

BYLAW No. ####
ANTI-IDLING BYLAW

A bylaw to regulate, control, or prohibit idling of vehicles.

The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

WHEREAS pursuant to Section 124(1)(c) of the *Motor Vehicle Act*, a municipality may, by bylaw, regulate, control and prohibit the stopping, standing, or parking of vehicles in the municipality;

AND WHEREAS pursuant to Sections 8(3)(h) and 64(c) of the *Community Charter*, a municipality may, by bylaw, regulate, prohibit and impose requirements with respect to the protection and enhancement of the well-being of its community in relation to the emission of smoke, fumes and other effluvia that is liable to foul or contaminate the atmosphere;

AND WHEREAS motor vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, sulphur oxide, volatile organic compounds and greenhouse gas emissions;

AND WHEREAS air pollution in the Village of Lions Bay is associated with the well-being of the community;

AND WHEREAS, the Village of Lions Bay has committed to reducing greenhouse gas emissions under the B.C. Climate Change Action Charter

THEREFORE the Council of Lions Bay enacts the following by-law:

This Bylaw may be cited as “Anti-Idling Bylaw No ####”

Severability

1. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

Definitions

2. In this Bylaw, the following definitions apply:

“Bylaw Enforcement Officer” means every person designated by Council by name of office or otherwise as an enforcement officer for the purposes of administering and enforcing this Bylaw; and a peace officer including every member of the Royal Canadian Mounted Police;

"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 or utilizing hybrid technology; and

"Vehicle with Power Take-off" means a vehicle containing work equipment that must be powered by the vehicle engine.

General Prohibition

3. No person shall cause, permit or allow a vehicle to idle for more than one minute in any one hour period.

Exemptions

4. Section 3 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) vehicles with power take-off while they are in the course of being used for their basic function;

(d) vehicles for which idling is required to service the engine or conduct repairs;

(e) armoured vehicles in which a person remains inside the vehicle while guarding the contents, or while the vehicle is being loaded or unloaded;

(f) vehicles remaining motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control; or

(g) vehicles idling while passengers are embarking or disembarking.

Administration and Enforcement

5. This by-law may be administered and enforced by a By-law Enforcement Officer of the Village of Lions Bay.

Means of Enforcement

6. This bylaw is designated under section 264(1)(a) of the Community Charter as a bylaw that may be enforced by means of a municipal ticket information under the Community Charter, and is also designated under section 4 of the Local Government Bylaw Notice Enforcement Act as a bylaw that may be enforced by means of a bylaw notice.

Part 8 Designation of Bylaw Officer

7. Bylaw Enforcement Officers are designated under section 264(1)(b) to enforce this bylaw by means of a municipal ticket information under the Community Charter.

8. The expression “Unlawful Idling” is hereby authorized under section 264(1)(c) of the *Community Charter* to designate the offence committed under section 3 of this bylaw.

9. A fine of \$100.00 is hereby established under s.265(1)(a) of the *Community Charter* as the fine amount for any offence committed under section 3 of this bylaw.

10. A penalty of \$100.00 is hereby established under section 6 of the Local Government Bylaw Notice Enforcement Act as the penalty due for any offence committed under section 3 of this bylaw.

11. A Bylaw Enforcement Officer is authorized to refer any disputed municipal ticket information to the provincial court for a hearing.

Offence and Penalty

12. Any person who contravenes any provision of this by-law is guilty of an offence.

13. The owner or lessee of a vehicle that is permitted to idle in contravention of this by-law is guilty of an offence.

14. Every person guilty of an offence under this By-law shall, upon summary conviction, be liable to pay a minimum fine of \$1,000 and a maximum fine of \$10,000.

READ A FIRST TIME on

READ A SECOND TIME on

READ A THIRD TIME on

ADOPTED by the Council on

Mayor

Village Manager