



**THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR  
BY-LAW NUMBER 43 of 2018**

**Being a By-law to control the Idling of Motor Vehicles within the  
Township of St. Clair**

**WHEREAS** Section 11 of the Municipal Act, 2001, provides that a local municipality may pass bylaws respecting the health, safety and well-being of persons;

**AND WHEREAS** motor vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, carbon dioxide, sulphur oxide, volatile organic compounds and greenhouse gas emissions;

**AND WHEREAS** an idling engine consumes fuel and emits pollutants which impacts the Township of St. Clair's air quality without the benefit of propelling the vehicle or performing a function;

**AND WHEREAS** air pollution in the Township of St. Clair is associated with adverse health effects, including acute and chronic effects on respiratory health, especially among the very young, the elderly, and those with respiratory ailments;

**AND WHEREAS** the Township of St. Clair has committed to reducing greenhouse gas emissions and air pollutants;

**AND WHEREAS** Section 428 of the Municipal Act, 2001, authorizes that a bylaw may provide that, where a vehicle has been left parked, stopped or standing in contravention of a bylaw passed under this Act, the owner is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the bylaw;

**NOW THEREFORE** the Council of the Township of St. Clair enacts as follows:

**PART 1**

**DEFINITIONS:**

**1.1** In this Bylaw:

**"Idle"** means the operation of a vehicle engine while the vehicle is not in motion and "idling" has a corresponding meaning.

**"Drive-through"** means that a portion of a commercial property that is designated as a drive-through on an approved site plan, and posted with appropriate signage as a drive-through.

**“Smog Day”** means a day when the Air Quality Health Index issued by Environment Canada is 7 or more.

**“Vehicle”** means anything that uses a motor as a source of power, including but not limited to an automobile, trailer, traction engine, farm tractor, motorcycle, snow mobile, all-terrain vehicle, boat, bus, or a road building machine, but does not include an airplane or any vehicle designed to run exclusively on rails.

## **PART 2**

### **GENERAL PROHIBITION:**

- 2.1** No person shall cause or permit a vehicle or engine to idle continuously for more than one minute.

## **PART 3**

### **EXCEPTIONS:**

- 3.1** Section 2.1 does not apply to:
- (a) Police, fire or ambulance vehicles while engaged in operational activities;
  - (b) Vehicles assisting in an emergency activity;
  - (c) Work vehicles in the process of using a lift, pump, power take off, heating or refrigeration system for the preservation of cargo, or other activities for which the engine must remain in operation, provided the work vehicle is engaged in its basic work function;
  - (d) Agricultural vehicles;
  - (e) Vehicles for which idling is required to service the engine or conduct repairs;
  - (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) Vehicles remaining motionless because of an emergency, traffic, weather conditions, or mechanical difficulties over which the driver has no control;
  - (h) Vehicles complying with the Highway Traffic Act to defrost windshields;
  - (i) Vehicles engaged in the course of a parade or any other event authorized by Council;
  - (j) Vehicles idling while passengers are embarking or disembarking;

- (k) Vehicles when operated on the traveled portion of a Drive-through lane;
- (l) Passenger Vehicles in residential zones when the ambient outside temperature is more than 30°C or less than 0°C, except when it is a smog day; or
- (m) Where a medical doctor certifies that a person within the vehicle requires that the temperature or humidex be maintained within a certain range and the certificate is kept on the person.

## **PART 4**

### **ADMINISTRATION AND ENFORCEMENT:**

#### **4.1 Fine for Contravention**

Any person who contravenes any provision of this Bylaw, is upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act. Set fines are attached on Schedule "A".

#### **4.2 Owner – Guilty of Offence**

Where a vehicle is in contravention of this Bylaw, 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 Bylaw, and is liable for the fine for the offence unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent.

#### **4.3 Continuation Repetition Prohibited by Order**

The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.

#### **4.4 Administration**

The Bylaw may be enforced by any Township of St. Clair Enforcement Officer or by any jurisdictional Police Officer.

#### **4.5 Severability**

Each of the foregoing provisions of this Bylaw is severable and if any provisions of this Bylaw should be declared invalid by any court, for any reason, it is the intention and desire of this Council that each and every one of the remaining provisions shall remain in full force and effect.

#### **4.6 Effective Date**

The Bylaw comes into force and effect on this the 18<sup>th</sup> day of June, 2018.

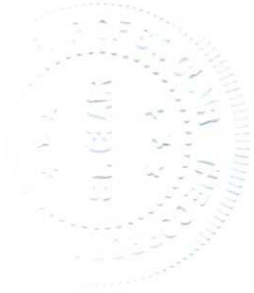
This Bylaw was **READ** a **FIRST, SECOND, THIRD** time and **FINALLY PASSED** this **18<sup>th</sup>** day of **June**, 2018.



Steve Arnold  
Mayor



Jeff Baranek  
Clerk





**SCHEDULE "A"  
TO BYLAW 43 OF 2018**

**Being the Idling Control Bylaw**

**PART 1 – PROVINCIAL OFFENCES ACT**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating Offence</b>	<b>COLUMN 3 Set Fine</b>
1	Causing or permitting a vehicle or engine to idle for more than one minute in a 60-minute period	Section 2.1	\$100.00

The general penalty for the offences listed above is Section 4.1 of By-Law 43 of 2018, a certified copy of which has been filed.

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