

# THE CORPORATION OF THE TOWN OF WASAGA BEACH

## BY-LAW NUMBER 2008 - 91

### A BY-LAW TO PROHIBIT UNNECESSARY IDLING OF VEHICLES WITHIN THE TOWN OF WASAGA BEACH

**WHEREAS** Section 425 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a By-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, is guilty of an offence;

**AND WHEREAS** Section 429(1) of the *Municipal Act 2001*, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act 2001*, S.O. 2001, c.25, as amended;

**AND WHEREAS** the Council of the Corporation of the Town of Wasaga Beach desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds, and fine particulate matter;

**AND WHEREAS** the levels of air pollution in the Town of Wasaga Beach are associated with adverse health effects, including deleterious effects on respiratory and cardiovascular health;

**AND WHEREAS** Section 11 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that By-laws may be passed by a municipality to provide for, inter alia, the environmental well-being of the municipality and the health, safety and well-being of persons.

**AND WHEREAS** Section 128 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

**NOW THEREFORE**, be it resolved that the council of The Corporation of The Town of Wasaga Beach enacts as follows:

#### **Section 1 – Short Title**

The short title of this By-law is the “Idling Control By-Law.”

#### **Section 2 – Definitions**

- 2.1 “**Idling**” 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 operation of the Vehicle.

2.2 **“Mobile Work”** means:

2.2.1 a Vehicle containing equipment that must be operated inside or in association with the Vehicle and shall include garbage and snow removal vehicles; or

2.2.2 a Vehicle conducting maintenance or construction.

2.3 **“Occupied”** means a Vehicle that is physically occupied by a person.

2.4 **“Person”** means an operator or passenger of a motor vehicle, and includes the owner or lessee of a motor vehicle, including commercial vehicles, whether an individual, corporation, association, firm or partnership.

2.5 **“Town”** means the Corporation of the Town of Wasaga Beach.

2.6 **“Transit Vehicle”** means public transit Vehicles, tour buses, school buses and motor coaches.

2.7 **“Vehicle”** means a motor Vehicle, trailer, traction engine, farm tractor, or road building machine as defined in the Highway Traffic Act and includes a motorized snow Vehicle or other conveyance that operates by way of a combustion engine, but does not include cars of electric or diesel electric railways running exclusively upon rails.

3. **Application:**

This by-law applies to:

- a) private property
- b) public property
- c) highways forming part of the road system under the jurisdiction of The Corporation of the Town of Wasaga Beach.

**Section 4 – General Duties**

4.1 No person shall cause or permit a Vehicle to idle for more than three minutes in a 60-minute period.

4.2 Subsection 4.1 does not apply to:

- 4.2.1 police, fire or ambulance vehicles while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle;

- 4.2.2 vehicles assisting in an emergency activity;
- 4.2.3 vehicles where idling is required as part of a repair process or to prepare a vehicle for servicing;
- 4.2.4 armored vehicles where a person remains inside the vehicle while guarding the contents of the vehicle being loaded or unloaded;
- 4.2.5 vehicles engaged in a parade or race or any other such event authorized by Council;
- 4.2.6 vehicles transporting a person where a medical doctor certifies in writing that for medical reasons the person requires the temperature or humidity to be maintained within a certain range.
- 4.2.7 during weather conditions where outside temperatures are over +29°C or below -5°C where idling may be necessary for the operation of air conditioning or heating equipment while the vehicle is occupied.
- 4.2.8 Mobile Work Vehicles while they are in the course of being used for their basic function;
- 4.2.9 Transit Vehicles while actually engaged in loading or unloading merchandise and passengers;
- 4.2.10 Commercial delivery vehicles requiring refrigeration for perishable goods;
- 4.2.11 Vehicles that remain motionless because of traffic congestion caused by construction or other circumstances outside the control of the person occupying the vehicle, including but not limited to a drive-thru facility.

### **Section 5 – Enforcement and Penalty**

- 5.1 A Police Officer, Municipal Law Enforcement Officer or other person authorized by the Town of Wasaga Beach to enforce this By-Law, as amended, is hereby vested with the authority of administering and enforcing the provisions of this By-Law.
- 5.2 Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to a minimum fine of \$500.00 and a maximum fine of not more than \$100 000.00.

- 5.3 A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provisions of this By-Law is guilty of an offence and, upon conviction, is liable to a minimum fine of \$500.00 and a maximum fine of not more than \$100 00.00.

**Section 6 – Severability**

- 6.1 When a court of competent jurisdiction declares any section or part of this By-Law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

**Section 7 – Effective Date**

- 7.1 This By-Law shall come into full force and take effect on the day it is passed.

Read a first, second and third time and finally passed this 9<sup>th</sup> day of September, 2008.

  
MAYOR

  
CLERK (Acting)