

To: Electoral Area Services Committee

Date: 2020-02-13

From: Adriana Snashall, Bylaw Compliance & Enforcement Officer

File No: 3920-20

Subject: Vessel Noise Control Regulations Repeal Bylaw No. 1580, 2020

RECOMMENDATION

THAT the Fraser Valley Regional District Board consider giving three readings and adoption to the bylaw cited as *Fraser Valley Regional District Vessel Noise Control Regulations Repeal Bylaw No. 1580, 2020*.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

In the early 1980's the Dewdney-Alouette Regional District (DARD) and Fraser-Cheam Regional District (RDFC) adopted various vessel noise control regulation bylaws for select waterways. Each of these bylaws specifically prohibited the use of vessels equipped with exhaust systems expelling gases directly into the air without first passing through the water unless the vessel was equipped with a muffling device to ensure that the exhaust gases from the engine are cooled and expelled without excessive noise. These bylaws also generally prohibited any vessel-related audible disturbances. The bylaws and their specific select waterways to which they apply are:

- DARD Bylaw No. 240-1981 –Stave Lake, Salsbury Lake, Hatzic Lake, Strawberry Slough, Nicomen Slough, Lake Errock, a portion of Harrison Bay and some connective waterways;
- RDFC Bylaw No. 485, 1983 – Cultus Lake;
- RDFC Bylaw No. 568, 1984 – Kawkawa Lake;
- RDFC Bylaw No. 610, 1985 – Harrison Bay.

DISCUSSION

Each summer FVRD bylaw enforcement staff receives one or two requests for enforcement of speed restrictions or engine noise caused by careless or dangerous operation of recreational vessels, primarily in the Harrison Bay/Lake Errock areas. As a result of these complaints, bylaw enforcement staff has

been in regular contact with the Office of Boating Safety (Transport Canada) which is responsible for overseeing regulations, standards and policies, enforcement and technical services for recreational vessels. The mandate of the Office of Boating Safety is to encourage safe boating practices and compliance with regulations. This is done through management of the *Vessel Operation Restriction Regulations* and the Pleasure Craft Licencing regulatory programs, providing training to enforcement agencies, and promoting boating safety. Vessel operating regulations are established under sections 35(1)(d), 136 and 207 of the *Canada Shipping Act, 2001*. The federal regulations include a Universal Speed Restriction of 10 km/h (5.4 knots) within 30 metres of shore on all inland waters in BC to enhance safety, protect the environment, and protect public interest. However, some exceptions do apply:

- Recreational towing (while travelling perpendicular from the shore)
- Rivers less than 100 metres wide, as well as canals and buoyed channels
- Waters where another speed limit is set in Schedule 6 of the *Vessel Operation Restriction Regulations*
- Waters where another speed limit is established

The province-wide limits are in effect whether they are posted or not; this provides an effective, economical and quick means of addressing local concerns, and avoids costs associated with signage. While signs are not required to enforce the province-wide shoreline speed restriction, a local government may choose to post signage to help educate boaters and reduce incidents.

SCHEDULE 6 (Subsection 2(5) and subparagraph 2(8)(b)(ii)) Waters on Which Power-driven Vessels and Vessels Driven by Electrical Propulsion Are Subject to a Speed Limit provides the following maximum speeds in km/h over the ground for inland bodies of water within the Fraser Valley Regional District:

- The following parts of Hatzic Lake = 8km:
 - a. the area extending 30 m into the lake from the shore; and
 - b. the area bounded on the south by the Lougheed Highway and on the north by a line drawn parallel to that highway, commencing at a point on the extreme western shore 300 m north of the bridge to Hatzic Island, thence in a north-easterly direction across the lake to the extreme eastern shore
- All that part of Hatzic Lake not described above = 50km
- Cultus Lake, entrance to Main Beach, north of a line drawn from point A at coordinates 49°04'10" 121°58'43.6" to point B at coordinates 49°04'19.0" 121°59'0.5", as indicated by buoys and signs = 5km
- Parts of Cultus Lake as indicated by buoys and signs are further restricted by SCHEDULE 1(Subsection 2(1)) Waters in Which All Vessels are Prohibited
- Hatzic Slough = 8km
- Chilqua Slough = 8km
- Strawberry Slough = 8km
- Nicomen Slough, except for the portion between the Dewdney and Deroche bridges = 8km

There are other federal regulations that may also be applied to enforce the safe operation of a vessel, including Careless Operation (Section 1007) in the *Small Vessel Regulation*, Unsafe Operation (Section 15) in the *Vessel Operation Restriction Regulation*, and finally, the *Collision Regulation* states that "Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions." The *Collision Regulation* also outlines right-of-way while navigating.

Furthermore, section 733 EXHAUST SYSTEMS and section 1000 MUFFLERS of the *Small Vessel Regulations* prohibit the operation of power-driven vessels without ensuring that the exhaust gases are prevented from leaking and without ensuring the vessel is equipped with a muffler in good working order.

PART 7 Construction Requirements

Exhaust Systems

733 *Every exhaust system and muffler on a vessel equipped with an inboard or stern-drive engine or a permanently installed auxiliary engine shall prevent the leakage of exhaust gases and shall conform to the construction standards.*

PART 10 Safety Precautions and Operational Requirements

Mufflers

- 1000 (1) *No person shall operate or permit another person to operate a power-driven vessel unless it is equipped with a muffler that is in good working order.*
- (2) *No person shall operate or permit another person to operate a vessel equipped with a muffler cut-out or by-pass unless the muffler cut-out or by-pass is visibly disconnected in a manner that ensures it cannot be easily reconnected while the vessel is in operation.*
- (3) *Subsections (1) and (2) do not apply in respect of a vessel that*
- (a) was constructed or manufactured before January 1, 1960;*
 - (b) is engaged in formal training, in an official competition or in final preparation for an official competition;*
 - (c) is propelled by an outboard engine or a stern-drive, if the exhaust gases are directed under water through the propeller hub or below the cavitation plate;*
 - (d) is operated at five or more nautical miles from shore; or*
 - (e) is propelled by gas turbines or by an aircraft-type propeller operating in air.*

Pursuant to the *Canada Shipping Act, 2001* these regulations may be enforced by designated enforcement officers including the RCMP, Department of Fisheries and Oceans, BC Parks, and the Conservation Officer Service. Designated enforcement officers are trained and equipped to enforce all of the above noted regulations, and may issue contravention fines as follows:

- Operating a power-driven vessel without a muffler that is in good working order could result in a fine of \$250
- Permitting a person to operate a power-driven vessel without a muffler that is in good working order could result in a fine of \$250

- Operating a vessel in an unsafe manner could result in a fine of \$500
- Operating a power-driven vessel at a speed over 10 km/h within 30 m of shore in specified waters could result in a fine of \$200

The *Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw No. 1415, 2017* prescribes a fine of \$100 for contravention of the current Vessel Noise Control Bylaws. FVRD bylaw enforcement staff has not enforced these regulations for a very long time and does not currently have the enforcement resources to do so. Any complaints of unsafe vessel operation, vessel speed enforcement requests and general enquiries may be forwarded to any of the above noted designated enforcement agencies or the Office of Boating Safety for their investigation and enforcement.

COST

None

CONCLUSION

It is recommended to repeal all the above noted bylaws regulating vessel noise on select waterways in the Regional District.

COMMENTS BY:

Graham Daneluz, Director of Planning & Development

reviewed and supported

Mike Veenbaas, Director of Financial Services

No further financial comment.

Jennifer Kinneman, Acting Chief Administrative Officer

Reviewed and supported.