

Idling Control By-law

PH-15 – Consolidated October 5, 2009

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OFFICE CONSOLIDATION INCLUDING AMENDMENT PH-15-09001 (October 5, 2009)

Bill No. 294
2009

By-law PH-15

A by-law to provide for the control of the idling of motor vehicles in the City of London

WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* authorizes a municipal council to pass a by-law respecting the health, safety and well-being of persons, and the economic, social and environmental well-being of the municipality;

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS the City of London is supportive of initiatives to reduce emissions that may contribute to climate change and poor air quality;

AND WHEREAS the unnecessary idling of motor vehicles in the City, in the opinion of Council, is or could become or cause a public nuisance;

AND WHEREAS section 428 of the *Municipal Act, 2001* provides that a by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1.0 DEFINITIONS

1.1 For the purpose of this By-law:

“**City**” means The Corporation of the City of London;

“**Council**” means the Municipal Council of The Corporation of the City of London;

“**Drive-through**” means that portion of a commercial property that is designated as a drive-through on an approved site plan, and posted with appropriate signage as a drive-through;

“**Idle**” means the Stopping of a Motor Vehicle while the engine is running, and “**Idling**” has a corresponding meaning.

“**Layover**” means stopping at a point along a transit route to allow a Transit Vehicle to adjust to service schedules.

“**Motor Vehicle**” means a vehicle that uses a motor as a source of power, including but not limited to an automobile, motorcycle, motorized snow vehicle and a boat, but not including an airplane.

“**Mobile Workshop Motor Vehicle**” means a Motor Vehicle containing work equipment that must be powered by the Motor Vehicle engine, including garbage and snow removal vehicles.

“**Stopover**” means a scheduled delay at a Transit Vehicle terminal to allow Transit Vehicles to adjust service schedules.

“**Stopping**” means the halting of a Motor Vehicle, whether occupied or not;

“**Traffic Control Sign**” means a sign prescribed by the *Highway Traffic Act* Regulation, including a stop sign and a yield sign, and signs used during construction on highways;

“Traffic Control Signal” means no less than three coloured lenses of red, amber and green, mounted on a frame and commonly referred to as a signal head, but does not include highway crossings protective devices under the *Canada Transport Act* Regulations commonly referred to as railway crossing signal devices;

“Transit Vehicle” means London Transit Commission vehicles, paratransit vehicles, tour buses and motor coaches.

2.0 APPLICATION

2.1 Application – Municipal Property and Private Property and Highways

This by-law applies to municipal property, private property, and highways (as defined in the *Highway Traffic Act*) under the jurisdiction of the City of London.

PROHIBITIONS

3.1 Idling – Motor Vehicle - more than two (2) consecutive minutes - prohibited

No person shall Idle a Motor Vehicle for more than two consecutive minutes.

3.2 Exceptions – two (2) consecutive minutes does not apply

Section 3.1 does not apply to any of the following:

- (a) police, fire, or ambulance Motor Vehicles while engaged in operational activities, including training activities (except where idling is substantially for the convenience of the operator of the Motor Vehicle);
- (b) Mobile Workshop Motor Vehicle while in the course of being used for its basic function;
- (c) armoured Motor Vehicles where a person remains inside the Motor Vehicle while guarding the contents of the Motor Vehicle or while the Motor Vehicle is being loaded or unloaded;
- (d) trains running exclusively upon rails;
- (e) Motor 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;
- (f) Motor Vehicles assisting in an emergency activity;
- (g) Motor Vehicles where the Idling is required as part of a repair process or to prepare a Motor Vehicle for servicing;
- (h) Motor Vehicles that remain motionless because of an emergency over which the driver has no control, or because of mechanical difficulties over which the driver has no control;
- (i) Motor Vehicles engaged in a parade authorized by Council, a race authorized by Council, or any other such event authorized by Council;
- (j) Motor Vehicles when the ambient outside temperature is more than 27 degrees Celsius (27°C) or less than 5 degrees Celsius (5°C);
- (k) Motor Vehicles when halting temporarily for the purpose of and while actually engaged in receiving or discharging passengers;
- (l) Motor Vehicles when halting temporarily in compliance with the directions of a police officer;
- (m) Motor Vehicles when halting temporarily to obey a Traffic Control Sign or a Traffic Control Signal;
- (n) Motor Vehicles when reasonably idling to comply with the requirements of the *Highway Traffic Act* for windows to be in a condition to afford the driver a clear view;
- (o) Motor Vehicles when operated on the traveled portion of a Drive-through lane;
- (p) a Transit Vehicle.

3.3 Idling – Transit Vehicle – more than five (5) minutes - prohibited

Despite Section 3.1, no person shall Idle a Transit Vehicle for more than five consecutive minutes.

3.4 Exceptions – Transit Vehicle - 5 minutes does not apply

Section 3.3 does not apply to any of the following:

- (a) Transit Vehicles while passengers are embarking or disembarking;
- (b) Transit Vehicles while at a Layover or Stopover location (except where the idling is for more than 15 minutes).

4.0 ADMINISTRATION AND ENFORCEMENT

4.1 Administration - enforcement

The provisions of this by-law may be enforced by a municipal law enforcement officer, police officer, or other individual duly appointed for the purpose of enforcing this by-law.

4.2 Offence - for contravention

- (1) Any person who contravenes any provision of this By-law is guilty of an offence.
- (2) A director or officer of a corporation who knowingly concurs in the contravention of this By-law is guilty of an offence.

4.3 Fine – for contravention

Any person convicted under this By-law is liable to a minimum fine of \$50.00 and a maximum fine of \$5,000.00.

4.4 Fine – for contravention - corporation

Despite section 4.3, where the person convicted is a corporation, the corporation is liable to a minimum fine of \$50.00 and a maximum fine of \$10,000.00.

4.5 Owner – guilty of offence

Where a Motor Vehicle has been stopped in contravention of this by-law, the owner of the Motor Vehicle is guilty of an offence, even though the owner was not the driver of the Motor Vehicle at the time of the contravention of the by-law, and is liable to the fine for the offence unless, at the time of the offence, the Motor Vehicle was in the possession of another person without the owner's consent.

4.6 Continuation - repetition - prohibited by order

If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

5.0 SHORT TITLE

5.1 This by-law may be referred to as the "Idling Control By-law."

6.0 REPEAL

6.1 By-law PH-9 is hereby repealed.

7.0 ENACTMENT

7.1 This by-law comes into force and effect on the 1st day of September, 2009.

Passed in Open Council on June 29, 2009.

Anne Marie DeCicco-Best
Mayor

Linda Rowe
Acting City Clerk