

COMMITTEE REPORT



TO **Operations and Transit Committee**

SERVICE AREA Operations & Transit
DATE January 23, 2012

SUBJECT Idling Bylaw Review
REPORT NUMBER OT011202

SUMMARY

Purpose of Report:

To provide Council an update with respect to the Idling Bylaw Review.

Committee Action:

To receive report and direct staff to create amendments to the City's Idling Bylaw based on public input.

RECOMMENDATION

THAT the Operations & Transit Committee Report OT011202 Idling Bylaw Review dated January 23, 2012 be received;

AND THAT amendments to the Idling Bylaw as set out in Operations & Transit Committee Report OT011202 Idling Bylaw Review dated January 23, 2012 be forwarded to Council for approval.

BACKGROUND

On October 2, 2008 an Information Report (Attachment A) was presented to Council outlining the format staff would undertake to review existing Corporate Bylaws. Specifically, the report speaks to the philosophical approach that should be used to achieve by-law compliance and identifies the questions to be answered.

This report conveys the result of a review of the City's Idling Bylaw (1998)-15945. The decision to review the Idling Bylaw was based on the public comments and inquiries frequently received by Council and staff.

REPORT

The City's Idling Bylaw was created to control carbon monoxide emissions generated from idling vehicles in an effort to protect public health and the environment. The Bylaw has been in effect for approximately 13 years and compared to other calls for service, the number of calls received for enforcement of the Idling Bylaw has been low. (< 10/yr)

The assessment/findings of the review of the Idling Bylaw is contained in Attachment B.

In addition to an internal review of the Bylaw, staff conducted a review of the Idling Bylaws of our comparator municipalities and also sought public input on the current Bylaw.

Comparator Municipalities:

Staff conducted a survey of our comparator municipalities (attachment C) with respect to their Idling Bylaw. From this survey, staff determined that:

- our existing Bylaw, in staff's opinion, is generally more clearly worded allowing for effective enforcement;
- the length of time in which a vehicle is permitted to idle within the City of Guelph is significantly higher than that allowed by most other Municipalities;
- a number of municipalities do not have set fines in place;
- the majority of municipalities do not provide exemptions for transit vehicles.

Public Input:

In November 2011, staff placed advertisements in the local papers encouraging the public to forward comments regarding the City's Idling Bylaw.

The Public Notice indicated that staff were considering a lower time a vehicle may idle specifically lowering the current 10 minute idling time to 3 minutes.

In response to the Public Notification, only 51 replies (attachment D) were received. While the opinions expressed may not be statistically valid, they may provide an indication of public opinion.

With respect to a lower maximum idling time, 29 comments requested the permitted time of 10 minutes within a 60 minute period not be reduced to 3 minutes (or lower).

Given this information, along with the survey results from the comparator municipalities, staff are recommending an amendment to the City's Idling Bylaw to restrict the length of time in which a vehicle may idle for at any one time to 3 consecutive minutes. This restriction intended to further control carbon monoxide emissions would be in addition to the restriction which sets the accumulative limit that a vehicle may idle for, specifically 10 minutes within a 60 minute period.

In addition, staff are recommending that the current exemption for Transit vehicles at stopovers be removed. This amendment would make the regulations pertaining to Transit vehicles consistent with the City's Green Fleet Policies which require transit vehicles to adhere to the 30 second idling limit.

Further, the public have identified four distinct areas of concern regarding idling of vehicles and this bylaw. They are paraphrased as follows along with staff's position on each:

- Issue: Idling should not be regulated. The City lacks the resources to effectively enforce. Fuel prices will control idling. The re-starting of a vehicle causes higher emissions.

Response: Staff are of the opinion sufficient resources exist to respond to calls for service as requested. The regulating of idling should be maintained for public health and environmental reasons.

- Issue: Weather: Idling is required to defrost windows during winter months and to keep the vehicle at a proper temperature for young children.

Response: As with any Bylaw, staff have the ability to use discretion in the enforcement of any bylaw. Staff recognize discretion may be necessary during poor weather conditions to allow for the defrosting of windows.

- Issue: City vehicles including police and transit not adhering to the current Bylaw

Response: While Police vehicles are exempt from the Idling Bylaw, staff's position is that vehicles being operated by City staff must adhere to the time restrictions set out in the Idling Bylaw unless the vehicle is being used as a mobile workstation. This is consistent with the City's Corporate Fuel Efficiency Policy which permits the idling of city vehicles for safety or operational requirements.

- Issue: City should change planning practices to address idling i.e. the use of traffic roundabouts instead lights and the review of drive thru lanes for fast food restaurants.

Response: These comments have been referred to Planning Services staff for their consideration.

CORPORATE STRATEGIC PLAN

5.2 A consultative and collaborative approach to community decision making

FINANCIAL IMPLICATIONS

The financial implications are within the approved operating budget of the Operations & Transit Department.

DEPARTMENTAL CONSULTATION

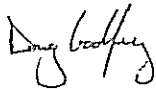
Office of the CAO, Rob Kerr Corporate Manager, Community Energy

COMMUNICATIONS

Staff will provide public notification of any changes to the Idling Bylaw through the local media.

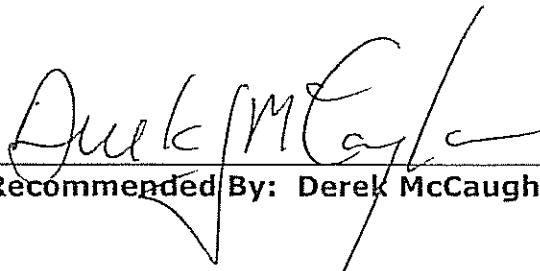
ATTACHMENTS

- Attachment A - October 2, 2008 an Information Report
- Attachment B - Idling Bylaw Review and Recommendations
- Attachment C - Survey of Comparator Municipalities
- Attachment D - Summary of Public Input results Attachment
- Attachment E - City of Guelph Idling Bylaw (1998)-15945



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INFORMATION REPORT



TO **Council**

SERVICE AREA Operations
DATE October 2, 2008

SUBJECT BYLAW SERVICE REVIEW

REPORT NUMBER

BACKGROUND

In April 2008 the *Bylaw Enforcement – Service Review* was presented to Council outlining the work that had been completed and the steps still required to complete this process.

One of the recommendations forthcoming from this report was "THAT staff develop an operating approach for the delivery of by-law enforcement services that is consistent with the City's Strategic Plan for the consideration of Council." The report also recommended that staff undertake discussion on the philosophical approach to be undertaken in achieving by-law compliance. To address this, staff have prepared a series of questions to be completed with the administrative "owner" of each of the various bylaws. These questions include:

- What is the purpose of the bylaw? (reason for its implementation)
- Are the reasons for its implementation still relevant today?
- Are amendments required to the bylaw? (is the by-law still current?)
- Are there fees associated with the bylaw? Are they set at an appropriate level?
- How are infractions currently managed? Should the approach be changed?
- Should infractions of the bylaw be managed on a pro-active or reactive basis?
- Are there any other agencies/departments involved with the enforcement of the bylaw?
- If enforcement will be shared, to what extent will the Bylaw Compliance and Enforcement staff enforce this bylaw?
- Estimated or actual number of calls received regarding infractions of the bylaw (2006 to 2008 if available)
- Estimated or actual number of charges issued per year. (2006-2008 if available)

Given the number (and in some cases complexity) of the bylaws to be reviewed, this will likely be a lengthy process. That being said, as major bylaws are reviewed or when a number of minor ones have been completed the information garnered will be forwarded to Council for their information and consideration.

IDLING BYLAW REVIEW – OT011202

Attachment B

Bylaw (1998)-15945

Idling Bylaw

Department responsible for Bylaw Administration

Operations and Transit – Bylaw Compliance and Security

Philosophy of Bylaw

Recognizing that motor vehicles are a major source of carbon monoxide emissions and that carbon monoxide is associated with creating adverse health and environmental effects the Idling Bylaw was implemented to regulate the length of time in which a vehicle may idle within the City of Guelph. The reasons for its implementation are still relevant today.

Bylaw Deficiencies

Overall, the City of Guelph's Bylaw is effective in controlling the idling of vehicles. This being said the length of time in which a vehicle may idle for (10 minutes in a 60 minute period) is significantly higher than that permitted by our comparator municipalities. In addition the exemption for transit vehicles at layovers is not supported by our comparator municipalities and is in contradiction to our Green Fleet Policies.

Staff reviewed the various lengths imposed by other municipalities for idling and believe that the most effective to be enforced, while allowing some idle time, is 3 consecutive minutes at any one time. It should be noted that in harsh weather conditions, staff will use discretion.

This restriction would complement the current accumulative time restriction of 10 minutes of idling time within a 60 minute period.

Bylaw Fees

There are no fees associated with the Idling Bylaw.

Enforcement

Enforcement of the Bylaw is done mostly reactively by the Guelph Police Service and the Bylaw Compliance Officers. On average Bylaw Compliance Officers receive about 10 calls per year.

Staff do not recommend any changes to the current enforcement practices.

Fines

The Idling Bylaw does have a set fine in place that allow staff to issue a Provincial Offence Notice (Part I ticket) when a violation is observed. The fine amount for a idling violation is \$130, a \$5.00 administration fee and \$25.00 Victim Services fees is also applied making the total payable \$160.00. While a number of our comparator municipalities do not have set fines in place for idling, this set fine is consistent with other the City of Guelph Bylaws.

Staff also have the option of enforcing violations of this Bylaw by the issuance of a summons (Part III notice) which requires the violator to attend Court to answer the charge and upon conviction; the Court imposes a fine amount.

The use of Parking Tickets (Part II notices) have been implemented within some Municipalities (Burlington), while a parking ticket can be issued to a vehicle parked on a road allowance, parking tickets cannot be used without a property owner's authorization, so therefore they are mostly ineffective for enforcement of the Idling Bylaw on private lands. While staff will review the use of

IDLING BYLAW REVIEW – OT011202

Attachment B

parking tickets for enforcement as an administration responsibility, Council direction on the matter is not required.

Calls for enforcement

Though historically, the Idling Bylaw has been enforced by the Guelph Police Service, informally this responsibility has been shifted to the Bylaw Compliance Officers. Over the past 3 years Bylaw Compliance staff have received approximately 10 calls for enforcement a year.

What strategies might be considered to promote a reduction in the number calls for service?

At the present time the number of calls for service per year is low and staff believe that the various educational campaigns on the environment and the cost of fuel will continue to reduce the number of calls.

Although not required for enforcement, staff will erect educational signage on anti-idling at major intersections into the City. Staff propose that Gordon Street, Woodlawn Road W, Woolwich Street and York Road be signed in 2012 at a nominal cost of about \$800 and that in subsequent years, additional signs be added to the remaining entranceways.

How can the burden on the taxpayer for bylaw compliance and enforcement be reduced?

The following may reduce the burden on the taxpayer:

- To formally recognize that enforcement of the Idling Bylaw can be conducted by Bylaw Compliance Officers rather than the Guelph Police Service.
- To continue the education of City employees on the City's Green Fleet Policies.

Staff recommendation:

1. That the Idling Bylaw be amended to add the restriction that the maximum time that a motor vehicle may idle at any one time to 3 consecutive minutes, specifically that section 3 be removed and replaced with:

3 (1) No person shall cause or permit a vehicle to idle for more than 3 consecutive minutes

3 (2) Notwithstanding section 3(1), no person shall cause or permit a vehicle to idle for more than 10 minutes in any sixty-minute period.

2. AND That the exemption listed under 4(g) for the idling of Transit vehicles at stopovers be removed.

Public Consultation

In November 2011, staff advertised through the local media requesting input on the City's Idling Bylaw.

IDLING BYLAW REVIEW - OT011202
Attachment C

Municipality	Idling time limit	Exemption for transit vehicles?	Set Fine	Agency responsible for enforcement
Niagara falls	3 min	15 min max	Part III notice - fine imposed by Court	
Wellington County	n/a - lower tier municipalities are responsible			
Pickering	5 min	15 min max	Unknown/none	Regional Police Service, Municipal Law Enforcement
Ajax	2 min	no	\$ 38.00	
Brantford	No city bylaw		Unknown/none	
Waterloo	3 min	only at stops (required idling)	\$ 75.00	
Chatham-Kent	5 min	no	\$ 150.00	Police Department
Thunder Bay	varies depending on weather and vehicle type	10 min max	Unknown/none	
Whitby	No city bylaw	no	Part III notice - fine imposed by Court	Regional Police Service, Municipal Law Enforcement
Kingston	5 min	no	Unknown/none	Regional Police Service, Municipal Law Enforcement
Cambridge	1 min	no	\$ 40.00	Police, Municipal Law Officer, persons authorized by municipality
Barrie	No city bylaw		Unknown/none	
St. Catharines	3 min	yes	Unknown/none	
Oshawa	3 min	no	Unknown/none	
Greater Sudbury	3 min	no	Unknown/none	
Richmond Hill	5 min , request turn off after 10 sec	no	Unknown/none	
Burlington	1 min	only at stops (required idling)	Unknown/none	Police, Municipal Law Officer, persons authorized by municipality
Oakville	5 min	15 min max	Unknown/none	Bylaw Enforcement
Kitchener	1 min		\$ 40.00	
Windsor	5 min	15min max	Unknown/none	Police Officer, Municipal Law Enforcement
Vaughan	5 min	no	\$ 350.00	Police Officer, Municipal Law Enforcement
Markham	3 min	no	Unknown/none	Bylaw Enforcement
London	2 min	5 mins/15 mins	Part III notice - fine imposed by Court	
Brampton	3 min		Unknown/none	
Halton region	1 min	5 mins/15 mins	\$ 150.00	Parking officers
Waterloo Region	3 min	only at stops (required idling)	\$ 75.00	Police Officer, Municipal Law Enforcement
Hamilton	3 min	15 mins	Unknown/none	
Mississauga	3 min	5 min max	Unknown/none	Police Officers, Municipal Law Enforcement
Ottawa	3 min		Unknown/none	
Peel Region	n/a - lower tier municipalities are responsible		Unknown/none	

IDLING BYLAW REVIEW - OT011202
Attachment D

Agree to 3 minute maximum idling time	Comments
Y	In full agreement of reducing idling time from 10 mins to 3 mins, feels 3 mins is still a bit excessive, doesn't think idling should be allowed at all. Understands in the dead of winter that 3 mins makes sense. Would love to see more enforcement on city vehicles.
Y	In full agreement of reducing idling time from 10 mins to 3 mins would like to see more enforcement and feels that City staff ignore it and supervisors just turn the other way.
Questionable	Feels that without the reduction from 10 mins, there will be no reduction and exhaust will be spewed from 20+ buses every 25 mins or so. At 3 mins, its unlikely that the new Idling bylaw will be respected. Most drivers will leave their engines on for various reasons, including drivers presuming to be leaving shortly. Complaints to shutting down air exchangers and would like a proper EA of the City.
N	Disagrees with new idling bylaw amendment, feels that idling should not be regulated to less than 15 mins on exceptionally cold or hot, humid days
Y	Agrees with the reduction of idling bylaw, but like to see idling by any motor vehicle illegal over 60 seconds.
Questionable	A number of years ago, TTC made it mandatory for bus drivers to shut down their buses rather than idle when standing in a station waiting for the scheduled departure time.
Y	In agreement with new proposal, feels that it will improve sustainability and public health in the city while furthering our reputation as an environmental forerunner.
N/ Winter a concern	Disagrees with new idling proposal, says that there are many times that we are waiting for our children and at -15 the car becomes cold very quickly. Recommends keeping the bylaw at 10 mins because the extra 7 mins would not affect the environment as much as it would affect human health.
Y	In full agreement with changing the idling bylaw from 10 mins to 3 mins under normal conditions (spring, summer, and fall) but feels that more time is required to clear ice and snow and to warm up the car in the winter. Does not understand why drive thrus are exempted from this bylaw when the whole point of it is to reduce emissions.
Questionable	Feels that the city does not enforce bylaws that actually hurt people's quality of life, let alone worrying about the environment.
Y/ Winter a concern	Loves the idea of a 3 min idling bylaw but feels that a little more leeway is needed in the winter due to the fact that 3 mins would not be enough to clear the ice and warm up the car efficiently. Would like to see a ban on any further development of drive thru restaurants, hurts the environment.
Y	In agreement with the proposal, suggested at one point that establishments put out signs that tell other drivers to shut off their cars while waiting in line.
N/ Winter a concern	Feels that the city should stick with the 10 min bylaw. 3 mins is insufficient especially during winter months. A new 3 min bylaw would be very difficult to police and bylaw officers resources would become wasted.
Y	Supports reduction of idling bylaw from 10 to 3 mins. She and her family constantly have to deal with idling parents who idle upwards of 30 mins at a school which causes polluted air for the people around there.
N	Wants more thought into new idling proposal. Finds that city workers, city bus buses and police cars are the most common offenders.
N	Thinks the bylaw is ludicrous; feels that it is a waste of time, waste of taxpayers money and thinks its retarded and the dumbest bylaw he's ever heard of. Feels that the city should look at more important bylaws (e.g. factory trucks that emit black smoke.)
N	is a 45 year mechanic. Says that the city is mis-informed and that vehicles turning on/off to supposedly reduce emissions is actually hurting the environment more than helping it. Vehicles produce the highest amount of emissions when the car is first started up.
N	Not sure of this new bylaw because she has two pondering concerns: What do people with small children (to heat up their cars in the winter) and no garages do? (to protect car from outside elements)
N	Frost and ice would take longer than 3 mins to melt away. Feels that 7-10 mins for idling is reasonable.
N	Would like city bylaw to stay at 10 mins.
N	Would like for the city to consider traffic circles. The city should co-ordinate all traffic lights so that idling for 3+ mins is not a problem. Says that the red signal on the traffic light at the intersection of Edinburgh and Youngman lasts for approximately 2 mins and 35 secs. City should start becoming proactive instead of its citizens.
Y/Winter a concern	Okay for 3 mins except in the winter. Wants to see a winter exception.
Questionable	Does it apply to police, city and fire department? Thinks that these are the most offenders.
N	Feels that the 3 min idling proposal is way too much, bad for people surrounding the car that is idling causing for polluted air. Thinks that idling should be reduced to 1 min.
Y	Annoyed by the high amount of idling in Guelph. School buses are most common offenders. City vehicles are even found idling at times.
Y	In full agreement with the new idling proposal. This bylaw will only be as good as it is enforced. Saw 5 vehicles idling in the city parking lot this morning to warm the car up and clear the windows of any frost. They have been running over 10 mins; happens all winter. Enforcing needs to start at the city and city employees need to be the first to follow the rules. Suggests an education program on why it is wrong to idle so people realize that it is the wrong thing to do.
N/Winter a concern	Opposed to shorter time in the winter but not the summer. Cars in the winter time do not warm up in 30 secs or less and as the winter progresses, cars hold interior moisture which causes internal icing and fogging. Proposes that winter idling times should be 4-5 mins max for safety reasons. Says that one who gets ticketed for idling will most likely go to court to challenge that their windows were not clear enough because the time was too short. City could face lawsuits because of this if someone hits something or someone.
N	City does not have the right to tell its citizens how to use their gas. If the city does not know the full facts of idling, they should research, present the facts, explain the benefits and only then could you (City of Guelph) enforce the bylaw.
N	Inquires about police officers who sit in their cars monitoring traffic and cabbies who earn a living in their cars. Wonders who will monitor this and considers the bylaw ridiculous.
N	Feels that a 5-6 min idling bylaw would be more suitable. Wonders how bylaw would be enforced.. By an idling bylaw officer? Must take into consideration medically/physically challenged citizens. Also brings up idling city buses. Feels that the city is being a little bit hypocritical.
Questionable	Wonders if the bylaw will take into effect the fact that you have to stop at every light and idle for _ mins at each stop. Wants to know if it is possible to time main arteries lights to be green while going the speed limit, because this could help idling issues.
Questionable	Is this the best the city can do? This is the reason for our deficit.
Y	Fully supports a reduction in engine idling time. Has observed the 10 min idling rule routinely abused. Does not understand why transit vehicles have an exemption when they are concentrated in the downtown square for 5-15 mins. That would be an ideal time to enforce the idling bylaw.
Y	Fully supports the change from 10 mins to 3 mins, long overdue. Would like to see an enforcement plan with dollars allocated. Makes a lot of noise with the change to raise awareness.
N	Feels that 3 mins is too short to remove snow and have enough heat to defrost the car without complying with the HTA. Also brings up the point that certain traffic lights be set to allow for traffic to flow to reduce idling.

THE CORPORATION OF THE CITY OF GUELPH

By-Law Number (1998)-15945

A by-law to regulate the idling of vehicles within the City of Guelph, and to adopt Municipal Code Amendment #226, which amends the Corporation of the City of Guelph's Municipal Code by adding this By-law as Chapter 167.

WHEREAS motor vehicles are a major source of carbon monoxide emissions into the outdoor air of the City of Guelph;

AND WHEREAS carbon monoxide is associated with creating adverse health effects and contributing to the depletion of the ozone layer;

AND WHEREAS section 102 of the Municipal Act, R.S.O. 1990, Chap. M.45 authorizes every Council to pass by-laws and make such regulations for the health, safety, morality, and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act;

AND WHEREAS the Council of the Corporation of the City of Guelph desires to assist in the reduction of adverse health effects and in maintaining the ozone layer by reducing the unnecessary emissions of carbon monoxide;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

SHORT TITLE

1. This By-law may be cited as the "Idling By-law".

INTERPRETATION

2. In this By-law the following terms shall have the corresponding meanings:

"City" means the Corporation of the City of Guelph

"idle" means the operation of the engine of a vehicle while the vehicle is not in motion and "idling" shall have a corresponding meaning;

"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 which is operated by or on behalf of the City or a public utility, or a police, fire or ambulance service vehicle;

"stopover" means a stopping point along a transit route used by transit vehicles for a maximum of fifteen (15) minutes to allow transit vehicles to adjust to service schedules or to allow for the embarking or disembarking of passengers;

"transit vehicle" means a vehicle operated on behalf of Guelph Transit; and

"vehicle" means a motor vehicle, traction engine, farm tractor, road building machine and a self-propelled implement of husbandry as defined in the Highway Traffic Act, R.S.O. 1990, Chap. H.8 and includes a motorized snow vehicle or other conveyance which operates by way of a combustion engine.