

**Draft Ordinance (10/22/2009)**

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ANN ARBOR BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 71 (IDLING REDUCTION) OF TITLE VI OF SAID CODE AND TO AMEND SECTION 1:17 OF CHAPTER 1 OF TITLE 1 OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Title VI of the Code of the City of Ann Arbor be amended by adding a new chapter, which shall be designated as Chapter 71 and shall read as follows:

**CHAPTER 71  
IDLING REDUCTION****6:500. Title**

This chapter shall be known as the "Idling Reduction Ordinance" of the City of Ann Arbor.

**6:501. Intent and Purpose**

- (1) City Council has determined that the unnecessary operation of internal combustion engines poses a number of public health concerns. In particular, airborne pollutants from engine emissions cause or aggravate pulmonary diseases, including asthma, lung cancer, bronchitis, acute respiratory infections, and emphysema. In addition to public health concerns, idling engines also impose economic costs, including wasted energy, consumption of non-renewable resources, and business and personal expenses for medical care and loss of productivity due to pollution-related illness. Idling engines also reduce citizens' quality of life due to noise, odor, and air pollution.
- (2) City Council has determined that unnecessary idling contributes to general environmental degradation by emitting greenhouse gases, hydrocarbons, nitrogen oxides (NOx) and particulate matter, and that City Council has determined that although technological refinements have mitigated some of the adverse effects of internal combustion engines, their use continues to increase and many older engines continue in service, offsetting many of the benefits of new technology. City Council recognizes that activities within Ann Arbor impact the environment both locally and regionally.
- (3) City Council is committed to eliminating air toxics, criteria pollutants and persistent bioaccumulative toxins (PBTs), as well as eliminating net greenhouse gas emissions and other destabilizing climate impacts.
- (4) It is the intent and purpose of this chapter to regulate the operation of internal combustion engines within the City of Ann Arbor in order to protect public health and the environment, conserve energy and resources, promote economic efficiency, and improve quality of life.

**6:502. Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section:

- (1) *Commercial vehicle* shall have the same meaning as in the Michigan Motor Vehicle Code, MCL 257.1 et. seq., as amended.
- (2) *Idle* means to operate a motor vehicle's internal combustion engine while the vehicle is stationary.
- (3) *Loading facility* means a place designed, designated or intended to transfer cargo to and from vehicles, including, but not limited to, distribution centers, air freight terminals, ports, and loading docks at retail stores.
- (4) *Motor vehicle* means any vehicle that is propelled by an internal combustion engine, including, but not limited to, automobiles, motorcycles, buses, recreational vehicles, trucks, tractors, earth moving equipment, hoists, cranes, boats and other watercraft, snowmobiles, self-propelling lawnmowers, and off-road vehicles.
- (5) *Official traffic control device* means a 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.
- (6) *Operator* means a person who has actual control of an internal combustion engine.
- (7) *Vehicle owner* means any registered owner, lessee, licensee, or bailee of any vehicle.

**6:503. Regulation of Motor Vehicle Idling**

- (1) No operator of a motor vehicle shall cause or permit the motor vehicle to idle:
  - (a) for any period of time while the motor vehicle is unoccupied; or
  - (b) for more than 5 minutes in any 60-minute period while the motor vehicle is occupied.
- (2) Section 6:503(1) shall not apply in any of the following circumstances:
  - (a) a motor vehicle is forced to remain stationary because of an official traffic control device, direction of a law enforcement official, or traffic conditions beyond the operator's control, including traffic congestion, railroad crossings, construction zones, security checkpoints, and vehicle queues for drive-through goods and services;
  - (b) idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency;

- (c) idling is necessary to provide heat to an occupied vehicle when the outside ambient temperature is below 0 degrees Fahrenheit;
- (d) a motor vehicle designed to carry 16 or more passengers, idles to maintain comfortable cabin temperatures while non-driver passengers are on board for up to 5 minutes before a scheduled embarkation;
- (e) idling is necessary to power heaters or air conditioners to maintain the comfort of vehicle occupants while waiting for assistance when a vehicle is immobilized due to mechanical problems beyond the operator's immediate control;
- (f) an emergency or law enforcement vehicle, including police, fire, ambulance, public safety, and military vehicles, or any vehicle being used in an emergency capacity, idles in the course of or in preparation for its emergency or law enforcement duties;
- (g) a licensed private security provider idles a vehicle in the course of performing security duties;
- (h) an armored vehicle idles while in the course of business;
- (i) idling is necessary to power auxiliary work equipment that is actively in use, including cargo refrigeration units, waste collectors/compactors, lifts, winches, pumps, compressors, drills, mixers, and safety and other construction equipment. Auxiliary work equipment does not include equipment primarily intended for vehicle cabin comfort, such as air conditioning, heating, radio, TV, or kitchen appliances;
- (j) an occupied vehicle idles primarily for purposes of air conditioning or heating during a legally mandated rest or sleep period; where the vehicle has no functional alternative power source, e.g. an auxiliary power unit or generator, and is not within 25 miles of a parking facility with available truck stop electrification or shore power compatible with the vehicle's equipment;
- (k) idling is necessary for any maintenance, service, repair, inspection, research and development, or diagnostics;
- (l) an engine is operated in accordance with instructions from the manufacturer for proper operation;
- (m) applicable federal, state or local law requires idling.

#### **6:504. Regulation of Idling at Loading Facilities**

No person shall cause a motor vehicle to idle for a period greater than 5 minutes while the motor vehicle is waiting to load or unload at a loading facility under the person's control.

**6:505. Regulation of Generators, and Other Internal Combustion Engines**

- (1) Excluding motor vehicle engines, no internal combustion engine shall be operated except when it is providing power or electrical energy to equipment or a tool that is actively in use.
- (2) Section 6:505(1) shall not apply in any of the following circumstances:
  - (a) engine operation is necessary to prevent a health or safety emergency;
  - (b) engine operation is necessary for any maintenance, service, repair, inspection, research and development, or diagnostics;
  - (c) an engine is operated in accordance with instructions from the manufacturer for proper operation;

**6:506. Penalties**

Each violation of this chapter shall be a civil infraction. An operator, vehicle owner, or owner of a loading facility that violates this law is responsible for penalties as follows:

- (1) The minimum fine for each violation of this chapter by an owner or operator shall be \$100. Where a responsible operator is not immediately apparent, there shall be a rebuttable presumption of responsibility on the part of the person in whose name the offending vehicle or engine is registered at the time of the violation.
- (2) For commercial vehicles, the minimum fine for each violation of this chapter shall be \$500 for a vehicle owner, in addition to a minimum fine of \$100 for the vehicle operator.
  - (a) If the operator is also the vehicle owner, only an operator fine shall be issued.
  - (b) If the operator is operating the vehicle without the actual or implied consent of the vehicle owner, only an operator fine shall be issued.
- (3) The minimum fine for each violation of this chapter by a loading facility shall be \$500, payable by the owner of the loading facility.

**6:507. Effective Date**

This Chapter shall be effective on \_\_\_\_\_, 2010.

Section 2. That Section 1:17 of Title 1 of the Code of the City of Ann Arbor be amended to read as follows:

**1:17. Code violation citations.**

The administrators of the following services areas and the persons holding the positions or performing the functions listed within each services area are authorized to issue citations for violations of the indicated chapters of this Code. This designation of authority is in addition to that otherwise provided by law.

(1) *Community services area.*

- (a) Planning and Development Services Unit (Chapters 2, 26, 27, 28, 33, 38, 47, 50, 55, 56, 57, 59, 60, 61, 62, 63, 65, 71, 79, 82, 94, 98, 99, 100, 101, 103, 104, 105, 106, 116 and 119):

Assistant land development coordinator.

Building inspectors.

Electrical inspectors.

Inspection supervisors.

Housing inspectors.

Mechanical inspectors.

Ordinance inspector.

Plan examiner.

Plumbing inspectors.

Zoning coordinator.

- (b) Community television network - public information services unit (Chapter 32):

Cable administrator.

(2) *Public services area.*

- (a) Field operations services unit (Chapters 26, 27, 28, 33, 38, 39, 40, 47, 49, 82, 106 and 119):

Field operations manager.

City forester.

Field operations supervisor.

Field operations technician.

Park ranger.

Natural area preservation manager.

Natural area preservation technician.

Conservation worker.

Outreach coordinator.

Conservation crew leader.

Field biologist.

(b) Wastewater Treatment Services Unit (Chapters 27, 28 and 33):

Wastewater treatment services manager.

Administrative assistant to wastewater treatment services manager.

(c) Systems planning unit (Chapters 33, 47, 55, 56, 57, 59, 60, 62, 63, 70, 98, 100, 104, 106, 116 and 119):

Environmental coordinator.

Fertilizer program administrator.

Land development coordinator.

(3) *Safety services area.*

(a) Fire services unit (Chapters 27, 93, 98, 99, 100, 101, 105, 111, 115, 116 and 126):

Fire chief.

Assistant fire chief.

Battalion chief.

Captain.

Lieutenant.

Driver operator.

Fire fighter.

Fire marshal.

Fire inspectors.

(b) Police services unit.

Community service assistants (Chapters 38, 39, 47, 49, 70, 71, 82, 85, 106, 107, 111, 114, 115, 119, 126 and 127)

Community standards officers/safety services area (Chapters 26, 30, 40, 47, 49, 56, 59, 61, 70, 71, 79, 82, 105, 106, 111 and 126).

Parking enforcement personnel (Chapters 30, 59 and 126).

Telecommunicator (Chapter 93).

(4) *Human Resources Services Unit (Chapters 23 and 112):*

Human resources manager.

Human rights coordinator.

Human rights investigator.