

B Y - L A W N U M B E R 233-2001

A B Y-LAW TO PROHIBIT EXCESSIVE
IDLING OF VEHICLES AND BOATS

Passed the 18th day of June, 2001.

WHEREAS Section 102 of the Municipal Act authorizes the council of a municipality 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 by the Municipal Act:

AND WHEREAS under section 320 of the Municipal Act, by-laws may be passed by council for providing that any person who contravenes any by-law of Council passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS motor vehicles are a major source of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds (air pollutants) into the outdoor air in the City of Windsor;

AND WHEREAS the levels of air pollutants from vehicle emissions in the City of Windsor are associated with various adverse health effects, including acute and chronic effects on respiratory health, especially among the very young, the elderly and those with respiratory ailments;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. As used in this by-law, the following terms shall have the meanings indicated:
 - (1) **BOAT** – A ship or any other description of vessel not propelled by oars and includes a boat used exclusively for towing purposes, a water taxi and a boat used on water for living purposes.
 - (2) **IDLE** – The operation of the engine of a boat or vehicle while the vehicle or boat is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle or boat, and “idling” has a corresponding meaning.
 - (3) **LAYOVER** – A stopping point along a transit route for a maximum of fifteen (15) minutes used by transit vehicles to allow transit vehicles to adjust to service schedules.
 - (4) **MOBILE WORKSHOP:**
 - (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 operated by or on behalf of a municipality, public utility or police, fire or ambulance service.
 - (5) **OFFICIAL** – A police officer, police cadet, municipal law enforcement officer or any person authorized to enforce this chapter.
 - (6) **STOPOVER** – A scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedule.
 - (7) **TRANSIT VEHICLE** – Public transit vehicles, tour buses and motor coaches.
 - (8) **VEHICLE** – 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 of electric or diesel electric railways running only upon rails.

2. (1) No person shall cause or permit a vehicle or boat to idle for more than five (5) minutes in a sixty minute period.

(2) Subsection 2 (1) does not apply to:

- (a) Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle or boat.
- (b) Vehicles and boats assisting in an emergency activity.
- (c) Boats not at anchor or tied to a dock.
- (d) Mobile workshops while they are in the course of being used for their basic function.
- (e) Vehicles or boats where idling is required to repair the vehicle or boat or to prepare a vehicle or boat for service.
- (f) 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.
- (g) Vehicles or boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control.
- (h) Vehicles or boats engaged in a parade or race or any other event authorized by Council.
- (i) Transit vehicles while passengers are embarking or disembarking enroute or in terminals.
- (j) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle.
- (k) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range.
- (l) Vehicles or boats when the ambient temperature inside a vehicle or boat is:
 - (i) More than twenty-seven degrees Celsius (27°C.); or
 - (ii) Less than five degrees Celsius (5°C.).

3. Any person who contravenes any provision of this by-law is guilty of an offence.

4. This by-law shall come into force and take effect on the day of the final passing thereof.

MICHAEL HURST, MAYOR

JOHN SKOROBHACZ, CITY CLERK

First Reading - June 18, 2001
 Second Reading - June 18, 2001
 Third Reading - June 18, 2001