



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: OPS-24-001

COMMITTEE DATE: 2024-03-19

DUE IN COUNCIL: 2024-03-26

REPORT TO: COTW-General

SUBJECT: Regulation of Idling Vehicles

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approve the adoption of Idling Reduction By-Law **2024-0XX**, attached as **Appendix I** and replacing Idling Control By-Law 3145-97;
- 1.2 Council approves the adoption of amendments to Noise Control By-Law **4588-12** as amended, attached as **Appendix II**, to align with allowable idling times in proposed Idling Reduction By-Law **2024-0XX**;
- 1.3 Council approves the adoption of amendments to Schedule "I" of the Administrative Monetary Penalties System (Non-Parking) By-Law 5334-21 as amended, attached as **Appendix III**, to add proposed Idling Reduction By-Law **2024-0XX**;
- 1.4 Council directs Staff to undertake an Idling Reduction communications and public education campaign including installation of signage, at a cost not to exceed \$10,000 funded from Capital Reserve Account 063-0901;

2. EXECUTIVE SUMMARY

- In 1997 Niagara-on-the-Lake was one of the first municipalities in the Region to introduce an idling By-Law;
- However, it is now inadequate to meet the growing concerns related to greenhouse gas emissions or to honour our commitment to the Federation of Canadian Municipalities Partners for Climate Protection Program.
- The Environmental Advisory Committee recommended an update to Idling Control By-Law 3145-97. An idling reduction policy was subsequently adopted as part of the Town's Fleet Management Plan and is now applied to all Town staff and contractors.
- Taking the important step of reducing vehicle emissions Town-wide, Council recently directed Staff to prepare an Idling Reduction By-Law that meets current environmental protection needs.
- The By-Law changes recommended in this report are threefold and designed to work in conjunction with the recently updated By-Law regulating the movement

of heavy motor vehicles within the boundaries of Niagara-on-the-Lake. These changes will ensure consistency between the By-Laws and include:

- Replacement of Idling Control By-Law 3145-97 with a By-Law based on current national standards. The replacement By-Law will also harmonize in language and principle with the Town's Noise Control By-Law 4588-12
- Minor amendments to Noise Control By-Law 4588-12 to add definitions common to both By-Laws, and to reduce the allowable engine idling time from 5 minutes to 3 minutes.
- Amendment to Administrative Monetary Penalties System Penalties System (Non-Parking) By-Law 5334-21 to permit enforcement of the new Idling Reduction By-Law under AMPS (Non-Parking) instead of the more cumbersome Provincial Offences Act – Part 1 adjudication of the present By-Law.
- \$10,000 has been earmarked to install the necessary signage and undertake a public education program to ensure the success of this idling reduction initiative. It is anticipated that ongoing enforcement of the new By-Law will be revenue positive.
- The recommended By-Law changes, once passed, will clearly define up-to-date environmental protection expectations for all drivers within the geographic confines of Niagara-on-the-Lake. It is anticipated that enforcement of the new By-Law will commence June 1, 2024.
- In addition to the heavy vehicle traffic serving our vibrant commercial and agricultural communities, the Town is visited by an average of 8,000 buses and up to half a million passenger vehicles annually.
- Heavy vehicles are becoming increasingly difficult to control under our existing municipal By-Laws due to obsolete policies and inconsistencies between By-Laws. This problem is particularly acute in Old Town Niagara-on-the-Lake, where there are rising concerns about the incursion of tour buses into residential neighbourhoods and the negative impact idling vehicles have on air quality.

3. PURPOSE

The purpose of this report is to advise Council that to help meet the goals outlined in the Town's Climate Change Adaptation Plan, obsolete Idling Control By-Law 3145-97 needs to be updated. It is our further purpose to advise Council that supporting amendments will be required to Noise By-Law 4588-12 (to eliminate conflicting idling limits) and Administrative Penalties and Fees By-Law 5334-21 (Non-Parking) as amended (to permit more efficient enforcement of the Idling and Noise By-Laws). These changes will not only impact land-based equipment but also include sea vessels as well (i.e. boats).

4. BACKGROUND

In 1997 the Town of Niagara-on-the-Lake was in the forefront of the Regional municipalities in passing an Idling Control By-Law. The driving factor at that time was a growing influx of tour buses arriving in Old Town, parking and idling to the point of nuisance especially on streets surrounding Simcoe Park and in the Dock Area.

Before relocation to the Fort George Bus Lot, these vehicles had a notable impact on air quality in the Heritage District and the accumulation of fumes in the bowl of Simcoe Park

on a hot summer day was distressing to residents and visitors alike. Moving the buses to the Fort George Bus lot may have lessened their impact on the Heritage District but it did not reduce their detrimental effect on the environment. With an average of 8,000 tour buses and upwards of 1.5 million tourists arriving annually (mainly by car) the Town's carbon footprint is disproportionately large relative to our size.

In May of 2021, the Towns' Environmental Advisory Committee asked Council to ensure that Niagara-on-the-Lake had an effective Idling Control By-Law equally applicable throughout the municipality and able to facilitate improvements in air quality and a reduction of greenhouse gas emissions. This initiative was incorporated into the terms of reference for the Fleet Management Plan presented to Council under report OPS-23-016, and Council subsequently directed Staff to prepare an Idling Reduction By-Law which meets current environmental protection needs.

5. DISCUSSION / ANALYSIS

While Idling Control By-Law 3145-97 addresses localized concerns within a narrow scope, today's priorities have shifted markedly with an acute awareness of the global impact of greenhouse gas emissions on climate change. In this context, the Town's existing By-Law falls markedly short:

- The current By-Law specifies a 3-minute maximum idling limit within a 60-minute period but does not allow additional charges to be laid for successive 60-minute intervals.
- The current By-Law does not include enabling clauses for the enforcement of idling vehicles on private property. As such, cars idling in plazas, on a driveway in a residential neighbourhood, in the yard of a trucking company, or in the parking lot of a shop, restaurant, or other business are beyond its reach as it can only be applied to a public road allowance or municipal property. For example, the Towns' idling By-Law cannot be enforced at the Fort George Bus Lot because the lot is leased and not owned by the Town.
- The current By-Law does not include idling limits on motor vessels. With 2 marinas and a busy Jet Boat company operating during the summer season when smog levels are high, it is prudent to extend idling controls to these sources of greenhouse gas emissions.
- The exemption list in the current By-Law is skewed, leaving out some exemptions which may be legitimately needful while including exemptions which are no longer appropriate.

Accordingly, the changes required to update By-Law 3145-97 to current standards are not minor in nature, and rather than an amendment a new By-Law is recommended.

It should be noted that in Noise Control By-Law 4588-12 as amended, Item 3 of Schedule B (General Prohibitions) permits an idling time of up to 5 minutes before being considered an infraction. This conflicts with the 3-minute limit in the existing and proposed Idling By-Laws. In view of heightened environmental concerns and increasingly restrictive environmental protection legislation, it would be appropriate to reduce the 5-minute maximum in the Noise By-Law to match the 3-minute maximum in the Idling Reduction

By-Law. The fines are equal in both cases so no alteration in the fine schedules will be required.

It should finally be noted that the current Idling Control By-Law is not readily enforceable as its' legal application is governed under Part 1 of the Provincial Offences Act. Part 1 infractions require adjudication by the Provincial Court, each ticket taking 4-5 hours of staff time to prepare the necessary documents to lay a charge and appear in court, a cumbersome process for both municipal By-Law officers and the offending party. Incorporating the revised By-Law into the Town's Administrative Monetary Penalties System (Non-Parking) By-Law will allow for nimble, responsive enforcement and a streamlined adjudication process.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

3. Enrich Community Assets, Environment, & Infrastructure

Priority

3.2 Environment

Action

3.2 a) Sustainable Natural Environment

Pillar

2. Good Governance

Priority

3.2 Environment

Action

4.1 a) Streamline Processes

7. OPTIONS

- 7.1 **Option 1:** That Council direct staff to implement changes to the Idling Control, Noise and Administrative Penalties/Administrative Fees By-Laws which together provide a comprehensive and efficient mechanism to enforce a reduction in vehicle idling within Niagara-on-the-Lake. **(Recommended)**
- 7.2 **Option 2:** Maintain the status quo which would prevent the Town from taking effective action to discourage idling vehicles in NIAGARA-ON-THE-LAKE and limit our commitment to meeting the Federation of Canadian Municipalities Partners for Climate Protection Program. **(Not Recommended)**

8. FINANCIAL IMPLICATIONS

An education and awareness campaign targeting residents, visitors, and businesses will begin upon approval of this report. To effectively roll out a communication and awareness

campaign along with the installation of appropriate street and parking lot signage, Staff requests a maximum of \$10,000 to be funded from Account 063-0901 Capital Reserve.

Operationally, it is expected that due to the suggested \$350 fine, ongoing enforcement of the Idling Reduction By-Law will generate surplus revenue for each ticket written.

9. ENVIRONMENTAL IMPLICATIONS

The proposed Idling Control By-Law and supporting By-Law amendments promotes a reduction in greenhouse gas emissions from all vehicles which, fulfilling a step in our Climate Change Adaptation Plan. On the local level, it will give the Town an additional tool to reduce all types of nuisance idling, and to crack down on the visiting tour buses at the Fort George Bus Lot and parking/idling in the Heritage District, Dock Area, and residential areas of the Town.

Together with the proposed “Regulating Heavy Vehicles on Town Roadways” By-Law also under consideration by Council, Town enforcement officers will be provided two powerful tools to control the movement and behaviour of buses in the Old Town which will substantially improve air quality as well as eliminating an ongoing nuisance to our residents.

10. COMMUNICATIONS

Experience shows that any By-Law must be supported by a complimentary awareness campaign and by fair and consistent enforcement of the By-Law. Upon Council’s approval, Operations staff will work with the Communications Team to develop a robust Idling Reduction Awareness Campaign aimed at educating the public and generating awareness about the Town’s new Idling Reduction By-Law.

The Idling Reduction Awareness Campaign will use proven marketing and communication methods to encourage drivers to avoid idling their engines and to support a behavioural change. The following sources and techniques will be utilized:

- Work with Town By-Law staff to establish effective enforcement and public education strategies regarding this initiative.
- Newspaper Ads (Niagara This Week, The Lake Report, NOTL Local).
- Social Media Campaign (Facebook, Twitter, and Instagram).
- Distribution of Idling Reduction posters and pamphlets in New Resident Packages, Town facilities, and elsewhere.
- Ongoing digital/social media posts.
- Website presence (i.e., a dedicated webpage, etc.).
- Signage (on-street and in applicable parking lots).
- Information sharing with appropriate stakeholders such as the Chamber of Commerce, tour bus companies, wine tour and limo services, community partners, and business owners.

The Campaign is anticipated to last until the Fort George Tour Bus Parking Lot has been open for a month (early June 2024), allowing for the education of most of our visiting tour bus operations before any enforcement is implemented.

11. CONCLUSION

The recommended By-Law changes, once passed, will clearly define environmental protection expectations for all drivers within the geographic confines of Niagara-on-the-Lake. These By-Laws align with similar legislation in neighbouring Regional and southern Ontario municipalities. They are clear, easy to follow, and subject to a slate of reasonable, updated exemptions (emergency situations, mechanical failure, essential services, special events, etc.).

The principles outlined therein have already provided the framework for an internal Town of Niagara-on-the-Lake policy encouraging Staff, Council, and contractors working on behalf of the Town to adopt eco-friendly and fiscally responsible behaviours that help protect the environment. That policy will continue to evolve in concert with this legislation,

12. PREVIOUS REPORTS

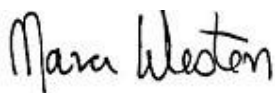
Not Applicable.

13. APPENDICES

- **Appendix I** - Idling Reduction By-Law **2024-0XX** - New
- **Appendix II** - Noise By law 4588C-24 - Amendment
- **Appendix III** - AMPS Non-Parking By-Law 5334B-24 - Amendment

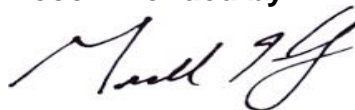
Respectfully submitted:

Prepared by:



Marci Weston
Engineering Technologist
Operations Department

Recommended by:



Mike Komljenovic
(A) Manager of Public Works
Operations Department

Recommended by:



Darren MacKenzie, C.Tech., rcsi, ENV SP
(A) Director of Operations
Operations Department

Submitted by:



Jay Plato
(A) Chief Administrative Officer