



CORPORATE SERVICES DIVISION

Environment

TO: Chair and Members of the Community and Corporate Services Committee
SUBJECT: Idling Awareness Campaign Update & Proposed Idling Control Bylaw

Report Number: CORPSERV-1-04 Report Date: May 12, 2004
Author(s): Fleur Storace-Hogan Date to Committee: June 2, 2004
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APPROVALS: Department Head General Manager City Manager

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Committee Disposition & Comments
Council Disposition & Comments
01- Approved 02 - Not Approved 03 - As Amended 04 - Referred 05 - Deferred 06 - Received & Filed 07 - Withdrawn

1.0 RECOMMENDATIONS:

THAT Report CORPSERV-1-04 providing an update on the City of Burlington idling awareness campaign and proposed idling control bylaw be received;

THAT the attached idling control bylaw (Appendix A) to prohibit unnecessary idling of vehicles within the City of Burlington be approved;

THAT the idling control bylaw be enforced by parking enforcement officers on a complaint basis; and

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THAT staff be directed to seek permission from the Ontario Ministry of Transportation (MTO) to enter an agreement to gain access to the license plate databank for the purpose of enforcing the idling control bylaw against the owner of a vehicle and that the mayor and clerk be authorized to execute any such agreement as may be required by MTO subject to the approval of the city solicitor.

### **2.0 PURPOSE:**

The purpose of this report is to update Council on the City of Burlington's idling awareness campaign that was launched in June 2003 and to present a proposed idling control bylaw as previously directed by Council (CD-31-00-1; DI-3-00).

### **3.0 BACKGROUND:**

Air quality, climate change, and energy conservation discussions are becoming increasingly common among all levels of government. One issue that incorporates all three concerns is unnecessary idling. Idling increases the level of air pollutants, some of which are known to contribute to climate change, and wastes fuel, which is a non-renewable resource. In addition, poor air quality is emerging as a major public health concern. In 2000, it was estimated that Halton had 55 premature deaths, 400 hospital admissions, and 1,425 emergency room visits caused by air pollution that year. The total economic cost was estimated at \$290 million including \$18 million to the health care system (Report MO-22-02). Any action to reduce unnecessary idling is a significant step in reducing the health and environmental costs of air pollution while saving fuel, money, and the vehicle from additional wear and tear. As a result, idling awareness campaigns now exist at all three levels of government and idling control bylaws are increasingly common in municipalities. (To receive supplementary information on idling awareness campaigns, including the City of Burlington's campaign, please contact the author of this report).

Many municipal governments have implemented idling awareness campaigns to some extent. These include the municipalities of the GTA Clean Air Council and the cities of Sudbury and Hamilton. Several municipalities are also choosing a more regulatory approach. The municipalities of Guelph, Kingston, London, Niagara Falls, Oakville, Stratford, and Toronto all have idling control bylaws (Appendix B). Pickering Council also recently passed an idling bylaw in February 2004. Staff at the Towns of Markham and Newmarket and the City of Hamilton are currently also considering an idling bylaw.

Some municipalities have opted to implement staff idling control policies including the Region of Halton, the Region of Waterloo, and the City of Calgary. In June 2003, the City of Burlington piloted a management approved idling control policy for staff that limited unnecessary idling to three minutes or less. In addition, section 3.22 of the City of Burlington Transit Operators Regulations Manual states that operators are required to shut off the buses when they are scheduled to idle more than ten minutes. In addition, bus engines are not to be left idling at the bus parking area south of the Human Resources Development Centre, 440 Elizabeth Street.

**City of Burlington Idling Resolutions**

Burlington Council at its meeting of **February 28, 2000** (CD-31-00-1) agreed with the recommendations for an anti-idling strategy, with minor amendments (report DI-3-00). Council's resolutions are:

*THAT the City of Burlington develop and implement an education strategy to reduce idling of vehicles and vehicle usage within the City of Burlington.*

*THAT staff be directed to report back to the Community Development Committee after one year from implementation on the effectiveness of the education strategy and with a draft anti-idling bylaw.*

In January 2001, the City of Burlington Anti-idling Steering Committee was formed to carry out Council's resolutions. Representation from the following groups and departments include: Environmental staff, Roads and Parks Maintenance, Traffic and Transit, Fire, the Sustainable Development Committee, the Environmental Management Team, the Halton Region Health Department, and Halton Partners for Clean Air.

**City of Burlington Idling Awareness Campaign**

In April 2003, report DI-5-03 updated Council on the planned idling awareness campaign. On Clean Air Day (June) 2003, the City of Burlington idling awareness campaign was launched. Corporate Communications developed a City of Burlington "look" for the campaign and 50,000 bookmarks and 2,500 posters were printed. In addition information was forwarded to all staff with their pay stubs. TD-Friends of the Environment provided the funding to print over 100 "Idle Free Zone" signs that have been installed across the City at municipal facilities, Burlington GO stations, and schools.

The media was quite receptive to the idling awareness program as information regarding the campaign appeared in print, radio, and television. The City's idling campaign also benefited from the media attention given to the GTA-Clean Air Council's (GTA-CAC) idling campaign.

Staff are aware of the success associated with programs using community based social marketing (CBSM) techniques which involves personal contact with community members to bring about behavioural change. Through CBSM, barriers to a desired behaviour are identified, a pilot program is developed to overcome these barriers, the program is implemented across a community, and the effectiveness of the program is evaluated.

Municipalities that have followed CBSM practices for idling programs, such as the City of Mississauga and Greater Sudbury, were each able to secure funding in the order of \$200,000. The City of Burlington, as a member of the GTA-CAC, was able to participate in CBSM practices for idling. In June 2003, volunteers from the Aldershot Community Council spoke with community members waiting at a Burlington GO station kiss-and-ride location and also at one of Burlington's schools. A report on the GTA Idle-Free Campaign is available online at <http://www.toronto.ca/gtacac/reports.htm>. An evaluation of the personal contact interventions is highlighted in Appendix 16 of the GTA-CAC report.

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Community members are aware of the City's idling campaign as staff continue to receive requests for additional information or educational material. In addition, three Burlington schools who participated in International Walk to School Day took advantage of the availability of "no idling" grants. In exchange for the \$150 grants, these schools committed to raising awareness regarding this issue in their school. Staff will continue to monitor the idling awareness program in consultation with Halton Partners for Clean Air.

### **4.0 DISCUSSION:**

The benefits of limiting unnecessary idling include fewer emissions into the atmosphere, reducing our impact on local air quality. However, opinions are divided on the effectiveness of implementing an idling control bylaw. The benefit of a by-law is that it can complement the existing community outreach and awareness program, providing leverage for discussions with drivers to modify their behaviour. It can act as a deterrent to drivers due to the associated fine with the bylaw.

There are challenges of implementing an idling control bylaw due to potential difficulties with enforcement. Adequate resources would be required to respond to complaints. As well, unlike parking tickets which are issued against vehicles, tickets for the idling control bylaw must be issued to drivers. Drivers are not required to provide personal information to enforcement officers.

#### **Idling Control Bylaws – Other Municipalities**

Several Ontario municipalities have enacted idling bylaws including the Cities of Guelph, Kingston, London, Niagara Falls, Oakville, Stratford, Toronto, and most recently Pickering (Appendix B). The underlying commonalities between the bylaws are: none of them are proactively enforced with the exception of the City of Toronto who has been organizing yearly blitzes since 2000; all bylaws include a long list of exemptions; and all seem to target adverse health effects, particularly respiratory health.

When comparing the bylaws, one will note many differences. The definition for idling varies from 3 minutes to 10 minutes for most vehicles and up to 15 minutes for transit vehicles. Some define idling for a number of consecutive minutes while others note a time limit within a sixty-minute period. Differences also exist in who enforces the bylaws ranging from general bylaw enforcement officers, parking enforcement officers, police, to public health inspectors.

#### **Idling Control Bylaw – Enforcement Alternatives**

One of the most significant issues in considering an idling control bylaw is enforcement. There are different possible options associated with enforcing an idling control bylaw. These include: full proactive enforcement "24/7", enforcement based on complaints, and idling blitzes.

##### *Proactive enforcement*

It is estimated that two additional staff resources would be required to implement proactive enforcement of the idling bylaw during peak smog season. In addition, there would also be costs to lease and operate vehicles, the administrative costs to process a ticket, and possible court costs.

Complaints only

In this situation, enforcement officers would receive a complaint and investigate. This would be a less costly option to proactive enforcement but would still require administrative costs to process a ticket and possible court costs. Enforcement through complaints is the most common approach taken by local municipalities with idling bylaws. It is also a common approach used within the City for a wide range of bylaws.

Idling Blitzes

The bylaw can be enforced during idling blitzes that would be weeklong events similar to what the City of Toronto conducts. During the 2003 idling blitz campaign period (June 2-7), City of Toronto staff time was estimated at 500 hours. This did not include administration work, filing of charges, and court time. It should also be noted that 12 officers were assigned to this weeklong blitz of downtown Toronto.

**Idling Control Bylaw - Issuing Tickets**

Under the Provincial Offences Act, only parking tickets can be issued to vehicles (a Part II offence). For other bylaws, including the proposed idling bylaw, tickets are issued to a person. Issuing a ticket to a person (a Part I offence) is more difficult as the bylaw enforcement officer must have the person's name and address to prepare the ticket. Motorists are not obliged to provide this information.

After consulting with the City of Toronto, it was determined that in most situations, personal information is handed over to enforcement officers. However, there can be situations where this information is not provided. In order to use a licence plate number as a means to investigate and lay a charge against the owner of a vehicle, staff must enter into an agreement with the Ontario Ministry of Transportation (MTO) specifically for the idling control bylaw.

Should the bylaw be approved, staff can submit an application to MTO staff who will then determine whether or not to approve such as request. It should be noted that while there is currently no cost to access the MTO database, a user fee for each transaction will likely be charged in the future.

**Idling Control Bylaw – Implementation Plan**

It is recommended that the attached idling control bylaw be approved and become effective on May 2, 2005, traditionally the beginning of the smog season. By delaying the implementation of the by-law, it allows staff time to carry out four important tasks.

1. Staff will apply to the Ministry of the Attorney General's office for a set fine in the amount of \$155, similar to set fines at the Town of Oakville and the City of Stratford.
2. Staff will submit an application to MTO to enter into an agreement to gain access to the license plate databank for the purpose of enforcing the idling control bylaw against the owner of the vehicle.
3. Staff will focus on the development and implementation of a communications plan to raise public and staff awareness of the new regulation.

4. Parking enforcement officers will be trained to issue a Part I certificate of offence as they currently only issue Part II parking infractions. This training can be provided internally.

On May 2, 2005, the bylaw will be legally in effect. Enforcement of the bylaw will be carried out in response to complaints. In consultation with Traffic and Transit staff, it is recommended that parking enforcement staff respond when complaints are received or when they notice idling vehicles during their normal rounds issuing parking tickets. It is recognized that the primary responsibility of parking enforcement staff is enforcing parking infractions.

As the purpose of the idling control bylaw is to reduce the incidences of vehicles idling unnecessarily within the community, enforcement staff may advise drivers of the city's bylaw, prior to the three-minute limit, and request that they turn their engines off. An information card regarding idling will be provided to the driver. Tickets will be issued to those drivers who do not comply with the request, three minutes after they were first observed to be idling.

Staff will monitor the implementation of the bylaw by recording the complaints received, and the number of warnings and tickets issued. Should there be sufficient complaints to warrant additional resources, staff will report back to Council.

## **5.0 FINANCIAL MATTERS:**

### **Education Costs**

The 2003 campaign cost approximately \$8,000, which included signs, stickers, posters, bookmarks, and information cards. Approximately \$4,000 was from the 2003 Environment current operations budget. The other \$4,000 was a combined in-kind contribution from Halton Partners for Clean Air for the electromagnetic stickers and a grant from TD-Friends of the Environment for the signs. It is not anticipated that additional funds will be necessary for 2004 as a sufficient supply of bookmarks and posters are still available.

### **Enforcement Costs**

If a bylaw to control unnecessary idling is enacted, it is estimated that approximately \$2200 would be necessary to inform the community by:

- Printing weather-resistant stickers to place on all 133 "Idle Free Zone" signs already printed or posted in Burlington,
- Publicizing the bylaw in the Update section of the Burlington Post, and
- Printing additional information cards regarding the idling bylaw for distribution by enforcement staff.

If proactive enforcement were the preferred option, additional costs of \$28,000 will be incurred to hire two enforcement officers seasonally. The estimated cost does not include the cost to lease and run a vehicle, or the administration costs associated with issuing tickets and going to court.

**6.0 ENVIRONMENTAL MATTERS:**

Vehicles are a major source of carbon dioxide, nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds, and fine particulate matter. As a result, vehicle emissions are one of the leading causes of today's environmental problems including climate change, urban smog, and acid rain. Every year, the average car produces about three times its weight in carbon dioxide, a greenhouse gas. Light-duty vehicles account for 11.7% of greenhouse gas emissions in Canada.

With ongoing incidences of bad air quality, asthma, and other respiratory and cardiovascular ailments come increased concerns about the quality of the air we breathe. While unnecessary idling contributes a small percentage to the overall pollutants emitted into the atmosphere, the amount emitted as a municipality and a nation remains significant.

**7.0 COMMUNICATION MATTERS:**

In 2003, environment staff worked with Corporate Communications to create a City of Burlington "look" for the idling posters and bookmarks. Should City Council pass an idling control bylaw, staff will continue to work with Corporate Communications to publicize the bylaw and produce additional information cards.

**8.0 CONCLUSION:**

Air quality issues continue to be at the forefront of many discussions, particularly during smog events. Controlling unnecessary idling is a small step that everyone can take to address this health and environmental issue.

Staff recommend an idling control bylaw be passed and enforced as needed to complement the educational program to reduce unnecessary idling within Burlington.

Respectfully submitted,

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Environmental Projects Support Technician

**Appendices:**

Appendix A: Proposed City of Burlington Idling Control Bylaw  
 Appendix B: Local Idling Bylaws

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**Special Instructions:**

Regular agenda
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**APPENDIX A: PROPOSED CITY OF BURLINGTON IDLING CONTROL BYLAW**

**Bylaw Number XX-2004 of the Corporation of the City of Burlington**

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A bylaw to prohibit unnecessary idling of vehicles within the City of Burlington

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WHEREAS section 130 of the *Municipal Act, S.O. 2001, Chapter 25*, authorizes municipalities to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS section 425 of the *Municipal Act, S.O. 2001, Chapter 25*, authorizes municipalities to pass any bylaw and provide that any person who contravenes any bylaw of the municipality be guilty of an offence;

AND WHEREAS vehicles are sources of carbon dioxide, nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds, and fine particulate matter in the City of Burlington's outdoor air;

AND WHEREAS the levels of air pollution in the City of Burlington are associated with adverse health effects, including deleterious effects on respiratory and cardiovascular health;

AND WHEREAS the Council of the Corporation of the City of Burlington desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds, and fine particulate matter;

AND WHEREAS the City of Burlington has committed to reducing greenhouse gas emissions as part of our commitment to Partners for Climate Protection;

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

**1.0 SHORT TITLE:**

This bylaw may be cited as the "Idling Control Bylaw."

**2.0 DEFINITIONS:**

2.1 "City" means the Corporation of the City of Burlington.

2.2 "Idling" means the operation of the engine of a vehicle while the vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic operation of the vehicle.

2.3 “Mobile work” means

- (i) a vehicle containing equipment that must be operated inside or in association with the vehicle (for example, garbage and snow removal vehicles); or
- (ii) a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction.

2.4 “Layover” means a stopping point along a transit route for a maximum of 10 minutes to allow transit vehicles to adjust service schedules.

2.5 “Stopover” means a scheduled delay for a maximum of 10 minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedules.

2.6 “Transit vehicle” means public transit vehicles, tour buses, and motor coaches.

2.7 “Vehicle” means a motor vehicle, trailer, traction engine, farm tractor, or road building machine as defined in the *Highway Traffic Act* and any vehicle drawn, propelled, or driven by any kind of non-muscular power, but does not include cars of electric or diesel electric railways running exclusively upon rails. Vehicle also includes a motorized snow vehicle or other conveyance that operates by way of a combustion engine.

### **3.0 GENERAL PROVISIONS**

3.1 No person shall cause or permit a vehicle to idle for more than three minutes in a 60-minute period.

3.2 The three-minute limit does not apply to the following situations, except where idling is substantially for the convenience of the operator of the vehicle:

- a) Fire, police, or emergency medical service vehicles while engaged in operational activities, including training and patient transfer activities;
- b) Vehicles participating in an emergency activity;
- c) Vehicles that remain motionless because of an emergency, traffic conditions (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;
- d) During weather conditions where outside temperatures are over 27°C or below 5°C where idling may be necessary for the operation of air conditioning or heating equipment;
- e) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range;

- f) Mobile work vehicles while they are in the course of being used for their basic function;
- g) Vehicles where idling is required as part of the repair process or to prepare the vehicle for service;
- h) Transit vehicles while passengers are embarking or disembarking en route or in terminals;
- i) Transit vehicles while at a layover or stopover with passengers on the bus. When there are no passengers/operator on board, the engine will be turned off;
- j) Vehicles engaged in a parade or any other event authorized by the municipality.

#### **4.0 ADMINISTRATION AND ENFORCEMENT**

4.1 This bylaw can be administered and enforced by any Municipal Law Enforcement Officer of the City of Burlington.

4.2 Any person who contravenes any provision of this bylaw is, upon conviction, guilty of an offence and is liable to any penalty provided in the *Provincial Offences Act*.

4.3 The Court, in which a conviction has been entered, and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.

#### **5.0 ENACTMENT**

5.1 This bylaw shall come into force and take effect on May 2, 2005.

**APPENDIX B: LOCAL IDLING BYLAWS**

	<b>Guelph</b>	<b>Kingston</b>	<b>Niagara</b>	<b>Oakville</b>	<b>London</b>	<b>Stratford</b>	<b>Toronto</b>
<b>Bylaw</b>	Bylaw #1998-15945	Bylaw #97-277	Bylaw #98-217	Bylaw #2002-153	Bylaw PH-9-1999	Bylaw #133-2001	Bylaw 673-1998 & 239-1999
<b>Idling Def'n</b>	10 minutes in any 60-minute period Guelph Transit = 15 minutes	3 minutes in a 60-minute period Transit = 15 minutes	3 minutes in a 60-minute period Niagara Transit = 15 minutes	More than 5 consecutive minutes Transit = 15 minutes	5 consecutive minutes Transit = 15 minutes	Not more than 5 consecutive minutes Transit = 15 minutes	Not more than 3 minutes in a 60 minute period Transit = 15 minutes
<b>Enforce</b>	Bylaw enforcement officers (police dept). Working on revising the bylaw and the parking bylaw officers could likely be responsible for enforcement.	General bylaw, parking bylaw, and Kingston Police officers.	Bylaw enforcement officers.	Enforced by the bylaw enforcement section, which is under the jurisdiction of Clerks.	Public health inspectors.	Bylaw officers (2). Would prefer if parking because they're patrolling all the time.	Bylaw staff in the Works and Emergency Services Dept, Transportation Services Division.
<b>History</b>	No charges ever laid.	No charges ever laid.	No charges ever laid but warnings have been issued to bus companies that if another complaint is received, they will be charged.	Do not enforce proactively but will respond to complaints.  Received two commercial vehicle complaints in 2003 – both received warnings but one was also charged when they failed to comply. The charge is still before the courts.	No tickets yet -- warnings/info packages 1) Active surveillance of “hot spots” 2) Organizational targeting – those with fleets or staff with own vehicles – promote those with policies 3) Complaints – follow-up with vehicle owner giving warning/info package.  Followed up on a total of 30-40 complaints since 1999.	No charges. Deal on a complaints basis but also proactively if aware of problem areas. Have given out warnings.	During the week of June 12 <sup>th</sup> 2000, officers issued 18 tickets with fines of \$130 each. Warnings and fact sheets were issued to 291 individuals.  In 2001, 26 tickets, 2 summons, and 397 warnings were issued to vehicle operators.  Between 1998 and April 2002, 111 tickets, 2 summons, and approximately 800 warnings have been issued. In one case, a fine of \$625 (including a \$125 surcharge) was given.  In 2003, 136 tickets, 523 warnings, and 4 summons were issued. (staff time in

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	Guelph	Kingston	Niagara	Oakville	London	Stratford	Toronto
							<p>the field during blitzes was approx. 500 hours) – During the June 2003 blitz, 12 officers were used.</p> <p>For 2004, the City is in the process of implementing a dedicated idling hotline to deal with the high volume of telephone complaints.</p>
<b>Set Fines</b>	No set fines. Plans are underway to review the bylaw and include set fines. Only a summons can be issued.	No set fines. Only a summons can be issued.	No set fines. Only a summons can be issued.	Set fine of \$155 including victim surcharge. A summons can also be issued.	Set fine of \$105 + \$20 surcharge = \$125. A summons can also be issued.	Set fine of \$115 + \$40 surcharge = \$155. A summons can also be issued.	Set fine of \$130 (105 ticket + 25 surcharge). A summons can also be issued.
<b>Contact</b>	Jennifer Gilks, Admin Asst., Env'tal Services Division 519-822-1260 x2407 <a href="mailto:JGilks@city.guelph.on.ca">JGilks@city.guelph.on.ca</a>	Al Peterson, bylaw enforcement officer 613-384-1770 x3135 <a href="mailto:apeterson@cityofkingston.ca">apeterson@cityofkingston.ca</a>	Dean Iorfida, City Clerk <a href="mailto:diorfida@city.niagarafalls.on.ca">diorfida@city.niagarafalls.on.ca</a>	Moira Fogarty, A/Manager Bylaw Enforcement & Licensing 905-845-6601 x3252 <a href="mailto:mfogarty@oakville.ca">mfogarty@oakville.ca</a>	James Reffle – Director of Enviro Health 519-663-5317 x2424 <a href="mailto:jim.reffle@mlhu.on.ca">jim.reffle@mlhu.on.ca</a>	Wes Matthews Bylaw enforce. officer (Building & Planning Dept) 519-271-0250 x200 <a href="mailto:wmatthews@city.stratford.on.ca">wmatthews@city.stratford.on.ca</a>	Peter Berardi, Senior Bylaw Officer 416-338-5899 <a href="mailto:pberardi@toronto.ca">pberardi@toronto.ca</a>