

# The Corporation of the Town of Bracebridge

## Bylaw No. 2005 - 108

### Being a Bylaw to Provide for the Control Of the Idling of Vehicles in the Town of Bracebridge

**WHEREAS** pursuant to Section 130 of the Municipal Act, S.O. 2001, a municipality may regulate matters for the purposes related to the health, safety and well being of the inhabitants of the municipality;

**AND WHEREAS** pursuant to Section 427 of the Municipal Act, 2001, a municipality may enter upon land at any reasonable time to direct that a thing be done and in default of it being done, such matter or thing shall be done at the person's expense;

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

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

**AND WHEREAS** the Council of the Town of Bracebridge desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of nitrogen oxides, carbon monoxides, volatile organic compounds and fine particulate matter;

**NOW THEREFORE** the Council of the Corporation of the Town of Bracebridge hereby enacts as follows:

#### 1.0 DEFINITIONS

(1.1) **Emergency Vehicle** means a vehicle operated by a police department, fire department or ambulance service.

(1.2) **Idle or 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.

(1.3) **Mobile work** means

- (i) a vehicle containing equipment that must be operated inside or in association with the vehicle which includes but is not limited to garbage and snow removal vehicles, or
- (ii) a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction.

(1.4) **Officer** means a Municipal Law Enforcement Officer, a Police Officer or other person appointed by Town council to enforce this bylaw.

(1.5) **Town** means the Corporation of the Town of Bracebridge.

(1.6) **Vehicle** means a motor vehicle, trailer, traction engine, farm tractor or road building machine as defined in the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, 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.

## **2.0 GENERAL PROVISIONS**

(2.1) No person shall cause or permit a vehicle to idle for more than three minutes.

(2.2) Subsection 2.1 does not apply to the following situations:

- (a) Emergency vehicles while engaged in operational activities, including training and patient transfer activities, except where idling is substantially for the convenience of the operator;
- (b) Vehicles participating in an emergency activity;
- (c) Vehicles that remain motionless because of an emergency, traffic conditions, which includes but is not limited to congestion and traffic control signals, weather conditions or mechanical difficulties over which the driver has no control;
- (d) Mobile work vehicles while they are in the course of being used for their basic function;
- (e) Vehicles where idling is required as part of the repair process or to prepare the vehicle for service;
- (f) Vehicles parked while passengers are in the process of embarking or disembarking the vehicle;
- (g) Vehicles engaged in a parade or any other event authorized by the Town;
- (h) 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.

## **3.0 ENFORCEMENT**

(3.1) Any person who contravenes any provision of this bylaw is, upon conviction, liable to any penalty provided under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

(3.2) Every person guilty of an offence under this bylaw, may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule A of this bylaw.

(3.3) The operator of any vehicle situated on private property within the Town is required to comply with the provisions of this bylaw, and in default, an Officer shall have the authority to terminate the idling of the vehicle at the operator's expense and may enter upon land for that purpose.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF OCTOBER 2005.

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Deputy Mayor

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CAO/Clerk

**SCHEDULE "A" TO BYLAW 2005-**

<b>ITEM</b>	<b>COLUMN 1 Short form wording</b>	<b>COLUMN 2 Offence creating provision or defining offence</b>	<b>COLUMN 3 Set Fine Amount</b>
<b>1</b>	<b>Idling in excess of permitted time</b>	<b>Section 2.1</b>	<b>\$100.00</b>

**Note: The penalty provision for the offence listed above is section 3 of Bylaw 2005- ; a certified copy of which has been filed.**