

**MUNICIPALITY OF JASPER**  
**BYLAW #099**

**BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO CONTROL VEHICLE IDLING IN THE TOWN OF JASPER**

**WHEREAS** emissions from internal combustion engines are a source of atmospheric pollutants and greenhouse gases;

**AND WHEREAS** such emissions have negative implications for local, regional and global climate and air quality, with accompanying implications for the health, safety and well-being of residents of the Municipality of Jasper;

**AND WHEREAS** the *Municipal Government Act* (Alberta, RSA 2000, Chapter M-26) provides at Part 2, Division 1, Section 7 for Municipal Council to pass bylaws respecting the health, safety and well-being of its community;

**NOW THEREFORE** be it resolved that the Council of the Municipality of Jasper in the Province of Alberta, duly assembled, enacts:

**1. CITATION**

- 1.1 This Bylaw may be cited as Municipality of Jasper Bylaw #099, the “Town of Jasper Anti-Idling Bylaw 2008”.
- 1.2 Municipality of Jasper Bylaw #095, the “Town of Jasper Anti-Idling Bylaw” is hereby repealed.

**2. DEFINITIONS**

2.1 In this Bylaw:

2.1.1 “*Council*” shall mean the Council of the Municipality of Jasper;

2.1.2 “*Commercial Vehicle*” shall mean a truck, trailer or semi-trailer, except:

2.1.2.1 a truck, trailer or semi-trailer that is a public service Vehicle; or

2.1.2.2 a truck, trailer or semi-trailer or any class of Vehicle that by regulation or by an order of the Alberta Motor Transport Board is exempt from being classified as a Commercial Vehicle;

and including:

2.1.2.3 a motor Vehicle with more than four (4) wheels and/or a gross Vehicle weight rating of greater than 5000 kilograms from which sales are made of goods, wares, merchandise or commodity; and

2.1.2.4 a motor Vehicle with four or more wheels and/or a gross Vehicle weight rating of greater than 5000 kilograms by means of which delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee thereof; and

- 2.1.2.5 passenger vans and buses with a seating capacity of 12 persons or more;
- 2.1.3 “*Idle*” and “*Idling*” shall mean the operation of an internal combustion engine in a stationary Vehicle or in stationary Mobile Equipment when such engine is not engaged in Work.
- 2.1.4 “*Mobile Equipment*” shall mean equipment:
  - 2.1.4.1 operated by a Person accommodated in or on such equipment;
  - 2.1.4.2 powered by an internal combustion engine;
  - 2.1.4.3 intended for excavation, winching, hauling, lifting, lowering, erecting, mixing, cleaning, painting, pouring, pumping, packing, tamping, cutting or other similar activities; and
  - 2.1.4.4 which is not a Vehicle capable of being licensed under the provisions of the Traffic Safety Act (Alberta, R.S.A. 2000 C T-6) for use on a Roadway;
- 2.1.5 “*Municipality*” and “*Municipality of Jasper*” shall mean the Municipality of Jasper in Jasper National Park in the Province of Alberta;
- 2.1.6 “*Peace Officer*” shall mean:
  - 2.1.6.1 a member of the Royal Canadian Mounted Police;
  - 2.1.6.2 a member of a municipal police service;
  - 2.1.6.3 a special constable; or
  - 2.1.6.4 a park warden appointed pursuant to the Canada National Parks Act, while that person is in the exercise or discharge of that person's powers or duties in a national park established under that Act;
- 2.1.7 “*Person*” shall mean an individual, society, partnership or corporation;
- 2.1.8 “*Town*” and “*Town of Jasper*” shall mean the Town of Jasper as defined in the Agreement for the Establishment of Local Government in Jasper dated June 13<sup>th</sup>, 2001;
- 2.1.9 “*Vehicle*” shall mean a device in, on, or by which a person or thing may be transported or drawn on a Roadway either by motor or muscular power;
- 2.1.10 “*Work*” shall mean, in respect of an internal combustion engine operating in a stationary Vehicle or in stationary Mobile Equipment, the powering of equipment or apparatus engaged in:
  - 2.1.10.1 the operation of any Vehicle held stationary by a Traffic Control Device;
  - 2.1.10.2 necessary operations for the loading or unloading of Mobile Equipment or a Commercial Vehicle;

- 2.1.10.3 providing heating, air-conditioning or refrigeration necessary for the preservation of perishable goods or cargos carried by or contained in a Commercial Vehicle or an Emergency Vehicle;
  - 2.1.10.4 maintaining emergency lights, communications equipment, computer equipment or other emergency equipment, whether in respect of an Emergency Vehicle or not, during any time the operator or passengers of such Vehicle are involved in a response to an emergency or, in the case of an Emergency Vehicle, at any time the operator or passengers of such Vehicle are involved in training for emergency responses;
  - 2.1.10.5 maintaining emergency lights, communications equipment, computer equipment or other emergency equipment in respect of a Vehicle operated by a Peace Officer during his or her duties at any time such Peace Officer is involved in a law enforcement activity;
  - 2.1.10.6 operating systems or equipment necessary for the secure functioning of armoured Vehicles;
  - 2.1.10.7 excavation, winching, hauling, lifting, lowering, erecting, mixing, cleaning, painting, pouring, pumping, packing, tamping, cutting, or other similar activities;
  - 2.1.10.8 delivering necessary medical care to a Vehicle occupant;
  - 2.1.10.9 maintaining interior temperatures in a Commercial Passenger Vehicle engaged in embarking or disembarking passengers;
  - 2.1.10.10 removing frost, mist or condensation present on the windshield of a Vehicle or Mobile Equipment; or
  - 2.1.10.11 when operation of the internal combustion engine in such Vehicle is necessary for the servicing, repair or maintenance of such Vehicle or necessary for the servicing, repair or maintenance of some other Vehicle.
- 2.1.11 Words importing the masculine gender only include the feminine gender and vice versa whenever the context so requires; and
- 2.1.12 Words importing the singular shall include the plural and vice versa whenever the context so requires.

### **3. PROVISIONS**

- 3.1 No Person shall cause or permit Idling in the Town.

### **4. PROSECUTIONS**

- 4.1 Any Person who contravenes this Bylaw is guilty of an offence and is liable on summary conviction to a fine of \$100 and, in default, such penalties as are provided for by the *Provincial Offences Procedure Act* (Alberta) as amended.

- 4.2 A notice of form commonly called an Offence Ticket having printed wording approved by the Municipal Manager, may be issued by a Peace Officer or a Municipal Compliance Officer to any Person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment to such official in the amount specified in this Bylaw or the *Traffic Safety Act*, (Alberta), as amended or the regulations pursuant to the *Provincial Offences Procedure Act* (Alberta), as amended.
- 4.3 When a Person is served with an Offence Ticket pursuant to Section 16.3 of this Bylaw and the recipient of the Offence Ticket voluntarily delivers payment to the Municipal Manager of the Town within fourteen (14) days of the date the Offence Ticket is issued, the specified penalty shall be reduced by ten (10%) percent.
- 4.4 An Offence Ticket shall be deemed to be sufficiently served:
- 4.4.1 if served personally on the accused; or
  - 4.4.2 if mailed to the address of the registered Owner of the Vehicle concerned; or to the Person concerned; or
  - 4.4.3 if attached to or left securely and visibly upon a Vehicle in respect of which an offence is alleged to have been committed.

## 5. NOTICE

- 5.1 Any notice provided for in this Bylaw shall be in writing.
- 5.2 Service of any notice provided for in this Bylaw shall be made as follows:
- 5.2.1 personally upon the Person to be served;
  - 5.2.2 by mailing the copy to the Person to be served by double registered mail or certified mail to the last known post office address of the Person to be served, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the Person to be served or to any Person receiving it on his behalf; or
  - 5.2.3 in the case of an Offence Ticket, as described in Section 16.5 herein; or
  - 5.2.4 as directed by the Court.

## 6. SEVERANCE

- 6.1 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.

## 7. COMING INTO EFFECT

- 7.1 This Bylaw shall come into force and effect on the first day of November, 2007.
- 7.2 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

**GIVEN FIRST READING THIS 15<sup>th</sup> DAY OF JANUARY A.D. 2008.**

**GIVEN SECOND READING THIS 5th DAY OF FEBRUARY A.D., 2008**

**GIVEN THIRD AND FINAL READING THIS 19th DAY OF FEBRUARY A.D., 2008**

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Mayor

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Municipal Manager