

THE CORPORATION OF THE CITY OF WATERLOO

By-Law No. 09- 077

Being a by-law to control the idling of vehicles

WHEREAS section 8(1) of the *Municipal Act, 2001*. S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*"), provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 11(1)(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of highways, including parking and traffic on highways;

AND WHEREAS section 11(3)(8) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of parking, except on highways;

AND WHEREAS section 425 of the *Municipal Act, 2001* establishes that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS section 428 of the *Municipal Act, 2001* states that a by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law, 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;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. DEFINITIONS

In this by-law:

"City" means The Corporation of the City of Waterloo;

"Council" means the Council of the City;

"idle" 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 function of the vehicle and "idling" has a corresponding meaning;

"mobile workshop" means:

- (a) a vehicle containing equipment that must be operated in association with the vehicle, or,
- (b) a vehicle serving as a facility for taking measurements or making observations which is operated by or on behalf of a public utility or a police, fire or ambulance service vehicle;

"Municipal Law Enforcement Officer" means a person appointed by the City under s. 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;

"normal farm practice" means a practice that:

- (a) 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,
- (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices;

"Police Officer" means an employee of the Waterloo Regional Police Service who is appointed as a peace officer pursuant to the *Police Services Act*, R.S.O. 1990, c. P. 15;

"Region" means the Regional Municipality of Waterloo;

"transit vehicle" means Grand River Transit vehicles, Go Transit vehicles, tour buses, school buses and motor coaches;

"vehicle" means a motor vehicle, trailer, traction engine, farm tractor or road building machine as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and any vehicle drawn, propelled or driven by any kind of non-muscular power but does not include cars of electric or diesel electric railways running on rails.

2. GENERAL PROVISIONS

- (a) No person shall cause or permit a vehicle to idle for more than three (3) consecutive minutes.
- (b) Section 2(a) shall not apply to:
 - (i) police, fire or ambulance vehicles, while engaged in operational activities, including training activities;

- (ii) vehicles assisting in an emergency activity;
- (iii) mobile workshops, while using the equipment that must be operated in association with the vehicle;
- (iv) vehicles where idling is required to repair the vehicle or to prepare it for service;
- (v) 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;
- (vi) vehicles required to remain motionless due to an emergency, traffic, weather condition or mechanical difficulty over which the person driving the vehicle has no control;
- (vii) vehicles engaged in a parade or race or any other event authorized by Council;
- (viii) transit and passenger vehicles, while passengers are embarking or disembarking en route or at terminals;
- (ix) vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in the vehicle requires that temperature or humidity be maintained within a certain range;
- (x) occupied vehicles when the temperature outside the vehicle is greater than twenty-seven degrees Celsius (27°C) including the humidex calculation or less than five degrees Celsius (5°C) including the wind-chill value as determined by the Environment Canada temperature readings;
- (xi) vehicles engaged in works undertaken for or on behalf of the Region, the City or public utilities;
- (xii) vehicles engaged in a normal farm practice; or,
- (xiii) vehicles, including hybrid vehicles, that eliminate the emission of green house gases and criteria air contaminants during the idling phase of operation.

3. ADMINISTRATION AND ENFORCEMENT

- (a) A Municipal Law Enforcement Officer or a Police Officer may enforce all of the provisions of this by-law.

4. PENALTY

- (a) Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to any penalty as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

5. SEVERABILITY

- (a) If any section, clause or provision of this by-law is, for any reason, declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intent that all remaining sections, clauses or provisions of the by-law shall remain in full force and effect.

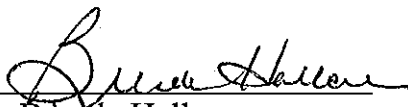
6. EFFECTIVE DATE

- (a) This by-law shall come into force and effect on the date it is passed by Council.

7. SHORT TITLE

- (a) This by-law may be referred to as the "Idling Control By-law".

PASSED by the Council this ^{22nd} day of June, 2009.



Mayor Brenda Halloran



Clerk Susan Greatrix

Approval	Date	Authorized By	Initials
PS/BL	May 19/09	Jim Dwyer	[Signature]
Legal	May 29/09	[Signature]	[Signature]
Financial	May 18/09	N/A	[Signature]

APPENDIX A

Municipal Idling Control Protocol

Policy Statement

Municipal employees in the City of Waterloo shall not allow a vehicle to idle for more than 10 seconds as stated in the definition of idling.

Rationale

The idling control policy has been established in accordance with the *Waterloo Region Clean Air Plan* short term strategy (# 4) to "develop and implement a municipal protocol that prohibits idling of vehicles when not in use." Municipalities in the Region of Waterloo adopted the Clean Air Plan in 1999 in efforts to improve local air quality. Unnecessary vehicle idling impacts air quality, respiratory health and increases operational costs.

Definitions

- Idling* 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. *To idle for more than 10 seconds uses more fuel than turning off the vehicle and restarting it again. If a vehicle is going to be stopped for 10 seconds or more, the engine should be turned off.*
- Vehicle* A motor vehicle, trailer, traction engine, farm tractor or road-building machine as defined in the *Highway Traffic Act* and any vehicle drawn, propelled or driven by any kind of non-muscular power, but does not include cars of electric or diesel electric railways running only upon rails. Vehicle also includes a motorized snow vehicle (or other conveyance which operates by way of a combustion engine) and personal vehicles used for work related activities.
- Transit Vehicle* Public transit vehicles, tour buses and motor coaches.
- Layover* A stopping point along a *transit route* for a maximum of 10 minutes used by transit vehicles to allow transit vehicles to adjust to service schedules.
- Stopover* A scheduled delay of a maximum of 10 minutes at a *public transit vehicle terminal* to allow public transit vehicles to adjust service schedules.
- Mobile work vehicles* i) a vehicle containing equipment that must be operated inside or in association with the vehicle (i.e. garbage and snow removal vehicles); or
ii) a vehicle used for the purpose of police, fire or ambulance service.

Exemptions

The idling control policy does not apply to the following:

- a) Police, fire or ambulance vehicles while engaged in operational activities, including training and patient transfer activities;
- b) Vehicles assisting in an emergency activity;
- c) Mobile work vehicles while they are in the course of being used for their basic function;
- d) Vehicles where idling is required as part of the repair process or to prepare the vehicle for service;
- e) Older mechanical style engines (i.e. diesel) which require specific shut down procedures;
- f) During extreme cold weather/heat alerts where idling may be necessary for the well being of the operator and/or transit passengers;
- g) Vehicles engaged in a parade or race or any other event authorized by the municipality;
- h) Transit vehicles while passengers are embarking or disembarking en route or in terminals;
- i) Transit vehicles while at a layover or stopover location (with passengers on the bus). *(Note - for those periods when there are no passengers/operator on board the engine should be turned off).*
- j) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range;
- k) Vehicles that are required to idle in order to keep in operation a heating or refrigeration system necessary for the welfare or preservation of the cargo contained therein;
- l) Safety is the primary consideration of the operator. In situations where shutting off the engine may compromise safety, vehicles may idle under the discretion of the operator (i.e. stopped in traffic).

Endorsement

Idling is a community issue and requires broad participation. As leaders in the community, it is important that frontline staff lead by example to the public to set a higher standard of behaviour.

The idling protocol will be promoted to, and reinforced by the community. Feedback will be provided to the Citizens' Advisory Committee on Air Quality, Waterloo Region, (CACAQ)(WR). This is in support of the Idling Reduction Campaign goal - to reduce emissions caused by unnecessary idling of vehicles and improve air quality and respiratory health of residents.

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By-Law No. 09-

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PASSED by the Council this day of , 2009.

Mayor Brenda Halloran


Clerk Susan Greatrix

PWS2002-36 Idling Control Protocol

A phased in approach of approximately 2-3 years will target different groups, beginning with municipal staff, to lead by example for the community. Larger targets include school zones, work sites, business, and other community sites. The consultation process for the Idling Reduction Education Campaign was initiated in the Fall of 2001. An Idling Reduction workshop was held September 27, 2001, to introduce the idling issue to municipal staff and council members and to gain input into the education campaign. Following the workshop, a draft version of a Municipal Idling Control Protocol was compiled based on the following:

- literature/campaign reviews of idling campaigns collected from across the province
- existing bylaws/policies from other jurisdictions
- local information, i.e. results from the recent University of Waterloo administered survey "Knowledge, Attitudes and Behaviour Relating to Vehicle Idling in Waterloo Region" where over 1000 people were surveyed; the majority supporting tough measures to combat idling
- input from representatives from the Cities of Waterloo, Cambridge, Kitchener, the Regional Municipality of Waterloo and area townships
- information collected from corporate fleet challenge and commuter challenge activities

Once the draft was completed, it was circulated to Parks and Works Services staff for comment. The draft was also circulated to other area municipalities for collective input. Comments were collected and incorporated into the protocol. As a result of this consultation, a final version of the policy is attached. The Municipal Idling Control Protocol has been adopted in principle by the Regional Municipality of Waterloo and is being brought forward to all the area municipalities and townships. CACAQ plans to promote the Idling Protocol to private industry, business and institutions in the future.

	DATE: April 16, 2002	TITLE: Municipal Idling Control Protocol
	REPORT: PWS2002-36	
WARD: ALL	PREPARED BY: D. McGoldrick/ B. Dorsch	
FILE:	DEPARTMENT: Parks & Works Services	
ATTACHMENTS: Appendix A: Municipal Idling Control Protocol	CLEARANCE: Team Leaders (April 22, 2002) SMT (May 1, 2002) Council (May 6, 2002)	

Recommendations:

That Council approves the adoption of the Municipal Idling Control Policy attached as Appendix A.

Background:

As a result of Waterloo Region experiencing some of the worst air quality days in Ontario in 1998, the Waterloo Region Clean Air Plan (WRCAP) was produced by the Citizens' Advisory Committee on Air Quality (WR) (CACAQ) and presented to City of Waterloo Council on April 12, 1999. Council adopted the principles of the report and requested that staff prepare a plan putting the WRCAP recommendations into action.

Since then several initiatives have been undertaken to further the City of Waterloo's commitment to air quality. These include:

- developing a Smog Alert Plan that restricts operations that have a significant impact on air quality,
- conversion from regular unleaded gasoline to ethanol enhanced gasoline,
- refueling restriction during the hours of 9 a.m. to 3 p.m.,
- energy conservation in facilities,
- naturalization and tree planting,
- increasing walking and cycling routes, and
- participating in the Repair Our Air Fleet Challenge to reduce vehicle idling.

In keeping with the Clean Air Plan and the City of Waterloo's ongoing efforts to improve air quality, an *Idling Control Protocol* has been developed by the Citizens' Advisory Committee on Air Quality (WR). This protocol is in accordance with the Waterloo Region Clean Air Plan short-term strategy #4, "develop and implement a municipal protocol that prohibits idling of vehicles when not in use."

Idling Reduction Education Campaign

The CACAQ Idling Reduction Task Force is in the midst of planning an "Idling Reduction Education Campaign" to be launched spring 2002 at the Clean Air Fair. The campaign is an education and awareness initiative utilizing community based social marketing techniques to bring about behavioural change and make the public more aware of the health, environment, and economic repercussions of idling.

APPROVALS

Director	Date	Team Leader	Date
Chief Administrative Officer	Date	Other	Date

The current Environmental Strategic Plan identifies several Phase I and II Strategic Actions that would reduce greenhouse gas emissions. These include:

- Supporting alternative energy sources,
- Identify sources of air pollution,
- Reduce local pollution emissions, and
- Reduce energy use.

We are in the process of updating the Strategic Plan and anticipate enhanced strategies being developed.

ii. What is the potential of having "Air Testing" requirement for future drive through development applications?

Based on a cursory review of the subject, this is possible, further reporting on this issue will be forthcoming from Development Services.

FINANCIAL IMPLICATIONS:

There are no financial implications at this time.

LEGAL CONSIDERATIONS:

Not applicable

LINK TO STRATEGIC PLAN:

Links to Strategic Plan key areas include: "Our Living Environment – Improving air quality and reducing carbon dioxide emissions."

Submitted by:

Signature

Name: Karen Moyer

Position: Environment Special Projects Manager