



TOWN OF KENTVILLE BY-LAW CHAPTER 77 IDLING CONTROL

WHEREAS Section 172 of the Municipal Government Act authorizes the Town to regulate with respect to the health, well-being, safety and protection of persons and nuisances, activities and things that, in the opinion of Council, may be or may cause nuisances, including odours and fumes;

AND WHEREAS motor vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, sulphur oxide, volatile organic compounds and greenhouse gas emissions;

AND WHEREAS such emissions have negative effects on local, regional and global climate and air quality and, as such, constitute a nuisance and negatively affect the health safety and well-being of residents of the Town of Kentville;

THEREFORE the Council of the Town of Kentville enacts this By-law.

SHORT TITLE

This by-law may be cited as the “Idling Control By-law”.

DEFINITIONS

2. In this By-law:

- a. “idle” means the operation of a Vehicle’s internal combustion engine while the vehicle is not in motion and “idling” has a corresponding meaning;
- b. “Public Transport Vehicle” means a bus or van, other than one being operated as a taxi, for the conveyance of passengers from any point within the Town of Kentville to any other point within the Town, including a bus or van for the conveyance of passengers to points outside the Town from within the Town; and
- c. “Vehicle” means any motorized vehicle but does not include any vehicle designed to run exclusively on rails.

GENERAL PROHIBITIONS

3. No person shall cause or permit a Vehicle to idle for more than three consecutive minutes.

EXEMPTIONS

4. It shall be a defence to a charge pursuant to section 3.0 of this By-law if the Vehicle was:
 - a. idling for a purpose required by provincial or federal legislation;
 - b. engaged in an emergency response and idling was necessary for such response;
 - c. engaged in work where the engine was required to provide power for auxiliary equipment being used in that work, and the auxiliary equipment is typically found in or attached to the type of vehicle in question, which auxiliary equipment could not operate without the Vehicle idling;
 - d. an armoured Vehicle in which a person remains inside the Vehicle while guarding the contents, or while the armoured Vehicle is being loaded or unloaded, and idling was necessary for the safety of the occupant of the Vehicle or bystanders;
 - e. standing as a result of an emergency, traffic, weather conditions, a funeral or mechanical difficulties over which the driver has no control;
 - f. engaged in the course of a parade or race;
 - g. idling where the engine was required to provide power or heat for defogging or de-icing the windshield and no reasonable alternative was available to clear the condensation or ice;
 - h. idling for the purpose of being mechanically maintained or fixed; or
 - i. a Public Transport Vehicle engaged in the embarking or disembarking of passengers.

ADMINISTRATION AND ENFORCEMENT

5. The By-law shall be administered and enforced by an Officer of the Town of Kentville Police and any Town employee appointed to do so by the Chief Administrative Officer of the Town.

PENALTIES

6. a. Any person who contravenes section 3.0 of this Bylaw is guilty of an offence and punishable on summary conviction by a fine of not less than \$150.00 and not more than \$10,000, and in default of payment to imprisonment for a period not exceeding one year.
- b. Any person who contravenes any provision of this By-law and who is given notice of the contravention may pay to the Town, at the place specified in the notice, an out of court settlement in the amount as set out in the notice, pursuant to the Summary Proceedings Act, within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.

CLERK'S ANNOTATION FOR OFFICIAL BY-LAW BOOK

Date of first reading:	July 9, 2008
Date of advertisement of Notice of Intent to Consider:	August 21, 26, 2008 September 2, 9, 2008
Date of second reading:	September 10, 2008
*Date of advertisement of Passage of By-Law:	September 23, 2008
Date of mailing to Minister a certified copy of By-Law:	September 23, 2008

I certify that this Idling Control Bylaw – Chapter 77 was adopted by Council and published as indicated above.



CAO Mark Phillips

*Effective Date of the By-Law unless otherwise specified in the By-Law