

## BY-LAW NO. 83-2019

### A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO CONTROL THE IDLING OF VEHICLES.

**WHEREAS** Section 5.3 of the *Municipal Act, 2001* (S.O. 2001, c.25) authorizes that municipal powers, including municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** Section 11 (2) 6. of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that a lower-tier municipality may pass by-laws respecting the health, safety and well-being of persons.

**AND WHEREAS** Section 128 (1) of the *Municipal Act, 2001* (S.O. 2001, C.25) provides the authority for a Municipality to enact by-laws that "prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**AND WHEREAS** Section 428 of the *Municipal Act, 2001* (S.O. 2001, C.25) provides that a by-law may provide, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law;

**AND WHEREAS** vehicles are a major source of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds ("air pollutants") in the outdoor air;

**AND WHEREAS** the level of air pollutants in the Town of Carleton Place may be associated with adverse health effects, including deleterious effects on respiratory health;

**AND WHEREAS** the Council of the Corporation of the Town of Carleton Place is desirous of enacting such a by-law;

**NOW THEREFORE** the Council of the Corporation of the Town of Carleton Place enacts as follows:

#### 1. DEFINITIONS

1.1 In this by-law, the term,

- 1.1.1 "Drive-through" means that portion of a commercial property that is designated as a drive-through on an approved site plan, and posted with appropriate signage as a drive-through;
- 1.1.2 "Highway" means a common and public highway (whether assumed or unassumed) and includes any bridge, trestle, viaduct or other structure forming part of the highway which is under the jurisdiction of the Town and includes the boulevard and other untraveled portions;

- 1.1.3 "idle" means the operation of the engine of a vehicle while the vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle, and "idling" has a corresponding meaning;
- 1.1.4 "mobile workshop or clinic" means
  - 1.1.4.1 a vehicle containing equipment that must be operated in association with the vehicle; or
  - 1.1.4.2 a vehicle serving as a facility for taking measurements or making observations operated by or on behalf of a municipality, public utility, police, fire or ambulance service;
- 1.1.5 "non-travelled roadway" means any portion of public or private lands accessed by vehicles which is not part of an actively travelled pathway and includes but is not limited to parking lots, parking stalls, driveways, loading bays;
- 1.1.6 "official" means a police officer, municipal by-law enforcement officer or any person authorized to enforce this by-law;
- 1.1.7 "Traffic Control Sign" means a sign prescribed by the *Highway Traffic Act*, including a stop sign and a yield sign, and signs used during construction on highways;
- 1.1.8 "Traffic Control Signal" means no less than three (3) coloured lenses of red, amber and green, mounted on a frame and commonly referred to as a signal head;
- 1.1.9 "Town" means the Corporation of the Town of Carleton Place;
- 1.1.10 "transit vehicle" means school bus, public transportation bus and commercial passenger vehicles;
- 1.1.11 "Unoccupied Vehicle" means a Vehicle containing no driver or passengers and no domestic animals;
- 1.1.12 "vehicle" means a motor vehicle, trailer, traction engine, farm tractor, or road-building machine as defined in the *Highway Traffic Act* and any vehicle drawn, propelled or driven by any kind of non-muscular power, and shall include a transit vehicle as defined in subsection 1.1.7.

## **2. SCOPE**

2.1 This by-law shall apply to:

- 2.1.1 all municipal property within the Town;
- 2.1.2 all highways, as defined in the *Highway Traffic Act* under the jurisdiction of the Town of Carleton Place.

## **3. IDLING OF VEHICLES**

- 3.1 No person shall cause or permit a vehicle to idle for more than three (3) minutes in any sixty (60) minute period;
- 3.2 No person shall cause or permit the idling of an Unoccupied Vehicle for more than three (3) minutes in any sixty (60) minute period;

#### **4. EXCLUSIONS**

4.1 Section 3 does not apply to:

- 4.1.1 Vehicles when the outside temperature is more than twenty-seven degrees Celsius (27°C) or less than five degrees Celsius (5°C);
- 4.1.2 Vehicles when halting temporarily to obey a Traffic Control Sign or a Traffic Control Signal;
- 4.1.3 Police, fire or ambulance vehicles while engaged in operational activities, including training activities;
- 4.1.4 Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
- 4.1.5 Mobile workshops or clinics while they are in the course of being used for their basic function;
- 4.1.6 Transit vehicles while passengers are actively embarking or disembarking;
- 4.1.7 Electric vehicles or hybrid vehicles operating in electric mode or motionless;
- 4.1.8 Vehicles assisting in an emergency activity
- 4.1.9 Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons the person requires that temperature or humidity be maintained within a certain range in the vehicle;
- 4.1.10 Vehicles required to remain motionless because of any emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control;
- 4.1.11 Vehicles engaged in a parade or race or any other event authorized by Council;
- 4.1.12 Vehicles where idling is required to repair the vehicle or to prepare the vehicle for service;
- 4.1.13 Vehicles when operated on the travelled portion of a Drive-through lane;

#### **5. PROHIBITION**

5.1 No person shall obstruct, hinder or otherwise interfere with an official carrying out an investigation, making inquiries or performing their duties for the purposes of enforcing this by-law.

#### **6. ENFORCEMENT**

6.1 For the purposes of determining the outside temperature, an Official may rely on the following information sources:

- 6.1.1. Environment Canada Weather Office;
- 6.1.2 The Weather Network;
- 6.1.3 A thermometer

## **7. PENALTY**

7.1 Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is subject to a fine as provided for in the *Provincial Offences Act* and any other applicable penalties.

7.2 Where a Vehicle has been operated in contravention of this by-law, the owner of the Vehicle is guilty of an offence, even though the owner was not the driver of the Vehicle at the time of the offence, and is liable to the fine for the offence unless, at the time of the offence, the Vehicle was in the possession of another person without the owner's consent.

7.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **8. INTERPRETATION**

8.1 The user of the vehicle, not being the owner, is liable to any penalty provided hereunder, and the owner of the vehicle is also liable to such a penalty.

## **9. VALIDITY**

9.1 Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

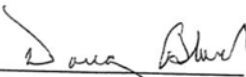
## **10. SHOR TTITLE**

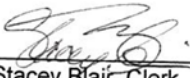
10.1 This by-law may be cited as the "Anti-Idling By-law"

## **11. EFFECTIVE DATE**

11.1 This By-law shall come into force and take effect on September 1, 2020 or the date approved by the Ontario Court of Justice is received, whichever is later.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS 27 DAY OF AUGUST 2019.

  
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Doug Black, Mayor

  
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Stacey Blair, Clerk