

THE CORPORATION OF THE TOWN OF PERTH

BY-LAW NO. 4091

A by-law to control the idling of vehicles in the Town of Perth

WHEREAS, under the provisions of the *Municipal Act*, by-laws may be passed for the health, safety, and well being of persons;

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 Town of Perth;

AND WHEREAS the levels of air pollutants in the Town of Perth may be associated with adverse health effects, including deleterious effects on respiratory health;

AND WHEREAS the Corporation of the Town of Perth is desirous of enacting such a by-law;

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

1. Definitions:

1.1. In this by-law the term,

- 1.1.1. “idle” – means the operation of the engine of a vehicle while the vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle, and “idling” has a corresponding meaning;
- 1.1.2. “mobile workshop or clinic” – means:
 - 1.1.2.1. a vehicle containing equipment that must be operated in association with the vehicle ; or
 - 1.1.2.2. 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;
- 1.1.3. “non-travelled roadway” – means any portion of public or private lands accessed by vehicles which is not part of an actively traveled pathway, and includes but is not limited to parking lots, parking stalls, driveways, loading bays;
- 1.1.4. “official” - means a police officer, municipal by-law enforcement officer or any person authorized to enforce this By-law;
- 1.1.5. “Town” - means the Corporation of the Town of Perth;
- 1.1.6. “transit vehicle” – means school bus, public transportation bus, and commercial passenger vehicle;
- 1.1.7. “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, and shall include a transit vehicle as defined in sub-section 1.1.6, but does not include cars of electric or diesel electric railways running only upon rails.

2. Scope:

- 2.1. This by-law shall apply to all vehicles operated within the Town’s municipal boundaries in any non-travelled roadway.

3. Prohibition:

- 3.1. No person shall cause or permit a vehicle to idle.
- 3.2. No person shall obstruct, hinder or otherwise interfere with an official carrying out an investigation, making inquiries, or performing their duties for the purposes of enforcing this by-law.

4. Exclusions:

- 4.1. Section 3 does not apply to:
 - 4.1.1. 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;
 - 4.1.2. 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;
 - 4.1.3. Mobile workshops or clinics while they are in the course of being used for their basic function;
 - 4.1.4. Transit vehicles while passengers are actively embarking or disembarking;
 - 4.1.5. Electric vehicles or hybrid vehicles operating in electric mode while motionless;
 - 4.1.6. Vehicles assisting in an emergency activity;
 - 4.1.7. Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons the person requires that temperature or humidity be maintained within a certain range in the vehicle ;
 - 4.1.8. Vehicles required to remain motionless because of any emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control;
 - 4.1.9. Vehicles engaged in a parade or race or any other event authorized by Council;
 - 4.1.10. Vehicles where idling is required to repair the vehicle , or to prepare the vehicle for service.

5. Penalty:

- 5.1. Any person who contravenes any provision 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. Penalties and set fines for violation of this by-law are set out in Schedule "A" attached hereto and forming part of this by-law.

6. Interpretation:

- 6.1. The user of the vehicle, not being the owner, is liable to any penalty provided hereunder, and the owner of the vehicle is also liable to such a penalty.

7. Validity:

- 7.1. Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

8. Schedules:

- 8.1. Schedules attached to and forming part of this by-law:

Schedule "A" – Set Fines

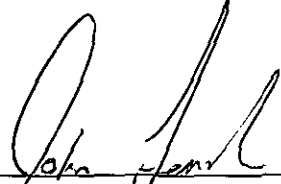
9. Short Title:

9.1. This by-law may be cited as the "Anti-idling By-law".

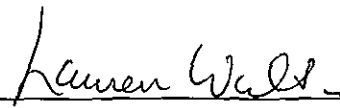
10. Effective Date:

10.1. This by-law shall come into force and take effect on June 30, 2011, or the date approval of the Ontario Court of Justice is received, whichever is later.

Read a first time, second and third time and finally passed this 31st day of August, 2010.



John Fenik, Mayor



Lauren Walton, Clerk

(Seal)

**Town of Perth
Part I Provincial Offences Act
By-law No. 4091, Anti-Idling By-law**

**SCHEDULE "A"
SET FINES**

The sums to be paid as set fines are as follows:

Item	Column 1	Column 2	Column 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Cause or permit a vehicle to idle	S 3.1	\$8.00

NOTE: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

THE HONOURABLE JUDITH C. BEAMAN
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO K2P 2L1



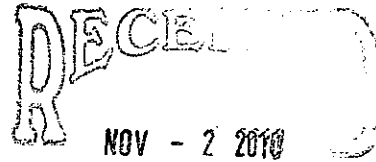
L'HONORABLE JUDITH C. BEAMAN
JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

161, RUE ELGIN, 6^{ÈME} ÉTAGE
OTTAWA (ONTARIO) K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
FAX/TÉLÉCOPIEUR (613) 239-1572

October 19th, 2010

The Corporation of the Town of Perth
80 Gore Street East
Perth, ON K7H 1H9



Attention: Ms Lauren Walton

TOWN OF PERTH

Dear Ms Walton,

***Re: Set Fines – Provincial Offences Act – Part I
By law No. 4091***

Enclosed herewith is a copy of an Order and a copy of the schedule of set fines for By-law No. 4091, the by-law indicated in the schedule.

The setting of the fines does not constitute my approval of the validity of the By-law or of the short form of wording used to describe the offences.

I have forwarded the original to Ms Tina Benoit, the P.O.A. Manager for the Town of Perth, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to be "Judith C. Beaman".

Judith C. Beaman
Regional Senior Justice

/nq

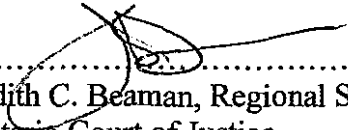
Enclosures

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 4091 of the Corporation of the Town of Perth, Lanark Counties, attached hereto is the set fine for that offence. This Order is to take effect October 19th, 2010.

Dated at Ottawa this 19th day of October, 2010.


.....
Judith C. Beaman, Regional Senior Justice
Ontario Court of Justice
East Region

**Town of Perth
Part I Provincial Offences Act
By-law No. 4091, Anti-Idling By-law**

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