

TO: CITY MANAGER

DATE: NOVEMBER 19, 1998

FROM: ACTING CITY SOLICITOR

SUBJECT: CONTINUOUSLY SOUNDING CAR ALARMS

PURPOSE: That the City recommend to the UBCM an amendment to the Municipal Act for consideration at its next convention

RECOMMENDATION:

1. THAT the City include in its annual submission of recommended amendments to the Municipal Act to the UBCM a request for authority to tow from public streets motor vehicles whose alarms sound continuously.

REPORT

At its regular meeting of November 2, 1998 Council adopted the recommendation in the report of the Officer in Charge, Burnaby Detachment (Item 3, Manager's Report No. 28) that staff review the possibility of enacting an amendment to the Noise Bylaw to prohibit the continuous sounding of alarms from cars parked on City streets.

The report noted that the City of Vancouver has enacted a bylaw that deems cars whose alarm systems sound for a period in excess of one minute to be unlawfully parked, which in turn allows such cars to be towed. This provides the Vancouver Police with an effective means of dealing with the nuisance where the car owner does not respond to the alarm.

While the Burnaby Noise Bylaw could be amended to specifically prohibit the continuous sounding of car alarms, this would not give the police the authority to tow the offending vehicle, but only to charge the owner.

The Vancouver Bylaw discussed in the previous report was enacted under the provisions of the Vancouver Charter that enable the City of Vancouver to regulate and prohibit nuisances on its streets. While these provisions are the same in most respects as those in the Municipal Act, the Vancouver Charter was amended in 1993 to give the City of Vancouver the specific authority for:

"providing that, for the purposes of this section, a vehicle shall be deemed to be a vehicle unlawfully left on a street if the vehicle has:

- (A) an automobile security system that is operating in contravention of a by-law, or
- (B) a horn that is audibly sounding for a period of more than 10 minutes,".

No similar amendment was made to the Municipal Act. Without a similar provision in the Municipal Act, it is doubtful that a municipality has the authority to enact a bylaw similar to Vancouver's.

It is therefore recommended that the City of Burnaby recommend to the UBCM that an amendment be made to the Municipal Act to provide authority to tow from public streets motor vehicles whose car alarms sound continuously.



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council/crpt/caralm