

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 08-077

BEING A BY-LAW TO CONTROL THE IDLING OF VEHICLES IN THE CITY OF PETERBOROUGH

WHEREAS Section 10(2) paragraph 6, of the *Municipal Act, 2001*, permits a municipal council to pass a by-law and to make regulations for the health, safety and well-being of persons;

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

AND WHEREAS the Corporation of the City of Peterborough by its Council has determined that the levels of air pollution in the City of Peterborough are associated with adverse health effects and climate change;

AND WHEREAS the Corporation of the City of Peterborough by its Council has determined that it is in the public interest to regulate the idling of vehicles and vessels in accordance with changes in the modern economy, the current regulatory framework and the laws of Ontario;

AND WHEREAS this by-law is intended to promote the health, safety and well-being of the public, by preventing the unnecessary idling of vehicles within the City.

NOW THEREFORE THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this by-law the following words shall have the following meaning:

- a) **Drive-Through** – means that portion of a commercial property which is designated as a drive-through on an approved Site Plan, and posted with appropriate signage.
- b) **Idle** – means the parking or stopping of a vehicle, while the engine is running and is not being used to operate auxiliary equipment that is essential to the basic function of the vehicle.
- c) **Taxicab** – means a Transit Vehicle that is licensed as a taxicab by the Peterborough-Lakefield Community Police Services Board.
- d) **Transit Vehicle** – means a vehicle used to transport passengers for compensation, and includes any vehicle used to transport a person with a disability, whether or not for compensation.
- e) **Travelled Portion of a Highway** – means the portion of a public highway intended for the passage of vehicles, but excludes any portion thereof where the parking, standing or stopping of vehicles is permitted.
- f) **Vehicle** – means a vehicle, vessel, or other conveyance which is drawn, propelled or driven by an engine which emits nitrogen oxides, carbon monoxide, sulphur dioxide and/or volatile organic compounds, but does not include a train running exclusively upon rails.

2. PROHIBITIONS

- a) No person shall idle a vehicle continuously for more than two (2) minutes.
- b) No person shall idle a vehicle owned by the Corporation of the City of Peterborough continuously for more than one (1) minute.
- c) Sections 2(a) and (b) do not apply to:
 - i) a police, fire, ambulance or crossing guard vehicle;
 - ii) a vehicle assisting a police, fire or ambulance vehicle;
 - iii) vehicle which is being repaired or serviced;
 - iv) vehicle which is being operated on the travelled portion of a highway or on a drive-through;
 - v) an armoured vehicle;
 - vi) a transit vehicle while passengers are embarking or disembarking; or
 - vii) notwithstanding subsection 2(c)(vi), a taxicab, on or before 1 January 2012.

3. PARAMOUNTCY

This by-law shall not apply to prevent the reasonable idling of a vehicle in order to comply with the requirements of the *Highway Traffic Act* for a clear windshield.

4. PENALTY

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided for in the *Provincial Offences Act*.

5. EFFECTIVE DATE

This by-law shall come into effect on the 1st day of November 2008.

6. SHORT TITLE

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

By-law read a first, second and third time this 14th day of April 2008

(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 08-077 for the Corporation of the City of Peterborough, attached hereto is the set fine, for those offences. This Order is to take effect May 27th,2008.

DATED at Newmarket this 27th
day of May, 2008.



Gregory Regis
Regional Senior Justice
Central East Region

THE CORPORATION OF THE CITY OF PETERBOROUGH

PART II *Provincial Offences Act*

By-law Number 08-077 –being a by-law to control the idling of vehicles in the City of Peterborough

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1	Idling in excess of the permitted time	Section 2	\$30.00

NOTE:

The penalty provision for the offence indicated above is Section 4 of By-law 08-077, a certified copy of which has been filed.