

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
<b>Submitted by:</b>	Kevin Feagan Manager, By-Law Enforcement/Licensing Legislative Services Division <a href="mailto:kfeagan@cobourg.ca">kfeagan@cobourg.ca</a>	<b>Meeting Type:</b>	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
<b>Meeting Date:</b>	June 20, 2022		
<b>Report No.:</b>	Legislative Services-033-22		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** Anti-Idling By-law for the Town of Cobourg

## RECOMMENDATION:

THAT Council receive the Staff Report for Information purposes; and  
FURTHER THAT Council authorize preparation of a By-law to be presented at a Regular Council Meeting regarding an Anti-Idling By-law for the Town of Cobourg; and  
FURTHER THAT Council direct Staff to implement a Public Education Program to raise public awareness on idling control and education on the new by-law.

## 1. STRATEGIC PLAN

Development of a vehicle idling control by-law is consistent with elements of the Town's Strategic Plan. It contributes to the goal of becoming a Cleaner, Greener Town by increasing community awareness of air quality issues associated with transportation and promoting citizen participation in efforts to improve local air quality.

## 2. PUBLIC ENGAGEMENT

The By-law Enforcement Department will work with the Communications Department to implement and promote the Public Education Program that is outlined within this Staff Report following Council input and approval.

## 3. PURPOSE

The purpose of this report is to bring forward a draft anti-idling by-law and an anti-idling education/awareness program for Council's consideration.

#### 4. ORIGIN AND LEGISLATION

At the Committee of the Whole Meeting on September 13, 2021, Council considered a memo from the Transportation Advisory Committee, regarding an Anti-Idling By-law. Subsequently, on September 20, 2021 Council passed Resolution No: 392-21 that Council direct staff to develop an Anti-Idling By-law and education plan with the draft by-law presented to Council by March 1, 2022. The *Municipal Act, S.O. 2001, c. 25*, as amended, authorizes municipalities to regulate activities for the health, safety and well-being of the inhabitants of the municipality of which an Anti-Idling By-law is applicable.

#### 5. BACKGROUND

The Town of Cobourg Climate Action Plan for Future Generations (Update 2020 to 2050) identified that vehicles are one of the biggest contributors to Green House Gas emissions in Cobourg today. In defining measures to reduce our GHG emissions Council determined that future measures need to address the most critical sectors of which vehicles are significantly important. Vehicle air pollution affects both human health and the environment.

The transportation sector is identified as the most significant source of emissions within most communities estimated to be responsible for:

- 64% of nitrogen oxides
- 38% of sulphur oxides
- 74% of carbon monoxide
- 24% of inhalable particulate matter less than 10 microns in size
- 26% of respirable particulate matter less than 2.5 microns in size, and
- 15% of volatile organic compounds.

In addition, a growing body of literature suggests that the release of air pollutants at ground level along transportation corridors can expose people to higher levels of these pollutants than may be indicated by ambient air quality readings in a community. Both federal and provincial governments have undertaken various emission reduction initiatives, including the development of new standards for fuel efficiency and vehicle emissions, lower sulphur content in fuels, and programs such as Drive Clean in Ontario.

#### 6. ANALYSIS

##### **Vehicle Idling and Air Pollution**

At the local level, more municipalities are implementing vehicle idling control by-laws as a measure to improve local air quality. Unnecessary vehicle idling exposes people to the general health effects of air pollution, leading to an increased incidence and duration of respiratory symptoms, reduced lung function, acute and chronic bronchitis, and asthma attacks. Children and the elderly or those with

respiratory problems such as asthma are particularly at risk. Idling also wastes fuel, and the emissions of carbon dioxide from vehicle engines contributes to global climate change. Idling can also damage modern engines, which do not require lengthy warm up times. Turning off your engine also saves money--ten seconds of idling uses more fuel than restarting your engine. Frequent restarting has little impact on engine components such as the battery and starter motor. If Canadians avoided idling for just three minutes every day of the year, CO2 emissions would be reduced by 1.4 million tonnes annually—the equivalent of taking 320,000 cars off the road annually. To educate and inform Canadians about the benefits of reducing vehicle idling, NRCan has developed an Idle-Free Zone web site.

### **Idling Time**

Most municipalities in southern Ontario with anti-idling by-laws have set a three- or five-minute idling limit, either as consecutive minutes or as a maximum within a specific time period, usually sixty (60) minutes. Regulating permitted idling time to two minutes would reduce emissions of greenhouse gases and air pollutants, and make the bylaw easier to enforce. A longer idling time makes enforcement more difficult, since enforcement staff will be required to wait and observe that the vehicle has exceeded that time limit before they can act. Most public education literature promotes shutting off the engine after ten (10) seconds, since more than ten (10) seconds of idling uses more fuel than is required to restart the engine.

Certain circumstances warrant that vehicles be exempt from the provisions of the idling control by-law. In most by-laws, exemptions don't apply when idling is substantially for the convenience of the operator of the vehicle. The specific wording of these exemptions can vary somewhat between municipalities.

Exemptions proposed for inclusion in Cobourg's idling control by-law include:

- Fire, police, emergency medical service, public transit and municipal vehicles when idling is required for their function
- Vehicles that remain motionless because of traffic conditions or traffic controls
- During hot or cold weather (e.g. over 27°C or below 5°C)
- Where idling is necessary for maintenance or repair
- Vehicles in a parade or other event authorized by the municipality
- Armoured vehicles, where a person remains inside guarding the contents, or while the vehicle is being loaded or unloaded.

**Recommended Action:** It is proposed that the exemptions listed above be included in the Town of Cobourg vehicle idling control by-law.

### **Fines**

It is proposed that tickets be issued to violators of the by-law by using the Part I Offence process under the Provincial Offences Act (POA). To create the Part I Offence, the Town must pass a bylaw creating an offence and then submit a request to the Province requesting approval of the wording to be used on the ticket

and a set fine amount. Some municipalities have no set fine, whereas others range from \$50 to as high as \$250, including victim surcharges.

**Recommended Action:** Staff recommends that a fine of \$60 for causing or permitting idling for 2 consecutive minutes and \$100 for contravening an Order be set as appropriate for this offence, as it is perceived to be more serious than a general parking violation, but not as serious as parking in an accessible parking space without a permit.

### **By-law Enforcement**

While the intent of the by-law is to achieve voluntary compliance, the passing of a by-law will enable enforcement of violations. By-law enforcement is generally described as either reactive or proactive. Many of the Town's by-laws are enforced reactively (upon complaint) while others are enforced proactively (general patrol/came across).

Issues relating to enforcement of vehicle idling include:

- Officer must observe vehicle for the entire time limit;
- Ticket must be served to the driver which lengthens wait for unoccupied vehicles;
- Drivers can turn off their engines when they see the officer;
- Uncertainty about applicability of exemptions (i.e., temperature).

There are several existing groups within Town staff, as well as the Cobourg Police Service, that are able to enforce Town by-laws. The Town is currently undergoing a review of its municipal law enforcement functions to, among other things, determine whether selected enforcement functions can be consolidated with the municipal law enforcement team to provide enhanced customer service. Notwithstanding this review, it is anticipated that vehicle idling can be enforced by more than one group. However, these groups will require sufficient staff resources to proactively enforce vehicle idling. Training will be required to ensure consistent application of the by-law by other groups. Other communities with vehicle idling by-laws have found the use of warnings rather than tickets to be effective in promoting compliance

**Recommended Action:** It is recommended that enforcement of vehicle idling be primarily undertaken reactively to complaints and proactively based on the availability of staff resources.

### **Idling Control By-Law – Implementation Plan**

Should Council approve the recommended vehicle idling control by-law attached to this report, staff will initiate the following actions:

- Apply to the Ministry of the Attorney General's office for a set fine in the amount of \$60 & \$100;

- Implement a Public Education program to raise public and staff awareness of the new regulation;
- Administer and enforce the new by-law as required.

### **Public Education Plan**

The proposed public education plan would include some of the following actions, subject to the financial and staff resources available for the plan:

- A media event to “kick-off” public education
- Develop partnerships with organizations like the Haliburton, Kawartha Pine Ridge Health Unit or environmental groups like the Clean Air Partnership, or automobile safety organizations such as CAA or driving schools; and the Transportation Advisory Committee, Sustainability and Climate Emergency Advisory Committee, and Sustainable Cobourg.
- Placement of signs at appropriate locations such as selected schools, arenas, libraries and community centres where idling is a problem
- Distribute information on vehicle idling through municipal facilities and corporate distributions such as Leisure Guides, Annual Report to Citizens and tax bills
- Work with school boards to share information on vehicle idling with parents, students and staff
- Post information on the by-law on the Town web site and Intranet as well as web-sites of other project partners
- Advertise in various forms of local media
- Work with transit authorities to reduce unnecessary idling of transit or commuter vehicles on or near public transit property
- Communicate with relevant businesses that have an interest in vehicle idling including bus companies, taxis, trucking, etc.

For some of these activities, the Town could use existing communication materials developed by other agencies to assist in implementing the program and keeping costs down. NRCan and the Clean Air Partnership are organizations that have materials such as information cards and templates for street signs. It is anticipated that some of the activities listed above will be undertaken starting in the fall of 2022 and can be undertaken within current Budget operations.

## **7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS**

An anti-idling education/awareness program will include costs to run regular advertisements, install signs, and develop promotional literature for use in the program. Initial estimates for these activities are still to be determined, and communication activities may have to be delivered in a two (2) staged approach such as Stage 1 - to keep in line with the 2022 approved By-law Department Budget for printing and advertising and Stage 2 - an additional budget request for 2023 for additional permanent awareness signage and advertisements to promote

the program and by-law. Staff will also explore the availability of financial assistance from NRCan and/or CAP to develop a campaign to promote the by-law. Enforcement of the by-law will be accomplished with existing enforcement resources both reactively (by complaint) and proactively (active patrol). As additional by-laws are added to Municipal Law Enforcement responsibilities there will accordingly be a need to routinely re-evaluate staffing levels to ensure effective and efficient delivery of services.

## **8. CONCLUSION**

In recognition of the general effects of air pollution on human health and the environment, and the contribution of unnecessary vehicle idling to air pollution, Cobourg Town Council directed staff to prepare a draft vehicle idling control by-law and education plan. A draft by-law has been prepared for Council's consideration that includes a two (2) minute idling time and many of the exemptions common to other municipal idling control by-laws. The proposed by-law, if approved, will be supported by a comprehensive public education program and an enforcement strategy appropriate for the available staff and financial resources.

## Report Approval Details

Document Title:	Vehicle Anti-Idling By-law Report - Legislative Services-033-22.docx
Attachments:	- Proposed Vehicle Idling Bylaw.docx
Final Approval Date:	Jun 9, 2022

This report and all of its attachments were approved and signed as outlined below:

**Brent Larmer, Municipal Clerk / Director of Legislative Services - Jun 9, 2022 - 4:47 PM**

**No Signature - Task assigned to Tracey Vaughan, Chief Administrative Officer was completed by workflow administrator Brent Larmer, Municipal Clerk / Director of Legislative Services**

**Tracey Vaughan, Chief Administrative Officer - Jun 9, 2022 - 4:47 PM**

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**Brent Larmer, Municipal Clerk / Director of Legislative Services - Jun 9, 2022 - 4:49 PM**

**Tracey Vaughan, Chief Administrative Officer - Jun 9, 2022 - 11:23 PM**