

**TOWN OF HEALTHIER LIVING
BY-LAW #XXXX**

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF HEALTHIER LIVING IN THE NORTHWEST TERRITORIES TO PROVIDE FOR THE CONTROL OF IDLING OF VEHICLES IN THE TOWN OF HEALTHIER LIVING.

WHEREAS pursuant to Section 70, of the Cities, Towns and Villages Act, R.S.N.W.T., c. c-22 2003 and subsequent amendments thereto which state in part:

70 (1). In addition to any power to make bylaws in any other enactment, council may make bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property; of the municipal corporation;
- (c) public nuisances, including unsightly property.

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

AND WHEREAS the levels of air pollutants in the Town of Healthier Living are associated with adverse health effects, including deleterious effects on respiratory health;

AND WHEREAS, the Town of Healthier Living has committed to reducing greenhouse gas emissions;

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Healthier Living, duly assembled, enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the "Town of Healthier Living Anti-Idling Bylaw"

DEFINITIONS

2. In this by-law, the following terms shall have the following meanings:

- a. **"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.
- b. **"Layover"** means stopping at a point along a transit route for a maximum of 15 minutes to allow a transit vehicle adjust to service schedules.
- c. **"Officer"** refers to a Police Officer, Police Cadet, Municipal ByLaw officer or any person authorized to enforce this chapter.
- d. **"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 or conducting maintenance or construction operated by or on behalf of a municipality, public utility, police, or ambulance service.
 - iii. Serves as the only opportunity for the work crew to get warm.
- e. **"Transit Vehicle"** means public transit vehicles, school buses, para transit vehicles, tour buses, and motor coaches.
- f. **"Vehicle"** means a motor vehicle, trailer, traction engine, farm tractor, or road building machines as defined in the *Highway Traffic Act* and any vehicle drawn, propelled or driven by any kind of non-muscular power.

GENERAL

- 3. No person shall cause or permit a vehicle to idle for more than **thirty (30)** consecutive minutes
- 4. The **thirty (30)** minute limitation does not apply to:
 - a) 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;
- b) vehicles assisting in an emergency activity;
 - c) mobile workshops while they are in the course of being used for their basic function
 - d) vehicles where the idling is required as part of a repair process or to prepare a vehicle for service;
 - e) armored vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
 - f) vehicles that remain motionless because of an emergency, traffic or weather conditions or mechanical difficulties over which the driver has no control;
 - g) vehicles engaged in a parade or race or any other such event authorized by Council;
 - h) transit and passenger vehicles while passengers are embarking or disembarking en-route or at terminals;
 - i) transit vehicles while at a layover location, except where the idling is substantially for the convenience of the operator of the vehicle;
 - j) vehicles transporting a person where a medical doctor certifies in writing for medical reasons, the person requires the temperature of humidity to be maintained within a certain range;

ENFORCEMENT

- 5. Any person who contravenes any provision of this by-law is, liable upon summary conviction:
 - a. For each offence- a fine of \$100.00
- 6. The operator of any vehicle situation on private property within the municipality is required to comply with the provision of this by-law, and in default, an officer shall have the power to terminate the idling of the vehicle at the operator's expense, and to enter on land for that purpose.

EFFECT

7. If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
8. In the interpretation of this by-law, words in the singular include the plural and vice-versa, words in one gender include all genders, and "person" includes an individual, body corporate, partnership, trust and unincorporated organization.
9. In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.
10. This by-law comes into effect upon its final passage
11. By-law #XXXX is hereby repealed.

READ A FIRST TIME THIS XX DAY OF XX, XXXX A.D.

READ A SECOND TIME THIS XX DAY OF XX, XXXX A.D.

READ A THIRD TIME AND FINALLY PASSED THIS XX DAY OF XX, XXXX A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER