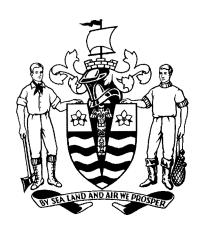
# CITY OF VANCOUVER BRITISH COLUMBIA



MOTOR VEHICLE NOISE AND EMISSION ABATEMENT BY-LAW NO. 9344

## MOTOR VEHICLE NOISE AND EMISSION ABATEMENT BY-LAW

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## **BY-LAW NO. 9344**

## Motor Vehicle Noise and Emission Abatement By-law

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

## SECTION 1 INTERPRETATION

### Name of By-law

1.1 The name of this By-law, for citation, is the "Motor Vehicle Noise and Emission Abatement By-law".

### **Definitions**

1.2 In this By-law:

"idle" or "idling" means the operation of the engine of a motor vehicle that is not in motion; and

"motor vehicle" means a vehicle which is self-propelled or propelled by electric power obtained from overhead wires but does not include a motorized wheelchair or a vehicle operated upon rails or tracks.

#### Table of contents

1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

## Schedules

1.4 Schedules attached to this By-law form part of this By-law.

## Severability

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

## SECTION 2 MOTOR VEHICLE NOISE AND EMISSION ABATEMENT

## Disturbing noises

- 2.1 The following noises are, in the opinion of Council, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public:
  - (a) the squeal of a tire, made by a motor vehicle that is accelerating or changing direction;
  - (b) a loud, roaring, or explosive sound emitted by a motor vehicle;
  - (c) the amplified sound of a radio, television, player, or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and that someone outside the motor vehicle can easily hear;
  - (d) the sound from vehicle-mounted sound amplification equipment made continuously for more than two minutes at the same location;
  - (e) the sound of an automobile security system made, either continuously or intermittently, for a period exceeding one minute, or the sound of an automobile security system, not including its activation status signal, made more than three times in a 24 hour period; and
  - (f) the sound of a motor vehicle that is idling in contravention of section 2.7 of this By-law except as exempted by section 2.8.

## Prohibition against disturbing noises

2.2 A person must not make or cause to be made any objectionable noise set out in section 2.1 of this By-law.

#### Noise from motor vehicle

2.3 A person must not operate a motor vehicle so as to cause a nuisance by noise from the motor vehicle.

## Motor vehicle horn or warning device

2.4 A person must not use or operate a horn or other warning device on a motor vehicle for any purpose other than as an audible warning incidental to the safe operation of the motor vehicle.

## Approved motor vehicle race or parade

2.5 The prohibitions set out in sections 2.2, 2.3, and 2.4 are not to apply to participants in a motor vehicle race or a parade which Council has approved.

### Engine brake

2.6 A person must not use or operate a "Jacobs" brake or other type of engine brake on a motor vehicle for any purpose other than as an emergency braking device incidental to the safe operation of the motor vehicle.

### Idling

- 2.7 A person must not cause or permit a motor vehicle to idle:
  - (a) for more than three consecutive minutes in a 60 minute period; or
  - (b) while unattended and unlocked.

## Idling exception

- 2.8 Section 2.7(a) does not apply to a:
  - (a) motor vehicle that contains or has attached to it equipment requiring power from the engine to operate in the course of the operation of such equipment for a commercial or public purpose;
  - (b) police, fire, ambulance, or other emergency motor vehicle in the course of the performance of police, fire, ambulance, or other emergency duties including training activities;
  - (c) motor vehicle in the course of assistance in an emergency;
  - (d) armoured motor vehicle, used to transport money or valuables, in which a person remains to guard the contents, in the course of the loading or unloading of such money or valuables;
  - (e) motor vehicle in the course of a race or parade Council has approved; or
  - (f) bus while its passengers are in the course of embarking or disembarking.

### **Impounding**

- 2.9 For the purposes of the Impounding By-law, Council deems a motor vehicle that:
  - (a) has an automobile security system operating in contravention of this By-law; or
  - (b) is idling while unattended and unlocked or insecure;

to be a vehicle unlawfully left upon a street.

## SECTION 3 ENFORCEMENT

### Offences under By-law

### 3.1 A person who:

- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under this Section 3.

#### Fine for offence

3.2 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$100.00 and not more than \$2,000.00 for each offence, except that the fine under section 2.7 is not to be less than \$50.00 for a person operating a motor vehicle other than a bus, being a motor vehicle having a seating capacity of more than 12 persons, including the driver, operated for hire or for public transportation, or a truck, being a motor vehicle or combination of motor vehicles having a gross vehicle weight in excess of 10,000 kilograms.

## Fine for continuing offence

3.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not exceeding \$50.00 for each day such offence continues.

# SECTION 4 EFFECT OF BY-LAW, REPEAL, AND ENACTMENT

### Effect of this By-law

4.1 The provisions of this By-law are in addition to, and not in substitution for, the provisions of the Noise Control By-law.

### Repeal

4.2 This By-law repeals By-law No. 4338.

## Force and effect

4.3 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 18<sup>th</sup> day of July, 2006

Mayor

City Clerk