



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA

### Idling Control By-law 0194-2009

**WHEREAS** section 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** section 11 (2) 5 of the *Municipal Act, 2001* provides that a municipality may pass by-laws for the economic, social and environmental well-being of the municipality;

**AND WHEREAS** section 11 (2) 6 of the *Municipal Act, 2001* provides that a municipality may pass by-laws for the health, safety and well being of persons;

**AND WHEREAS** Vehicles are sources of carbon dioxide, nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds and fine particulate matter in the City of Mississauga;

**AND WHEREAS** the City of Mississauga desires to assist in the reduction of adverse health effects by reducing the unnecessary emissions of carbon dioxide, nitrogen oxides, carbon monoxide, sulphur dioxides, volatile organic compounds and fine particulate matter;

**AND WHEREAS** the City of Mississauga has committed to reducing emissions contributing to climate change poor air quality;

**NOW THEREFORE** The Corporation of the City of Mississauga 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) **“Boat”** means a ship or any other description of vessel not propelled by oars and includes a Boat used exclusively for towing purposes, and a Boat used on

water for living purposes, and for the purposes of this By-law is considered a Vehicle;

- (b) **“City”** means the territorial jurisdiction of the City of Mississauga;
- (c) **“Council”** means the elected Council of the City of Mississauga;
- (d) **“Idle”** means the operation of the combustion engine of a Vehicle while the Vehicle is not moving forward or in reverse and “Idling” shall have a corresponding meaning;
- (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) **“Person”** includes a corporation, partnership or limited partnership;
- (g) **“Stopover”** means a scheduled delay of a maximum of five (5) minutes at a Transit Vehicle terminal to allow Transit Vehicles to adjust to service schedules;
- (h) **“Transit Vehicle”** means a public transit vehicle, including Transhelp, and for the purposes of this By-law is considered a Vehicle;
- (i) **“Vehicle”** means a motor vehicle, trailer, traction engine, or road building machine, as defined in *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 – GENERAL PROHIBITION**

- 3. This By-law applies to all Idling within the City unless specifically exempted by this By-law or by statute or regulation.
- 4. No Person shall cause, allow or permit a Vehicle to Idle continuously for more than 3 minutes.

### **PART IV – EXEMPTIONS**

- 5. Part III does not apply to:

- 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) Boats not at anchor or not tied to a dock;
- d) Vehicles for which Idling is required to service the engine, conduct repairs or refuel;
- e) Armoured Vehicles in which a person remains inside the Vehicle while guarding the contents, or while the Vehicle is being loaded or unloaded;
- f) Vehicles remaining motionless because of an emergency, traffic, adverse weather conditions or mechanical difficulties over which the driver has no control;
- g) Transit Vehicles while passengers are embarking or disembarking en route or at transit terminals;
- h) Transit Vehicles while at a Stopover location;
- i) Transit Vehicles where the ambient temperature outside a Transit Vehicle is more than 27 degrees Celsius (27°C) or less than 5 degrees Celsius (5°C);
- j) 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
- k) 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 V – 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 VI – PENALTY**

7. Every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to pay a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O 1990, c. P. 33, as amended.

**PART VII - VALIDITY**

8. 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.

ENACTED AND PASSED this 24<sup>TH</sup> Day of June, 2009.

Signed by Hazel McCallion, Mayor and Crystal Greer, City Clerk