SALT LAKE CITY ORDINANCE
No. 65 of 2011

(Enacting Chapter 12.58 Prohibiting Idling of Vehicles Within City Limits)

An ordinance enacting Chapter 12.58, S*alt Lake City Code*, prohibiting idling of vehicles within city limits.

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

WHEREAS, for 2009 the Utah Department of Air Quality reported eighteen (18) Yellow Air Days and seventeen (17) Red Air Days during "Wood Burning Season" (November-February) and twenty-one (21) Yellow Air Days and four (4) Red Days during "Ozone Season" (May-September) in Salt Lake County;

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 piped 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 the Salt Lake Valley;

WHEREAS, vehicle exhaust is a source of carbon monoxide, particulate matter, toxic air contaminates, and greenhouse gases (the leading cause of climate change);

WHEREAS, Salt Lake City has played 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. The City has accomplished this by executing two prior Executive Orders prohibiting unnecessary vehicle idling by all City employees and now by enacting this ordinance prohibiting unnecessary vehicle idling within city limits;

WHEREAS, the prior Executive Orders were signed by Mayor Ross C. Anderson on August 2, 2007 (the "2007 Executive Order"), and by Mayor Ralph Becker on August 13, 2008 (the "2008 Executive Order");

WHEREAS, the 2008 Executive Order amended the idling time from five (5) consecutive minutes, allowed under the 2007 Executive Order, to ten (10) seconds, except under certain circumstances. This amendment was based on input from various governmental entities and interests groups, such as the Utah Department of Environmental Quality, Salt Lake County, Utah Transit Authority, Utah Clean Cities, and Utah Moms for Clean Air;

WHEREAS, several reasons supported the ten (10) second maximum established by the 2008 Executive Order. For instance, the Canada Department of Natural Resources reported that the average vehicle would use more gas and cause more emissions if allowed to idle for more than 10 seconds than if shut off and restarted. Additionally, the Canada Department of Natural Resources also reported that when a vehicle's engine is left idling for excessive periods, many

negative effects occur, including engine damage, waste of resources, and environmental pollution;

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 less strict 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.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Enacting Chapter 12.58 Prohibiting Motor Vehicle Idling Within City Limits: That Chapter 12.58 of the *Salt Lake City Code* shall be and hereby is enacted to read as follows:

CHAPTER 12.58

IDLING OF VEHICLES

12.58.010 Purpose:

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

12.58.020 Definitions:

For purposes of this Chapter, these definitions shall apply:

A. "Driver" means any driver who drives, operates, or is in actual physical control of a vehicle.

B. "Idle" means 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" means any self propelled vehicle that is required to be registered and have a license plate by the Utah Department of Motor Vehicles.

12.58.030 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 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;
4. at the direction of an air traffic controller;
5. for airport airside operations requirements.

B. Idling as needed to operate heaters or air conditioners where the temperature is below 32 degrees fahrenheit or above 90 degrees fahrenheit, as measured at the Salt Lake City Airport and determined by the National Weather Service, for the health or safety of a driver or passenger, including service animals.

C. Idling for the minimum amount of time 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 turbo-charged 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 uploading of goods or people.

J. Idling to recharge a battery or other energy storage unit of a hybrid electric vehicle.

K. Idling as need 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.

M. Where drive-through service is a component of a private business's operations the business will be exempt from enforcement of this ordinance on its property, if the business posts signs acceptable to the City informing its customers and the public of the city's time limit for idling vehicles engines.

12.58.040 Penalties:

A. Violation of Section 12.58.030 is a civil offense and shall be penalized as follows:

1. First offense: a warning but no fine.
2. Second offense within twenty four months of the first offense: a civil fine of $160.
3. Third and subsequent offenses within twenty four months of the first offense: a civil fine of $210.

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

1. 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. 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. 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.

5. Other Fees and Assessments: A forty five dollar ($45.00) administrative fee shall be assessed for the city's cost of collecting past due debts.

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 12.56.570 and is subject to Section 12.56.570G.

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 12.96.020.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this 25 day of October, 2011.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on November 3, 2011.

Mayor's Action: x Approved. _____ Vetoed.

MAYOR

CITY RECORDER

Bill No. 65 of 2011.
Published: 11-12-11.

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APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 11/2/2011
By