

Note: The following by-law has no amendments to date

City of Kingston

Ontario

BY-LAW NO. 97-277

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

PASSED: November 4, 1997

(Office Consolidation)

BY-LAW NO. 97-277

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

PASSED: September 23, 1997

WHEREAS Section 102 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the Council of a local municipality to pass by-laws and make regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act;

AND WHEREAS under Section 320 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, by-laws may be passed by Council for providing that any person who contravenes any by-law of Council passed under the authority of the Municipal Act is guilty of an offence;

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

AND WHEREAS the levels of air pollutants in the City of Kingston are associated with adverse health effects, including deleterious effects on respiratory health;

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

1. In this by-law:

(a) "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.

(By-Law No. 97-277 - 1997)

(b) "idle" means the operation of the engine of a boat or vehicle while the vehicle or boat is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle or boat, and "idling" has a corresponding meaning.

(By-Law No. 97-277 - 1997)

Section 1 continued

- (c) “layover” means a stopping point along a transit route for a maximum of fifteen (15) minutes used by transit vehicles to allow transit vehicles to adjust to service schedules.
(By-Law No. 97-277 - 1997)
- (d) “mobile workshop” means -
- (i) a vehicle containing equipment that must be operated inside or in association with the vehicle; or
(By-Law No. 97-277 - 1997)
- (ii) a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction, operated by or on behalf of a municipality, public utility or police, fire, or ambulance service.
(By-Law No. 97-277 - 1997)
- (e) “official” means a police officer, municipal law enforcement officer or any person authorized to enforce this by-law.
(By-Law No. 97-277 - 1997)
- (f) “stopover” means a scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedules.
(By-Law No. 97-277 - 1997)
- (g) “transit vehicle” means public transit vehicles, tour buses and motor coaches.
(By-Law No. 97-277 - 1997)
- (h) “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, but does not include cars of electric or diesel electric railways running only upon rails.
(By-Law No. 97-277 - 1997)
2. No person shall cause or permit a vehicle or boat to idle for more than three (3) minutes in a sixty (60) minute period.
(By-Law No. 97-277 - 1997)

3. Section 2 does not apply to:
- (a) Police, fire or ambulance vehicles or 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.
(By-Law No. 97-277 - 1997)
 - (b) Vehicles and boats assisting in an emergency activity.
(By-Law No. 97-277 - 1997)
 - (c) Ferry boats providing service to Wolfe Island.
(By-Law No. 97-277 - 1997)
 - (d) Boats not at anchor or tied to a dock.
(By-Law No. 97-277 - 1997)
 - (e) Mobile workshops while they are in the course of being used for their basic function.
(By-Law No. 97-277 - 1997)
 - (f) Vehicles or boats where idling is required to repair the vehicle or boat or to prepare a vehicle or boat for service.
(By-Law No. 97-277 - 1997)
 - (g) 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.
(By-Law No. 97-277 - 1997)
 - (h) Vehicles or boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control.
(By-Law No. 97-277 - 1997)
 - (i) Vehicles or boats engaged in a parade or race or any other event authorized by Council.
(By-Law No. 97-277 - 1997)

Section 3 continued

- (j) Transit vehicles while passengers are embarking or disembarking en route or in terminals.

(By-Law No. 97-277 - 1997)

- (k) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operation of the vehicle.

(By-Law No. 97-277 - 1997)

- (l) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range.

(By-Law No. 97-277 - 1997)

- (m) Vehicles or boats when the ambient temperature inside a vehicle or boat is:

- (i) More than twenty seven degrees Celsius (27° C.); or
- (ii) Less than five degrees Celsius (5° C.)

(By-Law No. 97-277 - 1997)

- 4. Any person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his territorial jurisdiction, the penalty of not more than \$5,000.00 as provided for under the Provincial Offences Act. Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this by-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

(By-Law No. 97-277 - 1997)

- 5. This By-Law shall come into force and take effect on its passing.

(By-Law No. 97-277 - 1997)
