

CITY OF NANAIMO

**“MOTORBOAT EXHAUST REGULATION BYLAW 1982 NO. 2475”**

CONSOLIDATED VERSION

1995-MAR-07

Includes amendments: 3159, 4886



CITY OF NANAIMO

BYLAW NO. 2475

A BYLAW TO REGULATE MOTORBOAT EXHAUST ON CITY LAKES

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WHEREAS the Council considers that motorboats which are not equipped with systems or devices to abate noise are objectionable or liable to disturb the quiet, peace, rest and enjoyment, comfort or convenience of individuals or the public,

THEREFORE the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "MOTORBOAT EXHAUST REGULATION BYLAW 1982 NO. 2475".

2. Definitions

This Bylaw, unless the context otherwise requires:

"Foreshore" means the land between the high water mark and the low water mark of a body of water.

3. Prohibitions

(1) No person shall launch a motorboat from land, the foreshore, a public boat launch, or private wharf, any of which adjoins or extends into a lake listed on Schedule 'A' to this Bylaw, unless the motorboat is equipped with either:

- (a) an exhaust system that permits the exhaust gases from the engine of the motorboat to be expelled directly into the air without first passing through water; or
- (b) a muffling device which ensures that the exhaust gases from the engine of the motorboat are cooled and expelled to minimize noise.

(2) No person shall use or operate a motorboat in or upon a lake, listed on Schedule 'A' to this Bylaw, unless it is equipped with one of the systems or devices described in Subsection (1).

(3) No person shall use or operate a motorboat in or upon a lake listed in Schedule 'A' to this Bylaw in such a manner as to disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.

4. Exemption

This Bylaw does not apply to a motorboat which is competing in a race or regatta for which a permit has been issued by the Federal Ministry of Transport with respect to a lake listed in Schedule 'A'. (Bylaw No. 3159)

5. Schedules

Schedules 'A' and 'B' form a part of and are enforceable in the same manner as this Bylaw.

6. Penalty

A person who violates, or causes to be violated, any provision of this Bylaw is liable upon summary conviction to a minimum fine of One Hundred Dollars (\$100.00) and a maximum fine of Two Thousand Dollars (\$2,000.00); or, if an information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule 'B' of this Bylaw. (Bylaw No. 4886)

7. Effective Date

This Bylaw takes effect upon the date of its passing.

**SCHEDULE 'A'**

1. Brannen Lake
2. Long Lake

(Bylaw No. 4886)

**SCHEDULE 'B'**

**FINE SCHEDULE**

Fines for tickets issued pursuant to this Bylaw , shall be as follows:

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Launch boat without adequate exhaust	3(1)(a)	\$100.00
Launch boat without a muffler	3(1)(b)	\$100.00
Operate boat without adequate exhaust	3(2)	\$100.00
Disturb peace while operating a boat	3(3)	\$100.00