



## Provisions of a Model Anti-idling By-law

### Preamble

Whereas Section [ ] of the [*relevant provincial act*] authorizes municipalities to regulate with respect to [fill in the relevant wording from the Act which grants authority for the municipality to regulate on anti-idling and related issues];

And whereas motor vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, sulphur oxide, volatile organic compounds and greenhouse gas emissions;

And whereas air pollution in the [*City or Town*] of [*Insert name of municipality*] is associated with adverse health effects;

And whereas, the [*City or Town*] of [*Insert name*] has committed to reducing greenhouse gas emissions [*list commitment, e.g. Partners for Climate Protection*];

Therefore the Council of [*Insert name*] enacts the following by-law:

### Short title (or Citation)

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

### Article 1 – Definitions (or Interpretation)

In this by-law:

**"Boat"** means a ship or any other description of a 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.

**"Idle"** means the operation of a vehicle engine while the vehicle is not in motion and "idling" has a corresponding meaning.

**"Vehicle"** or **"Motor Vehicle"** means any vehicle that is capable of being driven or drawn on roads by any means other than muscular power exclusively, but does not include any vehicle

## Comments

### Preamble

*The preamble usually begins by citing the legal authority for the by-law, usually a provincial act that grants to municipalities the right to regulate with respect to public health and welfare, and/or the protection of the environment.*

*It also sets out the rationale for the by-law, usually related to concerns about air pollution and climate change.*

*Insert the name of your municipality.*

*Cities or towns that adopt a by-law as part of a larger commitment, such as joining Partners for Climate Protection, could refer to that commitment in this section.*

*Insert the name of your municipality.*

### Definitions (or Interpretation)

*Some municipalities with a waterfront apply idling prohibitions to boats and to ferries, and so define them in this section of the by-law.*

*Some municipalities include a larger number of definitions than are shown here, including "city," "transit vehicle," "layover," "stopover," or "by-law officer" depending on the specific contents of the by-*

designed to run exclusively on rails.

**"Vehicle with Power Take-off"** means a vehicle containing work equipment that must be powered by the vehicle engine.

## Article 2: General Prohibitions

**Option 1)** No person shall cause or permit a vehicle or boat engine to idle for more than one minute in a 60-minute period.

**Option 2)** No person shall cause or permit a vehicle or boat engine to idle for more than three minutes in a 60-minute period.

## Article 3: Exemptions

Article 2 does not apply to:

- (a) Police, fire or ambulance vehicles or boats while engaged in operational activities, except where idling is substantially for the convenience of the operator of the vehicle.
- (b) Vehicles and boats assisting in an emergency activity.
- (c) Vehicles with power take-off while they are in the course of being used for their basic function.
- (d) Vehicles or boats for which idling is required to service the engine or conduct repairs.

*law.*

*Most municipal by-laws exempt vehicles referred to as "mobile workshops" from idling restrictions. By mobile workshops they usually mean vehicles containing equipment powered by the engine. Natural Resources Canada has suggested that the term "vehicle with power take-off" is more appropriate and so we are using that term here.*

## General Prohibitions

*Most idling control by-laws currently restrict idling to 3 [or 5] minutes in a 60-minute period. However, some municipalities restrict idling in their own fleets to much shorter periods.<sup>14</sup> These policies are based on the NRCAN recommendation to idle no more than 10 seconds (30 seconds for vehicle cold-start).*

*A one-minute allowable idling time fits better with idle-free goals. Longer allowable idling times are also harder to enforce. Three minutes is the shortest allowable idling time in current by-laws.*

*Municipalities with a waterfront should add boats to this prohibition*

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<sup>14</sup>The Regional Municipality of Waterloo restricts its fleet vehicles to 10 seconds of idling. The Region of Peel has a one-minute limit.

## Exemptions

*This section includes only those exemptions adopted by all Canadian municipalities with stand-alone by-laws. Including only essential exemptions simplifies the model by-law and makes enforcement easier and more consistent.*

*These vehicles must keep lights, radios, on-board computer systems, and other equipment functioning while on the job.*

*The intent of this exemption is to allow vehicles to use emergency lights, etc.*

*This exemption covers vehicles where the engine provides power for auxiliary equipment used for work.*

*Municipalities on a waterfront should add boats to this provision.*

(e) Armoured vehicles in which a person remains inside the vehicle while guarding the contents, or while the vehicle is being loaded or unloaded.

*Armoured car operators need to be able to get away quickly in case of an attempted robbery. Doors are electronically controlled and windows don't open, necessitating the use of air conditioning.*

(f) Vehicles or boats remaining motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control.

(g) Vehicles or boats engaged in the course of a parade or race or any other event authorized by Council

*Most municipalities include this exemption. Using the phrase "in the course of" may help limit idling of vehicles waiting for an event to begin, or waiting to disperse at the end of an event.*

(h) Vehicles or boats idling while passengers are embarking or disembarking.

*This would cover transit buses, tour buses, ferries and other vehicles taking on or discharging passengers. Note: there are no provisions for vehicles idling during a stopover or layover.*

(i) **Option 1)** Do not include temperature exemptions in the by-law

*Some municipalities have no temperature exemptions in their idling-related by-laws.*

**Option 2)** Provide the following temperature exemptions:

*If municipal officials believe that a temperature exemption is advisable, a good argument can be made for reducing the extent of the exemption and improving the enforceability of the by-law, as in the second option.*

Vehicles or boats when the ambient outside temperature is more than 30°C or less than 0°C.

*Smog events are more likely to occur on hot, sunny days, therefore a municipality that opts to include the temperature exemptions in Option 2 may be strengthened by adding a clause disallowing this exemption on smog days.*

#### **Article 4: Administration and Enforcement**

#### **Administration and Enforcement**

This by-law shall be administered and enforced by a Parking Enforcement Officer or By-law Enforcement Officer of the [City or Town] or by an Officer of the [City or Town] Police.

*Ideally, this by-law would be enforced by parking enforcement officers as well as by municipal by-law enforcement officers. There are more parking enforcement officer and they are out on the streets more of the time.*

#### **Article 5: Penalties**

#### **Penalties**

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

*Set fines allow enforcement officers to ticket an offender rather than issue a summons.*

The owner or lessee of a vehicle that is permitted to idle in contravention of this by-law is guilty of an offence.

*This provision allows the municipality to charge the owner of a vehicle, in cases where the driver cannot be identified.*

Every person guilty of an offence under this By-law may pay a set fine of [xx dollars], in accordance with [Relevant Provincial Legislation].

*Set fines currently vary from \$20 to \$380. Most are in the \$100 -- \$155 range, which should be a sufficient deterrent to idling but not so high that*

*enforcement officers are reluctant to issue them. Set fines are not always enumerated in the by-law, to give municipalities more flexibility to change the level of the fine.*