____ day of _____ 2008.

CHAIRPERSON

SECRETARY