



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 133-2011

A by-law to prohibit the Idling of
vehicles

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(2) paragraph 5 of the *Municipal Act, 2001*, S. O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws for the economic, social and environmental well-being of the municipality;

AND WHEREAS subsection 11(2) paragraph 6 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended authorizes municipalities to pass by-laws related to the health, safety, and well-being of persons;

AND WHEREAS subsection 11(3) paragraph 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws for parking;

AND WHEREAS subsection 100.1(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes municipalities in respect of land not owned or occupied by the municipality, to regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land;

AND WHEREAS subsection 128(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS subsection 425(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws provided that any person who contravenes a municipal by-law passed under the Act be guilty of an offence;

AND WHEREAS subsection 429(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the Act; and

AND WHEREAS Council for The Corporation of the City of Brampton is supportive of initiatives to reduce emissions that contribute to climate change and poor air quality;

NOW THEREFORE the Council of The Corporation of the City of Brampton hereby enacts as follows:

PART I – SHORT TITLE

1. This By-law may be referred to as the “Idling Control By-law”

PART II – DEFINITIONS

2. For the purposes of this By-law:

(a) “**City**” means the territorial jurisdiction of the City of Brampton;

(b) “**Council**” means the elected Council of The Corporation of the City of Brampton;

(c) “**Highway**” means 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;

(d) “**Idle**” and “**Idling**” both mean the operation of the combustion engine of a Vehicle while the Vehicle is not moving forward or in reverse;

(e) “**Mobile Work Vehicle**” means:

(i) a Vehicle containing equipment that must be operated inside or in association with the Vehicle, for the Vehicle’s basic work function, such as waste and snow removal Vehicles; or

(ii) a Vehicle serving as a facility for taking measurements or performing ongoing observations or conducting maintenance or construction which is operated by or on behalf of a municipality, public utility or police, fire or ambulance service;

(f) “**Municipal property**” means real property owned by The Corporation of the City of Brampton;

(g) “**Officer**” means any person authorized by The Corporation of the City of Brampton to enforce parking by-laws and shall include Parking Enforcement Officers, Provincial Offences Officers and Peel Regional Police Service Officers.

(h) “**Person**” includes a corporation, partnership or limited partnership;

(i) “**Private property**” means real property owned by persons, other than property owned by the Corporation of the City of Brampton and includes real property owned by individuals, local boards, corporations and public authorities;

(j) “**Stopover**” means a scheduled delay of a maximum of five (5) minutes to allow Transit Vehicles to adjust to service schedules or to allow for embarking or disembarking of passengers;

(k) “**Transit Vehicle**” means a public transit vehicle and for the purposes of this By-law is considered a Vehicle;

(l) "**Vehicle**" means a motor vehicle, trailer, traction engine, or road building machine as defined in the *Highway Traffic Act* and any other Vehicle propelled or driven otherwise than by muscular power, but does not include a Vehicle running exclusively on rails.

PART III APPLICATION

3. This By-law applies to all Idling within the City unless specifically exempted by this By-law or by a statute or regulation and includes Idling on:

- a) Private property;
- b) Municipal property;
- c) Highways forming part of the road system under the jurisdiction of The Corporation of the City of Brampton; and
- d) Highways forming part of the road system under the jurisdiction of the Regional Municipality of Peel which are within the boundaries of the City of Brampton.

PART IV – GENERAL PROHIBITION

4. No person shall cause, allow or permit a Vehicle to Idle continuously for more than three (3) minutes in the following areas:

- a) On a Highway;
- b) On Private Property; or,
- c) On Municipal Property.

PART V – EXEMPTIONS

5. Notwithstanding section 4, this By-law does not apply to the following:

- a) police, fire or ambulance Vehicles or any other Vehicles assisting in an emergency activity;
- b) Mobile Work Vehicles while they are in the course of being used for their basic work function;
- c) Vehicles for which Idling is required to service the engine, conduct repairs or refuel;
- d) Armoured Vehicles in which a person remains inside the Vehicle while guarding the contents, or while the Vehicle is being loaded or unloaded;
- e) Vehicles remaining motionless because of an emergency, traffic, adverse weather conditions or mechanical difficulties over which the driver has no control;
- f) Transit Vehicles while passengers are embarking or disembarking en route or at transit terminals;
- g) Transit Vehicles while at a Stopover location;
- h) Transit Vehicles where the ambient temperature outside a Transit Vehicle is more than 27 degrees Celsius or less than 5 degrees Celsius;
- i) Vehicles transporting a person who is carrying documentation certified by a medical doctor in writing that for medical reasons, the person requires the temperature or humidity be maintained within a certain range; and
- j) Vehicles that are 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.

PART VI – HIGHWAY TRAFFIC ACT

6. This By-law shall not apply to prevent the reasonable Idling of a Vehicle in order to comply with the requirements of the *Highway Traffic Act* that require the driver of the Vehicle to have a clear view to the front, side and rear of the Vehicle through the windshield and windows.

PART VII – ADMINISTRATION, ENFORCMENT AND PENALTY

7. This By-law can be administered and enforced by any Officer as defined by this By-law.

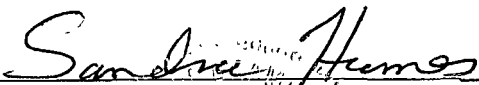
8. Any person who contravenes any provision of this By-law is guilty of an offence on conviction and is liable to any penalty provided in the *Provincial Offences Act*, R.S.O. 1990 c. P. 33, as amended.

9. An Officer may, at any reasonable time, enter on land for the purpose of carrying out an inspection to determine compliance with this by-law.

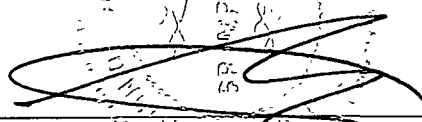
PART VIII - VALIDITY

10. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Read a FIRST, SECOND and THIRD TIME and PASSED in Open Council this day of 27th April, 2011



SANDRA HAMES
 Susan Fennell, **ACTING** Mayor



 Peter Fay City Clerk

Approved as to
form and
content.
KY April 26/11