

CITY OF ST. ALBERT

BYLAW 16/2007

A Bylaw to regulate vehicle idling

WHEREAS:

- i. section 7 of the *Act* authorizes Council to pass and enforce bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;
- ii. section 7 of the *Act* further authorizes Council to pass and enforce bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public;
- iii. vehicle exhaust is a source of particulate matter, nitrogen oxide, carbon monoxide, sulphur oxide, volatile organic compounds and greenhouse gas emissions known to have a detrimental effect on air quality; and
- iv. Council deems it appropriate to restrict Idling as a means to reduce harmful vehicle emissions and improve air quality within the City;

NOW THEREFORE the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

Title

1. This Bylaw may be referred to as the "Idle Free Bylaw".

Definitions

2. In this Bylaw:
 - (a) "*Act*" means the *Municipal Government Act*, R.S.A. 2000, cM-26, as amended;
 - (b) "Bylaw" means this Idle Free Bylaw;
 - (c) "City" means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the boundaries of the City;
 - (d) "City Manager" means the City's chief administrative officer;

- (e) “Council” means the municipal council of the City of St. Albert;
- (f) “Emergency Vehicle” means
 - (i) a Vehicle operated by a Peace Officer or police service as defined in the *Peace Officer Act* p-3.5 2006 (as amended) or the *Police Act* R.S.A. 2000, cP-17 (as amended),
 - (ii) a fire-fighting or other type of Vehicle operated by the fire protection service of a municipality,
 - (iii) an ambulance operated by a Person or organization providing ambulance services,
 - (iv) a Vehicle operated as a gas, power or water disconnection unit of a public utility, or
 - (v) a Vehicle designated by regulation as an emergency response unit;
- (g) “Idle” and “Idling” mean the state in which a Vehicle engine runs out of driving gear or at a low speed such that the Vehicle is substantively motionless;
- (h) “Mass Transportation Vehicle” means a publicly or privately owned Vehicle that provides transportation service to the general public or to a substantial segment of the general public and includes: a Transit Vehicle, a school bus, and a Vehicle operated by a not-for-profit, charitable or religious organization and providing transportation service as part of or in support of the services or activities of the organization; but does not include a taxi or a limousine as defined in the Business License Bylaw.
- (i) “Municipal Violation Tag” means a City-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- (j) “Owner” means the registered owner of a Vehicle and includes any Person renting a Vehicle or having the exclusive use of a Vehicle under a lease that has a term of more than 30 days (or otherwise having the exclusive use of a Vehicle for a period of more than 30 days);
- (k) “Peace Officer” means a Person employed for the purposes of preserving and maintaining the public peace, and includes
 - (i) a provincially-appointed Community Peace Officer, and

- (ii) a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment;
- (l) “Person” means includes any individual, corporation, society, association, partnership or organization;
- (m) “Section” and “Subsection” mean, respectively, a section and subsection of this Bylaw;
- (n) “Transit Vehicle” means a vehicle offered for public transportation and operated by or on behalf of St. Albert Transit, and includes all buses and paratransit vehicles operated as part of the Handibus service.
- (o) “Vehicle” means a motorized device powered by gasoline, propane, diesel, natural gas or other substance that produces adverse emissions, in, on or by which a Person or thing may be transported or drawn on a roadway; and
- (p) “Vehicle with Power Take-Off” means a Vehicle fitted with auxiliary mechanical or electrical equipment designed to be powered by the Vehicle’s engine.

General Prohibitions

- 3. (a) No person shall cause or allow a Vehicle that is not a Mass Transportation Vehicle to Idle for more than 3 minutes at any time.
- (b) No person shall cause or allow a Mass Transportation Vehicle to Idle for more than 10 minutes at any time.

Exemptions

- 4. Section 3 does not apply:
 - (a) to an Emergency Vehicle being used in conjunction with standard operational activities (except where Idling is substantially for the convenience of the operator of the Vehicle);
 - (b) to a Vehicle actively assisting in an emergency activity;
 - (c) to a Vehicle with Power Take-Off that is Idling in order to provide necessary and adequate power to the Vehicle’s auxiliary mechanical or electrical equipment;
 - (d) to a Vehicle being serviced or repaired if it is legitimately required to Idle for that purpose;

- (e) to an armoured Vehicle being actively loaded, unloaded or guarded;
- (f) to a Vehicle while its passengers are actively embarking or disembarking; or
- (g) while the ambient outside temperature is above 30°C or below minus 20°C.

Offence

- 5. (1) A Person who contravenes this Bylaw is guilty of an offence.
- (2) When a Vehicle is operated in contravention of this Bylaw, the Owner may be deemed to have caused or permitted the contravention.

Continuing Offence

- 6. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

- 7. A Person who is guilty of an offence is liable
 - (a) to a fine of \$100.00; or
 - (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

- 8. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount (including any early payment fine amount) established by this Bylaw.
- (2) Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

9. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
 - (a) specifying the fine amount established by this Bylaw; or
 - (b) requiring an appearance in court without the option of making a voluntary payment.
- (2) Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

Certified Copy of Record

10. A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.