

TOWN OF HIGH RIVER
ALBERTA
BYLAW 4314/2011

Being a Bylaw for the Town of High River to regulate and control vehicle idling in the Town of High River.

WHEREAS The Municipal Council has authority to pass bylaws respecting the safety, health and welfare of people and the protection of people and property within the Municipality, pursuant to the Municipal Government Act, Chapter M 26, Part 2 Division 1 Section 7 of the Revised Statutes of Alberta;

AND WHEREAS Vehicles are a major source of nitrogen oxides, carbon monoxide, sulphur dioxides volatile organic compounds and fine particulate matter in the Town of High River;

AND WHEREAS High levels of air pollutants in the Town of High River may be associated with adverse health effects, including deleterious effects on respiratory health;

AND WHEREAS The Municipal Council of the Town of High River desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of nitrogen oxides, carbon monoxide, sulphur dioxides volatile organic compounds and fine particulate matter;

AND WHEREAS The Town of High River is committed to reducing greenhouse gas emissions;

NOW THEREFORE The Council of the Town of High River enacts as followings:

(1) This Bylaw may be cited as the "Town of High River Idling Control Bylaw".

(2) DEFINITIONS

Wherever in the Bylaw the following terms are used, they shall have the meanings respectively ascribed to them in this section.

- a. CAO means the Chief Administrative Officer of and for the Town of High River.
- b. Idle means the operation of the engine of a vehicle while the vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle and idling has a corresponding meaning.
- c. Mobile Workshop means:
 - i. A vehicle containing equipment that must be operated inside or in association with the vehicle which includes but is not limited to garbage and snow removal vehicles;
 - ii. A vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction operated by or on behalf of a municipality, public utility, police or ambulance service;
 - iii. A vehicle intended for excavation, winching, hauling, lifting, lowering, erecting, mixing, cleaning, painting, pouring, pumping, packing, tamping, cutting or similar activities.
- d. Officer means a member of the Royal Canadian Mounted Police, a Municipal Bylaw Officer or any person authorized to enforce this Bylaw.
- e. Vehicle means any vehicle that is capable of being driven or drawn on roads by any means other than muscular power exclusively.

(3) No person shall cause or permit a vehicle to idle for more that 5 minutes in any sixty minute period.

(4) Section 3 of this Bylaw does not apply to:

- a. Police, fire or ambulance vehicles while engaged in operational activities, including training activities except where idling is substantially for the convenience of the operator of the vehicle;
- b. Vehicles assisting in an emergency activity;
- c. Mobile workshops while they are in the course of being used for their basic function;
- d. Vehicles where idling is required as part of a repair process or to prepare a vehicle for service;
- 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. Vehicles that remain motionless because of an emergency, traffic or weather conditions or mechanical difficulties over which the driver has no control;
- g. Vehicles engaged in a parade or race or any other such event authorized by the CAO or his delegate;
- h. Commercial transit vehicles while passengers are embarking or disembarking;
- i. Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range;
- j. Vehicles when the ambient outside temperature is more than 30 degrees Celsius (30C) or minus 20 degrees Celsius (-20C);
- k. Vehicles which are operated on the travelled portion of a drive-through lane;

- l. Commercial vehicles when providing heating, air-conditioning or refrigeration necessary for the preservation of perishable goods or cargos carried by or contained in the commercial vehicle.
- (5) The provisions of this Bylaw may be enforced by any Municipal Bylaw Enforcement Officer, member of the Royal Canadian Mounted Police or other individual duly appointed for the purpose of enforcing this bylaw.
- (6) Any person who contravenes this Bylaw is guilty of an offence and is liable to a minimum fine of \$100.00 and in default, such penalties as are provided for by the *Provincial Offences Procedure Act (Alberta)* as amended.
 - a. Where a vehicle has been left stopped in contravention of this Bylaw, the owner of the vehicle, even though the owner was not the driver of the vehicle at the time of the contravention of the Bylaw is guilty of an offence and is liable to a minimum fine of \$100.00 and in default, such penalties as are provided for by the *Provincial Offences Procedure Act (Alberta)* as amended.
- (7) A notice of form commonly called a Municipal Violation Tag having printed wording approved by the CAO may be issued by an Officer to any person alleged to have breached any provision of this Bylaw and said notice shall require the payment to such official in the amount specified in this Bylaw.
- (8) A Municipal Violation Tag shall be deemed to be sufficiently served:
 - a. If served personally on the accused; or
 - b. If mailed to the address of the registered owner of the vehicle concerned ; or to the person concerned; or
 - c. If attached to or left securely and visibly upon the vehicle in respect of which an offence is alleged to have been committed.
- (9) If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

THIS BYLAW WILL COME INTO FORCE AND EFFECT UPON THE DATE OF FINAL READING.

READ A FIRST TIME AS AMENDED THIS __26__ DAY OF ___September_____, A.D. 2011.

MAYOR/DEPUTY MAYOR

DIRECTOR OF LEGISLATIVE AND ADMINISTRATIVE SERVICES/
TOWN MANAGER

READ A SECOND TIME THIS ____ DAY OF _____ AD 2011.

MAYOR/DEPUTY MAYOR

DIRECTOR OF LEGISLATIVE AND ADMINISTRATIVE SERVICES /
TOWN MANAGER

READ A THIRD AND FINAL TIME THIS ____ DAY OF _____ AD 2011

MAYOR/DEPUTY MAYOR

DIRECTOR OF LEGISLATIVE AND ADMINISTRATIVE SERVICES /
TOWN MANAGER