BY-LAW No. 2009-095

OF THE

CORPORATION OF THE TOWN OF COLLINGWOOD

Being a by-law to prohibit the unnecessary use of stopping and idling of vehicles within the town of Collingwood.

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to pass by-laws respecting, *inter alia*, the economic, social and environmental well-being of the municipality;

AND WHEREAS section 428 of the *Municipal Act, 2001,* S.O. 2001, c. 25, authorizes municipalities to enact and pass by-laws where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under the 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 is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent.

AND WHEREAS Council deems it expedient to repeal By-law No. 2005-59;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD HEREBY ENACTS AS FOLLOWS:

1. **Short Title**

   This by-law may be cited as the "Idling Control By-law".

2. **Definitions**

   "By-law" means this Idling Control By-law;

   "Emergency Vehicle" means a vehicle operated by a police department, fire department or ambulance service, while engaged in operational activities, including training and patient transfer activities;

   "Idle" means the stopping of a vehicle, while the engine is running and is not in motion and is not being used to operate auxiliary equipment that is essential to the

basic function of the vehicle;

"Layover" means a stopping point along a transit route for a maximum of ten (10) minutes to allow transit vehicles to adjust service schedules;

"Mobile Work Vehicle" means a vehicle,

"Officer" means a Municipal Law Enforcement Officer or Police Officer;

"Person" means a natural person and shall include the owner of a vehicle even though the owner of the vehicle may not be the person who is driving or operating a vehicle that is idling under this By-law;

"Stop" or "Stopping" means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Constable or other Police Officer or a traffic control sign or signal;

"Stopover" means a scheduled delay for a maximum of ten (10) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedules;

"Town" means The Corporation of the Town of Collingwood;

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

"Vehicle" means a motor vehicle, 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 including 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 exclusively upon rails.

3. General Provisions

3.1. No person shall cause or permit a vehicle to idle for more than three (3) consecutive minutes in a sixty (60) minute period.

3.2. The time limit set out in Section 3.1 do not apply to the following situation(s):

a. vehicles participating in an emergency activity;

b. vehicles that remain motionless because of an emergency, traffic conditions (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;

c. mobile work vehicles while they are in the course of being used for their basic function;

d. vehicles where idling is required as part of the repair process or to prepare the vehicle for service;

e. transit vehicles while at a layover or stopover with passengers on the bus. When there are no passengers on board, the engine shall be turned off provided the engine has been running at a high idle for up to five (5) minutes to cool down;

f. emergency vehicles while engaged in operational activities, including training and patient transfer activities;

g. 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;

h. vehicles reasonably idling in order to comply with the requirements of the *Highway Traffic Act;*

i. a vehicle transporting a person who has in his or her possession a doctor's certificate requiring that the environment surrounding him or her is to be maintained at a certain temperature or humidity;

j. during weather conditions where outside temperatures exceed 27 C or fall below 5 C and where idling may be reasonably necessary for the proper operation of air conditions or heating equipment but only so long as the vehicle is occupied by one or more persons.

3.3. This By-law applies to any vehicle and to the operator of any vehicle whether the vehicle is situated on public property or on private property within the Town.

4. Administration and Enforcement

4.1. An Officer may, at all reasonable times, enter on land for the purpose of carrying out an inspection to determine compliance with this By-law.

4.2. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law. Any person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

4.3. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the

Provincial Offences Act and, upon conviction, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

4.4. A person served with a Parking Infraction Notice may report to the Finance Department to make the early payment indicated on the said notice. Such early payment must be received by the Treasurer within fifteen (15) days of the date when the notice was issued, inclusive of Saturdays, Sundays and holidays.

4.5. Where a vehicle has been left stopped in contravention of this By-law, the owner of the vehicle, even if the owner was not the driver of the vehicle at the time of the contravention of the By-law, is guilty of an offence and is liable to a fine in accordance with the provisions of the *Provincial Offences Act.*, unless at the time of the offence the vehicle was in the possession of some person other than the owner without the owner's consent.

4.6. An Officer is hereby vested with the authority of enforcing the provisions of this By-law.

4.7. Every provision of this By-law is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

5. Repeal

5.1. By-law No. 2005-59 is hereby repealed in its entirety.

6. Enactment

6.1. This By-law shall be in full force and effect upon enactment and all other by-laws that are inconsistent with the provisions of this By-law and the same are hereby amended insofar as it is necessary to give effect to this By-law.

ENACTED AND PASSED this 14th day of September, 2009.

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Mayor's Signature

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Clerk's Signature