

B Y - L A W N U M B E R 233-2001

A BY-LAW TO PROHIBIT EXCESSIVE IDLING
OF VEHICLES AND BOATS

Passed the 18th day of June, 2001.

WHEREAS subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipal council to pass a by-law respecting the health, safety and well-being of persons, and the economic, social and environmental well-being of the municipality;

AND WHEREAS motor vehicles are a major source of nitrogen oxides, carbon monoxide, carbon dioxide, sulphur dioxides and volatile organic compounds (air pollutants) into the outdoor air in the City of Windsor;

AND WHEREAS the levels of air pollutants from vehicle emissions in the City of Windsor are associated with various adverse health effects, including cancer and acute and chronic effects on respiratory health, especially among the very young, the elderly and those with respiratory ailments;

AND WHEREAS the City of Windsor is supportive of recent global, Federal and Provincial initiatives to reduce emissions that may contribute to climate change and poor air quality;

AND WHEREAS under section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, by-laws may be passed by Council for providing that any person who contravenes any by-law of Council passed under the authority of the *Municipal Act, 2001*, S.O. 2001, c. 25 is guilty of an offence;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:
(Preamble deleted & substituted – B/L 19-2017, Feb. 6/17)

1. As used in this by-law, the following terms shall have the meanings indicated:

- (1) BOAT – A ship or any other description of vessel not propelled by oars and includes a boat used exclusively for towing purposes, a water taxi and a boat used on water for living purposes;
- (1.1) COMMERCIAL MOTOR VEHICLE – means a motor vehicle having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, casket wagons, fire apparatus, tow trucks, buses and tractors used for hauling purposes on the highways, and any vehicle bearing commercial license plates; **(Added – B/L 19-2017, Feb. 6/17)**
- (1.2) CORPORATION – means The Corporation of the City of Windsor;
(Added – B/L 19-2017, Feb. 6/17)
- (1.3) DRIVE-THROUGH – means the uses of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane designated for that purpose; **(Added – B/L 19-2017, Feb. 6/17)**
- (2) IDLE – means the operation of the engine of a Boat, Motor Vehicle or Commercial Motor Vehicle while the Boat, Motor Vehicle or Commercial Motor Vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the Boat, Motor Vehicle or Commercial Motor Vehicle, and “idling” has a corresponding meaning;
(Deleted & substituted – B/L 19-2017, Feb. 6/17)

- (3) ~~LAYOVER—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.~~ **(Deleted – B/L 19-2017, Feb. 6/17)**
- (3.1) LIVERY VEHICLE – means a vehicle, other than a taxicab, used for hire for the conveyance of passengers and available for hire by the general public; **(Added – B/L 19-2017, Feb. 6/17)**
- (4) MOBILE WORKSHOP:
- (a) A vehicle containing equipment that must be operated inside or in association with the vehicle; or
- (b) 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;
- (4.1) MOTOR VEHICLE – includes an automobile, a motorcycle, a motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine, as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, and includes Taxicabs and Livery Vehicles; **(Added – B/L 19-2017, Feb. 6/17)**
- (5) OFFICIAL – means a police officer, police cadet, municipal law enforcement officer, Provincial Offences Officer or any person authorized to enforce this by-law; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (5.1) PARKING LOT – means a private or municipal parking area to which the public has access whether on payment of a fee or otherwise; **(Added – B/L 19-2017, Feb. 6/17)**
- (5.2) PROVINCIAL OFFENCES OFFICER – means any employee of the Corporation who is duly appointed by the Council of the Corporation, for the purpose of enforcing the provisions of the Corporation’s by-laws; **(Added – B/L 19-2017, Feb. 6/17)**
- (5.3) SCHOOL BUS – means a school bus as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8. **(Added – B/L 19-2017, Feb. 6/17)**
- (6) ~~STOPOVER—A scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedule;~~ **(Deleted – B/L 19-2017, Feb. 6/17)**
- (6.1) TAXICAB – means a vehicle, other than a car-pool vehicle, having a seating capacity of not more than six (6) people, not including the driver, hired for one specific trip for the transportation of one person or group of persons, with one fare or charge being collected or made for the trip; **(Added – B/L 19-2017, Feb. 6/17)**
- (6.2) TOW TRUCK – means a vehicle used for hire for towing or otherwise conveying a vehicle; **(Added – B/L 19-2017, Feb. 6/17)**
- (6.3) TRAFFIC CONTROL DEVICE – means any sign, or roadway, curb or sidewalk marking or other device erected or placed under the authority of the Council for the purpose of guiding or directing traffic; **(Added – B/L 19-2017, Feb. 6/17)**
- (7) TRANSIT VEHICLE – means buses owned and operated by Transit Windsor and School Buses; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**

- (8) ~~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;~~ **(Deleted – B/L 19-2017, Feb. 6/17)**

2. (1) . No person shall cause or permit a Motor Vehicle, a Commercial Motor Vehicle or a Boat to idle for more than three (3) continuous minutes (180 seconds); **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**

(2) Subsection 2 (1) does not apply to:

- (a) Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (b) Motor Vehicles, Commercial Motor Vehicles and Boats assisting in an emergency activity; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (c) Boats not at anchor or tied to a dock;
- (d) Mobile workshops while they are in the course of being used for their basic function;
- (e) Motor Vehicles, Commercial Motor Vehicles or Boats where idling is required to repair the Motor Vehicle, Commercial Motor Vehicle or Boat or to prepare the Motor Vehicle, Commercial Motor Vehicle or Boat for service; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (f) 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;
- (g) Motor Vehicles, Commercial Motor Vehicles or Boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (h) Motor Vehicles, Commercial Motor Vehicles or Boats engaged in a parade or race or any other event authorized by the Council of the Corporation; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (i) Transit vehicles; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (j) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle;
- (k) Motor Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons the person requires that the temperature or humidity level be maintained within a certain range and the idling of the Motor Vehicle is necessary to achieve that temperature or humidity level; **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
- (l) Motor Vehicles, Commercial Motor Vehicles or Boats when the ambient temperature inside the Motor Vehicle, Commercial Motor Vehicle or Boat is:
 - (i) More than twenty-seven degrees Celsius (27° C); or
 - (ii) Less than five degrees Celsius (5° C.);**(Deleted & substituted – B/L 19-2017, Feb. 6/17)**

- (m) Motor Vehicles when operating on the traveled portion of a Drive-Through lane; **(Added – B/L 19-2017, Feb. 6/17)**
 - (n) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey a Traffic Control Device; **(Added – B/L 19-2017, Feb. 6/17)**
 - (o) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey the directions of an Official; **(Added – B/L 19-2017, Feb. 6/17)**
 - (p) Taxicabs or Livery Vehicles when stopping temporarily for the purpose of receiving or discharging persons for a fare; **(Added – B/L 19-2017, Feb. 6/17)**
 - (q) Tow Trucks while hoisting and pulling wrecked or disabled vehicles, or while removing vehicles unlawfully parked; **(Added – B/L 19-2017, Feb. 6/17)**
3. (a) This by-law shall be enforced anywhere within the boundaries of the City of Windsor including, without limiting the generality of the foregoing, all public and private highways as defined in the *Highway Traffic Act*, all municipal and private Parking Lots, parking spaces, driveways and sidewalks.
- (b) The provisions of this by-law shall be enforced by an Official as defined in Section 1. **(Section 3 deleted & Section 3(a)(b) substituted – B/L 19-2017, Feb. 6/17)**
4. Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs, and every such fine is recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended from time to time. **(Deleted & substituted – B/L 19-2017, Feb. 6/17)**
5. This by-law shall come into force and take effect on the day of the final passing thereof. **(Added – B/L 19-2017, Feb. 6/17)**

MICHAEL HURST, MAYOR

JOHN SKOROBOHACZ, CITY CLERK

First Reading - June 18, 2001
 Second Reading - June 18, 2001
 Third Reading - June 18, 2001