

BY-LAW 2024-XXX

A by-law of the City of Ottawa respecting the regulation and control of vehicle idling and to repeal By-law No. 2007-266.

The Council of the City of Ottawa enacts as follows:

**DEFINITIONS**

1. In this by-law,

“By-law Officer” means a person appointed by Council to enforce the provisions of this by-law and who may be referred to as an officer, inspector or municipal law enforcement officer;

“drive-through facility” means a premises lawfully used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated queuing space, and may be in combination with other land uses;

“Farming and Food Production Protection Act” means the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, and includes the Regulations passed under it;

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, and the regulations passed under it;

“idle” and “idling” mean the stopping of a vehicle while the engine is running or the operation of the engine of a vehicle while the vehicle is not in motion;

“mobile workshop” means a vehicle containing work equipment that must be powered by the vehicle engine;

“Municipal Act” means the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, and the regulations passed under it;

“normal farm practice” means a normal farm practice as defined under the Farming and Food Production Protection Act, and for greater clarity means a practice that:

- (a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
- (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

“owner” means the person who is the registered owner of the vehicle in accordance with the vehicle permit and licence plate registration information;

“private transit vehicle” means tour buses, school buses and motor coaches;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, and the regulations passed under it;

“public transit vehicle” means vans and buses intended for passenger transport and operated by a municipal transit authority;

“stop” and “stopping” mean the halting of a vehicle, even momentarily, whether occupied or not, except where necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control sign or signal; and

“vehicle” means a motor vehicle, trailer, traction engine, farm tractor or road building machine as defined in the Highway Traffic Act and any vehicle drawn, propelled, or driven by any kind of non-muscular power but does not include cars or electric or diesel electric railways running on rails or boats.

## **INTERPRETATION**

2. (1) In this by-law,
  - (a) person may refer to a natural person, partnership, or corporation, as the context requires;
  - (b) any reference to words in the plural include the singular, as applicable, unless used with a number modifying the term;
  - (c) wherever this by-law refers to a person with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances; and
  - (d) headings are for reference only and shall not affect the meaning or interpretation of this by-law.

## **APPLICATION**

3. This by-law applies to all idling vehicles within the City of Ottawa limits.

## **GENERAL PROVISIONS**

4. (1) No person, including the owner, shall cause, permit or allow an occupied vehicle to idle for more than one period of one (1) minute in a sixty (60)

minute period, when the exterior temperature is equal or less than twenty-seven degrees Celsius (27°C) including the Humidex calculation or equal or greater than zero degrees Celsius (0°C) as determined by Environment Canada.

- (2) Notwithstanding subsection (1), no person, including the owner, shall cause, permit or allow an occupied vehicle to idle for more than one period of five (5) consecutive minutes in a sixty (60) minute period, when the exterior temperature is greater than twenty-seven degrees Celsius (27°C) including the Humidex calculation or less than zero degrees Celsius (0°C) as determined by Environment Canada.
  - (3) No person, including the owner, shall cause, permit or allow an unoccupied vehicle to idle for more than one period of one (1) minute in a sixty (60) minute period, at any exterior temperature.
5. Section 4 shall not apply to,
- (a) vehicles that do not emit green house gases or criteria air contaminants during the idling phase of operation;
  - (b) mobile workshops while they are in the course of being used for their basic function;
  - (c) vehicles where idling is required to repair the vehicle or prepare it for service;
  - (d) 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;
  - (e) police, ambulance, fire or provincial offence officer vehicles while engaged in operational or training activities, except where idling occurs substantially for operator convenience;
  - (f) vehicles assisting in an emergency;
  - (g) vehicles required to remain motionless because of any emergency, mechanical difficulty, traffic or when operating in the travelled portion of a drive-through facility;
  - (h) private transit vehicles while passengers are embarking or disembarking;
  - (i) vehicles transporting a person where a medical doctor, nurse practitioner, occupational therapist, physiotherapist or respiratory therapist certifies in writing that a person requires that temperature or humidity be maintained within a certain range;
  - (j) public transit vehicles; or
  - (k) vehicles engaged in normal farm practices.

## **ADMINISTRATION AND ENFORCEMENT**

6. This by-law shall be enforced by a By-law Officer.

## **OFFENCES AND PENALTIES**

7. Any person who contravenes any of the provisions of this by-law is guilty of an offence.
8. Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.
9. Any person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act.
10. Every person who is convicted of an offence under this by-law is liable to a minimum fine not exceeding \$500.00 and to a maximum fine not exceeding \$100,000 for each day or part of a day that the offence occurs or continues pursuant to subsection 429(3) of the Municipal Act and all such offences are designated as continuing offences as provided for in subsection 429(2), paragraph (a), of the Municipal Act.
11. In addition to section 10, the total of all daily fines for a continuing offence is not limited to \$100,000 as provided for in subsection 429(3), paragraph 2, of the Municipal Act.
12. When a person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any penalty imposed on the person convicted, issue an order:
  - (a) prohibiting the continuation or repetition of the offence by the person convicted; and
  - (b) require the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **REPEAL BY-LAW 2007-266 AND TRANSFER**

13. (1) By-law 2007-266 entitled “A by-law of the City of Ottawa to control the idling of vehicles” is repealed.
- (2) The repeal of By-law 2007-266 shall not affect any offence committed against any provision of the by-law or any penalty incurred under it or any investigative proceeding or prosecution commenced pursuant to it.

## **EFFECTIVE DATE**

14. This by-law shall come into force and take effect on January 1, 2025.

## **SHORT TITLE**

15. This by-law is referred to as the “Idling Control By-law”.

ACS2025-EPS-PPD-0003

Document 1 - Recommended Idling Control By-law

ENACTED AND PASSED this day of 2024.

CITY CLERK

MAYOR