

# CITY OF PORT MOODY

## BYLAW NO. 2859

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A Bylaw to regulate vehicle idling in the City of Port Moody.

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**WHEREAS** the *Community* Charter authorizes Council to regulate with respect to nuisances, public health and the protection of the environment;

**WHEREAS** vehicles are sources of particulate matter, nitrogen oxide, carbon monoxide, sulphur oxide, volatile organic compound and greenhouse gas emissions;

**AND WHEREAS**, the City of Port Moody has committed to reducing greenhouse gas emissions under the B.C. Climate Change Action Charter;

**NOW THEREFORE** the Council of the City of Port Moody in open meeting assembled enacts as follows:

1. **TITLE**

This Bylaw may be cited as the "City of Port Moody Anti-Idling Bylaw, 2010, No. 2859."

2. **DEFINITIONS**

In this Bylaw:

"**City**" means the City of Port Moody.

"**Idle**" means the operation of the engine of a vehicle while the vehicle is not in motion and "idling" has a corresponding meaning.

"**Mobile Workshop**" means a vehicle or equipment within a vehicle that must remain in operation for a business purpose; or a vehicle serving as a facility for taking measurements or making observations or conducting maintenance or construction operated by or on behalf of a municipality, public utility or police, fire or emergency service.

"**Vehicle**" or "**Motor Vehicle**" means any vehicle that is capable of being driven or drawn on roads by any means other than muscular power exclusively, but does not include any vehicle designed to run exclusively on rails (as defined by the Motor Vehicle Safety Act).

**3. GENERAL PROHIBITIONS**

3.1 No person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty-minute period.

**4. EXEMPTIONS**

4.1 Section 3 does not apply to:

- (a) a mobile workshop while such a vehicle is being used as a mobile workshop;
- (b) 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;
- (c) vehicles assisting in an emergency activity;
- (d) vehicles for which idling is required as part of a repair or regular pre-check maintenance process;
- (e) armoured vehicles in which a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
- (f) vehicles required to remain motionless because of an emergency, traffic, or mechanical difficulties over which the driver has no control;
- (g) vehicles engaged in a parade or race or any other event authorized by Council;
- (h) vehicles idling while passengers are embarking or disembarking;
- (i) vehicles required to use heating or refrigeration systems powered by the motor or engine for the preservation of perishable cargo.

**5. OFFENCE**

5.1 Every person who contravenes a provision of this Bylaw, suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offense against this Bylaw.

5.2 Every violation shall be deemed to be a new and separate offence for each day during which the offense continues.

(a) Any person guilty of an offence under this Bylaw shall be liable, upon summary conviction, to a fine no less than \$50, and not exceeding \$2,000.

(b) Offences for which tickets can be issued and fines imposed are prescribed in the City of Port Moody Municipal Ticket Information Utilization Bylaw.

6. **SEVERABILITY**

6.1 If any section, subsection or clause of this Bylaw is declared or held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

READ A FIRST TIME this 23<sup>rd</sup> DAY OF November, 2010.

READ A SECOND TIME this 23<sup>rd</sup> DAY OF November, 2010.

READ A THIRD TIME this 23<sup>rd</sup> DAY OF November, 2010.

ADOPTED this 14<sup>th</sup> DAY OF December, 2010.

MAYOR

CLERK