



Staff Report

Legal Services

Report To: Committee of the Whole Meeting
Meeting Date: November 16, 2021
Report Number: FAF.21.196
Title: Anti-Idling By-law
Prepared by: Will Thomson, Director of Legal Services

A. Recommendations

THAT Council receive Staff Report FAF.21.196, entitled "Anti-Idling By-law";

AND THAT Council directs Staff to consult with the Sustainability Advisory Committee on the draft by-law as attached to Staff Report FAF.21.196, and to schedule a subsequent Public Meeting to receive comments on the proposed By-law for enactment within the first quarter of 2022.

B. Overview

In response to Mayor Soever's Notice of Motion provided at the September 7, 2021, Committee of the Whole Meeting, at the September 20, 2021, Council Meeting, Council passed the following Motion:

WHEREAS The Corporation of the Town of The Blue Mountains currently has a by-law, By-law No. 2004-104, being a by-law to establish a municipal vehicle idling practice; and,

WHEREAS this by-law only applies to municipal vehicles;

THAT Council direct staff, in consultation with the Sustainability Committee, to provide a staff report to revise By-law 2004-104 to include all vehicles for Council consideration.

C. Background

The Town has an existing Idling By-law (2004-104), but it only applies to Town vehicles.

Town Staff consulted with the Sustainability Advisory Committee with respect to this By-law on November 10, 2021. The comments of the Sustainability Advisory Committee will be included in the record of the Public Meeting, once scheduled.

D. Analysis

The new proposed By-law applies to all vehicles and prohibits idling for longer than 3 consecutive minutes in any 60-minute period, with certain exceptions.

The proposed by-law also includes a penalties section, which was missing from the previous by-law.

E. Strategic Priorities

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

An anti-idling by-law promotes a reduction in greenhouse gas emissions from vehicles.

G. Financial Impacts

N/A

H. In Consultation With

Wayne Dewitt, Supervisor, By-law Enforcement

I. Public Engagement

The topic of this Staff Report will be the subject of a Public Meeting and/or a Public Information Centre in accordance with the following schedule:

- November 16, 2021 - Committee of the Whole – Initial staff report FAF.21.196 Anti-Idling By-law with recommendation to proceed to public consultation;
- November 29, 2021 - Council – Recommendations from Committee of the Whole considered for adoption;
- November 30, 2021 - Public Meeting Notice posted;
- Public Meeting advertised in Collingwood Connection;
- February 7, 2022 - Council – Public Meeting at 5:00 p.m.

- February 28, 2022 - Committee of the Whole – Follow-up report with Public Meeting feedback;
- March 14, 2022 - Council – Recommendations from February 28, 2022 Committee of the Whole confirmed, along with any required By-law.

Any comments regarding this report should be submitted to Will Thomson, Director Legal Services directorlegal@thebluemountains.ca.

J. Attached

1. Attachment 1 - Draft Anti-Idling By-law
2. Attachment 2 - Amended Administrative Monetary Penalty By-law.

Respectfully submitted,

Will Thomson
Director Legal Services

For more information, please contact:
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Report Approval Details

Document Title:	FAF.21.196 Anti-Idling By-law.docx
Attachments:	- Anti-Idling By-law.docx - AMP By-law Amendments.docx
Final Approval Date:	Oct 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Wayne DeWitt - Oct 29, 2021 - 3:01 PM

Will Thomson - Oct 29, 2021 - 3:32 PM

The Corporation of the Town of The Blue Mountains

By-Law Number 2022-____

Being a By-law to Regulate the Idling of Motor Vehicles within the Town of The Blue Mountains

WHEREAS Section 102 of the Municipal Act authorizes a municipal council to pass a by-law and to make regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for in the Act;

AND WHEREAS vehicles are sources of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds in the Town of The Blue Mountains' outdoor air;

AND WHEREAS the levels of air pollution in the Town of The Blue Mountains are associated with adverse health effects, including deleterious effects on respiratory health;

AND WHEREAS the emissions produced by idling vehicles contribute to Climate Change and The Council of the Town of The Blue Mountains has declared a Climate Emergency;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. DEFINITIONS

- a) "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;
- b) "mobile workshop" means,
 - i. a vehicle containing equipment that must be operated in association with the vehicle; or
 - ii. a vehicle serving as a facility for taking measurements or making observations which is operated by or on behalf of a municipal utility or a police, fire or ambulance service vehicle;
- c) "normal farm practice" means a practice that,
 - iii. is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or
 - iv. makes use of innovative technology in a manner consistent with proper advanced farm management practices;
- d) "private transit vehicles" means tour buses, school buses and motor coaches;
- e) "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 but does not include cars of electric or diesel electric railways running on rails.

2. GENERAL PROVISIONS

- a) No person shall cause or permit a vehicle to idle for more than three (3) consecutive minutes in a sixty (60) minute period, including on private property.

3. EXEMPTIONS

- a) Section 2 shall not apply to,
 - i. vehicles assisting in an emergency activity;
 - ii. mobile workshops while they are in the course of being used for their basic function;
 - iii. vehicles where idling is required to repair the vehicle or prepare it for service;
 - iv. 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;
 - v. vehicles required to remain motionless because of any emergency, traffic, weather condition or mechanical difficulty over which the person driving the vehicle has no control;
 - vi. vehicles engaged in a parade or race or any other event authorized by Council;
 - vii. private transit vehicles while passengers are embarking or disembarking en route or in terminals;
 - viii. vehicles transporting a person where a medical doctor certifies in writing that for

medical reasons a person in the vehicle requires that temperature or humidity be maintained within a certain range;

- ix. occupied vehicles when the temperature outside the vehicle is greater than twenty-seven degrees Celsius (27°C) including the humidex calculation or less than five degrees Celsius (5°C) including the windchill value as determined by the Environment Canada temperature readings;
- x. Town vehicles where the operation of the vehicle is required for the provision of Town services, or for Occupational Health and Safety purposes;
- xi. vehicles engaged in a normal farm practice; or
- xii. vehicles, including hybrid or electric vehicles, that eliminate the emission of greenhouse gases and criteria air contaminants during the idling phase of operation.

4. ADMINISTRATION AND ENFORCEMENT

- a) A Municipal Law Enforcement Officer or Ontario Provincial Police Officer is hereby vested with the authority of enforcing this By-law.
- b) A Municipal Law Enforcement Officer or Ontario Provincial Police Officer may, at all reasonable times, enter on land for the purposes of carrying out an inspection to determine compliance with this by-law.

5. OFFENCES AND PENALTIES

- a) Every person who contravenes this By-Law is guilty of an offence and upon conviction is liable to pay an administrative monetary penalty in the amount of fifty dollars (\$50.00).
- b) Penalty notices indicating a contravention of this By-Law shall be issued in accordance with the Administrative Monetary Penalties By-law 2021-71, as amended.
- c) A vehicle owner or operator who is served with a penalty notice under this By-Law may request a review of the matter in accordance with the Administrative Monetary Penalties By-law 2021-71, as amended.

6. INTERPRETATION

- a) In this by-law,
 - i. words importing the singular number only include more persons, parties or things of the same kind than one (1) and the converse; and
 - ii. a word interpreted in the singular number has a corresponding meaning when used in the plural.
- b) If a court of competent jurisdiction declares any provision or part of a provision of this bylaw to be invalid or of no force and effect, it is the intention of the Council in enacting this by-law that each and every provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

7. REPEAL

- a) By-law 2004-104 is hereby repealed.

8. SHORT TITLE

- b) This by-law may be referred to as the “Idling By-law”

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 20XX

Alar Soever, Mayor

Corrina Giles, Town Clerk

The Corporation of the Town of The Blue Mountains

By-Law Number 2022 – _____

Being a By-law to amend the Administrative Monetary Penalties By-law

Whereas The Town of the Blue Mountains has a system of Administrative Monetary Penalties which is administered in accordance with By-law 2021-71 (the “by-law”)

And Whereas sections 102.1 and 434 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and O. Reg 333/07 provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act;

And Whereas the Town of the Blue Mountains deems it appropriate to designate the Parking By-law and Idling By-law as by-laws which are subject to Administrative Monetary Penalties.

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

That By-law 2021-71, being the Administrative Monetary Penalties By-law is hereby amended as follows:

- 1. Schedule A of the by-law is amended to include the following:

Parking By-law

For the purpose of section 2.1 of this By-law:

- a. The Parking By-law is a Designated By-law;
- b. The penalties for a contravention of the Parking By-law are set out in Schedule 3 of the Parking By-law.

Idling By-law

For the purpose of section 2.1 of this By-law:

- a. The Idling By-law is a Designated By-law;
- b. The penalties for a contravention of the Idling By-law are set out in Section 5 of the Idling By-law.

- 2. Section 10.2 of the by-law is amended by adding the following sub-section:
(c) where the **Person** took all reasonable steps to prevent or avoid the contravention.
- 3. Section 10.3 of the by-law is amended by adding the following sub-section:
(c) where the **Person** took all reasonable steps to prevent or avoid the contravention.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 20XX

Alar Soever, Mayor

Corrina Giles, Town Clerk