



## VILLAGE OF FRUITVALE

### BY-LAW NO. 787

#### Being a By-law to Regulate the Idling of Vehicles

WHEREAS pursuant to Section 124(1)(c) of the *Motor Vehicle Act*, a municipality may, by bylaw, regulate, control, and prohibit the stopping, standing, or parking of vehicles in the municipality;

AND WHEREAS pursuant to Section 8(3)(h) and 64(c) of the *Community Charter*, a municipality may, by bylaw, regulate prohibit and impose requirements with respect to the protection and enhancement of the well-being of its community in relation to the emission of smoke, fumes and other effluvia that is liable to foul or contaminate the atmosphere;

AND WHEREAS motor vehicles emit smoke and fumes which are the source of particulate matter, nitrogen oxide, carbon monoxides, sulphur dioxide and other volatile organic compounds that are liable to foul or contaminate the atmosphere;

AND WHEREAS the Council of the Village of Fruitvale encourages drivers to refrain from idling their vehicles whenever possible;

NOW THEREFORE the Council of the Village of Fruitvale, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Village of Fruitvale Anti-Idling Bylaw No. 787, 2007”.
2. In this bylaw:
  - a. “Idle” and “Idling” mean the operation of an internal combustion engine of a vehicle while the vehicle is not in motion;
  - b. “Peace Officer” means a Bylaw Enforcement Officer employed by the Village of Fruitvale, the Corporate Officer for the Village of Fruitvale, or a member of the Royal Canadian Mounted Police; and,
  - c. “Vehicle” means a rubber-tired or tracked vehicle that is designed to be self-propelled by an internal combustion engine but does not include a motor-assisted cycle or a vehicle operated wholly, or in part, by an electric motor.
3. No person shall cause or permit a vehicle to idle for more than three (3) consecutive minutes in the months of April to October and for more than ten (10) consecutive minutes in the months of November to March.
4. Section 3 does not apply to:
  - a. vehicles idling while passengers are embarking or disembarking;
  - b. vehicles idling because of traffic, an emergency, or mechanical difficulties;
  - c. armored vehicles involved in the secure delivery and pick up of goods;
  - d. emergency vehicles, as that term is defined in the Motor Vehicle Act;
  - e. vehicles engaged in a parade or a race;

- f. vehicles engaged in a mechanical test or maintenance procedure for which idling is required;
  - g. vehicles that must remain idling so as to power a heating or a refrigeration system for the preservation of perishable cargo; and,
  - h. vehicles that must remain idling so as to power any tools or equipment necessary for or incidental to the provision of services by a municipality or a public utility.
5. 5.1 Every person who contravenes any provision of this Bylaw is guilty of an offence under the Offence Act and is liable on summary conviction to a fine of not less than \$250.00 and not more than \$10,000 or imprisonment of not more than six months.
- 5.2 This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the Community Charter.
- 5.3 Pursuant to Section 264(1)(b) of the Community Charter, Peace Officers are designated to enforce this bylaw.
- 5.4 Pursuant to Section 264(1)(c) of the Community Charter, the words or expression in Column 2 of Schedule "A" to this bylaw designate the offence committed under the bylaw section number appearing in Column 1 opposite the respective words or expression.
- 5.5 Pursuant to Section 265(1)(a) of the Community Charter, the fine amount in Column 3 of Schedule "A" to this bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.
- 5.6 Each day that a contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.
6. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

READ a first time this 9<sup>th</sup> day of October, 2007.

READ a second time this 13<sup>th</sup> day of November, 2007.

READ a third time this 11<sup>th</sup> day of December, 2007.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 8<sup>th</sup> day of January, 2008.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

CERTIFIED a true copy of By-law No. 786, entitled "Village of Fruitvale Anti-Idling Bylaw No. 787, 2007".

DATED this 13<sup>th</sup> day of February, 2008.

\_\_\_\_\_  
Administrator



Schedule "A"  
to Bylaw No. 787, 2008  
Offences and Fines

Section	Designation Expression	Fine
3	Cause or permit a vehicle to idle for more than three (3) consecutive minutes in the months of April to October and for more than ten (10) consecutive minutes in the months of November to March.	\$250