

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 3004, 2011

A Bylaw to regulate the idling of vehicles within the City of Duncan

WHEREAS a municipality may, by Bylaw, regulate, control, and prohibit stopping, standing, or parking of vehicles in the municipality;

AND WHEREAS 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 some 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 City of Duncan encourages drivers to refrain from idling their vehicles;

AND WHEREAS the City of Duncan is committed to reducing greenhouse gases in its operations and within the community:

NOW THEREFORE the Council of the City of Duncan enacts as follows:

1. This Bylaw may be cited as "City of Duncan Anti-idling Bylaw No. 3004".

2. In this Bylaw:

"Idle" and "idling" mean the operation of an internal combustion engine of a vehicle while the vehicle is not in motion; and

"Vehicle" means a rubber-tired or tracked vehicle(s) 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, while idling.

3. No person shall cause or permit a vehicle to idle for more than one (1) minute.

4. Section 3 does not apply to:

- a. Vehicles idling while passengers are embarking or disembarking;
- b. Vehicles idling because of traffic, weather, an emergency, or mechanical difficulties over which the driver has no control;
- c. Armoured motor vehicle, used to transport money or valuables, in which a person remains to guard the contents, in the course of the loading or unloading of such money or valuables;
- d. Police, fire, ambulance, or other emergency motor vehicle in the course of the performance of police, fire, ambulance or other emergency duties including

- training activities, except where idling is substantially for the convenience of the operator of the vehicle;
- e. A motor vehicle in the course of assistance in an emergency;
 - f. Vehicles engaged in the course of a parade or any other event authorized by Council or other delegated person;
 - g. Vehicles engaged in a mechanical test or maintenance procedure for which idling is required;
 - h. Vehicles that must remain idling so as to power a heating or refrigeration system for the preservation of perishable cargo; and
 - i. 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. Every person who contravenes any provision of this Bylaw is guilty of committing an offence against this Bylaw and is liable on summary conviction to a fine of not less than \$250.00 and to a maximum not exceeding the maximum allowed by the *Offence Act*, as amended, and the cost of prosecution.
6. Any person who is guilty of obstructing a Bylaw Enforcement Officer while performing his/her duties in relation to this Bylaw is liable on summary conviction to a fine of not less than \$2,000.00, or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended, and the cost of prosecution.
7. This Bylaw may be enforced by means of a Municipal Ticket.
8. The provisions of this Bylaw may be enforced by any City of Duncan Bylaw Enforcement Officer or member of the Royal Canadian Mounted Police (RCMP).
9. If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.
10. This Bylaw shall come into force and take effect on the 1st day of January, 2012.
11. READ A FIRST TIME THE 17th DAY OF January, 2011.
READ A SECOND TIME THE 17th DAY OF January, 2011
READ A THIRD TIME THE 17th DAY OF January, 2011.
ADOPTED THE 21st DAY OF February, 2011.

Director of Corporate Services

Mayor