

IDLING OF VEHICLES

CHAPTER 999 IDLING REGULATION

CHAPTER INDEX

Article 1 SHORT TITLE

999.1.1 Short Title

Article 2 INTERPRETATION

999.2.1 City – defined
999.2.2 Emergency vehicle – defined
999.2.3 Idle – defined
999.2.4 Layover – defined
999.2.5 Mobile work – defined
999.2.6 Officer – defined
999.2.7 Stop - defined
999.2.8 Stopover – defined
999.2.9 Transit vehicle – defined
999.2.10 Vehicle - defined

Article 3 GENERAL PROVISIONS

999.3.1 Idle – prohibited
999.3.2 Idle – exemption
999.3.3 Idle – private property

Article 4 ADMINISTRATION AND ENFORCEMENT

999.4.1 Entry and Inspection
999.4.2 Obstruction
999.4.3 Fine – for contravention
999.4.4 Authority - enforcement
999.4.5 Validity and Severability

**Article 5
ENACTMENT**

999.5.1 Effective Date

**Article 1
SHORT TITLE**

999.1.1 Short Title

This Chapter may be cited as the “Idling Control Chapter”. In the text of the Chapter, it is referred to as “this Chapter”.

**Article 2
INTERPRETATION**

999.2.1 City – defined

“City” means the Corporation of the City of Orillia.

999.2.2 Emergency vehicle – defined

“Emergency vehicle” means a vehicle operated by a police department, fire department or ambulance service.

999.2.3 Idle – defined

“Idle” means the stopping of a vehicle, while the engine is running and is not being used to operate auxiliary equipment that is essential to the basic function of the vehicle.

999.2.4 Layover – defined

“Layover” means a stopping point along a transit route for a maximum of 10 minutes to allow transit vehicles to adjust service schedules.

999.2.5 Mobile work – defined

“Mobile work” means

- i) a vehicle containing equipment that must be operated inside or in association with the vehicle including garbage and snow removal vehicles; 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.

999.2.6 Officer – defined

“Officer” means a Municipal By-law Enforcement Officer or Police Officer.

999.2.7 Stop – defined

“stop” or “stopping” means the halting of a vehicle, even momentarily, whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or a traffic control sign or signal.

999.2.8 Stopover – defined

“Stopover” means a scheduled delay for a maximum of 10 minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedules.

999.2.9 Transit vehicle – defined

“Transit vehicle” means public transit vehicles, tour buses, and motor coaches.

999.2.10 Vehicle – defined

“Vehicle” means a motor vehicle, 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 including a motorized snow vehicle.

**Article 3
GENERAL PROVISIONS**

999.3.1 Idle – prohibited

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

999.3.2 Idle – exemption

The three-minute limit does not apply to the following situations:

- (a) vehicles participating in an emergency activity;
- (b) vehicles that remain motionless because of an emergency, traffic conditions (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;
- (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) transit vehicles while at a layover or stopover with passengers on the bus. When there are no passengers on board, the engine shall be turned off provided the engine has been running at a high idle for up to five minutes to cool down;
- (f) emergency vehicles while engaged in operational activities, including training and patient transfer activities;
- (g) 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;
- (h) vehicles reasonably idling in order to comply with the requirements of the *Highway Traffic Act*.
- (i) A vehicle transporting a person who has in his or her possession a doctor’s certificate requiring that the environment surrounding him or her is to be maintained at a certain temperature or humidity.

999.3.3 Idle – private property

The operator of any vehicle situated on private property within the City is also required to comply with the provisions of this Chapter.

Article 4 ADMINISTRATION AND ENFORCEMENT

999.4.1 Entry and Inspection

An Officer may, at all reasonable times, enter on land for the purpose of carrying out an inspection to determine compliance with this Chapter.

999.4.2 Obstruction

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter. Any person who is alleged to have contravened any of the provisions of this Chapter, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

999.4.3 Fine – for contravention

- (a) any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- (c) a person served with a parking infraction notice may report to the office of the City Treasurer to make the early payment indicated on the said notice. Such early payment must be received by the Treasurer within seven days of the date when the notice was issued, inclusive of Saturdays, Sundays and holidays.
- (d) where a vehicle has been left stopped in contravention of this Chapter, the owner of the vehicle, even though the owner was not the driver of the vehicle at the time of the contravention of the Chapter, is guilty of an offence and is liable to a fine in accordance with the provisions of the *Provincial Offences Act*, unless at the time of the offence the vehicle was in the possession of some person other than the owner without the owner's consent.

999.4.4 Authority - enforcement

A Municipal By-law Enforcement Officer or Police Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

999.4.5 Validity and Severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

Article 5 ENACTMENT

999.5.1 Effective Date

This Chapter shall come into force and effect on the date of the passing of the enabling by-law.

Adopting By-law: 2008-89, 26 May, 2008.