



BY-LAW NO. 2005-0083

A By-law to prohibit unnecessary idling of vehicles within the Town of Halton Hills.

WHEREAS section 128 of the *Municipal Act, S. O. 2001, Chapter 25* authorizes that a local 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 WHEREAS section 130 of the *Municipal Act, S. O. 2001, Chapter 25*, authorizes municipalities to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS vehicles are sources of carbon dioxide, nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds, and fine particulate matter in the Town of Halton Hills' outdoor air;

AND WHEREAS the levels of air pollution in the Town of Halton Hills are associated with adverse health effects, including deleterious effects on respiratory and cardiovascular health;

AND WHEREAS the Council of the Corporation of the Town of Halton Hills desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds, and fine particulate matter;

AND WHEREAS the Town of Halton Hills has committed to reducing greenhouse gas emissions as part of our commitment to Partners for Climate Protection;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

Section 1 – Short Title

The short title of this By-law is the “Idling Control By-law.”

Section 2 – Definitions

- 2.1 “Idling” 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 operation of the Vehicle.
- 2.2 “Mobile Work” means:
 - 2.2.1 a Vehicle containing equipment that must be operated inside or in association with the Vehicle and shall include garbage and snow removal vehicles; or
 - 2.2.2 a Vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction.
- 2.3 “Town” means the Corporation of the Town of Halton Hills.

- 2.4 “Transit Vehicle” means public transit Vehicles, tour buses, school buses and motor coaches.
- 2.5 “Vehicle” means a motor Vehicle, trailer, traction engine, farm tractor, or road building machine as defined in the *Highway Traffic Act* and includes a motorized snow Vehicle or other conveyance that operates by way of a combustion engine, but does not include cars of electric or diesel electric railways running exclusively upon rails.
- Amended by By-law 2010-0068
- 2.6 “Highway” means a common and public highway and includes a street, bridge or other structure forming part of a highway over or across which a highway passes, and includes the whole of a road allowance under the jurisdiction of the Town.
- Amended by By-law 2010-0068
- 2.7 “Park” or “Parking”, when prohibited, means the Standing of a Vehicle, whether occupied or not, and includes when Standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise.
- Amended by By-law 2010-0068
- 2.8 “Stand” or “Standing”, when prohibited, means the halting of a Vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

Section 3 – General Duties

- Amended by By-law 2010-0068
- 3.1 No person shall, at any time, Park or Stand any Vehicle Idling for a period longer than three (3) minutes.
- 3.2 The three-minute limit does not apply to the following situations, except where Idling is substantially for the convenience of the operator of the Vehicle;
- 3.2.1 Fire, police, or emergency medical service Vehicles while engaged in operational activities, including training and patient transfer activities;
- 3.2.2 Vehicles participating in an emergency activity;
- 3.2.3 Vehicles that remain motionless because of an emergency, traffic conditions (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;
- 3.2.4 During weather conditions where outside temperatures are over 27°C or below 5°C where Idling may be necessary for the operation of air conditioning or heating equipment while the Vehicle is occupied;
- 3.2.5 Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity inside the Vehicle be maintained within a certain range;
- 3.2.6 Mobile Work Vehicles while they are in the course of being used for their basic function;
- 3.2.7 Vehicles where Idling is required as part of the repair process or to prepare the Vehicle for service;
- 3.2.8 Transit Vehicles while actually engaged in loading or unloading merchandise or passengers;

3.2.9 Vehicles engaged in a parade or any other event authorized by the municipality.

Section 4 – Enforcement and Penalty

- 4.1 A Police Officer, Municipal Law Enforcement Officer or other person authorized by the Town of Halton Hills to enforce this By-law, as amended, is hereby vested with the authority of administering and enforcing the provisions of this By-law.
- 4.2 Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a fine as provided for in the *Provincial Offences Act*.
- Amended by By-law 2010-0068 4.3 Where a Vehicle has been left Parked, or Standing in contravention of this By-law, the owner of the Vehicle, even though the owner was not the driver of the Vehicle at the time of the contravention of this By-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the Vehicle was in the possession of some other person than the owner without the owner's consent.
- Amended by By-law 2010-0068 4.4 The provisions of this By-law apply to all Highways forming part of the road system under the jurisdiction of the Town of Halton Hills, and any other property or lands within the Town of Halton Hills that are not Highways.
- Amended by By-law 2010-0068 4.5 An officer may, at any reasonable time, enter on land for the purpose of carrying out an inspection to determine compliance with this By-law.

BY-LAW read and passed by the Council for the Town of Halton Hills this 8th day of August, 2005.

(originally signed by)

MAYOR – Rick Bonnette

(originally signed by)

CLERK – Karen Landry

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL WEST REGION

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August 18, 2010

R. J. Ustrycki
Manager of Prosecutorial & By-Law Services
Town of Halton Hills
1 Halton Hills Drive
Halton Hills, ON L7G 5G2

Dear Mr. Ustrycki:


Re: Set Fines - Provincial Offences Act - Part 1, Town of Halton Hills

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-Law No. 2005-0083, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Provincial Offences Court in Milton, together with a certified copy of the By-law.

Yours truly,



Kathryn Hawke
Regional Senior Justice
Central West Region

Enclosures

TOWN OF HALTON HILLS

PART II PROVINCIAL OFFENCES ACT

TOWN OF HALTON HILLS BY-LAW NO. 2005-0083

TITLE: IDLING OF VEHICLES BY-LAW

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	VOLUNTARY PAYMENT	SET FINE
1.	Park vehicle idling for more than 3 minutes	Section 3.1	N/A	\$50.00

"Note: The penalty provision for the offence indicated above is Section 61 of the Provincial Offences Act, R.S.O.1990, c.P.33"