



District of West Vancouver

## **Sounding of Train Whistles Prohibition Bylaw No. 1684, 1958**

**Effective Date** – August 04, 1958

### **CONSOLIDATED FOR CONVENIENCE ONLY**

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw 2512	July 15, 1974
Bylaw 2309	November 25, 1969

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Sounding of Train Whistles Prohibition Bylaw No. 1684, 1958). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

# Sounding of Train Whistles Prohibition Bylaw No. 1684, 1958

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# **Sounding of Train Whistles Prohibition Bylaw No. 1684, 1958**

A bylaw to prohibit the sounding of train whistles.

*Previous amendments: 2309 and 2512*

WHEREAS the Pacific Great Eastern Railway operates in and through the Municipality of West Vancouver;

AND WHEREAS the *Railway Act* Ch. 285, R.S.B.C., 1948, Section 192 as amended by the *Railway Amendment Act* 1958, provides as follows:

1. When any train is approaching a highway crossing at rail-level, the engine whistle shall be sounded at least twenty seconds before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway.
2. Where a bylaw of an urban municipality prohibits such sounding of the whistle or ringing of the bell in respect of any such crossing of crossing within the limits of the municipality, the bylaw shall, if approved by the Minister by certificate under his hand and seal of office, relieve the company and its employees, to the extent of the prohibition, from the duty imposed by this section.
3. Where application has been made to the Minister under subsection (2) for the approval of the prohibition of whistling or ringing of the bell as required under subsection (1), the cost of additional protective safety measures at such crossing or crossings deemed necessary by the Minister for the protection and safety of the public shall be borne by the applicant.
4. In subsection (2) urban municipality means:
  - a) A City,
  - b) A Town,
  - c) Any other municipality which contains a thickly populated portion and which the Minister, on the application of such municipality declares to be an urban municipality within the meaning of the said subsection.

AND WHEREAS the whistling of the Pacific Great Eastern Railway locomotives whilst traversing the Municipality greatly disturbs the peace and quiet of the residents of the Municipality both by day and at night;

AND WHEREAS standard stop signs have been erected on both sides of each level highway crossing in the Municipality, except at 13<sup>th</sup> Street and 25<sup>th</sup> Street where automatic gates have been installed;

NOW THEREFORE the Reeve and Council of the Corporation of the District of West Vancouver, in open meeting assembled, enacts as follows:

1. The sounding of any engine whistle is hereby prohibited in respect of any highway crossing at rail level situated in the area between mileage 1.43 of the Pacific Great Eastern Railway in the vicinity of Capilano Bridge in the District of West Vancouver and mileage number 9.39 in the vicinity of Nelson Creek Bridge in the District of West Vancouver.

Bylaw 2309 1(A). The sounding of any engine whistle is prohibited in respect of the highway crossing at mile number 10.54 (Eagle Ridge Drive) in the District of West Vancouver.

Bylaw 2512 1 (B) Notwithstanding the provisions of Section 1 and Section 1 (A) hereof the prohibition of the sounding of any engine whistle shall not apply to the steam whistle of the "Royal Hudson" locomotive of the British Columbia Railway's excursion train during the period from the first day of May through the thirtieth day of September in each year.

2. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act which violates any of the provisions of this bylaw, shall be deemed to be guilty of an infraction thereof and liable to the penalty hereinafter provided.

3. Any person guilty of an offence against any of the provisions of this bylaw shall be liable to a fine or penalty of \$100.00, and such fine or penalty may be recovered and enforced, with costs by summary conviction before any Justice of the Peace having jurisdiction in the District of West Vancouver; and in default of payment the offender may be committed to imprisonment for any term in the discretion of the convicting Justice, not exceeding thirty days, unless such fine or penalty costs of the committal and conveyance to the place of imprisonment, are sooner paid.

4. This Bylaw shall come into force if and when the Minister of Railways declared the Municipality of West Vancouver an urban Municipality within the meaning of Section 192 of the *Railway Act* as amended and upon the approval of this Bylaw by the said Minister of Railways by certificate under his hand and seal of office pursuant to Section 192 of the *Railway Act*.
5. West Vancouver Sounding of Train Whistles Prohibition Bylaw No. 1657, 1958 is hereby repealed.
6. This Bylaw may be cited for all purposes as West Vancouver Sounding of Train Whistles Prohibition Bylaw No. 1684, 1958.

PASSED by the Municipal Council the 28<sup>th</sup> day of July, A.D. 1958.

RECONSIDERED, ADOPTED and FINALLY PASSED by the Council, SIGNED by the Reeve and Clerk and SEALED with the Corporate Seal of the Corporation all on the 4<sup>th</sup> day of August, A.D. 1958.

(signed) J. G. Richards

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REEVE

(signed) J. C. Jamison

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ACTING CLERK