

**PROVINCE OF QUEBEC
CITY OF CÔTE SAINT-LUC**

BY-LAW NO. 2258

**BY-LAW ON NUISANCE CAUSED
BY A MOTOR VEHICLE**

At the Regular Council Meeting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on May 14, 2007 at 8:00 p.m., at which were present:

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A.

Councillor Dida Berku, B.C.L.

Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Sam Goldbloom, B.A.

Councillor Allan J. Levine, B.Sc., M.A., DPLI

Councillor Glenn J. Nashen

ALSO PRESENT:

Mr. Ken Lerner, City Manager

Mr. Jonathan Shecter, Director of Legal Services and City Clerk

It is ordained and enacted by By-law No. 2258 as follows:

WHEREAS Notice of motion of the presentation of this by-law was given at the regular meeting of said Council duly called and held on April 16, 2007;

CONSIDERING that the municipal council wishes to reduce nuisance caused by unnecessary pollution of the atmosphere by immobilized motor vehicles;

CONSIDERING that the municipal council intends to establish measures to contribute to the reduction of greenhouse gas emissions, in order to respect the Kyoto protocol objectives;

CONSIDERING section 59 of an Act on municipal powers (R.S.Q., chapter C-47.1);

COUNCIL ADOPTS THE FOLLOWING PROVISIONS

1. In the present by-law, unless the context indicates otherwise, the meaning is as follows:

«vehicle»: a motor vehicle, a commercial vehicle, a passenger vehicle, a tool vehicle, a heavy vehicle or a road vehicle as determined by the *Highway Safety Code* (R.S.Q., chapter C-24.2) as well as a snow mobile, a motorized all-terrain vehicle or any other motorized vehicle intended to circulate off the public roads as determined by the *Highway Safety Code* for vehicles off a public road (R.S.Q. chapter V-1.2); »;

«heavy vehicle»: a heavy vehicle as determined by the *Highway Safety Code* (R.S.Q., chapter C-24.2);

« motor»: a combustion motor.

« Tow Truck» a motor vehicle equipped to lift and tow a road vehicle or to load a road vehicle onto its platform.

2. Constitutes a nuisance the fact to leave running, either indoors or outdoors, on public or private property, for more than three minutes, by period of sixty minutes, the motor of an immobilized vehicle.
3. Notwithstanding section 2, constitutes a nuisance the fact to leave running for more than five minutes, by period of sixty minutes, a diesel motor of an immobilized heavy vehicle.

However, in the case of an immobilized heavy vehicle, with a diesel motor, which normal functioning temperature has not been reached, constitutes a nuisance the fact to leave the motor running, for more than ten minutes, by period of sixty minutes, when the exterior temperature is below 0°C.

4. The following vehicles are excluded from the application of the present by-law:
 - 1) an emergency vehicle as determined by the *Highway Safety Code* (R.S.Q., chapter C-24.2);
 - 2) a vehicle used as a taxi as determined by the *Highway Safety Code* (R.S.Q., chapter C-24.2), for the period comprised between November 1st and March 31st, as long as a person, who can be the driver, is present inside the vehicle;
 - 3) a vehicle of which the motor is used to accomplish some work, lend roadside assistance or to refrigerate or keep food hot;

- 4) a vehicle immobilized due to road congestion, heavy traffic or a street light;
 - 5) a vehicle affected by frost or ice during the time required to make driving safe;
 - 6) an armored safety vehicle;
 - 7) any vehicle driven, all or in part by a non polluting energy, such as a hybrid vehicle;
 - 8) a Tow Truck;
 - 9) Any vehicle owned, leased or rented by the City of Côte Saint-Luc;
5. The present by-law does not apply to a heavy vehicle when the motor must be left running in order to verify the proper functioning before leaving, in conformity with section 519.2 of the *Highway Safety Code* (R.S.Q., chapter C-24.2).
6. The present by-law does not apply in the case of the exterior temperature being below 0°C and the motor of a vehicle runs in order to activate the heating system when a person is present inside the vehicle.
7. For the purpose of application of the present by-law, the exterior temperature is the one measured on the hour by Environnement Canada at the Pierre-Elliot Trudeau International Airport.
8. No one can cause or allow a nuisance defined in the present by-law.
9. Anyone who contravenes any provision of the present by-law commits an infraction and is liable to a fine which amount is, in the case of a physical person, a minimum of \$50 and a maximum of \$100 and, in the case of a legal person (company), a minimum of \$100 and a maximum of \$200.
- In case of repetition of an infraction, the offender is liable to a fine, which amount is, in the case of a physical person, a minimum of \$100 and a maximum of \$200 and, in the case of a legal person (company), a minimum of \$200 and a maximum of \$400.
10. Both the vehicle owner and the vehicle driver may be held liable for any infraction pursuant to this By-law;
11. Any police officer or member of the City of Côte Saint-Luc's Public Security staff is entrusted with the application of this By-law;

12. This By-law shall come into force as provided by law.

(s) Anthony Housefather

ANTHONY HOUSEFATHER
MAYOR

(s) Jonathan Shecter

JONATHAN SHECTER
DIRECTOR OF LEGAL
SERVICES AND CITY
CLERK

CERTIFIED TRUE COPY

**JONATHAN SHECTER
DIRECTOR OF LEGAL SERVICES
AND CITY CLERK**

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MOTOR VEHICLE**

ADOPTED ON: May 14, 2007

IN FORCE ON: June 13, 2007

CERTIFIED TRUE COPY