

THE CORPORATION OF THE TOWN OF HUNTSVILLE

By-law Number 2003-145

Being a By-law to Provide for the Control of the Idling of Vehicles in the Town of Huntsville

WHEREAS: pursuant to Section 130 of the *Municipal Act*, S.O. 2001, c. 25, as amended, 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 direct that in default of a required matter being done, such matters shall be done at the person's expense and may enter on land for the purpose.

AND WHEREAS: vehicles are sources of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds in the Town of Huntsville's outdoor air;

AND WHEREAS: the levels of air pollutants in the Town of Huntsville are associated with adverse health effects, including deleterious effects on respiratory health;

NOW THEREFORE the Council of the Corporation of the Town of Huntsville enacts as follows:

1.0 Definitions

1.1 For this By-law:

- (a) **Idle** 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 function of the vehicle and "idling" has a corresponding meaning.
- (b) **Layover** means stopping at a point along a transit route for a maximum of 15 minutes to allow a transit vehicle to adjust to service schedules.
- (c) **Officer** refers to a Police Officer, Police Cadet, Municipal By-Law Officer or any person authorized to enforce this chapter.
- (d) **Mobile Workshop** means:
 - a) a vehicle containing equipment that must be operated inside or in association with the vehicle; or
 - b) a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction operated by or on behalf of a municipality, public utility, police, or ambulance service.

- (e) **Stopover** means a scheduled delay of a maximum of fifteen (15) minutes at a transit terminal to allow transit vehicles to adjust service schedules.
- (f) **Transit Vehicle** means public transit vehicles, school buses, para transit vehicles, tour buses and motor coaches.
- (g) **Vehicle** means a motor vehicle, trailer, traction engine, farm tractor, or road building machines as defined in the *Highway Traffic Act* and any vehicle drawn, propelled or driven by any kind of non-muscular power.

2.0 General Provisions

2.1 (a) No person shall cause or permit a vehicle to idle for more than five (5) consecutive minutes.

(b) No person shall cause or permit a vehicle to idle for more than five (5) consecutive minutes on Payne Drive regardless of the ambient outside temperature identified in clause 2.2(k)

2.2 The five (5) minute limitation does not apply to:

- a) police, fire or ambulance vehicles while engaged in operational activities, including training activities except where idling is substantially for the convenience of the operator of the vehicle;
- b) vehicles assisting in an emergency activity;
- c) mobile workshops while they are in the course of being used for their basic function;
- d) vehicles where the idling is required as part of a repair process or to prepare a vehicle for service;
- e) 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;
- f) vehicles that remain motionless because of an emergency, traffic or weather conditions or mechanical difficulties over which the driver has no control;
- g) vehicles engaged in a parade or race or any other such event authorized by Council;

- h) transit and passenger vehicles while passengers are embarking or disembarking en route or at terminals;
- i) transit vehicles while at a layover or stopover location, except where the idling is substantially for the convenience of the operator of the vehicle;
- j) 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;
- k) vehicles when the ambient outside temperature is more than 27 degrees Celsius (27°C) or less than five degrees Celsius (5°).
- l) Vehicles where long term idling is required in order to provide heating or air conditioning to accommodate a driver rest period while parked in the following locations:
 - i) Adrienne's Restaurant and Gas Bar, 9100 Highway 11 south.
 - ii) Roadside weigh stations located on Highway 11 north and south bound situated between North Waseosa Lake Road and Stahls Road.

2.3 The provisions of this by-law do not apply to Federally-owned or ***Municipally-owned*** lands upon which cars or electric, ***steam*** or diesel electric railways run exclusively upon rails;

2.4 Despite 2.2 h) and i), 2.1 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.

2.5 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.

3.0. Enforcement

3.1 Any person who contravenes any provision of this By-law is, upon conviction, liable to any penalty provided in the *Provincial Offences Act*.

3.2 Every person guilty of an offence under this By-law 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 By-law.

3.3 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 land for that purpose.

READ a first time this 22nd day of September A.D., 2003.

Mayor (Hugh Mackenzie)

Clerk (Kathleen Gilchrist)

READ a second and third time and finally passed this 22nd day of September A.D., 2003.

Mayor (Hugh Mackenzie)

Clerk (Kathleen Gilchrist)

SCHEDULE "A"

Town of Huntsville By-law 2003-145 "Idling Control By-law"

<u>Item Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Short Form Wording</u>	<u>Provision Creating Offence</u>	<u>Set Fine</u> (Including costs)
Idling in excess of the permitted time	2.1 a)	\$ 100.00
Idling in excess of the permitted time on Payne Drive	2.1 b)	\$ 100.00

NOTE: The general penalty section for the offences indicated above is Section 3 of By-law No. 2003-145, a certified copy of which has been filed.