

TOWN OF MARKHAM
ONTARIO



BY-LAW 2005-192

**A BY-LAW TO PROHIBIT UNNECESSARY
IDLING OF VEHICLES
IN THE TOWN OF MARKHAM**

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to September 29, 2006)

AMENDED BY:
By-law 2006-275 – September 26, 2006



BY-LAW 2005-192

A by-law to prohibit unnecessary idling of vehicles within the Town of Markham.

WHEREAS section 130 of the *Municipal Act 2001*, S.O. 2001, c. 25, authorizes municipalities to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety, and well-being of the inhabitants of the municipality;

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

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

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

NOW THEREFORE the Council of the Corporation of the Town of Markham hereby enacts as follows:

1.0 SHORT TITLE:

1.1 This by-law may be cited as the "Idling Control Bylaw."

2.0 DEFINITIONS:

2.1 In this by-law

"Town" means the Corporation of the Town of Markham;

"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 operation of the vehicle, and idling shall have a similar meaning;

"Mobile work" means

- (i) a vehicle containing equipment that must be operated inside or in association with the vehicle which includes but is not limited to garbage and snow removal vehicles; or
- (ii) a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction;

“Vehicle” means a motor vehicle as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and shall include a traction engine, farm tractor, road building machine, motorized snow vehicle and any vehicle or conveyance drawn, propelled, or driven by any kind of non-muscular power or combustion engine, but does not include cars of electric or diesel electric railways running exclusively upon rails.

3.0 GENERAL PROVISIONS

3.1 No person shall cause or permit a vehicle to idle continuously for more than three minutes.

3.2 Subsection 3.1 does not apply to the following situations:

- a) Fire, police, or emergency medical service vehicles while engaged in operational activities, including training and patient transfer activities, except where idling is substantially for the convenience of the operator;
- b) Vehicles participating in an emergency activity;
- c) Vehicles that remain motionless because of an emergency, traffic conditions, which includes but is not limited to congestion and traffic control signals, weather conditions, or mechanical difficulties over which the driver has no control;
- d) Mobile work vehicles while they are in the course of being used for their basic function;
- e) Vehicles where idling is required as part of the repair process or to prepare the vehicle for service;
- f) Vehicles parked while passengers are embarking or disembarking;
- g) Vehicles engaged in a parade or any other event authorized by the municipality; or
- h) 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.

4.0 ADMINISTRATION AND ENFORCEMENT

4.1 The Manager of By-law Enforcement and others so designated by by-law as a Municipal Law Enforcement Officers shall be responsible for the administration and enforcement of this By-law.

4.2 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine and penalty as established pursuant to the *Provincial Offences Act* R.S.O. 1990, c. P.33, as amended.

5.0 INTERPRETATION

5.1 Any use of the singular term includes its plural, any use of a masculine term includes the feminine term and any use of the present tense includes past tense, where applicable, in this By-law.

6.0 SEVERABILITY

6.1 If a Court of competent jurisdiction declares any section or part of this By-law invalid or unenforceable, it is the intention of Council that the remainder of the By-law shall continue to be in force.

7.0 ENACTMENT

7.1 This by-law comes into force and effect on the date of its passing and enactment.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
28TH AND 29TH DAY OF JUNE, 2005.

SHEILA BIRRELL
TOWN CLERK

FRANK SCARPITTI
DEPUTY MAYOR