

# **TOWN OF OLDS**

## **Bylaw No. XXXX-XX**

### **Being a Bylaw to regulate vehicle idling**

**WHEREAS:** Pursuant to the provision on the Municipal Government Act and amendments thereto, Council may pass and enforce bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS:** vehicle emissions are a source of pollutants and greenhouse gases known to effect air quality with accompanying implication for the health, safety and well being of residents;

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF OLDS, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

#### **1. TITLE**

1.1 This Bylaw may be cited as the "Vehicle Idling Bylaw"

#### **2. DEFINITIONS AND APPLICATION**

2.1 In this Bylaw:

2.2

- (a) "Bylaw Violation Tag" shall mean a tag or similar document issued by the town pursuant to the Municipal Government Act;
- (b) "Chief Administrative Officer" shall mean a municipal official in the responsible role of Chief Administrative Officer of the Town of Olds or anyone authorized to act on this persons behalf;
- (c) "Council" shall mean the Council of the Municipality of the Town of Olds;
- (d) "Days" when used with respect to the issue of a Notice or an appeal period shall not include weekends or statutory holidays for calculating the number of days;
- (e) "Emergency Vehicle" shall mean:
  - (i) A vehicle operated by a peace officer or police service as defined in the Peace Officer Act as amended or the Police Act R.S.A 200, 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;
  - (v) A vehicle designated by regulation as an emergency response unit;
- (f) "Idle" and "idling" shall mean operation of an internal combustion engine of a vehicle while the vehicle is not in motion;

(g) "Motor Vehicle" shall mean any motorized vehicle designated to be used or driven on a roadway;

(h) "Municipal Government Act" shall mean the Municipal Government Act R.S.A. 2000, c. M-26 and amendments thereto;

(i) "Peace Officer" shall mean:

- (i) A member of the Royal Canadian Mounted Police;
- (ii) A Community Peace Officer appointed by the Solicitor General of Alberta;
- (iii) A duly appointed Bylaw Enforcement Officer employed by the Town of Olds;

(j) "Person" shall mean an individual or any business entity including a firm, partnership, association, corporation, company or society;

(k) "Premise" shall mean a property, including a building, other structure, or land, located with in the Town of Olds;

(l) "Property" shall mean any public or private land or building located within the Town of Olds;

(m) "Provincial Offences Procedure Act" shall mean the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34 and amendments thereto;

(n) "Town" shall mean the Town of Olds; and

(o) "Violation Ticket" shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedures Act.

### **3. PROVISIONS**

3.1 No person shall cause or permit idling of a motor vehicle in excess of five (5) minutes

### **4. EXEMPTIONS**

4.1 Section three (3) does not apply to:

- (a) Vehicles engaged in emergency operations;
- (b) Vehicles idling due to traffic;
- (c) Armoured vehicles being actively loaded, unloaded or guarded;
- (d) Vehicles engaged in a parade, race or funeral procession;
- (e) Vehicles engaged in a mechanical test or maintenance procedure for which idling is required;
- (f) Vehicles that must remain idling to operate auxiliary equipment; and
- (g) Vehicles while passengers are actively embarking or disembarking.

### **5. ENFORCEMENT PROCEDURES**

5.1 Where a Peace Officer believes that a person has contravened any provision of this Bylaw the Peace Officer may serve upon such person a Violation Ticket in accordance with the Provincial Offences Procedure Act.

5.2 Notwithstanding Section 5.1 a Peace Officer may, in lieu of prosecution, issue to any person by personal service or regular or registered mail, a Bylaw Violation Tag in a form as approved by the Chief Administrative Officer.

5.3 A person who has been issued a Bylaw Violation Tag in respect of a contravention of this Bylaw and who has fully paid the penalty in lieu of prosecution prescribed thereon within the time allowed for payment shall not be liable to prosecution for the contravention.

## **6. PENALTIES**

6.1 Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable:

(a) To a fine of one hundred dollars (\$100)

(b) on summary conviction, to a fine not exceeding ten thousand dollars (\$10,000) or to an order of imprisonment for not more than one (1) year, or both

6.2 Each contravention of any provision of this bylaw shall be considered a separate offense

## **7. EFFECT**

7.1 This Bylaw shall come into effect upon third reading