

**CITY OF LOGAN, UTAH
ORDINANCE NO. 14-16**

**AN ORDINANCE AMENDING SECTION 10.52.270 OF THE LOGAN
MUNICIPAL CODE REGARDING EXCESSIVE NOISE AND POLLUTION:**

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 and environmental concern in Logan and motor vehicles are significantly 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 busses 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, air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer;

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 contaminates, 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 fuelling idling engines;

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

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;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

SECTION 1:

10.52.270: EXCESSIVE NOISE AND POLLUTION:

A. Every person operating or having control of a motor vehicle that is stopped, standing or parked within the city shall control the noise of the motor and muffler thereof so that at all times the noise level of such motor and muffler is less than eighty five (85) decibels measured at a distance of fifty feet (50') from such vehicle.

B. No person operating or having control of a vehicle shall permit the engine of such vehicle to operate for more than ~~three~~ two (32) minutes while such vehicle is stationary except when the local temperature as reported by the United States weather bureau is below ~~thirty five~~ zero degrees Fahrenheit (35-0°F). This section does not apply to idling by on duty police officers or firefighters as necessary for the performance of their official duties. This section does not apply to vehicles owned by the city of Logan as necessary to operate equipment in the performance of official duties.

C. The purpose of this subsection is to comply with the requirements imposed by the State Legislature in Utah Code 41-6a-208. The intent of this ordinance is to be primarily educational. A person must be issued at least three warning citations before a fine may be imposed. The fine shall be a civil penalty of \$40.00 and imposed as set forth in Logan Municipal Code Section 10.52.290. Law enforcement personnel who enforce the ordinance shall follow all Logan City Police policies regarding safety while enforcing this ordinance. This ordinance may only be enforced on public property or on private property that is open to the general public. If the private property owner has a private business that has a drive-through service as a component of the private property owner's business operations this ordinance is only enforceable if the owner posts a sign provided by or acceptable to the local highway authority informing its customers and the public of the local highway authority's time limit for idling vehicle engines or adopts an idle reduction education policy approved by the local highway authority.

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

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

AYES:

NAYS:

ABSENT:

/s/ Karl B. 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 March, 2014.

/s/Karl B. Ward, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

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

/s/ H. Craig Petersen, Mayor