

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2007/21

BEING A BY-LAW TO PROHIBIT UNNECESSARY IDLING OF VEHICLES WITHIN THE MUNICIPALITY OF WEST NIPISSING

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 by-law and provide that any person who contravenes any by-law 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 Municipality of West Nipissing's outdoor air;

AND WHEREAS the Council for the Corporation of the Municipality of West Nipissing desires to assist in the reduction of adverse health effects and in maintaining the ozone layer by reducing the unnecessary emissions of carbon monoxide;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING HEREBY ENACTS AS FOLLOWS:

1.0 SHORT TITLE

This by-law may be cited as the 'Idling Control By-law.'

2.0 DEFINITIONS

2.1 "**Municipality**" means the Corporation of the Municipality of West Nipissing.

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 Workshop**" 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.
 - iii) vehicles used for farming, logging and 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 (ten) 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, school buses, para transit vehicles, 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.
- 2.8 “**Officer**” means an officer of the West Nipissing Police Service or by any person authorized to enforce this by-law.

3.0 GENERAL PROVISIONS

- 3.1 No person shall cause or permit a vehicle to idle for more than ten minutes in a 60-minute period.
- 3.2 The ten-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 not 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 as long as the vehicle is occupied;

- 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 (or workshop) 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 race or any other event authorized by the municipality;
 - k) Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
 - l) School buses in private yards or bus storage yards warming up prior to their run.
- 3.3 The provisions of this by-law do not apply to Federally-owned or Municipally-owned lands upon which vehicles or electric, steam or diesel electric railways run exclusively upon rails.
- 3.4 Despite 3 h) and 3 i) herein, no operator of a tour bus or motor coach *equipped* with an air-conditioning system shall cause or permit the said vehicle to idle for more than ten (10) consecutive minutes of engine idling time to bring the vehicle to a tolerable temperature for the convenience of the passengers. After the ten (10) minute time period, operator of the transit vehicle shall turn off the engine for a minimum period of (fifteen) 15 minutes before restarting the engine, unless the operator is moving the vehicle forthwith.
- 3.5 No operator of a tour bus or motor coach *not equipped* with an air-conditioning system shall cause or permit the said vehicle to idle for more than five (5) consecutive minutes.

3.6 The operator of any vehicle situated on private property within the Municipality is required to comply with the provisions of this by-law, and in default, an officer shall have the power to terminate the idling of the vehicle at the operator's expense, and to enter on private land for that purpose.

4.0 ADMINISTRATION AND ENFORCEMENT

4.1 This by-law can be administered and enforced by any officer of the West Nipissing Police Service, or by any person authorized to enforce this by-law.

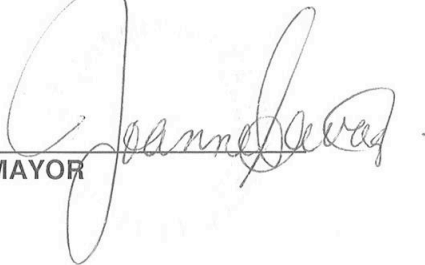
4.2 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

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 by-law shall come into force and take effect on the date of its passing.

READ A FIRST TIME AND CONSIDERED READ A SECOND AND THIRD TIME AND PASSED AS SUCH IN OPEN COUNCIL THIS 15th DAY OF MAY 2007.


MAYOR


C.A.O./CLERK

Set Fine SCHEDULE “ A ”

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

PART 1 *PROVINCIAL OFFENCES ACT*

By-law 2007/21 respecting the ‘Idling Control by-law’

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION	COLUMN 3 SET FINE
1	Idling in excess of the permitted time	3.1	100.00
2	Idling in excess of the permitted time – Bus Tour or motor coach <u>with</u> air conditioning	3.4	100.00
3	Idling in excess of the permitted time – Bus Tour or motor coach – <u>with no</u> air- conditioning	3.5	100.00

NOTE: Penalty provision for the offences indicated above is Section 4.2 of By-Law No. 2007/21, a certified copy of which has been filed.