

**EXAMPLE OF
SALT LAKE CITY'S ORDINANCE**

LOGAN CITY ORDINANCE

NO. _____

(Enacting Chapter ____ Prohibiting Idling of Vehicles Within City Limits)

An ordinance enacting Chapter _____, *Logan City Code*, prohibiting idling of vehicles within city limits.

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety and preserve the health, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City; and

WHEREAS, air pollution is a major public health, economic, and environmental concern in Logan and motor vehicles are significant sources of air pollution;

WHEREAS, for 2013 the Utah Department of Air Quality reported 130 Yellow Air Days and 16 Red Air Days in Cache County; with an increasing frequency for 2014;

WHEREAS, over 50% of air pollution is a result of mobile sources in Utah;

WHEREAS, the unnecessary idling of cars, trucks and buses contributes to the amounts of emissions pumped into the air every day. The Utah Department of Air Quality has observed that this affects the quality of air we breathe both at the point of idling (often in front of schools and homes), and regionally due to pollutants released into the atmosphere;

WHEREAS, idling a cold engine is especially harmful to our air quality and contributes to engine damage;

WHEREAS, air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer;

WHEREAS, air pollution can exacerbate cardiac and circulatory malfunctioning;

WHEREAS, in addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life;

WHEREAS, vehicle exhaust is a substantial source of ozone precursors in Cache Valley;

WHEREAS, vehicle exhaust is a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases;

WHEREAS, Logan City should play an important role in improving air quality by limiting the amount of time engines in City-owned vehicles are allowed to idle and thereby has led the effort to improve air quality.

WHEREAS, according to the Environmental Protection Agency, fuel costs alone from engine idling are enormous, as car engines use over a gallon of fuel for each hour they idle. In addition, according to the U.S. Department of Energy, more than 3 billion gallons of fuel are used every year fueling idling engines;

WHEREAS, the City Council believes that a standard of two minutes for permissible idling time is appropriate for the public at large; and

WHEREAS, by prohibiting idling as defined in this ordinance within city limits, the City limits the negative environmental effects that idling creates and thereby preserves the health and promotes the prosperity, good order, comfort and convenience of the city and its inhabitants.

WHEREAS, the City Council has determined that the following ordinance is in the City's best interest;

SECTION 1. Enacting Chapter _____ Prohibiting Motor Vehicle Idling Within City

Limits: That Chapter _____ of the *Logan City Code* shall be and hereby is enacted to read as follows:

CHAPTER _____
IDLING OF VEHICLES

_____ **Purpose:**

The purpose of this Chapter is primarily educational, as well as to protect the public health and improve the environment by reducing emissions while conserving fuel.

_____ **Definitions:**

For purposes of this Chapter, these definitions shall apply:

- A. DRIVER: Any driver who drives, operates, or is in actual physical control of a vehicle.
- B. IDLE: The operation of a vehicle engine while the vehicle is stationary or not in the act of performing work or its normal function.
- C. VEHICLE: Any self-propelled vehicle that is required to be registered and have a license plate by the Utah Department of Motor Vehicles.

_____ **Property Subject to This Chapter; Enforcement:**

- A. This Chapter shall be enforceable on all public property and on private property that is open to the general public, unless the private property owner:
 - 1. Has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the City informing its customers and the public of the City's time limit for idling vehicle engines; or
 - 2. Adopts an idle reduction education policy approved by the City.

B. Law enforcement personnel shall exercise reasonable caution and utilize customary safety procedures in their enforcement of this Chapter.

_____ **Idling Restriction Within City Limits:**

No driver, while operating a vehicle within city limits, shall cause or permit a vehicle's engine to idle for more than two (2) minutes, except for the following kinds of idling:

- A. Idling while stopped:
 - 1. For an official traffic control device;
 - 2. For an official traffic control signal;
 - 3. At the direction of a police officer;
- B. Idling as needed to operate heaters or air conditioners where the temperature is below zero degrees Fahrenheit (0) or above ninety degrees Fahrenheit (90°F), as measured at the Logan-Cache Airport and determined by the National Weather Service, for the health or safety of a driver or passenger, including service animals.
- C. Idling for two (2) minutes required for the operation of defrosters or other equipment to clear the windshield and windows to provide unobstructed views and ensure visibility while driving.
- D. Idling as needed for emergency vehicles to operate equipment.
- E. Idling as needed to ascertain that a vehicle is in safe operating condition and equipped as required by all provisions of law, and that all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed.

- F. Idling as needed for testing, servicing, repairing, installation, maintenance or diagnostic purposes.
- G. Idling for the period recommended by the manufacturer to warm up or cool down a turbocharged heavy duty vehicle.
- H. Idling as needed to operate auxiliary equipment for which the vehicle was primarily designed or equipped, other than transporting goods, such as: operating a transportation refrigeration unit (TRU), lift, crane, pump, drill, hoist, ready mixed equipment, except a heater or air conditioner.
- I. Idling as needed to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods or people.
- J. Idling to recharge a battery or other energy storage unit of a hybrid electric vehicle.
- K. Idling as needed for vehicles that house K-9 or other service animals.
- L. Idling by on duty police officers as necessary for the performance of their official duties.

_____ **Penalties:**

- A. Violation of Section _____ of this Chapter is a civil offense and shall be penalized as follows:
 - 1. First three (3) offenses: a warning but no fine.
 - 2. Subsequent offenses: a civil fine in an amount equal to the penalty identified for a parking violation under Section _____, "Parking Meters; Overtime Parking Prohibited", of this title.

B. Reduction of Penalties: The civil penalties specified in subsection A of this section shall be subject to the following:

1. Paid Within Ten Days: Any penalty that is paid within ten (10) days from the date of receipt of notice shall be reduced by the sum of one hundred ten dollars (\$110.00).
2. Paid Within Twenty Days: Any penalty that is paid within twenty (20) days from the date of receipt of notice shall be reduced by the sum of seventy dollars (\$70.00).
3. Paid Within Thirty Days: Any penalty that is paid within thirty (30) days from the date of receipt of notice shall be reduced by the sum of forty dollars (\$40.00).
4. Receipt of Notice: As used in this section, "receipt of notice" means the affixing of a notice to the vehicle alleged to have been employed in a violation of this Chapter, or by delivery of such notice to the owner or driver thereof.

C. Strict Liability of Owner: Whenever any vehicle shall have been employed in a violation of this Chapter, the person in whose name such vehicle is registered shall be strictly liable for such violation and the penalty therefore.

D. Appeal Procedures: A violation of this Chapter may be appealed as an unauthorized use of the streets pursuant to section _____ of this title and is subject to subsection _____ of this title.

E. Outstanding Notices: Notices issued pursuant to this Chapter shall be considered notices of unauthorized use of streets within the city for purposes of section _____ of this title.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _____ DAY OF
FEBRUARY 2014, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

/s/ Karl Ward, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of February, 2014.

/s/ Karl Ward, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of February, 2014.

/s/ Craig Petersen, Mayor