

COTTONWOOD HEIGHTS

ORDINANCE No. 347

AN ORDINANCE AMENDING CHAPTER 9.62, COTTONWOOD HEIGHTS CODE OF ORDINANCES, ENTITLED "IDLING VEHICLES"

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, Code Chapter 9.62 ("*Chapter 9.62*"), entitled "Idling Vehicles," details the regulations adopted by the City to promote cleaner air by limiting the idling times of certain motor vehicles; and

WHEREAS, the Council met in regular meeting on 20 October 2020 to consider, among other things, amending Chapter 9.62 to (a) conform Chapter 9.62's requirements to those of subsequently-enacted Utah state law (i.e., UTAH CODE ANN. 41-6a-208[3][c][v][B][I]) permitting vehicle idling in the drive-through lanes of certain private businesses; and (b) reduce, from three to one, the number of required "warning" tickets before a citation may be issued for non-compliance with Chapter 9.62; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety, and welfare of its residents to amend Chapter 9.62 as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Amendment of Chapter 9.62.** The Council hereby amends Chapter 9.62 of the Code as shown on the attached exhibit, with additions to current Chapter 9.62 shown in **bolded, underlined italics** or otherwise shown as additions, and deletions to current Chapter 9.62 ~~struck through~~ or otherwise shown as deletions.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

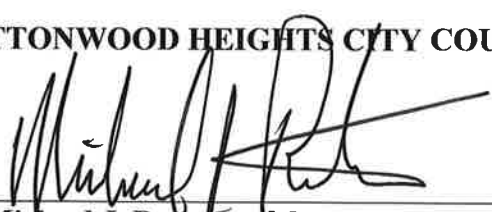
Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 347, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 20th day of October 2020.

COTTONWOOD HEIGHTS CITY COUNCIL

By


Michael J. Peterson, Mayor

ATTEST:


Paula Melgar, Recorder



VOTING:

Michael J. Peterson	Yea ☒	Nay ☐
Douglas Petersen	•Yea ☒	Nay ☐
J. Scott Bracken	•Yea ☒	Nay ☐
Tali C. Bruce	Yea ☒	Nay ☐
Christine Watson Mikell	Yea ☒	Nay ☐

DEPOSITED in the Recorder's office this 20th day of October 2020.

POSTED this 23rd day of October 2020.

Chapter 9.62 IDLING VEHICLES

Sections:

9.62.010 Limitations on idling vehicles; Exceptions.

9.62.020 Violations.

9.62.010 Limitation on idling vehicles; Exceptions.

No driver shall allow a vehicle's engine to idle on public property or on private property open to the general public within the city's corporate limits for more than one minute, subject to the following exceptions:

A. The vehicle is forced to idle on a roadway because of traffic conditions or traffic control devices.

B. Vehicle idling is necessary for auxiliary power for law enforcement or fire equipment; emergency and/or water equipment; refrigeration units; loading and unloading lifts; well drilling; farming; battery charging; or for the proper functioning of other equipment that is part of the vehicle.

C. Vehicle idling is necessary for the efficient operation of a turbocharged heavy duty vehicle (e.g., buses) or to operate a vehicle within the manufacturer's operating requirements such as, for example, building air pressure in air brake systems.

D. Vehicle idling is necessary for the health and/or safety of a driver or passenger, including police K-9 or other service animals.

E. Vehicle idling is necessary for the proper repair, maintenance or inspection of the vehicle.

F. The vehicle is an authorized emergency or law enforcement vehicle and is either:

1. Being used in an emergency or by an on-duty law enforcement officer; or
2. Needing to idle for the safety of the emergency workers.

G. Vehicle idling occurs in the drive-through lane(s) of a business located on private property that offers drive-through service to the general public as a component of the operation of its business, but only if that business has posted and maintains on that private property a visible sign provided by or acceptable to the city informing its customers and the public of the city's one-minute time limit for idling vehicle engines.

9.62.020 Violations.

A. Because this chapter is primarily to educate, an individual must be issued **three one** warning citation before a citation may be issued for violation of this chapter.

B. Violation of this chapter is punishable as an infraction.