

Authority: Item ,
Report
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To Amend City of Hamilton Idling Control By-law 07-160, being a By-law to Prohibit Unnecessary Idling of Vehicles; and to Amend By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to prohibit the unnecessary idling of vehicles in the City of Hamilton, being By-law No. 07-160;

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law 17-225; and,

WHEREAS this By-law amends By-law No. 07-160 and By-law No. 17-225.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That the second WHEREAS clause citing section 425 is repealed and replace with the following:

WHEREAS Section 102.1 of the Municipal Act, S.O. 2001, Chapter 25 authorizes municipalities to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

3. That Section 2 to By-law No. 07-160 is amended by adding the following subsections:
 - 2.7 "Park" or "Parking" means the standing of a motor vehicle, whether occupied or not, and includes when Standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise.
 - 2.8 "Stand" or "Standing", means the halting of a Motor Vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
4. That subsection 2.3 to By-law No. 07-160 be amended by repealing the definition of "idling" and replacing it with the following definition:

- 2.3 “Idling” means the parking or standing of a motor vehicle, while the combustion engine is running and is not being used to operate auxiliary equipment that is essential to the basic function of the motor vehicle.
5. That Subsection 2.6 to By-law No. 07-160 is amended by adding the following clause:
- (c) a motor vehicle owned or operated by the City of Hamilton while the operator is engaged in the performance of his or her duties;
6. That Subsection 3.1 to By-law No. 07-160 is repealed and the following substituted:
- 3.1 No person shall cause or permit a motor vehicle to idle for more than three (3) consecutive minutes on a highway (as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8) under the jurisdiction of the City of Hamilton or on any other property or lands within the City of Hamilton that is not a highway.
7. That Subsections 4.3, 4.4 (b) and 4.4 (c) and 4.6 to By-law No. 07-160 are hereby repealed;
8. That Section 5 to By-law No. 07-160 is repealed and the following substituted:
- 5 Administrative Penalties System**
- 5.1 This by-law in its entirety is designated as a by-law to which the City’s Administrative Penalties by-law applies.
- 5.2 The owner of the motor vehicle that is left idling in contravention of this by-law, when given a penalty notice in accordance with the City’s Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in Schedule A of the City’s Administrative Penalty By-law and any fees related thereto.
9. That Schedule A of By-law No.17-225 is amended by adding Table 21 titled Idling Control By-law No. 07-160;

TABLE 21: BY-LAW NO. 07-160 TO PROHIBIT UNNECESSARY IDLING OF VEHICLES WITHIN THE CITY OF HAMILTON					
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 EARLY PAYMENT	COLUMN 4 SET PENALTY
1	07-160	3.1	Idling longer than three (3) minutes	\$80.00	\$100.00

10. That in all other respects, By-law 07-160 and By-law 17-225 are confirmed; and

11. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this _____ day of _____, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk