

The Corporation of the Town of Grimsby
By-Law No. 22-75

A BY-LAW TO CONTROL THE IDLING OF VEHICLES IN THE TOWN OF
GRIMSBY

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Subsection 10(2) of the *Municipal Act, 2001* authorizes a municipal council to pass a by-law respecting the health, safety and well-being of persons, and the economic, social and environmental well-being of the municipality;

AND WHEREAS Section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS the Town of Grimsby is supportive of initiatives to reduce emissions that may contribute to climate change and poor air quality;

AND WHEREAS the unnecessary idling of motor vehicles in the Town of Grimsby, in the opinion of Council, is or could become or cause a public nuisance;

AND WHEREAS Section 428 of the *Municipal Act, 2001* provides that a by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this 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;

NOW THEREFORE the Council of the Corporation of the Town of Grimsby hereby enacts as follows:

1.0 SHORT TITLE

1.1 This By-law may be known as the "Idling Control By-law".

2.0 DEFINITIONS

For the Purposes of this By-Law;

2.1 "Agricultural Equipment" means equipment that is operated on agricultural property;

2.2 "Agricultural property" means a property that is zoned for agricultural use in the Town of Grimsby Zoning By-Law;

2.3 “Emergency vehicles” includes an ambulance, a fire department vehicle, police vehicle and any other public utility vehicle being used to respond to an emergency;

2.4 “Idle” and “Idling” mean the operation of the engine of a vehicle while the vehicle is not in motion;

2.5 “Mobile work vehicle” means;

- (a) A vehicle containing equipment that must be operated in association with the vehicle which includes but is not limited to garbage and snow removal vehicles; or
- (b) a vehicle serving as a facility for taking measurements or conducting maintenance or construction.

2.6 “Officer” means a Municipal Law Enforcement Officer, Police Officer, and any other person appointed by the Town.

2.7 “Outdoor environment” means a non-enclosed space;

2.8 “Person” includes an individual and a corporation;

2.9 “Stopover” means a delay of a maximum of five (5) minutes to allow transit vehicles to adjust to service schedules;

2.10 “Stop”, “Stopped” and “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 police officer or a traffic control sign or signal;

2.11 “Town” means The Corporation of the Town of Grimsby;

2.12 “Transit vehicle” means a school bus, tour bus, motor coach, public transportation bus, taxi cab, and ride share vehicle;

2.13 “Vehicle” has the same meaning as in the *Highway Traffic Act*.

3.0 INTERPRETATION

3.1 The regulations established by this By-law apply to municipal property, private property, and highways (as defined in the *Highway Traffic Act*) within the geographical boundaries of the Town.

3.2 Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable federal and provincial statutes and regulations.

4.0 EXEMPTIONS

4.1 This By-law does not apply to:

- a) Police, fire, or ambulance Motor Vehicles while engaged in operational activities, including training activities
- b) Mobile Work Vehicle while in the course of being used for its basic function;

- c) Armoured Motor Vehicles where a person remains inside the Motor Vehicle while guarding the contents of the Motor Vehicle or while the Motor Vehicle is being loaded or unloaded;
- d) Trains running exclusively upon rails;
- e) Motor Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range;
- f) Motor Vehicles assisting in an emergency activity;
- g) Motor Vehicles where the Idling is required as part of a repair process or to prepare a Motor Vehicle for servicing;
- h) Motor Vehicles that remain motionless because of an emergency over which the driver has no control, or because of mechanical difficulties over which the driver has no control;
- i) Motor Vehicles engaged in a parade authorized by Council, a race authorized by Council, or any other such event authorized by Council;
- j) Motor Vehicles when the ambient outside temperature is more than 27 degrees Celsius (27 C) or less than 5 degrees Celsius (5 C);
- k) Motor Vehicles when halting temporarily for the purpose of and while actually engaged in receiving or discharging passengers;
- l) Motor Vehicles when halting temporarily in compliance with the directions of a police officer;
- m) Motor Vehicles when halting temporarily to obey a Traffic Control Sign or a Traffic Control Signal;
- n) Motor Vehicles when reasonably idling to comply with the requirements of the *Highway Traffic Act* for windows to be in a condition to afford the driver a clear view;
- o) Motor Vehicles when operated on the traveled portion of a Drive-through lane;
- p) A Transit Vehicle;

5.0 GENERAL PROHIBITIONS

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

6.0 ENFORCEMENT AND PENALTIES

6.1 An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) this By-law;

- b) a direction or order made under this By-law.

6.2 An Officer carrying out an inspection under section 6.1 may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to the inspection.

6.3 No person shall hinder or obstruct an Officer appointed to enforce this By-law, nor shall any person obstruct any employee or agent authorized to carry out work for the Town.

6.4 Every person who contravenes any provision of this By-law, is guilty of an offence and upon conviction is liable to the penalties prescribed under the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.

7.0 REPEAL AND ENACTMENT

7.1 This By-law comes into force on the day it is passed.

8.0 VALIDITY

8.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

Read a first time this 19th day of ~~December~~ ^{September}, 2022.

Read a second and third time and finally passed this 19th day of ~~December~~ ^{September}, 2022.



J.A. Jordan, Mayor



S. Kim, Town Clerk