

Re: MOTOR VEHICLE TICKETING FOR NOISE BY-LAW INFRACTIONS

The following Notice of Motion was adopted by Council on December 6, 1976:

"WHEREAS motor vehicle owners in violation of the Noise By-Law now have to be taken to Court and each case personally prosecuted; and WHEREAS this process of prosecution is extremely costly and time consuming for the Municipality and the offenders; and WHEREAS a simple noise violation ticket with a stiffer fine for succeeding violations would be more effective; and WHEREAS Burnaby does not have the power to ticket for By-Law infractions;
THEREFORE BE IT RESOLVED THAT Burnaby seek special legislation from the Provincial Government to enable it to ticket for motor vehicle infractions of our Noise Control By-Law and further that the Municipal Solicitor draw up the necessary proposed legislation."

Attached is a draft of a proposed amendment to Section 871A of the Municipal Act. The proposed amendment includes a by-law made pursuant to Section 870(c) - the noise section - and further provides that the reference in Section 11A(6) of the Summary Convictions Act to peace officer shall be deemed to be a reference to a municipal inspector.

Please also see Item 14 on Page 128 for related information on the Municipality's noise enforcement program for motor vehicle traffic.

RECOMMENDATIONS:

1. THAT the Honourable Hugh A. Curtis, Minister of Municipal Affairs, and the Honourable Garde B. Gardom, Attorney General, be requested to act upon the Municipality's request for authorization to issue tickets for motor vehicle noise infractions pursuant to contraventions of standards as defined in By-Law 6052, "Burnaby Noise or Sound Abatement By-Law 1972"; and
2. THAT copies of this report, Item 14 on Page 128 and By-Law 6052, "Burnaby Noise or Sound Abatement By-Law 1972, be sent to the Minister of Municipal Affairs, the Attorney General and the U.B.C.M.

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BE IT RESOLVED THAT Section 871A of the Municipal Act be repealed and the following substituted therefor:

"871A. The Council may, by by-law, provide that, for a contravention of a by-law made pursuant to section 870(c), 870(t) or section 871(1)(d), (h), or (i), an information may be laid and a summons issued by means of a ticket in accordance with the procedure set out in section 11A(2) to (9) of the Summary Convictions Act, and the provisions of that section apply with the necessary changes and so far as they are applicable to this section, and; for that purpose,

- (a) a reference to the Lieutenant-Governor in Council shall be deemed to be a reference to the Council;
- (b) a reference to the Province shall be deemed to be a reference to the municipality;
- (c) a reference to regulations shall be deemed to be a reference to by-laws. 1974, c. 56, s. 31; and
- (d) a reference to peace officer shall be deemed to be a reference to an inspector appointed by the Council."