

# **CITY OF NIAGARA FALLS**

## **A CONSOLIDATED BY-LAW**

Being **By-law No. 98-217** as amended by:  
By-law 99-271

### **A by-law to control the idling of vehicles in the City of Niagara Falls.**

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

**AND WHEREAS** under section 320 of the *Municipal Act*, by-laws maybe passed by Council for providing that any person who contravenes any by-law of Council passed under the authority of the *Municipal Act* is guilty of an offence;

**AND WHEREAS** vehicles are a major source of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds (“air pollutants”) in the outdoor air in the City of Niagara Falls;

**AND WHEREAS** the levels of air pollutants in the City of Niagara Falls are associated with adverse health effects, including deleterious effects on respiratory health.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. In this By-law:
  - (1) “City” - means the City of Niagara Falls;
  - (2) “idle” - means the operation of the engine of a vehicle while the vehicle is not in motion and not being used to operate auxilliary equipment that is essential to the basic function of the vehicle, and “idling” has a corresponding meaning;
  - (3) “layover” - means a stopping point along a transit route for a maximum of fifteen (15) minutes used by transit vehicles to allow transit vehicles to adjust to service schedules.
  - (4) “mobile workshop” - means
    - (a) a vehicle containing equipment that must be operated inside in association with the vehicle; or
    - (b) a vehicle serving as a facility for taking measurements or making observations operated by or on behalf of a municipality, public utility, police, fire or ambulance service;
  - (5) “official” - means a police officer, police cadet, municipal law enforcement officer or any person authorized to enforce this By-law;

- (6) “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;
  - (7) “transit vehicle” - means vehicles operated by Niagara Transit;
  - (8) “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 only upon rails.
2. (1) No person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty-minute period within the City’s boundaries.
- (2) Subsection (1) does not apply to:
- (a) 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;
  - (b) Vehicles assisting in an emergency activity;
  - (c) Mobile workshops while they are in the course of being used for their basic function;
  - (d) Vehicles where idling is required to repair the vehicle or to prepare the vehicle for service;
  - (e) 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;
  - (f) Vehicles required to remain motionless because of any emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control;
  - (g) Vehicles engaged in a parade or race or any other event authorized by Council;
  - (h) Transit vehicles while passengers are embarking or disembarking en route or in terminals;
  - (i) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle;
  - (j) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range;

(k) Vehicles when the ambient temperatures inside a vehicle is:

- (i) More than twenty-seven (27) degrees Celsius; or
- (ii) Less than five (5) degrees Celsius

3. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.00 as provided for in the Provincial Offences Act.

(Original By-law 98-217 was) passed this 19th day of October, 1998.

R.O. KALLIO, ACTING CITY CLERK

WAYNE THOMSON / MAYOR

First Reading: October 19, 1998

Second Reading: October 19, 1998

Third Reading: October 19, 1998