

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-134

BEING A BY-LAW TO PROHIBIT THE IDLING OF
VEHICLES WITHIN 100 METRES OF ANY SCHOOL OR
MUNICIPAL BUILDING

WHEREAS the Council of the City of North Bay desires to reduce the release of environmentally harmful vehicle emissions into the air of North Bay;

AND WHEREAS vehicle emissions are associated with adverse health effects;

AND WHEREAS the Council of the City of North Bay wishes to protect children and students by preserving a healthy and beneficial school environment and by setting the same example with municipal buildings;

AND WHEREAS the *Municipal Act* S.O. 2001, c. 25, s. 10.(2) authorizes municipalities to enact by-laws ensuring the environmental well-being, health and safety of inhabitants of the municipality;

AND WHEREAS the Council of the City of North Bay passed Resolution No. 2009-375 at its Regular Meeting held on the 1st day of June, 2009 to authorize the preparation of a No Idling By-law as it relates to both municipal and school property and roads within 100 metres of a school;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this By-law, the following terms shall have their prescribed meanings:

“**City**” means The Corporation of the City of North Bay.

“**highway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof, as set out in the *Highway Traffic Act* R.S.O. 1990, c. H-8.

“**idle**” means the operation of the engine of a vehicle while the vehicle is motionless and “**idling**” has a corresponding meaning.

“**mobile workshop vehicle**” means:

- a) a vehicle containing equipment that must be operated inside or in association with the vehicle, including snow and garbage removal vehicles, or
- b) a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction.

“**municipal buildings**” includes any buildings or facilities owned by The Corporation of the City of North Bay, including the City Hall, Memorial Gardens, Pete Palangio Arena, the West Ferris Community Centre, the Oak Street Transit Terminal, the Public Works buildings and the Lee Park buildings.

“**municipal property**” includes any land owned by The Corporation of the City of North Bay on which buildings or facilities are located but does not include any highway.

“**official sign**” means a sign which is marked with the words “NO IDLING” as shown on Schedule “A” hereto.

“**public road**” means any road, street, avenue or highway maintained by the City.

“**school**” means:

- a) the body of elementary school pupils or secondary school pupils that is organized as a unity for educational purposes under the jurisdiction of the appropriate board, or
- b) the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario

and includes the teachers and other staff members associated with the unit or institution and the lands and premises used in connection with the unit or institution, as set out in the *Education Act*, R.S.O. 1990, c. E-2.

“**school bus**” means a bus that,

- a) is painted chrome yellow, and
- b) displays on the front and rear thereof the words “school bus” and on the rear thereof the words “do not pass when signals flashing”, as set out in the *Highway Traffic Act*.

“**school property**” means the land and premises used in connection with a school.

“**transit vehicle**” means public transit vehicles, tour buses and motor coaches, including school buses.

“**vehicle**” means 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 on rails. This definition includes motorized snow vehicles or any other method of conveyance which uses a combustion engine.

IDLING PROHIBITED

- 2 (1) Subject to section 3 hereof, where official signs are on display, no operator of a vehicle shall idle that vehicle on school property or within 100 metres of the property limits of a school.
- 2 (2) Subject to section 3 hereof, where official signs are on display, no operator of a vehicle shall idle that vehicle on municipal property or within 100 metres of the property limits of a municipal building.

EXEMPTIONS:

3. Section 2 and 3 of this By-law shall not apply to the following vehicles:
 - (a) mobile workshop vehicles while being used for their intended basic function;
 - (b) vehicles participating in an emergency activity;
 - (c) vehicles forced to remain motionless due to an emergency, traffic conditions, or mechanical difficulties over which the driver has no control;
 - (d) occupied vehicles when outside temperatures are over 27°C or below 5°C, for the purposes of operating air conditioning or heating equipment;

- (e) vehicles participating in a parade, race or any other event authorized by the City;
- (f) transit vehicles while passengers are embarking or disembarking en route for no more than three minutes;
- (g) vehicles transporting a passenger who, by written doctor's certificate and for medical reasons, requires their environment to be maintained at a certain temperature or humidity;
- (h) vehicles required to idle to maintain heating or refrigeration systems necessary for the preservation or welfare of their cargo.
- (i) vehicles required to idle when being started or when being turned off in order to comply with manufacturers instructions as to minimum idling times.

OFFENCES AND PENALTIES

- 4. Any person who contravenes any provision of this By-law is guilty of an offence and liable to a fine under the *Provincial Offences Act* R.S.O. 1990 c. P-33.

ENACTMENT

- 5. This By-law shall come into force and effect as of September 1, 2009.

SHORT TITLE

- 6. This By-law may be cited as the "No Idling By-law".

READ A FIRST TIME IN OPEN COUNCIL THIS 15TH DAY OF JUNE, 2009

READ A SECOND TIME IN OPEN COUNCIL THIS 15TH DAY OF JUNE, 2009

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 27th DAY OF JULY, 2009

"original signature on file"
MAYOR VIC FEDELI

"original signature on file"
CITY CLERK CATHERINE CONRAD

THIS IS SCHEDULE "A" TO BY-LAW NO. 2009-134 OF THE CORPORATION OF THE CITY OF NORTH BAY



NO ENGINE IDLING

**CITY OF NORTH BAY
BY-LAW 2009-134**