



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2005-157

A BY-LAW TO PROHIBIT EXCESSIVE IDLING OF VEHICLES IN THE TOWN OF NEWMARKET.

WHEREAS Section 102 of the Municipal Act authorizes a municipal council to pass a by-law and to make regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for in the Act;

AND WHEREAS vehicles are the sources of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds in the Town of Newmarket's outdoor air;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1.0 Citation

This by-law shall be known as the "Idling Control By-law" of the Corporation of the Town of Newmarket.

2.0 Definitions

2.1 "Town" means the Corporation of the Town of Newmarket

2.2 "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.

2.3 "Layover" means a stopping point along a transit route for a maximum of fifteen (15) minutes used by transit vehicles to allow transit vehicles to adjust to service schedules.

2.4 "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 operated by or on behalf of a municipality, public utility or police, fire or ambulance service.

2.5 "Private Transit Vehicle" means transit vehicles other than public transit vehicles, such as school buses, paratransit vehicles, tour buses and motor coaches.

2.6 "Public Transit Vehicle" means York Region Transit, York Mobility Plus and GO transit vehicles.

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 service schedules.

2.8 "Vehicle" means a motor, 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 exclusively upon rails.

3.0 General Provisions

No person shall cause or permit a vehicle to idle for more than two (2) consecutive minutes.

4.0 Exemptions


The two (2) minute limitation does not apply to:

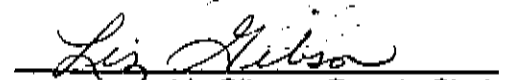
- i) Police, fire or ambulance vehicles while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle.
- ii) Vehicles and boats assisting in an emergency activity.
- iii) Mobile workshops while they are in the course of being used for their basic function.
- iv) Vehicles where idling is required to repair the vehicle or to prepare a vehicle 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 that remain motionless because of an emergency, funeral or traffic.
- vii) Vehicles engaged in a parade or other such event authorized by Council.
- viii) Public transit vehicles and Private transit vehicles while passengers are embarking or disembarking en route or in terminals.
- ix) Public Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle.
- x) 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.
- xi) Vehicles when the ambient temperature inside a vehicle or boat is:
 - (a) More than twenty-seven degrees Celsius (27°C.); or
 - (b) Less than five degrees Celsius (5°C.).

5.0 Penalty

Any person who contravenes any provision of this by-law is, upon conviction, liable to any penalty provided in the Provincial Offences Act

ENACTED THIS 28TH DAY OF NOVEMBER, 2005.


Tom Taylor, Mayor


Liz Gibson, Deputy Clerk