

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 170-2004

A By-law to provide for the control of the idling of vehicles.

WHEREAS Section 130 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipal council to pass by-laws to regulate matters not specifically provided for by the Act or other Acts for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS vehicles are sources of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds that impact the City of Vaughan's outdoor air;

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

NOW THEREFORE the Council of The Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. Definitions:

- (1) 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;
- (2) LAYOVER - means stopping at a point along a transit route for a maximum of fifteen (15) minutes to allow a transit vehicle to adjust to service schedules;
- (3) MOBILE WORKSHOP - means:
 - (a) a vehicle containing equipment that must be operated inside or in association with the vehicle; or
 - (b) a vehicle conducting maintenance or construction or serving as a facility for taking measurements or making observations operated by or on behalf of a municipality, a public utility or police, fire or ambulance service;
- (3) PERSON – includes an operator of a motor vehicle, and includes the owner or lessee of a motor vehicle, including commercial vehicles, whether an individual, corporation, association, firm or partnership;
- (4) STOPOVER - means a scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust services schedules;
- (5) TRANSIT VEHICLE - means York Transit vehicles, GO Transit vehicles, paratransit vehicles, tour buses and motor coaches;
- (6) VEHICLE - means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, including an automobile, motorcycle, motor assisted bicycle, farm tractor, traction engine, road building machine, and any vehicle drawn, propelled or driven by any kind of non-muscular power, but does not include a car of electric or diesel electric railways running exclusively upon rails or a

hybrid gas and electric-powered automobile provided the hybrid automobile is being operated by electricity.

2. Application:

This by-law applies to:

- a.) private property;
- b.) public property;
- c.) highways forming part of the road system under the jurisdiction of The Corporation of the City of Vaughan; and
- d.) highways forming part of the road system under the jurisdiction of The Corporation of the Regional Municipality of York which are within the boundaries of The Corporation of the City of Vaughan.

3. Prohibitions:

- (1) No person shall cause or permit a vehicle to idle for more than five (5) consecutive minutes.
- (2) Subsection 2(1) 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 idling is required as part of a repair process or to prepare a vehicle for servicing;
 - (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 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 to be maintained within a certain range;
 - (k) vehicles when the ambient outside temperature is more than twenty-seven degrees Celsius (27°C) or less than five degrees Celsius (5°C) and idling of the vehicle is necessary for the operation of the air conditioning or heating equipment respectively.

4. Enforcement:

- (1) Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and liable to a penalty as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

(2) The owner of or lessee of a vehicle that is permitted to idle in contravention of this by-law is guilty of an offence and upon conviction is liable to a penalty as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

5. Amendment:

In section 1.2 of By-law Number 195-2000, the following words contained in the second and third line of clause (a) are deleted:

"the idling of vehicles longer than five (5) minutes".

6. If any provision of this By-law is found to be invalid, void or unenforceable by a court of competent jurisdiction, this shall not affect the validity of any other part of this by-law which shall be given effect without such invalid part.

READ a FIRST, SECOND and THIRD time and finally passed this 14th day of June, 2004.

Michael Di Biase, Mayor

J. D. Leach, City Clerk