



BEING A BY-LAW TO REGULATE THE IDLING OF MOTOR VEHICLES.

WHEREAS the *Municipal Act, S.O. 2001, c. 25*, as amended, authorizes municipalities to regulate activities for the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS the Town of Cobourg is supportive of strategies to reduce emissions of air pollutants and greenhouse gas emissions;

NOW, THEREFORE, the Council of The Corporation of the Town of Cobourg enacts as follows:

1.0 DEFINITIONS

In this by-law:

- a) “**Director**” means the Town’s Director, Legislative Services;
- b) “**Drive-Through**” – means that portion of a commercial property which is designated as a drive-through on an approved Site Plan, and posted with appropriate signage.
- c) “**Idle**” means the operation of a Vehicle engine while the Vehicle is not in motion, and “Idling” shall have a similar meaning;
- d) “**Officer**” means each of
 - i. the Director;
 - ii. a Municipal Law Enforcement Officer appointed by Council or by the Director to
 - iii. enforce a By-law or a direction or order of the Town made under the Municipal Act or
 - iv. made under a By-law; and
 - v. a police officer employed by a municipal police force or by the Ontario Provincial
 - vi. Police or by the Royal Canadian Mounted Police.

e) **“Vehicle”** means a vehicle as defined by the Highway Traffic Act, R.S.O. 1990,

i. c. H.8 except that “Vehicle” also includes a motorized snow vehicle.

2.0 GENERAL

2.1 This by-law applies to all Idling within the Town of Cobourg unless specifically exempted by this by-law or by statute or regulation.

2.2 No person shall cause or permit Idling for more than two (2) consecutive minutes.

3.0 EXEMPTIONS

3.1 Section 2.2 does not apply to:

- a) Idling that is necessary for the Vehicle’s maintenance or repair;
- b) the reasonable idling of a vehicle in order to comply with the requirements of the Highway Traffic Act for a clear windshield.
- c) police, fire, public transit or emergency medical Vehicles while engaged in, and for which Idling is required for, police, fire, public transit or medical activities;
- d) Vehicles while engaged in, and for which Idling is required for, the provision of municipal activities;
- e) Vehicles while motionless because of traffic conditions or traffic control signals on a highway or on a Drive-Through;
- f) Vehicles when the ambient outside temperature is more than 27°C or less than 5°C;
- g) Vehicles while engaged in, and for which Idling is required for, the provision of construction activities;
- h) Vehicles using heating or refrigeration systems powered by the Vehicle’s engine for the preservation of perishable cargo;
- i) armoured Vehicles while engaged in, and for which Idling is required for, the provision of armoured Vehicle services;
- j) Vehicles while engaged in a parade or race authorized by the Town of Cobourg;
- k) Vehicles while passengers are embarking or disembarking; or to
- l) farm Vehicles while engaged in, and for which Idling is required for, farming.

4.0 ORDER TO DISCONTINUE ACTIVITY

4.1 Where an Officer is satisfied that a person has contravened this By-law, the Officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

4.2 An order under section 5 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- b) the date by which there must be compliance with the order.

4.2 Any person who contravenes an order issued under section 4.0 is guilty of an offence

5.0 NOTICE

5.1 Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

- a) on the date a copy is personally delivered to the Person to whom it is addressed;
- b) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person's last known address;
- c) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number;
- d) upon sending a copy by e-mail transmission to the Person's last known e-mail address;
- e) upon a copy being posted on the door of any building or structure on the Person's last known Premises or, where no building or structure exists, on a stake erected by the Officer on the Person's last known Premises; or on the date a copy is placed on or affixed in any manner to a Person's motor vehicle.

6.0 SET FINE AND PENALTY

6.1 Every person who contravenes any provision of this By-law is guilty of an offence and is liable to pay a fine for each offence and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as may be amended from time to time.

7.0 COMING INTO FORCE

7.1 This by-law shall come into force and take effect on the date that it is approved by the Council of The Corporation of the Town of Cobourg.

8.0 SHORT TITLE

8.1 This by-law may be cited as the "Vehicle Idling Control By-law".

READ a first, second and third time and finally passed in Open Council this XX day of XX, 2022

Mayor

Municipal Clerk