

**BY-LAW NUMBER 133-2001
OF THE CORPORATION OF
THE CITY OF STRATFORD**

BEING a By-law to prohibit excessive idling of vehicles in the City of Stratford.

WHEREAS Section 102 of the *Municipal Act, R.S.O. 1990, Chapter M.45* and amendments thereto, authorize municipal councils to pass by-laws and make regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for in the Act;

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

NOW THEREFORE BE IT ENACTED by council of The Corporation of the City of Stratford as follows:

1.0 CITATION

This by-law shall be known as the "Idling Control By-law" of The Corporation of the City of Stratford.

2.0 DEFINITIONS

- 2.1 "city" means The Corporation of the City of Stratford.
- 2.2 "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.
- 2.3 "layover" means stopping at a point along a transit route for a maximum of fifteen (15) minutes to allow a public transit vehicle to adjust to service schedules.
- 2.4 "mobile work" means:
- i) a vehicle containing equipment that must be operated inside or in association with the vehicle; or
 - ii) 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 or police, fire or ambulance service.

- 2.5 "private transit vehicle" means transit vehicles other than public transit vehicles, such as but not limited to school buses, tour buses and motor coaches.
- 2.6 "public transit vehicle" means Stratford transit vehicles.
- 2.7 "stopover" means a scheduled delay of a maximum of fifteen (15) minutes at a public transit vehicle terminal to allow public transit vehicles to adjust service schedules.
- 2.8 "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 or electric or diesel electric railways running exclusively upon rails.

3.0 GENERAL PROVISIONS

- 3.1 No person shall cause or permit a vehicle to idle for more than five (5) consecutive minutes.
- 3.2 The five (5) minute limitation does not apply to:
- i) police, fire or ambulance vehicles, or public transit vehicles while engaged in operational activities, including training activities except where idling is substantially for the convenience of the operator of the vehicle;
 - ii) vehicles assisting in an emergency activity;
 - iii) mobile workshops while they are in the course of being used for their basic function;
 - iv) vehicles where idling is required as part of the repair process or to prepare a vehicle for servicing;
 - v) 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;
 - vi) vehicles that remain motionless because of an emergency, traffic or weather conditions or mechanical difficulties over which the driver has no control;
 - vii) vehicles engaged in a parade or race or other such event authorized by Council;
 - viii) public transit vehicles and private transit vehicles while passengers are embarking or disembarking en route or at terminals;
 - ix) public transit vehicles while at a layover or stopover location, except where the idling is substantially for the convenience of the operator of the vehicle;

- x) 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;
 - xi) vehicles when the ambient outside temperature is more than 27 degrees Celsius (27° C) or less than five degrees Celsius (5° C).
- 3.3 The provisions of this by-law do not apply to federally-owned lands upon which cars or electric or diesel electric railways run exclusively upon rails.
- 3.4 Notwithstanding Section 3.1 herein, no operator of a private transit vehicle equipped with an air-conditioning system shall cause or permit the said vehicle to idle for more than 10 consecutive minutes of engine idling time to bring the vehicle to a tolerable temperature for the convenience of the passengers. After the 10 minute time period, the operator of the private transit vehicle shall turn off the engine for a minimum period of 15 minutes before restarting the engine, unless the operator is moving the vehicle forthwith.
- 3.5 No operator of a private transit vehicle not equipped with an air-conditioning system shall cause or permit the said vehicle to idle for more than five (5) consecutive minutes in accordance with the provisions of this By-law.

4.0 ENFORCEMENT

- 4.1 Any person who contravenes any provision of this by-law is, upon conviction, liable to any penalty provided in the *Provincial Offences Act*.
- 4.2 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 This by-law shall come into force and take effect upon final passage.

Read a FIRST, SECOND and THIRD time and
FINALLY PASSED this 23rd day of July, 2001.

"Karen Haslam"
Mayor – Karen Haslam

"Joan Thomson"
Clerk – Joan L. Thomson