

BOWEN ISLAND MUNICIPALITY

BYLAW NO. 210, 2008

A Bylaw to control idling within
Bowen Island Municipality

WHEREAS, Section 124(1)(c) of the *Motor Vehicle Act* authorizes municipalities to regulate with respect to stopping, standing or parking of vehicles in the municipality;

AND WHEREAS, Section 8(3)(h) and 64(c) of the *Community Charter* authorizes municipalities to regulate 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 Bowen Island Municipality is associated with adverse health effects;

AND WHEREAS, Bowen Island Municipality has committed to improving air quality as part of the *Sea to Sky Air Quality Management Plan*;

NOW THEREFORE Bowen Island Municipal Council in open meeting assembled enacts the following:

1) This Bylaw may be cited for all purposes as the “Bowen Island Municipality Idling Control Bylaw No. 210, 2008.”

2) **Definitions:**

“**Boat**” means a ship or any other description of a vessel not propelled by oars and includes a boat used exclusively for towing purposes, a water taxi and a boat used on water for living purposes.

“**Idle**” means the operating of a vehicle engine while the vehicle is not in motion and “idling” has a corresponding meaning.

“**Motor vehicle**” means the same as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, C. 318.

“**Vehicle**” means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks or a motor assisted cycle (as defined in the *Motor Vehicle Act*, R.S.B.C. 1996, C. 318).

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

3) **General Prohibitions**

No person anywhere within the municipality shall cause or permit a vehicle or boat engine to idle for more than one minute in a 60-minute period.

4) **Exemptions**

General prohibitions do not apply to:

- a. Police, fire or ambulance vehicles or boats while engaged in operational activities, except where idling is substantially for the convenience of the operator of the vehicle;
- b. Vehicles and boats assisting in an emergency activity;
- c. Vehicles or boats with power take-off while they are in the course of being used for their basic function;
- d. Vehicles or boats for which idling is required to service the engine or conduct repairs;
- e. Armoured vehicle in which a person remains inside the vehicle while guarding the contents, or while the vehicle is being loaded or unloaded;
- f. Vehicles or boats remaining motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control;
- g. Vehicles or boats engaged in the course of a parade or race or any other event authorized by Council;
- h. Vehicles or boats idling while passengers are embarking or disembarking.
- i. Vehicles or boats when the ambient outside temperature is more than 30°C or less than 0°C.

5) **Administration and Enforcement**

This bylaw shall be administered and enforced by a Bylaw Enforcement Officer of the Bowen Island Municipality or by an Officer of the Royal Canadian Mounted Police.

6) **Penalties**

- a. Every person guilty of an offence under this bylaw shall be liable to the penalties hereby imposed
- b. Each separate circumstance where section 3 of this bylaw is violated constitutes a separate offence

- c. Where a person is guilty of an offence under this bylaw, those persons authorized under Section 5 may issue a violation notice to be served personally or by registered mail upon the person in violation; and such person shall be liable to pay the Bowen Island Municipality the respective sum or sums, indicated in the violation notice set out as follows:

First Offence:

\$50.00 for each violation of the bylaw.
\$25.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

Second Offence:

\$100.00 for each violation of the bylaw.
\$75.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

Subsequent Offences:

\$150.00 for each violation of the bylaw
\$125.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

If the penalty indicated on the Violation Notice is not paid within thirty (30) days of the issuance, a Summons will be issued in respect of the violation.

7) Penal Clause

Except as otherwise provided in this bylaw, every person who violates any of the provisions of this bylaw, or who suffers or permits any act, or thing, to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this bylaw is liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00) or in the alternative to imprisonment for a period not exceeding six (6) months

READ A FIRST TIME this 25th day of February, 2008.

READ A SECOND TIME this 25th day of February, 2008.

READ A THIRD TIME this 25th day of February, 2008.

RECONSIDERED AND FINALLY ADOPTED this 10th day of March, 2008.

(Original signed) _____
Bob Turner, Mayor

(Original signed) _____
Kathy Lalonde, Clerk

Certified to be a true and correct copy of
“Bowen Island Municipality Idling Control
Bylaw No. 210, 2008” as adopted by the
Council of Bowen Island Municipality this
10th day of March, 2008.

(Original signed)

Kathy Lalonde, Clerk