

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