

The Corporation of the City of Richmond Hill

By-Law 44-20

A by-law to regulate the idling of vehicles within the City of Richmond Hill

WHEREAS section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 11 (2) 5 of the *Municipal Act, 2001* provides that a municipality may pass by-laws for the economic, social and environmental well-being of the municipality, including climate change;

AND WHEREAS section 11 (2) 6 of the *Municipal Act, 2001* provides that a municipality may pass by-laws for the health, safety and wellbeing of persons;

AND WHEREAS vehicles are sources of noise, carbon dioxide, nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds and fine particulate matter in the City of Richmond Hill;

AND WHEREAS the Corporation of the City of Richmond Hill (the "Corporation") desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of carbon dioxide, nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds and fine particulate matter;

AND WHEREAS the Corporation has committed to reducing emissions contributing to climate change and poor air quality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CORPORATION OF RICHMOND HILL ENACTS AS FOLLOWS:

1. That this By-law No. 44-20 be effective upon enactment.
2. That upon enactment of this By-law No. 44-20 Section 2.5 of By-law No. 159-82, as amended, be repealed.

Passed this 24th day of June, 2020.

Dave Barrow
Mayor

Stephen M.A. Huycke
City Clerk

Article 1 - Interpretation

1.1 Short Title

This by-law may be cited as the "Idling By-law".

1.2 Definitions

In this by-law, the following words shall have the following meanings:

"City" means the territorial jurisdiction of the City of Richmond Hill;

"Corporation" means the Corporation of the City of Richmond Hill;

"Council" means the council of the Corporation;

"Idle" or **"Idling"** means the operation of a combustion engine of a Motor Vehicle while the Motor Vehicle is not moving forward or in reverse and "Idling" shall have a corresponding meaning;

"Mobile Work Vehicle" means a Motor Vehicle containing equipment that must be operated inside, or in association with, the Motor Vehicle for the Motor Vehicle's basic work function, such as waste vehicles, municipal and snow removal vehicles, cement vehicle or similar equipment;

"Municipal By-law Enforcement Officer" means an individual appointed for the purpose of enforcing the provisions of this, or any by-law of the Corporation;

"Motor Vehicle" means an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a traction engine, a farm tractor, or a self-propelled implement of husbandry;

"Person" means an individual or a business, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof;

Article 2 – Application

2.1 Application

This by-law applies to all Motor Vehicles within the City unless specifically exempted by this by-law or by statute or regulation.

Article 3 - General Provisions

3.1 Idling of Motor Vehicles

No Person shall cause, allow or permit a Motor Vehicle to Idle for more than 3 minutes in a 60-minute period.

3.2 Exemptions

The prohibition in Article 3.1 does not apply to:

- a) public transit vehicles;
- b) police, fire or ambulance vehicles or any other Motor Vehicles assisting in an emergency or emergency training activity;

- c) Mobile Work Vehicles while they are in the course of being used for their basic work function;
- d) Boats not at anchor or not tied to a dock;
- e) Motor Vehicles for which Idling is required to service the engine, conduct repairs or refuel;
- f) Armoured vehicles in which a person remains inside the vehicle while guarding the contents, or while the Vehicle is being loaded or unloaded;
- g) Motor Vehicles remaining motionless because of an emergency, traffic, rail crossing, drive through operation, adverse weather conditions or mechanical difficulties over which the driver has no control;
- h) Motor Vehicles where the ambient temperature outside of a Motor Vehicle is more than 30 degrees Celsius (30°C) or less than 5 degrees Celsius (5°C);
- i) Motor Vehicles transporting a person who is carrying documentation certified by a medical doctor in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range; and
- j) Motor Vehicles that are required to Idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo contained therein.

3.3 Identification

A Municipal By-law Enforcement Officer may require the name, address and proof of identity of any Person believed to have committed an offence under this by-law, and the Person shall supply the required information.

3.4 Hindering or Obstructing

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Municipal By-law Enforcement Officer who is exercising a power or performing a duty under this by-law.

Article 4 – Administration

4.1 Enforcement

Any Municipal By-law Enforcement Officer, or police officer, while on duty, is authorized to enforce the provisions of this by-law.

4.2 Power of Entry

A Municipal By-law Enforcement Officer may enter on the property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law are being complied with.

4.3 Inspection

For the purposes of an inspection carried out pursuant to Section 4.2, a Municipal By-law Enforcement Officer 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 including their name, address, phone number and identification; and

- d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

Article 5 - Offences and Penalties

5.1 Offence

Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to pay a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O 1990, c. P. 33, as amended.

5.2 Presumption

Where a Motor Vehicle is found to be idling in contravention of any of the provisions of this by-law, the owner of the Motor Vehicle shall be presumed to have been the Person who caused or permitted the contravention, which presumption may be rebutted by evidence to the contrary on a balance of probabilities. Where an owner is a corporation, the directors and officers of the corporation shall be presumed to have knowingly concurred in the contravention of this by-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

Article 6 – Administrative Penalties

6.1 Penalty in Lieu of Charge

In lieu of laying a charge under the *Provincial Offences Act* for a breach of any provision of this by-law, a Municipal By-law Enforcement Officer may issue a penalty notice to the Person who has contravened this by-law in accordance with the service requirements of the Administrative Penalty By-law. For greater certainty, the Municipal By-law Enforcement Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act* provided that if an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

6.2 Administrative Penalty – Amount – Payment

A Person served with a Penalty Notice shall be liable to pay to the Corporation an administrative penalty in the amount specified in Schedule “A” of the Administrative Penalty By-law. An administrative penalty for a contravention of this by-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the Corporation and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

6.3 Administrative Penalty – Procedures

A Person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

Article 7 - General

7.1 Severability

In the event that any particular provision or part of a provision of this Chapter is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this Chapter and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.