

Presented To:	Operations Committee
Presented:	Monday, Apr 15, 2013
Report Date	Tuesday, Apr 09, 2013
Type:	Presentations

## Request for Decision

### Draft Idling Control By-law

#### Recommendation

WHEREAS Council has expressed concern about public nuisances and concern for the economic, social and environmental well-being of the municipality, the health, safety and well-being of its citizens, and the protection of persons and property;

AND WHEREAS motor vehicle idling results in the release of atmospheric pollutants and greenhouse gases that are harmful to the environment and to people's health;

BE IT RESOLVED THAT Council selects Option 2 – Consultation with local stakeholders regarding the draft proposed Idling Control By-law.

#### Background

At the August 11, 2010, Policy Committee meeting, representatives of the Coalition for a Livable Sudbury presented the benefits of an idling control by-law for the Greater Sudbury community. Policy Committee agreed that a report in cooperation with the Sudbury & District Health Unit, Coalition for a Livable Sudbury and EarthCare Sudbury be brought back to Council so that this matter can move ahead.

City staff met on several occasions to discuss idling control strategies and issues. City staff also researched what other Ontario municipalities had undertaken in terms of idling control, including approaches to and experiences with enacting a by-law.

City staff held a meeting with representatives of the Coalition for a Liveable Sudbury and the Sudbury & District Health Unit on November 9, 2011, to discuss the proposed options for idling control.

City staff presented options for idling control to the Operations Committee on January 9 and February 13, 2012. City Council passed the following motion on February 14, 2012:

*CC2012-36 & OP2012-12: Caldarelli/Kett: WHEREAS the City of Greater Sudbury has expressed concern about public nuisances and concern for the economic, social and environmental well-being of the municipality and the health, safety and well-being of its citizens;*

#### Signed By

**Report Prepared By**

Stephen Monet  
Manager of Environmental Planning  
Initiatives  
*Digitally Signed Apr 9, 13*

**Division Review**

Paul Baskcomb  
Director of Planning Services  
*Digitally Signed Apr 9, 13*

**Recommended by the Department**

Bill Lautenbach  
General Manager of Growth and  
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*Digitally Signed Apr 9, 13*

**Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Apr 9, 13*

*AND WHEREAS motor vehicle idling results in the release of atmospheric pollutants and greenhouse gases that are harmful to the environment and to people's health;*

*THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury select Option 2 – preparation of a by-law to control motor vehicle idling, whose coming into force will be preceded by a year-long education campaign on the topic. This by-law will allow a two-minute idling period.*

## **Negative Effects of Vehicle Idling**

Vehicle engines produce a number of undesirable air emissions when in operation. Tailpipes emit criteria air contaminants, such as volatile organic compounds (VOCs), carbon monoxide (CO), and oxides of nitrogen (NOx) that contribute to air pollution and have detrimental health effects on people and the environment. A recent report by Toronto's Medical Officer of Health states that there is clear evidence that air pollution from vehicles adversely affects human health. Air pollution from vehicles is associated with a broad range of respiratory and cardiovascular effects, cancer, and hormonal and reproductive effects. Groups that are especially at risk from vehicle-related air pollution include children, fetuses, pregnant women, and the elderly. Vehicle operation also releases carbon dioxide (CO<sub>2</sub>) – the principal greenhouse gas that contributes to climate change.

Research indicates that Canadian motorists idle their vehicles an average of 6 to 8 minutes a day. Idling a vehicle's engine not only contributes to smog and climate change, but also wastes fossil fuels, which, of course, are non-renewable. Natural Resources Canada (NRCAN) estimates that if Canadian motorists avoided idling for just three minutes a day, over the year they would collectively save 630 million litres of fuel, and \$756 million in fuel costs (assuming a fuel cost of \$1.20/L). These savings translate into a reduction of 1.4 million tonnes of CO<sub>2</sub>, equivalent to taking 320,000 cars off the road for the entire year.

As expected, increases in idling time results in increases in fuel use and CO<sub>2</sub> emissions. In tests conducted by NRCAN using three vehicles driven over a simulated urban driving cycle in -18oC conditions, idling for 5 minutes resulted in a 7 to 14 percent increase in fuel use (and concurrent CO<sub>2</sub> emissions), while idling for 10 minutes resulted in 12 to 19 percent increases in fuel use.

A report produced for NRCAN in 2003 found that idling for over 10 seconds uses more fuel and produces more CO<sub>2</sub> compared to restarting a vehicle's engine. As more of a guideline that balances factors such as fuel savings, overall emissions and potential component wear on the starter and battery, NRCAN recommends 60 seconds as a reasonable idling period, after which you should turn the engine off. By limiting idling to 60 seconds when a vehicle is stopped, money saved on fuel should more than offset any potential increase in maintenance costs from wear and tear on a vehicle's starter and battery. The operator therefore not only saves money but there are also benefits to people's health and the environment.

## **City of Greater Sudbury - Idling Control Initiatives**

### **Operations**

In 2008, City of Greater Sudbury's Council approved an idling control policy to reduce unnecessary idling of municipal vehicles. The policy requires drivers to limit vehicle idling to a maximum of three minutes, under most circumstances.

Over the past few years, the City's Fleet Services and Transit Services have also initiated a number of actions that will contribute to decreased idling time of the City fleet. Various driver training modules designed to reduce fuel use and cut emissions have been used to train City staff. The City has worked with the Fleet Challenge Ontario program as well as NRCAN's FleetSmart initiative.

Various other actions aimed at reducing fuel use and idling have also been undertaken by Fleet Services. Engine pre-heat systems and auxiliary cab heaters have been installed in about 50 vehicles so far allowing the inside of these vehicles to stay warm without the need for idling the vehicle. LED signal and traffic control lighting is now required on new vehicles purchased by the City. The low energy use of these lights allows the vehicle to be turned off for extended periods without the risk of discharging the battery.

Fleet Services initiated a pilot project to monitor a number of measures of vehicle use patterns, including idling. On-board information systems have been installed on a handful of vehicles and, based on the early results of this pilot project, a decision will likely be made to deploy this technology throughout the City fleet. Vehicle data are tracked wirelessly and made available directly to the Fleet Manager. Idling time is one of the measures that can be tracked and discussed with Supervisors.

## **Community Outreach**

The City of Greater Sudbury's EarthCare Sudbury Program has been involved in local idling research and campaigns since its inception in 2000. EarthCare Sudbury has prepared and published a number of articles in the local media on the topic of vehicle idling.

In 2001, EarthCare Sudbury, with funding from Natural Resources Canada, undertook a project aimed at understanding idling behavior among residents and the success of strategies to reduce idling. As part of a larger initiative to reduce engine idling in the City of Greater Sudbury, this project targeted 49 schools throughout the city as well as a large number of locations where residents are apt to idle. There were several project objectives:

- To reduce engine idling by parents, school bus drivers and the general public;
- To increase awareness of the importance of reducing greenhouse gas and smog-related emissions from individual actions, such as engine idling; and
- To develop knowledge and expertise in encouraging a whole community to change their behaviour regarding vehicle idling.

An intervention strategy was developed and applied in an attempt to modify idling behavior among school bus drivers and parents dropping kids off at the schools. Intervention components included posting metal 'Idle Free Zone' signs on the school property, engaging drivers on the topic of vehicle idling, and handing out idling information cards and vehicle stickers. The intervention strategy reduced both the frequency and duration of idling.

Through the EarthCare Sudbury Program, hundreds of 'Idle Free Zone' signs have been posted at various commercial, municipal and institutional sites, in addition to those posted at schools. In addition, a CTV EarthCare Minute ad dealing with idling control was prepared and aired in 2009, 2010, 2011, and 2012. Two special 15-second idling control ads were run during January and February 2013 on CTV.

The following activities were undertaken as part of the year-long education campaign on idling control:

### **January – March 2012**

- Interviews with Stephen Monet for Northern Life, Radio Canada, CBC Radio, Eastlink News, KFM Radio.
- Extensive community discussion through local newspapers and media coverage about idling control by-law including 19 online articles (news, letters to the editor and opinion letters).
- Public Service Announcement on approving the development and implementation of a by-law to limit vehicle idling in Greater Sudbury.
- Discussion of idle control campaigns and bylaws with the Clean Air Partnership and the municipalities of Burlington and Mississauga.

- Distribution of 16 'Idle-free Zone' signs to local businesses.

## **April – June 2012**

- Purchase of four twelve-foot idling banners for display, one displayed in the underground parking of Tom Davies Square.
- Idling workshop at the Learning for a Sustainable Future EcoLeague Forum: 37 Grade 7/8 students attended from 21 schools.
- Letter sent to all school boards to inform of banners, workshop, school campaign options and other material.
- EarthCare Sudbury Newsletter with idling message.
- EarthCare Sudbury Newsletter article about EarthCare Sudbury partners with idling policies (Itech and Manitoulin Transport).
- Distribution of diesel and fleet idling information packages to appropriate EarthCare Sudbury Partners.
- Mail distribution of idling pamphlets to 1100 businesses.
- Production of new corrugated plastic Idle-Free Zone signs for businesses.
- Distribution of the following Idle-Free Zone signs: 34 small metal signs, 3 large metal signs, 5 plastic signs, 58 English decals and 25 French decals.

## **July – September 2012**

- Purchase of 1000 windshield scrapers with idling control message.
- Letter sent to all school boards to inform of banners, workshop, school campaign options and other material.
- EarthCare Sudbury Green Vehicle Show with Eric Bertrand, Manager of Fleet Services. Over 200 people visited throughout the day and 30 people attended the noontime presentations of three invited speakers. Over 430 pieces of information were distributed. Included information on idling control and technology.
- Meeting with local driving schools to discuss potential SmartDriver training (includes idling control techniques).
- Meeting with several local businesses with fleets to discuss potential FleetSmart workshops (includes idling control techniques).
- Distribution of idling information and promotional items to the public and local organizations: over 40 keychains, 150 ice scrapers, 70 decals, dozens of fuel efficiency pamphlets that mention idling control.
- Distribution of 15 Idle-free Zone signs to local businesses.

## **October – December 2012**

- Development and broadcasting of three CTV EarthCare Minutes on idling control.
- Distribution of Idling Campaign in a Box to schools and youth centres.
- Posting of five idling control messages on City's Facebook and Twitter in November and December.
- Confirmation of banner usage for one school and taxation centre in 2013.
- Distribution of 300 'idling control' windshield scrapers to Community Action Networks (CANs) and other local organizations.
- Partnership with Evans Home Building for distribution of 200 'idling control' windshield scrapers during the Santa Claus Parade.
- Distribution of 100 'idling control' key chains to general public.
- Distribution of 32 Idle-free Zone signs to local businesses.

## **January – March 2013**

- Purchase of 2000 'idling control' windshield scrapers and 2000 children's idling control activity booklets
- Distribution of 1950 'idling control' windshield scrapers to the libraries, Sudbury & District Health Unit and community recreation centres/pools.
- Broadcasting of two CTV 15-second ads on idling control.
- St. Pierre school requested idling material: 6 signs, 200 stickers, 20 'idling control' windshield scrapers and pamphlets.
- Distribution of 200 children's idling activity booklets through schools, Home Show, libraries (more to distribute for April).
- Idling booth set up at the Sudbury and District Health Unit for three weeks with scrapers, banner, information pamphlets, activity booklets.

## Existing Idling Control By-laws in Ontario

The Ontario Municipal Act empowers municipalities to regulate and to pass by-laws respecting the following matters:

- Economic, social and environmental well-being of the municipality.
- Health, safety and well-being of persons.
- Protection of persons and properties.

In addition, 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.

In Ontario, regulation of idling is achieved either through anti-idling provisions in existing by-laws, such as for noise or parking, or through stand-alone idling control by-laws. The latter is judged preferable since control is sought for reasons of air pollution. Several Ontario municipalities that have enacted stand-alone idling control by-laws, including Burlington, Guelph, Hamilton, London, Markham, Oshawa, Ottawa, Toronto and Windsor, among others. There are a number of matters that the by-laws are required to address, including permitted idling time, exemptions and enforcement.

### Permitted Idling Time

Most Ontario by-laws permit idling for 2, 3 or 5 minutes. Burlington is the first municipality in Ontario to have a 1 minute idling limit. It was reduced in 2009 from its initial 3 minute limit. Other municipalities have expressed intentions to move to a 1 minute idling limit.

A report prepared for NRCAN in 2005 by the Clean Air Partnership proposed a model idling control by-law with a 1 minute idling limit. As mentioned previously, NRCAN proposes a 1 minute limit as a reasonable idling period based on factors such as fuel savings, overall emissions and potential component wear on the starter and battery. Also, the shorter the idling limit the more efficient and cost-effective the enforcement.

In the idling control by-laws, longer idling limits are set for transit vehicles while at a layover or stopover location.

### Exemptions

All idling control by-laws in Ontario list exemptions, which include various emergency situations or involve emergency vehicles engaged in an operational activity. Other exemptions include vehicles being serviced, vehicles involved in parades, armoured vehicles while someone is on duty inside the vehicle, or a motor vehicle carrying a passenger where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range.

## **Temperature**

Some by-laws also include exemptions relating to outside temperature, while others don't. Municipalities that choose to include a temperature-related exemption for idling have settled on outside temperatures lower than 5oC and higher 27oC. It should be noted that a problem with this exemption experienced in other municipalities is that staff have received complaints of unnecessary idling but were powerless to act due to the temperature being outside of the limits.

Several Ontario municipalities have chosen to remove temperature exemptions altogether. The Highway Traffic Act, for example, requires that a vehicle's windows afford the driver clear view to the front, side and rear. A driver can idle a vehicle to maintain clear view conditions, but would initially be expected to scrape windows rather than relying solely on the defrost/defog function in their vehicles.

## **Drive-throughs**

Drive-throughs are convenient features associated with certain commercial establishments. At times, however, drive-throughs can lead to idling as vehicles queue up along the drive-through lane waiting for particular goods or services.

In Ontario, the trend is to include drive-throughs in the list of exemptions in idling control by-laws if these features are permitted through land-use planning.

## **Enforcement**

Idling control by-laws in Ontario are enforced on a complaints basis or as officers come across idling vehicles while conducting their normal work duties.

In Ontario, municipalities with idling control by-laws have preceded enforcement with education. Even during enforcement, education is seen as the preferred approach. Verbal warnings and a brochure that explains the benefits of not idling vehicles reinforces the message that 'idling gets you nowhere'. Charges for most idling control by-laws are laid under Part I of the Provincial Offences Act. In this instance, officers must obtain information from the driver before issuing a ticket. Drivers are not obliged to provide any information to the by-law officers. This has lead a few municipalities (e.g., Burlington, Peterborough and Orillia) to develop their by-law so as to make idling a Part II offence under the Provincial Offences Act. All parking offences are issued Part II tickets and the licence plate number is used as a means to identify the owner of a vehicle who then becomes ultimately responsible for paying the ticket. Enforcement of the idling control by-law is, therefore, made simpler and more efficient for the officers, who only now need to record vehicle licence plate numbers on the tickets and affix the ticket to the windshield.

## **Proposed City of Greater Sudbury Idling Control By-law**

The proposed City of Greater Sudbury Idling Control By-law (see Appendix A), which is scheduled to come into effect on September 1, 2013, would prohibit the idling of a motor vehicle for more than two (2) minutes. The following is a list of exemptions to the by-law:

- a) a vehicle subject to the City's Idling Control Policy;
- b) an emergency vehicle while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle;
- c) a vehicle assisting in an emergency;

- d) a vehicle transporting a person where a medical doctor certifies in writing that the person being transported requires the temperature or humidity to be maintained within a certain range;
- e) when the ambient outside Temperature is more than 27 degrees Celsius or less than 5 degrees Celsius;
- f) a vehicle that remains motionless due to emergency, a traffic control sign, a traffic control signal, weather conditions, traffic congestion or mechanical difficulties which do not allow the vehicle to be put safely into motion;
- g) a vehicle engaged in a parade authorized by the City or engaged in a police or other event authorized by the City or police;
- h) a vehicle which is being repaired or serviced;
- i) a vehicle which is idling for the purpose of conducting a circle check inspection or similar routine daily inspection for safety purposes where such inspections require the engine or transmission to be running;
- j) a vehicle that is required to idle to assist in the provision of services or repairs to another vehicle;
- k) a vehicle from which passengers are in the act of disembarking or embarking;
- l) an armoured vehicle where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
- m) a vehicle engaged in a normal farm practice;
- n) a vehicle halted in compliance with the directions of a police officer;
- o) a vehicle idling to comply with the requirements of the Highway Traffic Act in order for windows to be in a condition to afford the driver a clear view;
- p) a vehicle idling in a drive-through lane; or
- q) a vehicle containing or associated with equipment that must be powered by the vehicle engine or transmission to make the equipment function, including, an assisted mobility device, a waste compactor, lift platform or concrete mixer, while the function is being performed that requires operation of that equipment.

The By-law's prohibition of idling for periods longer than two (2) minutes does not apply 1) on properties owned by the federal or provincial government or 2) to taxicabs or shuttles prior to and including August 31, 2014.

## **Idling Control Options**

### **Option 1 – Enactment of an Idling Control By-law Without Consultation with Stakeholders**

Council would enact the draft by-law (Appendix A) without the benefit of consultation with local stakeholders, such as companies and organizations that operate fleets of vehicles (construction, taxis, delivery, courier; post-secondary institutions) and

#### Pros

- No extra resources required to consult with stakeholder groups.
- No delays to the enactment of the idling control by-law.

#### Cons

- Stakeholder groups may offer additional insight that would benefit the drafting of the idling control

by-law.

## **Option 2 – Consultation with local stakeholders regarding the draft proposed Idling Control By-law**

Council would consider enacting the by-law following a brief (several weeks) consultation with local stakeholders, such as companies and organizations that operate fleets of vehicles (construction, taxis, delivery, courier; post-secondary institutions) and Coalition for a Living Sudbury, which first brought the idea of an idling control by-law to Council in 2010. The consultation would be based on the draft proposed by-law which is attached as Appendix A.

Staff would prepare a mailout containing the draft by-law for review and comment by stakeholders. A report will be brought back to the Operations Committee at its June 17th containing a synopsis of the comments received through the consultation process and at that time staff will seek direction regarding the content of the proposed by-law.

At that time, staff will seek direction from Operations Committee as to whether to repeal the City's Idling Control Policy adopted by By-law 2008-195 and make City vehicles subject to the Idling Control By-law. The by-law is currently drafted in such a way that vehicles subject to the City's Idling Control Policy are exempt from the Idling Control By-law because they are governed by the City's Idling Control Policy. Should the City's Idling Control Policy be repealed the following exemption would be removed from the City's Idling Control By-law:

- a Vehicle subject to the Idling Control Policy;

and the following exemption would be added to the Idling Control By-law:

- Transit vehicles in layover or stopover, defined as a stopping point along a transit route or at a transit vehicle terminal, for a maximum of 15 minutes to allow transit vehicles to adjust to service schedules.

### Pros

- Operations Committee would be better informed on stakeholder issues around idling control prior to the Committee recommending approval of an idling control by-law to Council.

### Cons

- A slight delay (several weeks) in the enactment of the idling control by-law for the purpose of consultation and preparation of a report based on the consultation.

## **Recommendation**

WHEREAS Council has expressed concern about public nuisances and concern for the economic, social and environmental well-being of the municipality and the health, safety and well-being of its citizens, and the protection of persons and property;

AND WHEREAS motor vehicle idling results in the release of atmospheric pollutants and greenhouse gases that are harmful to the environment and to people's health;

BE IT RESOLVED THAT Council selects Option 2 – Consultation with local stakeholders regarding the draft proposed Idling Control By-law.



**BY-LAW 2013-xx**

**A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO CONTROL VEHICLE IDLING**

**WHEREAS** section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, requires that a municipal power be exercised by by-law;

**AND WHEREAS** paragraphs, 5, 6 and 8 of section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, grant municipalities the authority to pass by-laws respecting the the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** section 128(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, grants municipalities the authority to 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 428(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, states that where a by-law provides that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under that 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, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent.

**AND WHEREAS** section 100.1(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes municipalities in respect of land not owned or occupied by the municipality to

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regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land;

**AND WHEREAS** subsection 425(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes municipalities to pass by-laws providing that any person who contravenes a municipal by-law passed under that Act be guilty of an offence;

**AND WHEREAS** subsection 429(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality may establish a system of fines for offences under a by-law passed under that Act;

**AND WHEREAS** Council for the City of Greater Sudbury desires to support the reduction of atmospheric pollutants and greenhouse gases that are harmful to the environment and the health of persons in the City of Greater Sudbury;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY  
HEREBY ENACTS AS FOLLOWS:**

**Interpretation**

**Definitions**

1. (1) In this by-law:
  - a. “By-law Enforcement Officer” means a member of any police service with jurisdiction in the City or any person appointed by Council for the enforcement of by-laws, including this by-law;
  - b. “City” means the municipal corporation of the City of Greater Sudbury or the geographic area, as the context requires;
  - c. “Council” means the municipal council of the City of Greater Sudbury;

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- d. “Drive-Through Lane” means an area of land that is used exclusively for the passage of Vehicles occupied by one or more natural persons who are waiting to be provided with goods, materials or services;
- e. “Emergency” means a situation requiring police, fire, ambulance or military response;
- f. “General Manager” means the General Manager of Growth and Development and includes his or her delegate;
- g. “Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- h. “Idle” means the Parking or Stopping of a Vehicle while the engine is running and “Idling” has a corresponding meaning;
- i. “Idling Control Policy” means the policy adopted by Council by By-law 2008-195, A By-law of the City of Greater Sudbury to Adopt an Idling Control Policy, and any successor policy or by-law;
- j. “Limousine” means a means a motor vehicle, as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 hired by unit of time for the transportation exclusively of one natural person or group of natural persons with one charge only being collected or made for the time hired;
- k. “Municipal Property” means real property or premises owned by the City or any of the City’s local boards or municipal corporations;
- l. “Normal Farm Practice” means a practice that:

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- i. is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or
- ii. makes use of innovative technology in a manner consistent with proper advanced farm management practices;
- m. “Park” means the standing of a vehicle, whether occupied or not, and “Parking” or “Parked” has the corresponding meaning;
- n. “Person” includes any natural person, firm, partnership, association, corporation, company or organization of any kind;
- o. “Private Property” means real property or premises owned by Persons, other than property owned or occupied by other levels of government and Municipal Property;
- p. “Shuttle” means a motor vehicle, as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, having a seating capacity of seven natural persons or more, inclusive of the driver, providing transportation on demand to individuals or groups on a shared, multiple destination basis, and with separate charges being collected or made to each individual or group of individuals and such motor vehicles include, but are not limited to, those providing transportation to and from Greater Sudbury Airport and excludes such vehicles operated by municipal, provincial or federal governments or their agencies;
- q. “Stop” means the halting of a vehicle, whether occupied or not and “Stopped” or “Stopping” have the corresponding meaning;

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- r. “Taxicab” means a motor vehicle, as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, having a seating capacity of not more than nine natural persons, inclusive of the driver, hired for one specific trip for the transportation exclusively of one natural person or group of natural persons, containing a taximeter and with one fare or charge only being collected or made for the trip, and includes an accessible taxicab;
- s. “Temperature” means the temperature as determined by Environment Canada for the City of Greater Sudbury;
- t. “Traffic Control Sign” means a sign prescribed by the *Highway Traffic Act*, including a stop sign and a yield sign and signs used on highways for construction purposes;
- u. “Traffic Control Device” means a coloured lens mounted on a frame and commonly referred to as a signal head used for the purpose of controlling traffic but does not include railway crossing signal devices; and
- v. “Vehicle” means a vehicle that has a motor as a source of power , including but not limited to an automobile, motorcycle, motorized snow vehicle, a motor-assisted bicycle, farm tractor, a self-propelled implement of husbandry, a road-building machine as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8, but does not include an airplane, train, street car or other motor vehicle running only upon rails.

**Use of the Word “include”**

- 2. (1) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.

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**Application**

3. (1) This by-law applies in the City of Greater Sudbury on a Highway, on Private Property or on Municipal Property.

**Prohibition**

4. (1) No Person shall cause, allow or permit a Vehicle to Idle continuously for more than two (2) minutes.

**Exemptions**

5. (1) Section 4(1) does not apply to Persons causing, allowing or permitting the following Vehicles to Idle:
- a) a Vehicle subject to the Idling Control Policy;
  - b) an Emergency Vehicle while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the Vehicle;
  - c) a Vehicle assisting in an Emergency;
  - d) a Vehicle transporting a natural person where a medical doctor certifies in writing that the natural person being transported requires the Temperature or humidity to be maintained within a certain range;
  - e) a Vehicle with one or more natural persons inside the Vehicle when the ambient outside Temperature is more than 27 degrees Celsius or less than 5 degrees Celsius;
  - f) a Vehicle that remains motionless due to Emergency, a Traffic Control Sign, a Traffic Control Signal, weather conditions, traffic congestion or mechanical difficulties which do not allow the Vehicle to be put safely into motion;

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- g) a Vehicle engaged in a parade authorized by the City or engaged in a police or other event authorized by the City or police;
- h) a Vehicle which is being repaired or serviced;
- i) a Vehicle which is Idling for the purpose of conducting a circle check inspection or similar routine daily inspection for safety purposes where such inspections require the engine or transmission to be running;
- j) a Vehicle that is required to Idle to assist in the provision of services or repairs to another Vehicle;
- k) a Vehicle from which passengers are in the act of disembarking or embarking;
- l) an Armoured Vehicle where a natural person remains inside the Vehicle while guarding the contents of the Vehicle or while the Vehicle is being loaded or unloaded;
- m) a Vehicle engaged in a Normal Farm Practice;
- n) a Vehicle halted in compliance with the directions of a police officer;
- o) a Vehicle Idling to comply with the requirements of the *Highway Traffic Act* in order for windows to be in a condition to afford the driver a clear view;
- p) a Vehicle Idling in a Drive-Through Lane; or
- q) a Vehicle containing or associated with equipment that must be powered by the Vehicle engine or transmission to make the equipment function, including but not limited to, an assisted mobility device, a waste compactor, lift platform or concrete mixer, while the function is being performed that requires operation of that equipment, and does not include a Taxicab, Shuttle or Limousine.

6. (1) Section 4(1) does not apply to a Person causing, allowing or permitting a Taxicab or Shuttle to Idle prior to and including August 31, 2014.

### **Administration & Enforcement**

#### **Administration**

7. (1) This by-law shall be administered by the General Manager who is also delegated the authority to make all decisions required of the General Manager under this by-law and to perform all administrative functions identified herein and those incidental to and necessary for the due administration of this by-law.

(2) The General Manager may delegate, in writing, the performance of any one or more of his or her functions under this By-law to one or more natural persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation.

#### **Enforcement**

8. (1) This By-law may be enforced by a By-law Enforcement Officer.

(2) Without limiting subsection (1), for the purpose of conducting an inspection to determine whether a Person is complying with this By-law, a By-law Enforcement Officer may:

- (a) enter onto lands at a reasonable time;
- (b) require the production for inspection of documents or things relevant to the inspection;
- (c) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;



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(d) require information from any Person concerning a matter related to the inspection; and

(e) take photographs.

9. (1) No Person shall hinder or obstruct, or attempt to hinder or obstruct, a By-law Enforcement Officer exercising a power or performing a duty under this By-law.

10. (1) No Person required to produce documents, things or information by a By-law Enforcement Officer shall fail to respond forthwith.

**Offence**

11. (1) Any Person, including an owner of a Vehicle even though the owner is not the Person causing, permitting or allowing the Vehicle to Idle at the time, who contravenes any of the provisions of this By-law is guilty of an offence and is liable:

(a) on a first conviction to a fine of not more than \$2,000; and

(b) on a subsequent conviction to a fine of not more than \$5,000.

(2) Any director or officer of a corporation who knowingly concurs in a contravention as provided for in (1) is guilty of an offence and liable to a fine, upon conviction.

**Continuation of Offence**

12. (1) Where a Person has been convicted of an offence under this By-law, the City may, in addition to any other penalty imposed on the Person convicted, seek an order from the Ontario Court (Provincial Division) or any court of competent jurisdiction, prohibiting the continuation of the offence or doing of any act or thing by the Person convicted directed towards the continuation of the offence.

13. (1) An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act* or the *Municipal Act, 2001*, shall not be deemed in any way to preclude the City from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the City and which may be recovered in a court of competent jurisdiction.

### **Voluntary Payment**

14. (1) A Person in receipt of a summons, certificate of offence or certificate of parking infraction for a contravention of a provision of this by-law who does not wish to dispute the charge may pay the City, within seven (7) days of the time of the offence, the amount shown on the summons or certificate of parking infraction.

(2) Payments provided for in (1) shall be made payable to the City of Greater Sudbury.

(3) A payment provided for in (1) shall be made:

(i) at Tom Davies Square, 200 Brady Street, Sudbury, Ontario or at such other locations as the City Treasurer may authorize in writing; or

(ii) by mail to City of Greater Sudbury, PO Box 5000, Stn A, 200 Brady Street, Sudbury, Ontario, P3A 5W5, Attention: City Treasurer.

(4) The City Treasurer, or his or her delegate, shall accept payments made in accordance with (1).

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(5) If a payment is not made in accordance with subsections (1) through (3) of this by-law, a proceeding will be commenced in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

**Severability / Conflict**

15. (1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or *ultra vires*, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of Persons or the environmental well-being of the municipality shall prevail.

**Effective Date**

16. (1) This By-law shall come into force on September 1, 2013.

**Short Title**

17. (1) This By-law shall be known as the "Idling Control By-law".

APPENDIX A

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**READ AND PASSED IN OPEN COUNCIL** this xxth day of xx, 2013.

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

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