

Municipality of Brockton
Anti-Idling By-Law #2008-51

PREAMBLE

WHEREAS Section 8 of the Community Charter grants authority to municipalities to regulate with respect to nuisances, public health and the protection of the environment; and

WHEREAS motor vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, sulphur oxides, volatile organic compound and greenhouse gas emissions; and

WHEREAS the levels of air pollution in the Municipality of Brockton are associated with adverse health effects, including deleterious effects on respiratory and cardiovascular health; and

WHEREAS the Council of the Corporation of the Municipality of Brockton 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 Municipality of Brockton has committed to reducing greenhouse gas emissions as part of our commitment to Partners for Climate Protection;

Therefore the Municipal council of Brockton enacts the following anti-idling bylaw:

1. INTERPRETATION

In this bylaw:

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

1.2 “Mobile Workshop” means

- i) a vehicle containing equipment that must be operated inside or in association with the vehicle;
- or
- ii) a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction operated by or on behalf of a municipality, public utility or police, fire or emergency service.

1.3 “Private Transit Vehicle” means transit vehicles other than public transit vehicles, such as school buses, tour buses and motor coaches.

1.4 “Public Transit Vehicle” means vehicles other than private transit such as a Mobility Vehicle and taxi cabs or vans.

1.5 “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 designed to run exclusively on rails (as defined by the Motor Vehicle Safety Act). Vehicle also pertains to motor boats.

2. GENERAL PROHIBITIONS

2.1 No person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty-minute period. Transit vehicles - 10 minutes.

3. EXEMPTIONS

Section (2) does not apply to:

3.1

- (a) A mobile workshop while such a vehicle is being used as a mobile workshop.
- (b) Police, fire or ambulance vehicles while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle.
- (c) Vehicles assisting in an emergency activity.
- (d) Vehicles for which idling is required as part of a repair or regular pre-check maintenance process.
- (e) Armoured vehicles in which a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded.
- (f) Vehicles required remaining motionless because of an emergency, traffic, or mechanical difficulties over which the driver has no control.
- (g) Vehicles engaged in a parade or race or any other event authorized by Council.
- (h) Vehicles idling while passengers are embarking or disembarking but not while the driver is absent on a stop-over.
- (i) Vehicles required to use heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo.
- (j) During weather conditions where outside temperatures are below 0°C where idling may be necessary for heating the vehicle as long as the vehicle is necessarily occupied;
- (k) 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;
- (l) Transit vehicles while at a layover or stopover with passengers on the bus when the temperatures are below 0 °. When there are no passengers/operator on board, the engine will be turned off;
- (m) Private transit vehicles while passengers are embarking or disembarking en route.

4 ADMINISTRATION AND ENFORCEMENT

4.1 This bylaw can be administered and enforced by any Law Enforcement Officer of the Municipality of Brockton.

4.2 Any person who contravenes any provision of this bylaw is, upon conviction, guilty of an offence and is liable to any penalty provided in the *Provincial Offences Act*.

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 the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.

5. PENALTY

Any person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a penalty of not less than \$50.00 and not more than \$2,000.

READ A FIRST AND SECOND TIME THIS 30th DAY OF JUNE, 2008.

MAYOR – Charlie Bagnato

CAO/CLERK – Richard Radford

READ A THIRD AND FINAL TIME THIS 21st DAY OF JULY, 2008.

MAYOR – Charlie Bagnato

CAO/CLERK – Richard Radford