

## **BY-LAW NUMBER RU-2010-09 IDLING OF VEHICLE ENGINES**

**Whereas** the municipalities served by the Sûreté du Québec division of the MRC Memphrémagog have agreed to adopt standardised by-laws in order to facilitate their enforcement by the Sûreté du Québec;

**Whereas** in order to maintain this standardisation the following municipalities: Ayer's Cliff, Bolton-Est, Eastman, Canton de Hatley, Hatley, Ogden, North Hatley, Canton de Potton, St-Étienne-de-Bolton, Stukley-Sud, Ville de Stanstead, Canton de Stanstead and St-Benoît-du-Lac, all serviced by the Sûreté du Québec, Memphrémagog division, should not amend the present by-law without prior group consultation

**Whereas** the council wishes to adopt a by-law concerning the idling of a vehicle engine on the territory of the municipality;

**Whereas** a motion relative to the present by-law was given at the regular council meeting held February 1<sup>st</sup>, 2010;

**Whereas** a copy of the present by-law was given to the members of the council two (2) business days prior to the actual meeting, that all the members present declared having read the by-law and renounced to its reading;

CONSEQUENTLY it is moved by councillor Peter McHarg;  
Seconded by councillor France Coulombe;

AND DETERMINED that by-law 2010-09 be and is adopted, to be noted:

### **1. PREAMBLE**

The preamble is an integral part of the present by-law.

The municipal council decreed the following:

The aim of the present by-law is to regulate the idling of vehicles on the territory of the Municipality of the Village of Ayer's Cliff

### **2. DEFINITIONS**

For the purpose of this by-law, the following words and expressions are to mean:

"Idling"

The action of a motor running at a reduced speed while the vehicle is stationary;

"Vehicle"

A car, a commercial vehicle, a recreation vehicle, an equipment or utility vehicle, a heavy vehicle or a traffic vehicle as described in the Road Safety Code (Code de la sécurité routière L.R.Q., chapter C-24.2), as well as a snow mobile, an all-terrain vehicle or all other motorised vehicles destined for off-road travel according to the description in (Loi sur les véhicules hors route (L.R.Q., chapter V-1.2)).

### **3. FINES**

The Sûreté du Québec officers from the MRC Memphrémagog division or all other persons named by the municipal council are authorised to issue, for and in the name of the municipalities, fines for any violation of the present by-law.

### **4. IS FORBIDDEN**

The idling of any vehicle for more than three (3) minutes per sixty (60) minute period is forbidden.

### **5. HEAVY VEHICLES**

Notwithstanding the provisions in article 4 and subject to article 6, the idling of a heavy vehicle equipped with a diesel engine is authorised for a maximum period of five (5) minutes per period of sixty (60) minutes.

### **6. HEAVY VEHICLE EXCEPTION**

Between November 1<sup>st</sup> and March 31<sup>st</sup>, the idling of a heavy vehicle equipped with a diesel engine is authorised for a maximum period of ten (10) minutes per sixty (60) minute period.

### **7. EXCLUSIONS**

Are excluded from the application of the present by-law the following vehicles:

1. an emergency vehicle according to the description in the “Code de la sécurité routière”;
2. a vehicle used as a taxi according to the description in the “Code de la sécurité routière” between November 1<sup>st</sup> and March 31<sup>st</sup>, as long as there is a person in the vehicle;
3. a vehicle stationary due to a traffic jam, dense traffic, a street light or a mechanical breakdown;
4. a heavy vehicle when it is necessary to leave it running in order to do a check prior to departure, in conformity to article 519.2 of the “Code de la sécurité routière”;
5. a vehicle when it is required to let it run in order to do maintenance or repairs
6. a utility truck which supplies current to operate auxiliary equipment used for work or a vehicle which contains a heating system or a cooling system to preserve merchandise or to transport animals;
7. an armoured vehicle;
8. a vehicle affected by frost or ice rain for the time needed to render it safe to drive;
9. a vehicle driven by hydrogen, electricity or a hybrid vehicle.

### **8. FINES**

Whoever contravenes any of the provisions of the present by-law is committing a violation and is liable to a fine, as well as charges:

1. for a first violation, of a minimum of fifty (50 \$) and a maximum of one hundred (100 \$) if the offender is a physical person and a minimum of one hundred and fifty (150 \$) dollars and a maximum of three hundred (300 \$) dollars, if the offender is a legal person;
2. for a repeat offence, of a minimum of one hundred (100 \$) and a maximum of two hundred (200 \$) dollars if the offender is a physical person and a minimum of three hundred (300 \$) dollars and a maximum of six hundred (600 \$) dollars if the offender is a legal person.

## **9. OWNER OF A VEHICLE**

The owner of a vehicle who's name appears on the registry of the Société de l'assurance automobile du Québec, held in virtue of article 10 of the Code de la sécurité routière, could be found guilty of any violation of the present by-law committed with this vehicle, unless he/she can prove that, during the time of the violation, this vehicle was, without his/her consent, in the possession of another party.

## **10. OTHER OFFENDER**

Any person who advises, encourages, orders or incites another person to commit an act which constitutes a violation, commits or omits to do something which has the effect of enabling a person to commit a violation, is committing himself/herself a violation and is liable to the same penalty as the one established for the offender, whether the person was or not sued, or declared guilty.

## **11. LEGAL PERSON**

When a legal person commits an infraction of the by-law, any administrator, shareholder, civil servant, representative, employee or agent of this person, who authorised or committed the violation, or consented, acquiesced or participated, is deemed being a participant to the violation and is liable to the same fine as the one prescribed for the legal person, whether this one was or not sued or declared guilty.

## **12. COMING INTO FORCE**

The present by-law will enter into force in conformity with the law.

Signed and adopted by the Municipality of the Village of Ayer's Cliff at a regular council meeting held March 1<sup>st</sup>, 2010.

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Ghislaine Poulin-Doherty  
General Director / Secretary-treasurer

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Alec van Zuiden  
Mayor

*Avis de motion : 1<sup>er</sup> février 2010*

*Adoption : 1<sup>er</sup> mars 2010*

*Entrée en vigueur 5 mars 2010*