



**BY-LAW NO. 2007-236**

**“A BY-LAW TO REGULATE THE IDLING OF VEHICLES AND BOATS IN THE CITY OF OWEN SOUND”**

**Originally Passed and Enacted December 3, 2007**

<b>Amended By By-law:</b>	<b>Passed On:</b>
Not Amended	

***Consolidated Version***  
*Revised and Verified January 16, 2014*

*Consolidated for Convenience Only*

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**THE CORPORATION OF THE CITY OF OWEN SOUND**

**BY-LAW NUMBER 2007 - 236**

**A BY-LAW TO REGULATE THE IDLING OF VEHICLES  
AND BOATS IN THE CITY OF OWEN SOUND**

WHEREAS it is provided by the Ontario Municipal Act, S.O. 2001 Part II General Municipal Powers, Section 11 Broad authority, lower-tier and upper-tier municipalities, the City of Owen Sound may pass by-laws protecting the health, safety and well-being of persons,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

**SECTION 1 - SHORT TITLE**

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

**SECTION 2 – DEFINITIONS**

2. For the purposes of this By-law the following terms shall have the corresponding meanings:

2.1 "Boat" means a ship or any other description of a 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.

2.2 "City" means the Corporation of the City of Owen Sound.

2.3 "Council" means Council of the City.

2.4 "Diesel fuel-powered vehicle" means a personal, commercial or public vehicle which burns diesel fuel in a compression ignition type internal combustion engine.

2.5 "Gasoline-powered vehicle" means a personal, commercial or public vehicle which burns gasoline in a spark ignition type internal combustion engine.

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

2.7 "Idling Permit" means a permit issued by the City of Owen Sound indicating that while occupied, the vehicle in which the sign is displayed is exempt from the provisions of the By-Law, in accordance with the terms of issuing said permit.

2.8 "Officer" includes a Police Officer appointed pursuant to the Police Services Act, a Municipal Law Enforcement Officer appointed pursuant to the Municipal Act or Police Services Act, a Chief Building Official appointed or constituted under the Building Code Act, a Building Inspector and Property Standards Officer as appointed under the Building Code Act, a Fire Inspector including the Fire Marshal, an assistant to the Fire Marshal, and Fire Chief for the provisions of the Fire Protection and Prevention Act, officer or designate of the Environmental Superintendent.

2.9 "Person" includes a corporation, organization, association, partnership and the like.

2.10 "Vehicle" means a motor vehicle, trailer, traction engine, farm tractor, or road building machines as defined in the *Highway Traffic Act* and any vehicle drawn, propelled or driven by any kind of non-muscular power.

2.11 "Vehicle with Power Take-off" means a vehicle containing work equipment that must be powered by the vehicle engine.

**SECTION 3 - GENERAL PROVISIONS**

- 3.1 No person shall cause or permit a gasoline-powered vehicle to idle for more than two (2) consecutive minutes or a diesel fuel-powered vehicle to idle for more than five (5) consecutive minutes anywhere within the City of Owen Sound.
- 3.2 An Officer shall have the power to terminate the idling of the vehicle at the operator's expense, and to enter on to private property for that purpose.
- 3.3 Notwithstanding paragraph 3.1, the following exceptions may apply:
- 3.3.1 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.
- 3.3.2 Vehicles or boats assisting in an emergency activity;
- 3.3.3 Boats not at anchor or tied to a dock;
- 3.3.4 Vehicles with power take-offs, while they are in the course of being used for their basic function;
- 3.3.5 A vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction by or on behalf of a municipality, public utility, police or ambulance service;
- 3.3.6 Vehicles or boats where the idling is required as part of a repair process or to prepare a vehicle for service;
- 3.3.7 Armored vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
- 3.3.8 Vehicles or boats that remain motionless because of an emergency, traffic or weather conditions or mechanical difficulties over which the driver has no control;
- 3.3.9 Vehicles or boats engaged in the course of a parade or race or any other such event authorized by Council;
- 3.3.10 Transit and other passenger vehicles while passengers are embarking or disembarking en route or at terminals;
- 3.3.11 Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range;
- 3.3.12 Vehicles with an Idling Permit displayed on the passenger side of the dashboard indicating that the vehicle owner has obtained an exemption from the Idling Control By-Law from the City for medical or other reasons;
- 3.3.13 Vehicles occupied by persons or animals when the ambient outside temperature is more than 30 degrees Celsius (30°C) or less than zero degrees Celsius (0°);
- 3.3.14 Vehicles where long term idling is required in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo of such a vehicle at a commercial or institutional facility.

**SECTION 4 - ENFORCEMENT AND PENALTY**

- 4.1 This by-law shall be enforced by the Enforcing Officers as defined herein.
- 4.2 Any person who contravenes the provisions of the By-law is guilty of an offense and upon conviction therefor is subject to the penalty set out in the Provincial Offences Act.

**SECTION 5 - TERMS SEVERABLE**

- 5. The terms and provisions of this By-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the By-law shall continue to be in full force and effect.

**SECTION 6 - EFFECTIVE DATE**

- 6. This By-law shall come into full force and effect upon the final passing hereof and receipt of approval of short form wording under the Provincial Offences Act.

FINALLY PASSED AND ENACTED this 3<sup>rd</sup> day of December, 2007.

Signature on File  
Mayor

Signature on File  
Clerk