

BYLAW 18-15

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO REGULATE VEHICLE IDLING

WHEREAS pursuant to Section 13 of the *Traffic Safety Act* Revised Statutes of Alberta 2000, Chapter T-6 and amendments thereto, a municipality may, by bylaw, regulate, control, and prohibit the stopping, standing, or parking of vehicles in the municipality; and

WHEREAS pursuant to the provisions in the *Municipal Government Act* ~~Revised Statutes of Alberta~~ ~~RSA~~ 2000 ~~Chapter~~ ~~c.~~ M-26, and amendments thereto, a municipality may, by bylaw, regulate, prohibit and impose requirements with respect to the protection and enhancement of the well-being of its community in relation to the emission of smoke, fumes and other effluvia that is liable to foul or contaminate the atmosphere; and

WHEREAS ~~motor~~ ~~internal combustion engine~~ vehicles emit smoke and fumes which are the source of particular matter, nitrogen oxide, carbon monoxides, sulphur dioxide and other volatile organic compounds that are liable to foul or contaminate the atmosphere; and

WHEREAS Council deems it desirable to amend Bylaw to regulate the idling of vehicles.

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

This Bylaw may be known as the "Idle Free Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires **the following means:**

- 2.1 **Chief Administrative Officer (CAO)** ~~means the CAO of the Town of Okotoks appointed by Council, or designate-~~ the person appointed to the position of Chief Administrative Officer for the Town within the meaning of the *Municipal Government Act* and the Town's CAO Bylaw;
- 2.2 **Council** ~~means the Council of the Town of Okotoks-~~ the Mayor and Councillors of the Town duly elected pursuant to the *Local Authorities Election Act*;
- 2.3 **domesticated household pet** ~~means-~~ a domesticated animal that lives and breeds in a tame condition and, without restricting the generality of the foregoing, shall, include dogs and cats;
- 2.4 **driver** - as defined within the *Traffic Safety Act*, the person who is driving or who is in actual control of the vehicle;

- 2.5 **idle and idling** ~~means-~~ the operation of an internal combustion engine of a vehicle while the vehicle is not in motion;
- 2.6 **occupied vehicle** ~~means-~~ a vehicle that is physically occupied by a driver, passengers and/or domesticated household animals;
- 2.7 **parades or processions** ~~means-~~ any group or train of persons or vehicles using the highway within the ~~Municipality~~Town for show or display, ~~includingbut does not include~~ any military or funeral parade or procession;
- 2.8 **Peace Officer** ~~--means:~~
- 2.8.1 a member of the Royal Canadian Mounted Police;
- 2.8.2 a Community Peace Officer as appointed by the Solicitor General of Alberta; or
- 2.8.3 a Bylaw Officer as appointed by the Town to enforce bylaws of the Town;
- 2.9 **Town** ~~means-the Town of Okotoks, a municipal corporation of the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof - the Corporation of the Town of Okotoks in the Province of Alberta and where the context so requires, the area of land within the corporate boundaries thereof;~~
- 2.10 **unoccupied vehicle** ~~means-~~ a vehicle containing no driver or passengers and no domesticated household animals;
- 2.11 **vehicle** ~~means-a vehicle - a device in, on, or by which a person or thing may be transported or drawn on a highway~~ that is designed to be self-propelled by an internal combustion engine but does not include a motor-assisted cycle or a vehicle operated wholly, ~~or in part,~~ by an electric motor;
- 2.12 **violationTown tag** ~~means-~~ a notice or tag in the form as approved by the ~~Municipal Manager~~CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;
- 2.13 **violation ticket** ~~means-~~ a ticket issued pursuant to ~~Part 2 of~~ the *Provincial Offences Procedures Act (POPA)*, ~~Revised Statues of Alberta~~RSA 2000, ~~Chapterc. P-34 and any amendments or regulations thereto~~ as amended and any regulations thereto.

3. IDLING

- 3.1 No driver shall cause or permit an occupied vehicle to idle for more than ~~five (5) three (3)~~ consecutive minutes within a continuous ~~thirty (30) sixty (60)~~ minute period when the outdoor ambient air temperature is between 5°C and 25°C.

3.2 No persons shall cause or permit an unoccupied vehicle to idle for more than ~~five (5) three (3)~~ consecutive minutes within a continuous ~~thirty (30) sixty (60)~~ minute period ~~when the outdoor ambient air temperature is above 0°C.~~

~~3.3 No persons shall cause or permit an unoccupied vehicle to idle for more than ten (10) consecutive minutes within a continuous thirty (30) minute period when the outdoor ambient air temperature is below 0°C.~~

4. EXEMPTIONS FROM IDLING PROVISION

4.1 Notwithstanding Section 3.1, vehicles may remain idling:

- 4.1.1 when the vehicle is occupied by a person(s) other than the driver or domesticated household animal(s) and the driver is not present in the vehicle;
- 4.1.2 while passengers are embarking or disembarking ~~from public or private transit vehicles;~~
- 4.1.3 while stopped for an emergency or actively assisting in an emergency activity;
- 4.1.4 if experiencing mechanical difficulties;
- 4.1.5 while stopped in traffic;
- 4.1.6 while engaged in a parade, procession or race authorized by the Town, ~~or a military or funeral parade or procession;~~
- 4.1.7 while engaged in a mechanical test or maintenance procedure for which idling is required;
- 4.1.8 so as to power a heating or refrigeration system for the preservation of perishable cargo;
- 4.1.9 so as to power any tools or equipment necessary for or incidental to the provision of services by a municipality, public utility or other ~~service;~~
- 4.1.10 trains or rail vehicles while operating upon rails;
- 4.1.11 where a vehicle is occupied by a person or domesticated household animal and a medical or veterinary doctor certifies in writing that a person or animal requires that temperature or humidity be maintained within a certain range.

4.2 Notwithstanding Sections ~~3.2 and 3.3~~, vehicles may remain idling:

- 4.2.2 while stopped for an emergency or actively assisting in an emergency activity;
- 4.2.3 if experiencing mechanical difficulties;
- 4.2.4 while engaged in a mechanical test or maintenance procedure for which idling is required;
- 4.2.5 so as to power a heating or refrigeration system for the preservation of perishable cargo;
- 4.2.6 so as to power any tools or equipment necessary for or incidental to the provision of services by a municipality, public utility or other service;
- 4.2.7 ~~so as to remove frost, ice, or condensation present on the windshield of the vehicle necessary for the safe operation of the vehicle.~~

4.3 Notwithstanding Sections 3.1, ~~and 3.2 and 3.3~~, the following vehicles are exempt:

- 4.3.2 armoured vehicles involved in the secure delivery or collection of goods; and
- 4.3.3 emergency vehicles as defined in the *Province of Alberta Traffic Safety Act* (except where idling is for the convenience of the operator of the vehicle).

5 PENALTIES AND ENFORCEMENT

- 5.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than ~~Ten Thousand (\$10,000) Dollars,~~ and in default of payment is liable to imprisonment for a term not exceeding six (6) months, or both.
- ~~5.2 Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.~~
- ~~5.3 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.~~
- 5.4 5.2 The levying and payment of any ~~fine~~ penalty, or the imprisonment for any period provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs ~~from~~ for which ~~that person is~~ they are liable under the provisions of this Bylaw ~~or any other Bylaw.~~
- 5.5 5.3 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
 - 5.3.1 A ~~violation~~ Town tag allowing a payment of the specified penalty to the Town; or
 - 5.3.2 A violation ticket allowing payment according to the provisions of the *POPA Provincial Offences Procedure Act, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.*
- 5.4 The specified penalty payable in respect of a contravention of a provision of this Bylaw is as provided for in Schedule "A" of this Bylaw.
- 5.5 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.
- 5.6 Service of a ~~violation~~ Town tag will be sufficient if it is:
 - 5.6.1 ~~personally served~~ Left on the vehicle (i.e., under a wiper blade); or
 - 5.6.2 ~~served by regular mail to the person's last known mailing address~~ Personally served to the operator of the vehicle.
- 5.7 If a violation ticket is issued in respect to an offence, the violation ticket may:
 - 5.7.1 specify the fine amount established by this Bylaw for the offence; or
 - 5.7.2 require a person to appear in Court without the alternative of making a voluntary payment.

- 5.8 A person who commits an offence may:
- 5.8.1 if a violation ticket is issued in respect of the offence; and
 - 5.8.2 if the violation ticket specified the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

6. SEVERABILITY

- 6.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

7. GENERAL

- 7.1 Any person who contravenes any provision of this Bylaw by:
- 7.1.1 doing any act or thing which the person is prohibited from doing; or
 - 7.1.2 failing to do any act or thing the person is required to do;
- is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- 7.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw, or any requirement of any lawful permit, order or license.
- 7.3 Words in the singular include the plural and words in the plural include the singular.
- ~~7.4 This Bylaw is gender neutral and, accordingly, any reference to one gender includes the other.~~
- 7.4 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended by Council.

This Bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME this 29th day of June, 2015.

READ A SECOND TIME this 28th day of September, 2015.

READ A THIRD TIME AND PASSED this 28th day of September, 2015.

Mayor

Chief Administrative Officer

Redlined Version

Schedule "A"

SECTION	OFFENCE	PENALTY
3.1	Cause or permit vehicle to idle for more than five (5) three (3) consecutive minutes within a continuous thirty (30) sixty (60) minute period when the outdoor ambient air temperature is between 5°C and 25°C.	\$250.00
3.2	Cause or permit an unoccupied vehicle to idle for more than five (5) three (3) consecutive minutes within a continuous thirty (30) sixty (60) minute period when the outdoor ambient air temperature is above 0°C.	\$250.00
3.3	Cause or permit an unoccupied vehicle to idle for more than ten (10) consecutive minutes within a continuous thirty (30) minute period when the outdoor ambient air temperature is below 0°C.	\$250.00

Redlined Version