

TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 55xx-23

**A BY-LAW TO PROHIBIT UNNECESSARY IDLING OF
VEHICLES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE**

WHEREAS Sections 8, 9 and 11 of the Municipal Act, S.O. 2001, Chapter 25, authorize municipalities to regulate matters for purposes related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS Section 425 of the Municipal Act. S.O. 2001, Chapter 25, authorizes municipalities to pass by-laws providing that a person who contravenes a by-law of the municipality be guilty of an offence;

AND WHEREAS Section 429 of the Municipal Act. S.O. 2001, Chapter 25, authorizes a Municipality to establish a system of fines or offences under a by-law of a Municipality passed under the Act:

AND WHEREAS motor vehicles and motor vessels are a major source of greenhouse gases, nitrogen oxides, carbon dioxide, sulfur dioxides, volatile organic compounds and fine particulate matter emitted into the outdoor air in the Town of Niagara-on-the-Lake;

AND WHEREAS Section 11 of the Municipal Act, S.O. 2001, Chapter 25, provides that municipal purposes include providing services and things considered desirable, and fostering the current and future economic, social, and environmental well-being of the municipality;

AND WHEREAS the Council of the Town of Niagara-on-the-Lake desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of nitrogen oxides, carbon dioxide, sulfur dioxides, volatile organic compounds and fine particulate matter;

AND WHEREAS the Town of Niagara-on-the-Lake has pledged to reduce greenhouse gas emissions as part of our commitment to the Federation of Canadian Municipalities Partners for Climate Protection Program;

NOW THEREFORE the Council of the Town of Niagara-on-the-Lake enacts as follows:

1. Short Title

This By-Law shall be referred to as “The Idling Reduction By-Law”

2. Definitions

2.1 In this By-law:

“Agricultural Vehicle” includes vehicles and mobile machinery designed and used exclusively for operations off the public highway in the performance of agricultural work, animal husbandry or engaged in Normal Farm Practice;

“Authorized Emergency Vehicle” means an ambulance, hearse, and any vehicle operated by or for the fire department, the coroner’s office, the local, provincial or federal police, the Town, the Bell Telephone Company of Canada, snow ploughs and other maintenance or repair vehicle actively engaged in the construction, maintenance or repair of any Highway, or any equipment or facilities thereon.

“Boat” means a ship or any other description of a vessel not propelled by oars or paddles and includes a boat used exclusively for towing purposes, a water taxi and a boat used on water for living purposes;

“Construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and Highway building, application of concrete, equipment installation and alteration and the structural installation of Construction components and materials in any form or for any purpose, and includes any work in connection therewith;

“Council” means the Council of the Corporation of the Town of Niagara-on-the-Lake;

“Exemption” means written permission of a temporary or permanent nature, issued by Council, which provides an absolution from or dispensation of specified terms and conditions of this By-Law;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of Motor Vehicles;

“Idling” means the operation of the combustion engine of a vehicle while the vehicle is not moving forward or in reverse, and not being used to operate auxiliary equipment essential to basic operation of the vehicle, and "idle" shall have a corresponding meaning;

“Layover” means a stopping point along a transit route for a maximum of fifteen (15) minutes to allow transit vehicles to adjust service schedules;

"Mobile Work Vehicle" means:

- i) A vehicle containing equipment that must be operated inside or in association with the vehicle, including waste and snow removal vehicles; or
- ii) A vehicle serving as a facility for taking measurements or making observations operated by or on behalf of municipality, public utility or police, fire or ambulance service;

"Motor Vehicle" means a vehicle that uses a motor as a source of power, including, but not limited to an automobile, motorcycle, motorized snow vehicle, moped, go-cart, track bike, trail bike or boat but not including an airplane, rail cars or other vehicles running only upon rails, traction engine, farm tractor or self-propelled implement of husbandry or road building machine;

"Municipality" means the land within the geographic limit of the Town of Niagara-on-the-Lake;

"Normal Farm Practice" means:

- i) Practice conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances;
- ii) Practice making use of innovative technology in a manner consistent with proper farm management practices, as defined under the Farming and Food Production Protection Act (FFPPA);

"Officer" means a police officer, and any person appointed for the purpose of enforcing the By-Laws of the Town;

"Person" includes an individual, corporation, organization, association, partnership and the like;

"Property" means vacant land, a building or structure or part of a building or structure, and includes lands appurtenant thereto and all mobile homes, mobile building or mobile structures;

"Stopover" means a scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedules;

"Town" means the Corporation of the Town of Niagara-on-the-Lake;

"Town Clerk" means the Clerk of the Corporation of the Town of Niagara-on-the-Lake;

"Transit Vehicle" means public transit vehicles, tour buses, and motor coaches;

3 General Prohibition

- 3.1** No person shall cause or permit a vehicle or boat engine to idle for more than three (3) minutes in a sixty (60) minute period. Each one (1) hour period will be considered as another occurrence period.

4. Exemptions

- 4.1** Notwithstanding any other provision of this By-Law, the provisions and requirements of this by-law shall not apply to the motor vehicles, boats, activities, or situations listed in Schedule A of this By-Law,

5. Enforcement and Administration

- 5.1** Council may appoint such Officers as are necessary for the purpose of enforcing this By-Law,
- 5.2** Unless otherwise provided for herein, all provisions of this By-Law shall be enforced by an Officer as defined in this By-Law.
- 5.3** An Officer may issue a direction or order requiring that a person comply with the provisions of this By-Law.
- 5.4** In accordance with the Municipal Act, 2001 and in particular the conditions set out in Sections 435 and 437 of the Municipal Act, 2001, including the provision of notice to an occupier where required, a person authorized to enforce this By-Law may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with;
- i) this By-Law
 - ii) a direction, requirement or order made under this By-Law; or
 - iii) an order made under Section 431 of the Municipal Act, 2001 in respect of a contravention of this By-Law.
- 5.5** A person authorized to enforce this By-Law may, for the purpose of an inspection under Section 5.4 may;
- i) require information from any person concerning a matter related to the inspection; or
 - ii) alone or in conjunction with a person possessing special or

expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

5.6 Where required, a person authorized to enforce this By-Law may carry out an inspection or exercise the powers as provided in a order of the court as issued under Section 438 of the *Municipal Act, 2001*.

5.6 An Officer shall have the power to terminate the idling of the vehicle at the Owner's expense, and to enter on to private property for that purpose.

5.7 No person shall hinder or obstruct any Officer or any Person lawfully acting in aid of such Officer, in the execution of their duties under this By-Law.

6. Offences and Penalties

6.1 Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine of no less than \$350.00;

6.2 Any fine imposed pursuant to Section 3.1 of this by-law is subject to the provisions of the Administrative Monetary Penalty System for Non-Parking Offences (AMPS Non-Parking) By-Law 5334-21 as amended; and the system of administrative penalties and fines established therein.

6.3 Schedule "B" attached hereto defines the short form wording, offence citation and set fine including costs for the purposes of administering this By-Law under Administrative Monetary Penalty System for Non-Parking Offences (AMPS Non-Parking) By-Law 5334-21 as amended;

7. Enactment

7.1 By-Law No. 3145-97, as amended, is hereby repealed.

7.2 This by-law shall come into force and take effect immediately upon the passing thereof except where signs must be erected and public notice given, in which case the signs must be erected, public notice period completed and the by-law finally passed before those clauses shall come into effect.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 30th DAY OF JANUARY 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

SCHEDULE "A"
EXEMPTIONS TO SECTION 3.1 OF THIS BY-LAW

1. No person shall cause or permit a vehicle or boat engine to idle for more than three (3) minutes in a sixty (60) minute period **except**:
 - a. Authorized Emergency Vehicles or boats while engaged in operational activities, including training and patient transfer activities;
 - b. Vehicles or boats assisting in an emergency activity, including tow trucks while engaged in hooking up to or moving another vehicle;
 - c. Vehicles or boats required to remain motionless because of an emergency, traffic (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;
 - d. Mobile work vehicles or boats while they are in the course of being used for their basic function;
 - e. Vehicles or boats engaged in the course of a parade, race or other event authorized by Council;
 - f. Transit vehicles while passengers are actively embarking or disembarking enroute or at a terminus;
 - g. Transit vehicles while at a layover or stopover location where passengers are on board;
 - h. Vehicles or boats where idling is required as part of the repair process or to prepare a vehicle for service while the vehicle is in the possession or on the property of a commercial repair facility;
 - i. Food preparation and food vending vehicles or boats with no auxiliary source of power to ensure food safety;
 - j. Commercial vehicles or boats using heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo or the welfare of animals;
 - k. Passenger vehicles or boats using heating or air conditioning to ensure the welfare of infants, seniors or animals;
 - l. 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;
 - m. A vehicle or boat whose engine is being operated to boost the battery of another vehicle, or which vehicle is connected to an external stationary device which relies on the power of the vehicle to carry out work such as a tractor or traction engine powering another such device by pulley or other

connection;

- n. Agricultural vehicles and equipment;
- o. Vehicles engaged in Town services. Such vehicles shall be subject of the Town's current Idling Reduction Policy;
- p. Vehicles, including hybrid vehicles, that eliminate the emission of greenhouse gasses and do not exceed the maximum emission criteria for all air contaminants during the idling phase of operation;
- q. Boats not at anchor or tied to a dock;

SCHEDULE "B"

**SCHEDULE OF OFFENCES AND FINES
TO ADMINISTER BY-LAW 55xx-24 UNDER
AMPS (NON-PARKING) BY-LAW 5334-21 AS AMENDED**

Town of Niagara-on-the-Lake Idling Reduction By-Law By-Law No. 55xx-24		
COLUMN 1: Short Form Wording	COLUMN 2: Provision creating or defining offence	COLUMN 3: Set Fine
1. Cause or permit a motor vehicle to idle for more than three (3) minutes	3.1	\$350
2. Cause or permit a boat to idle for more than three (3) minutes	3.1	\$350