

# Corporation of the Town of Newmarket

## By-law 2005-157

### OFFICE CONSOLIDATION

This is a consolidation of the Town’s By-law to prohibit excessive idling of vehicles in the Town of Newmarket, being By-law 2005-157, as amended by the below listed by-laws and is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of By-law 2005-157. Official versions of all by-laws can be obtained from Legislative Services by calling 905-953-5300. If there are any discrepancies between this consolidation and By-law 2005-157 and listed amending by-laws the official by-laws shall prevail.

2008-84 – November 24, 2007	Section 5.0 - to reflect escalating fines
2023-45 – September 18, 2023	Section 4 – ambient temperatures

A by-law to prohibit excessive idling of vehicles in the Town of Newmarket.

WHEREAS Section 102 of the Municipal Act authorizes a municipal council to pass a by-law and to make regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for in the Act;

AND WHEREAS vehicles are the sources of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds in the Town of Newmarket’s outdoor air;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

- 1.0 Citation  
This by-law shall be known as the “Idling Control By-law” of the Corporation of the Town of Newmarket.
- 2.0 Definitions
  - 2.1 “Town” means the Corporation of the Town of Newmarket
  - 2.2 “Idle” means the operation of the engine of a vehicle while the vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle, and idling has a corresponding meaning.
  - 2.3 “Layover” means 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.
  - 2.4 “Mobile Workshop” means:
    - i) A vehicle containing equipment that must be operated inside or in association with the vehicle; or
    - ii) 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.

- 2.5 “Private Transit Vehicle” means transit vehicles other than public transit vehicles, such as school buses, paratransit vehicles, tour buses and motor coaches.
- 2.6 “Public Transit Vehicle” means York Region Transit, York Mobility Plus and GO transit vehicles.
- 2.7 “Stopover” means a scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust service schedules.
- 2.8 “Vehicle” means a motor, 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 or electric or diesel electric railways running exclusively upon rails.

### 3.0 General Provisions

No person shall cause or permit a vehicle to idle for more than two (2) consecutive minutes.

### 4.0 Exemptions

The two (2) minute limitation does not apply to:

- i) Police, fire or ambulance vehicles while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle.
- ii) Vehicles and boats assisting in an emergency activity.
- iii) Mobile workshops while they are in the course of being used for their basic function.
- iv) Vehicles where idling is required to repair the vehicle or to prepare a vehicle for service.
- v) 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.
- vi) Vehicles that remain motionless because of an emergency, funeral or traffic.
- vii) Vehicles engaged in a parade or other such event authorized by Council.
- viii) Public transit vehicles and private transit vehicles while passengers are embarking or disembarking en route or in terminals.
- ix) Public transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle.
- x) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range.

- xi) Vehicle that are required to idle for the safety or welfare of the operator, passengers or animals.

#### 5.0 Penalty

Every person who is guilty of an offence under this by-law shall be subject to the following penalties:

- (a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
- (b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
- (c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;
- (d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and maximum fine shall be \$10,000.00.

For the purposes of this by-law, 'multiple offence' means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this by-law.

For the purposes of this by-law, of 'offence' is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

Enacted this 28<sup>th</sup> Day of November, 2005

Signed by

Tom Taylor, Mayor

Liz Gibson, Deputy Clerk