

City of Kingston

Ontario

Idling By-Law

BY-LAW NO. 2008-95

**A BY-LAW OF THE CORPORATION OF THE CITY OF KINGSTON
TO CONTROL THE IDLING OF VEHICLES AND BOATS**

PASSED: May 20, 2008

As Amended By- By-Law No:

By-law No.	Passed on:
By-law No. 2009-112	September 1, 2009

(Office Consolidation)

City of Kingston Idling By-law No. 2008-95

Index

<u><i>Index</i></u>	<u><i>Section</i></u>
DEFINITIONS	1.
APPLICATION	2.
GENERAL REGULATIONS	3.
EXEMPTIONS	4.
OFFENCE AND PENALTY	5.
VALIDITY	6.
COMMENCEMENT	7.

BY-LAW NO. 2008-95

A BY-LAW OF THE CORPORATION OF THE CITY OF KINGSTON TO CONTROL THE IDLING OF VEHICLES AND BOATS

PASSED: May 20, 2008

WHEREAS Section 10.2 (6) of the *Municipal Act*, R.S.O. 2001, c. 25, as amended, authorizes the City Council of a local municipality to pass by-laws and make regulations for the health, safety and well-being of the persons of the municipality in matters not specifically provided for by the *Municipal Act*;

AND WHEREAS under Section 425. (1) of the *Municipal Act*, 2001, S.O. 2001, C.25, as amended, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence. 3006, c, 32, Schedule. A, s. 184.;

AND WHEREAS boats and vehicles are major sources of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds in the City of Kingston's outdoor air;

NOW THEREFORE the City Council of the Corporation of the City of Kingston enacts as follows:

1. DEFINITIONS:

In this by-law:

"Agricultural Equipment" means equipment that is operated on agricultural property.

"Agricultural Property" means a property that is zoned for agricultural use in the zoning by-law that applies to the property.

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

"City" and "City of Kingston" mean The Corporation of the City of Kingston, as incorporated on January 1, 1998.

"Idle" and "idling" mean the stopping of a vehicle while the engine is running or the operation of an engine of a boat while the boat is not in motion.

(By-law No. 2008-95; 2009-112)

"Emergency Vehicles and Emergency Boats" includes an ambulance, a fire department vehicle or boat, police and any other public agency vehicle or boat being used to respond to an emergency.

"Mobile Workshop" means a vehicle containing equipment that must be operated inside or in association with the vehicle, or a vehicle serving as a facility for taking measurements or making observations or conducting maintenance, delivery of service or construction.

"**Stop**" and "**stopping**" mean 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 police officer or a traffic control sign or signal.

(By-law No. 2008-95; 2009-112)

"**Transit Vehicle**" means a school bus, tour bus, motor coach, and public transportation bus

"**Tour Boat**" means a water vessel that carries paying passengers on a regular route.

"**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.

2. APPLICATION

2.1 This By-Law Applies to:

- Private property;
- Public property;
- Highways forming part of the road system under the jurisdiction of The Corporation of the City of Kingston.

3. GENERAL REGULATIONS

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

3.2 No person shall cause or permit a vehicle to idle for more than five (5) minutes in a sixty (60) minute period when the outside temperature as recorded by Environment Canada is less than five degrees Celsius (5oC).

3.3 No person shall cause or permit a transit vehicle to idle for more than five (5) minutes in a sixty (60) minute period.

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

3.5 No person shall cause or permit a boat to idle for more than five (5) minutes in a sixty (60) minute period when the outside temperature as recorded by Environment Canada is less than five degrees Celsius (5oC).

3.6 No person shall cause or permit a tour boat to idle for more than five (5) minutes in a sixty (60) minute period.

(By-law No. 2008-95; 2009-112)

3. GENERAL REGULATIONS

- 3.7 No person shall obstruct, hinder or otherwise interfere with an authorized employee of the City or with any authorized peace officer while carrying out an investigation, making inquiries, or performing their duties for the purposes of enforcing this by-law.

(By-law No. 2008-95; 2009-112)

4. EXEMPTIONS

The following are exemptions from the idling prohibitions:

- 4.1 Emergency vehicles and emergency boats while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle or boat.
- 4.2 Vehicles and boats assisting in an emergency activity.
- 4.3 Vehicles or boats required to remain motionless which is warranted because of an emergency situation or other situations such as traffic, weather conditions or mechanical difficulties over which the driver has no control is exempt.
- 4.4 Vehicles or boats where idling is required to repair or prepare the vehicle or boat for service.
- 4.5 Mobile workshops while they are in the course of being used for their basic function.
- 4.6 Armored vehicles where a person remains inside the vehicle while loading or unloading.
- 4.7 Vehicles or boats engaged in a parade or race or any other event authorized by City Council.
- 4.8 Transit vehicles and Tour boats will be permitted to idle for five (5) minutes in a sixty (60) minute period while passengers are embarking or disembarking en route or in a terminal.
- 4.9 Publicly operated boats to ferry passengers and vehicles on a set route and schedule.
- 4.10 Agricultural equipment while being operated on agricultural property.
- 4.11 Vehicles transporting a person who possesses a Doctors certificate stating for medical reasons the environmental surroundings of a person must be maintained at a certain temperature or humidity.
- 4.12 Hybrid or electric vehicles.
- 4.13 Taxi vehicles while actively engaged in their operation. This exemption ends on July 1, 2012.

5. OFFENCE AND PENALTY

- 5.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction is subject to a fine as provided for in the Provincial Offences Act and any other applicable penalties.
- 5.2 if this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 5.3 Where a vehicle has been left stopped in contravention of this By-Law, the owner of the vehicle, even though 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 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.
(By-law No. 2008-95; 2009-112)

6. VALIDITY

- 6.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of City Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

7. COMMENCEMENT

- 7.1 This by-law comes into force on October 1, 2009.
(By-Law No. 2008-95; 2009-112)
-