



Consolidated Version
of
the Idle Free Bylaw

(being Bylaw No. 16/2007 of the City of St. Albert, as amended by Bylaw No. 28/2018 and 5/2019, consolidated and printed under the authority of the Chief Administrative Officer of the City of St. Albert)

This is certified to be a true copy of consolidated
Bylaw No. 16/2007 of the City of St. Albert.

David S. Leflar
Director of Legal and Legislative Services
Chief Legislative Officer

The text shown in parentheses in various locations throughout this document identifies the corresponding amending bylaw which authorized the change. For example (BL 5/2019) refers to Bylaw No. 5/2019.

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, c.M-26, as amended;
 - (b) "Bylaw" means this Idle Free Bylaw;
 - (b.1) "Chief Administrative Officer" or "CAO" means the individual appointed by Council to the position of Chief Administrative Officer

under section 205 of the *Municipal Government Act* and pursuant to the Chief Administrative Officer Bylaw; **(BL 5/2019)**

- (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) DELETED **(BL 5/2019)**
- (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;
- (g.1) “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; **(BL 28/2018)**
- (h) “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;

- (i) “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);
- (j) “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;
- (k) “Person” means includes any individual, corporation, society, association, partnership or organization;
- (l) “Section” and “Subsection” mean, respectively, a section and subsection of this Bylaw;
- (l.1) “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; **(BL 28/2018)**
- (m) “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
- (n) “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. (1) 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. **(BL 28/2018)**
- (2) No person shall cause or allow a Mass Transportation Vehicle to Idle for more than 10 minutes at any time. **(BL 28/2018)**

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. **(BL 28/2018)**

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 CAO 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. **(BL 5/2019)**