

## ORDINANCE NUMBER 1056

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 8, HEALTH AND SAFETY, BY ADDING A NEW SECTION, SECTION 8.09, IDLING VEHICLES, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Air pollution is a major public health concern in the City of Ketchum. Air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life (nuisance).

**WHEREAS**, Exhaust from vehicles (both on- and off-road) is a substantial source of ozone precursors in Ketchum. Vehicle exhaust is also a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to improved emission control technologies; the slow turn over in their inventory and the number of miles/hours these vehicles idle each year is hindering progress in improving regional air quality.

**WHEREAS**, Public agencies can play an important role in improving air quality by limiting the amount of time City of Ketchum vehicle engines are allowed to idle within their jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by adopting policies and ordinances that are cost effective in reducing ozone precursor emissions and toxic air contaminants.

**WHEREAS**, A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980s – 2001 model year truck operating on diesel fuel emits 144 grams per hour of nitrogen oxide and 8224 grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel while idling.

**WHEREAS**, Under this Policy, a Limitation on Engine Idling is established by the City of Ketchum to discourage the idling of vehicle engines in the City of Ketchum.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:**

### **SECTION 1. DEFINITIONS**

- (a) "Driver" means any person who drives, operates, or is in actual physical control of a vehicle.
- (b) "Emergency" means a sudden, urgent, usually unforeseen, occurrence.
- (c) "Equipment Operator" means any person who is in actual physical control of a piece of off-road equipment.

(d) "Gross Vehicle Weight Rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

(e) "Heavy-Duty Vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating greater than 14,000 pounds.

(f) "Idling" means the engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.

(g) "Medium-Duty Vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating of 6,001 – 14,000 pounds.

(h) "Official Traffic Control Device" means any sign, signal, marking or device placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

(i) "Official Traffic Control Signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

(j) "Off-Road Equipment" means all non-road equipment with a horsepower rating of 50 or greater.

(k) "Private Parking Lot with Public Access" means a private parking lot accessed from a public or private street which allows public or guest parking.

(l) "Vehicle" means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

## **SECTION 2. APPLICABILITY**

There is hereby established a policy to be known as the Limitation on Engine Idling that applies to the operation of all vehicles operating on public property and Private Parking Lots with Public Access regardless of gross vehicle weight rating, all heavy-duty vehicles regardless of fuel being used, all off-road diesel-powered equipment regardless of horsepower rating, and all off-road equipment regardless of fuel being used, except as provided in Section 4.

## **SECTION 3. IDLING LIMITATION**

(a) A driver of a vehicle on public property:

- (1) must turn off the engine upon stopping at a destination ; and
- (2) must not cause or allow an engine to idle at any location for:
  - (i) more than 3 consecutive minutes; or
  - (ii) a period or periods aggregating more than 3 *minutes* in any one-hour period.

## **SECTION 4. EXEMPTIONS**

This chapter does not apply to a vehicle or piece of equipment for the period or periods during which:

(a) idling is necessary while stopped:

(1) for an official traffic control device;

(2) for an official traffic control signal;

(3) for traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone; or

(4) at the direction of a peace officer;

(b) idling is necessary to ascertain that the vehicle and / or the off-road equipment is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;

(c) idling is necessary for testing, servicing, repairing, or diagnostic purposes;

(d) idling is necessary to accomplish work for which the vehicle / equipment was designed, other than transporting goods, for example: operating a lift, crane, pump, drill, hoist, ready mixed concrete mixer vehicle, or other auxiliary equipment other than a heater or air conditioner;

(e) idling is necessary to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;

(f) idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers;

(g) idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle / equipment; or

(h) idling is necessary to operate equipment that runs intermittently.

(i) public safety and emergency vehicles are hereby exempt

## **SECTION 5. ENFORCEMENT.**

Until October 5, 2010 (a period of one year), the City will issue warning citations only designed at educating the public about the new regulations. Thereafter, Section 6, Penalties shall apply.

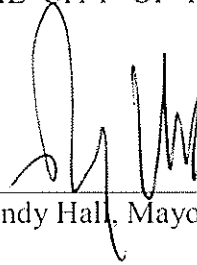
**SECTION 6. PENALTIES.** After the one-year education period, a person who violates this ordinance is subject to civil penalty of \$100.00 for the first violation and \$300.00 for the second violation or any subsequent violation.

**SECTION 7. SEVERABILITY CLAUSE.** If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 8. PUBLICATION.** This Ordinance shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 9. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

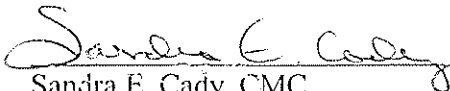
PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 5th day of October, 2009.



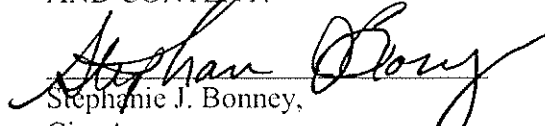
Randy Hall, Mayor

ATTEST:

APPROVED AS TO FORM  
AND CONTENT:



Sandra E. Cady, CMC  
City Treasurer/Clerk



Stephanie J. Bonney,  
City Attorney