

**Authority:** Item 1, Committee of the Whole  
Report::07-014 (PD05092(a))  
CM: May 16, 2007

**Bill No.160**

## **CITY OF HAMILTON**

### **BY-LAW NO. 07-160**

#### **To Prohibit Unnecessary Idling of Vehicles within the City of Hamilton**

**WHEREAS** Sections 8, 9 and 10 of the Municipal Act, S.O. 2001, Chapter 25, authorize municipalities to regulate matters for purposes related to the health, safety, and well-being of the inhabitants of the municipality;

**AND WHEREAS** Section 425 of the Municipal Act, S.O. 2001, Chapter 25, authorizes municipalities to pass by-laws providing that a person who contravenes a by-law of the municipality be guilty of an offence;

**AND WHEREAS** motor vehicles are a major source of greenhouse gases, nitrogen oxides, carbon dioxide, sulphur dioxides, volatile organic compounds and fine particulate matter emitted into the outdoor air in the City of Hamilton;

**AND WHEREAS** the levels of air pollution in the City of Hamilton are associated with adverse health effects, including deleterious effects on respiratory and cardiovascular health;

**AND WHEREAS** Section 10 of the Municipal Act, S.O. 2001, Chapter 25, provides that municipal purposes include providing services and things considered desirable, and fostering the current and future economic, social and environmental well-being of the municipality;

**AND WHEREAS** the Council of the City of Hamilton desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of nitrogen oxides, carbon dioxide, sulphur dioxides, volatile organic compounds and fine particulate matter;

**AND WHEREAS** the City of Hamilton has committed to reducing greenhouse gas emissions as part of our commitment to the Federation of Canadian Municipalities Partners for Climate Protection Program;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

**1. Short Title:**

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

**2. Definitions**

In this By-law:

- 2.1 "City" means the City of Hamilton;
- 2.2 "Council" means the Council for the City of Hamilton;
- 2.3 "Idling" means the operation of the combustion engine of a vehicle while the vehicle is not moving forward or in reverse, and not being used to operate auxiliary equipment essential to basic operation of the vehicle, and "idle" shall have a corresponding meaning;
- 2.4 "Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated under the Ontario Highway Traffic Act and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Ontario Highway Traffic Act.
- 2.5 "Transit Vehicle" means public transit vehicles, tour buses, and motor coaches;
- 2.6 "Mobile Work Vehicle" means:
- a) A vehicle containing equipment that must be operated inside or in association with the vehicle, including waste and snow removal vehicles; 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;
- 2.7 "Stopover" means a scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedules;
- 2.8 "Layover" means a stopping point along a transit route for a maximum of fifteen (15) minutes to allow transit vehicles to adjust service schedules;

### **3. General Provisions**

- 3.1 No person shall cause or permit a motor vehicle to idle for more than three (3) consecutive minutes in a sixty-minute period.
- 3.2 Article 3.1 does not apply to the following motor vehicles or situations:
- a) Police, fire or emergency medical service vehicles while engaged in operational activities, including training and patient transfer activities;
  - b) Vehicles assisting in an emergency activity, including tow trucks while engaged in hooking up to or moving another vehicle;
  - c) Vehicles required to remain motionless because of an emergency, traffic (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;
  - d) Mobile work vehicles while they are in the course of being used for their basic function;
  - e) During weather conditions where outside temperatures are over 27<sup>0</sup> C or below 5<sup>0</sup> C where idling may be necessary for the operation of air conditioning or heating equipment as long as the vehicle is occupied;

- f) Vehicles engaged in the course of a parade, race or any other event authorized by Council.
- g) Vehicles transporting a person where a medical doctor certifies in writing for medical reasons that a person in a vehicle requires temperature or humidity to be maintained within a certain range, and where the medical note is up-to-date and is kept with the vehicle operator;
- h) Transit vehicles while passengers are embarking or disembarking en route or in terminals;
- i) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle or in situations where engine shutdown will result in restart complications;
- j) Vehicles where idling is required as part of the repair process or to prepare a vehicle for service while the vehicle is in the possession or on the property of a commercial vehicle repair facility;
- k) Agricultural vehicles and equipment unlicensed under the Ontario Highway Traffic Act. Agricultural vehicles are designed and used exclusively for operations off the public highway in the performance of agricultural work or animal husbandry.
- l) 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;
- m) Commercial vehicles using heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo; or
- n) A vehicle whose engine is being operated to boost the battery of another vehicle, or which vehicle is connected to an external stationary device which relies on the power of the vehicle to carry out work such as a tractor or traction engine powering another such device by pulley or other connection.

#### **4. Enforcement**

- 4.1 Any Police Officer or a Municipal By-law Enforcement Officer appointed under any by-law of the City, for the purpose of this section is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
- 4.2 Any Police Officer or a Municipal By-law Enforcement Officer appointed under any by-law of the City may enforce the provisions of this by-law.
- 4.3 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.
- 4.4 In accordance with the *Municipal Act, 2001* and in particular the conditions set out in sections 435 and 437 of the *Municipal Act, 2001*, including the provision of notice to an occupier where required, a person authorized to enforce this by-law may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - (a) this by-law;
  - (b) a direction, requirement or order made under this by-law; or
  - (c) an order made under section 431 of the *Municipal Act, 2001* in respect of a contravention of this by-law.

4.5 A person authorized to enforce this by-law may, for the purposes of an inspection under section 4.4:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; or
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

4.6 Where required, a person authorized to enforce this by-law may carry out an inspection or exercise the powers as provided in an order of the court as issued under section 438 of the *Municipal Act, 2001*.

**5. Offence and Penalty**

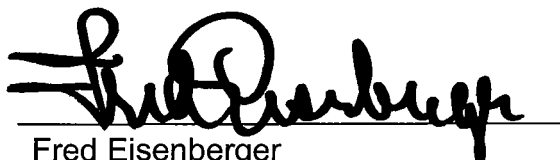
Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00.

**6. Enactment**

6.1 Subject to section 6.2, this by-law comes into force and effect on the date of enactment.

6.2 Section 5 of this by-law comes into force and effect on June 1, 2008.

**PASSED and ENACTED** this 16<sup>th</sup> day of May, 2007.



Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk