

THE CORPORATION OF THE TOWN OF ERIN

Amended

By-Law # 09 - 08

by Law #09-58

A By-law to govern and control the idling of vehicles within the Town of Erin

WHEREAS section 130 of the *Municipal Act*, 2001, S. O. 2001 c25, as amended, 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 section 525 of the *Municipal Act*, 2001, S. O. 2001 c25, authorizes municipalities to pass any by-law and provide that any person who contravenes any by-law of the municipality be guilty of an offence;

AND WHEREAS the operation of gasoline and diesel motor vehicles is a source of airborne nitrogen oxide, carbon monoxide, sulphur dioxide, volatile organic compounds and greenhouse gas emissions;

AND WHEREAS air pollution in the Town of Erin is associated with the risk of adverse respiratory health;

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

1.0 TITLE of BY-LAW

1.1 This by-law shall be known as the **“IDLING CONTROL BY-LAW”**

2.0 DEFINITIONS

2.1 “Council” means the Corporation of the Town of Erin

2.2 “Idle” and idling” means the operation of the engine of a vehicle while the vehicle is not in motion and is not being used to operate auxiliary equipment that is essential to the basic function of the vehicle.

2.3 “Mobile work” 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 or conducting maintenance or construction operated by or on behalf of a municipality, public utility, or police fire or ambulance service.

2.4 “Person” includes an operator of a motor vehicle and includes the owner, lessee or renter of a motor vehicle, including commercial vehicles, whether as individuals, corporations, associations, firms or partnerships.

2.5 “Vehicle” means any vehicle that is capable of being driven on roads by any means other than muscular power exclusively, but does not include vehicles designed to run and operate exclusively on rails.

3.0 PROHIBITIONS

3.1 No persons shall cause or permit a vehicle to idle within the Town of Erin continuously for more than three (3) minutes, nor shall they be permitted to engage in repetitive idling cycles while the vehicle remains stationary.

4.0 EXEMPTIONS

4.1 Section 3.0 does not apply to the following situations, except where idling is substantially for the convenience of the operator of the vehicle:

- (a) Police, fire or ambulance vehicles while engaged in operational activities, including training and patient transfer activities;
- (b) Vehicles participating in an emergency activity;
- (c) Vehicle with power take-off while they are actively engaged in the use of their basic function, this includes a vehicle that is 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;
- (d) Vehicles where idling is necessary to conduct repairs or to prepare vehicles for servicing;
- (e) 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;
- (f) Vehicles that remain motionless because of an emergency, funeral, traffic conditions (including congestion and signals), weather conditions or mechanical difficulties over which the driver has no control;
- (g) Vehicles engaged in a parade, race or other such event authorized by Council;
- (h) Transit vehicles and vehicles idling while passengers are embarking or disembarking;
- (i) Vehicles when the outside temperature is more than 30 degrees Celsius or less than 0 degrees Celsius and where there is an occupant in the vehicle;
- (j) Agricultural and construction vehicles engaged in normal operational practices;
- (k) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range.

5.0 ADMINISTRATION and ENFORCEMENT

5.1 This by-law can be administered and enforced by the Municipal Enforcement Officer of the Town of Erin and the Wellington County OPP.

6.0 PENALTY

6.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided in the Provincial Offences Act.

6.2 This by-law shall come into force and take effect upon final passing.

READ A FIRST, SECOND and THIRD time and FINALLY PASSED the 17th day of

March, 2009


Mayor


Clerk

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

COURT HOUSE
15TH FLOOR, UNIT "C"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3



CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
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April 7, 2009

RECEIVED

APR 14 2009

TOWN OF ERIN

Mr. Clive Ascher
By-Law Enforcement Officer
Town of Erin
#5684 Wellington Road #24, R. R. #2
Hillsburgh, Ontario N0B 1Z0

attach to by-law

Dear Mr. Ascher:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 09-08, of the Town of Erin**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Guelph, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'Kathleen E. McGowan', written over a horizontal line.

Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures

/PP

cc: Manager, Provincial Offences Court

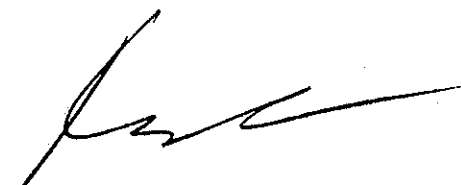
ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 09-08, of the Town of Erin, attached hereto are the set fines for those offences. This Order is to take effect April 7, 2009.

Dated at London this 7th day of April, 2009



Kathleen E. McGowan
Regional Senior Justice
West Region

TOWN OF ERIN

PART 1 Provincial Offences Act

BY-LAW 09-08 – IDLING CONTROL BY-LAW

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision Creating or Defining Offense	COLUMN 3 Set Fine
1	Permit vehicle to idle in excess of 3 minutes	3.1	\$125.00
2	Cause vehicle to idle in excess of 3 minutes	3.1	\$125.00

NOTE: Penalty Provision for the Offences indicated Section 6.1 of the Town of Erin By-Law #09-08, a Certified Copy of which has been filed