

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 100-2020

A By-law of the Corporation of the City of Vaughan to amend Idling By-law 170-2004, as amended.

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate, and to enhance its ability to respond to municipal issues;

AND WHEREAS the Council of The Corporation of the City of Vaughan has determined that it is desirable to make amendments to By-law 170-2004, as amended;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Idling By-law 170-2004, be amended as follows:

(a) Amend the by-law's recitals by replacing them with the following:

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate, and to enhance its ability to respond to municipal issues;

AND WHEREAS section 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws for the economic, social and environmental well-being of the municipality, including respecting climate change, and the health, safety and well-being of persons;

AND WHEREAS vehicles are sources of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds that impact the City of Vaughan's outdoor air;

AND WHEREAS the City of Vaughan has committed to reducing emissions contributing to climate change poor air quality;

NOW THEREFORE the Council of the Corporation of the City of Vaughan
ENACTS AS FOLLOWS:

(b) Add Part 1.0 to read as follows:

1.0 Short Title

(1) The By-law shall be known and referenced as the “Idling By-law.”

(c) Delete Part 2 and replace it with the following:

2.0 Applicability and Scope

(1) This By-law applies to all *Idling* within the *City*, including *Idling* on:

- (a) private property;
- (b) public property;
- (c) highways forming part of the road system under the jurisdiction of The Corporation of the City of Vaughan; and
- (d) highways forming part of the road system under the jurisdiction of The Corporation of the Regional Municipality of York which are within the boundaries of The Corporation of the City of Vaughan.

(2) Where there is a conflict or contradiction between this By-law and any other by-law of the *City* or regulations of Regional Municipality of York, Province of Ontario or other *Governmental Entity*, the provisions establishing the higher standard shall prevail.

- (d) Amend section “1. Definitions” by renaming it “3.0 Definitions and Interpretation”.
- (e) Introduce the definitions in 3.0(1) with the words “In this By-law”.
- (f) Capitalize and place quotation marks around all definitions in 3.0(1).
- (g) Order all definitions alpha sequentially and renumber definitions alphabetically.
- (h) Replace the definition for “Vehicle” with the following:
“Motor Vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the *Highway*

Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motorized vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*;

- (i) Add the following definition:
“Armoured Vehicle” means a modified or purpose-built *Motor Vehicle* with armoured plating or other similar reinforced protective features that is used by a licensed security services provider for the purpose of transporting valuables, such as large amounts of cash money.
- (j) Replace all references to the standalone word “Vehicles” to “Motor Vehicles”.
- (k) Delete Part 3 and replace it with the following:

4.0 Prohibitions

- (1) No person shall cause or permit a *Motor Vehicle* to *Idle* for more than five (5) consecutive minutes.

5.0 Exceptions

- (1) Part 4.0 does not apply to:
 - (a) police, fire or ambulance *Motor Vehicles* while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the *Motor Vehicle*;
 - (b) *Motor Vehicles* assisting in an emergency activity;
 - (c) mobile workshops while they are in the course of being used for their basic function;
 - (d) *Motor Vehicles* where *Idling* is required as part of a repair process or to prepare a *Motor Vehicle* for servicing;
 - (e) *Armoured Vehicles* where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle

is being loaded or unloaded;

- (f) *Motor Vehicles* that remain motionless because of an emergency, traffic or weather conditions or mechanical difficulties over which the driver has no control;
- (g) *Motor Vehicles* engaged in a parade or race or any other such event authorized by Council;
- (h) transit and passenger *Motor Vehicles* while passengers are embarking or disembarking en route or at terminals;
- (i) transit *Motor Vehicles* while at a layover or stopover location, except where *Idling* is substantially for the convenience of the operator of the *Motor Vehicle*;
- (j) *Motor Vehicles* transporting a person where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity to be maintained within a certain range;
- (k) *Motor Vehicles* when the ambient outside temperature is more than twenty-seven degrees Celsius (27°C) or less than five degrees Celsius (5°C) and *Idling* of the *Motor Vehicle* is necessary for the operation of the air conditioning or heating equipment respectively.
- (l) Add Part 6.0 to read as follows:

6.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law, an Enforcement Officer may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under section .0(1), no charge shall be laid against that same *Person* for the same contravention.
- (3) The amount of the administrative monetary penalty for a

breach under this By-law is \$50.00.

- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law, as amended, or its successor by-law.

- (m) Delete Part 4 and replace it with the following:

7.0 Fines

- (1) Every *Person* who contravenes a provision of this by-law or fails to comply with a notice under this By-law is, upon conviction, guilty of an offence and is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, Chap. P.33*, as amended.
- (2) Every director or officer of a corporation who knowingly concurs in the contravention of a provision of this By-law or fails to comply with a notice to comply made under this By-law is, upon conviction, guilty of an offence and is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, Chap. P.33*, as amended.
- (3) A *Person* who is convicted of an offence is liable on first conviction to a fine of \$200 and is liable on subsequent convictions to a fine of \$400.
- (4) A corporation, or any of director or officer of such corporation, who is convicted of an offence is liable on first conviction to a fine of \$400 and is liable on subsequent convictions to a fine of \$800.

- (n) Delete Part 6 and replace it with the following:

8.0 Severability

- (1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of the Council of the City of Vaughan in enacting this By-law that the remainder of this By-law shall

continue to be in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

- (o) Add Part 9.0 to read as follows:

9.0 Transition

- (1) An existing contravention of any provision of this By-law, regardless of whether the contravention occurred prior to the enactment of this By-law, shall be subject to all of its provisions;
- (2) Where a notice, fine or other penalty has been issued under any by-law repealed by this By-law, an Officer may issue for the corresponding contravention a notice, fine or other penalty under the provisions of this By-law, with due consideration for any action taken under such previous by-laws;
- (3) Where any signage or public notice that prohibits *Idling* makes reference to a by-law other than this By-law, such signs or public notices shall be interpreted to reference the relevant provisions of this By-law.

- (p) Add Part 10.0 to read as follows:

10.0 Designation of By-law

- (1) Schedule 1 of the Administrative Monetary Penalties By-law is hereby amended by including this By-law as a Designated By-law.

- (q) Add Part 11.0 to read as follows:

11.0 Force and Effect

- (1) This By-law shall take effect on the date of enactment.
- (l) Delete the enactment clause and replace it with the following:
“Enacted by City of Vaughan Council this 14th day of June, 2004.”
- (r) Delete section 5 of the current by-law.

Enacted by City of Vaughan Council this 29th day of June, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 24 of Report No. 20
of the Committee of the Whole
Adopted by Vaughan City Council on
May 27, 2020.