

ORDINANCE NO. 1193

AN ORDINANCE AMENDING TITLE 10 VEHICLES AND TRAFFIC OF THE CODE OF ORDINANCES OF THE CITY OF DECORAH BY LIMITING THE IDLING TIME OF VEHICLES.

WHEREAS, to reduce nitrogen oxide (NO_x) and volatile organic compound (VOC) emissions the City of Decorah is adopting vehicle idling limitations which limit motor vehicle idling to five consecutive minutes within the City of Decorah's jurisdiction; and

WHEREAS, the effective implementation of rules to reduce the extended idling of gasoline and diesel-powered vehicles will help ensure the reduction in nitrogen oxide (NO_x) and volatile organic compound (VOC) emissions, which is needed to achieve or maintain attainment of the federal ozone standard; and

WHEREAS, these idling limits will lower NO_x emission and other pollutants from fuel combustion; because NO_x is a precursor to ground-level ozone formations, reduced emissions of NO_x will result in ground-level ozone reductions; and

NOW THEREFORE,

BE IT ORDAINED by the City Council of the City of Decorah, Iowa, as follows:

1. That Title 10 of the Municipal Code of the City of Decorah, Iowa, is hereby amended by adding thereto as Chapter 10.88 the following:

CHAPTER 10.88

MOTOR VEHICLE IDLING LIMITATIONS

- Section 10.88.010 Definitions.
- Section 10.88.020 Applicability.
- Section 10.88.030 Idling Prohibited.
- Section 10.88.040 Exceptions.
- Section 10.88.050 Failure to Pay Citation.

SECTION 10.88.010: DEFINITIONS

The following words shall have the following meanings in this Title:

- A. **Idle** means the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released and there is no load on the engine.
- B. **Motor Vehicle** means any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Iowa law as provided in Section 321.18 of the Code of Iowa, as amended.
- C. **Primary Propulsion Engine** means a gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

SECTION 10.88.020: APPLICABILITY

This Chapter applies within the jurisdiction of the City of Decorah, Iowa.

SECTION 10.88.030: IDLING PROHIBITED

- A. No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion.
- B. No driver using the vehicle's sleeper berth may idle the vehicle;
 - 1. In a school zone
 - 2. Within 1,000 feet of a public school during its hours of operation
 - 3. Within 1,000 feet of a hospital
 - 4. In the Decorah Downtown C-3 Central Business Commercial District
 - 5. In a residential area.

SECTION 10.88.040: EXCEPTIONS

- B. A motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- C. A motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;
- D. Vehicles being used for public works and operations;
- E. The primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operations, other than propulsion;
- F. The primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- G. The primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;

- H. The primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial or public passenger transportation or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;
- I. The primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance;
- J. The primary propulsion engine of a motor vehicle being used as airport ground support equipment;
- K. The owner of a motor vehicle rented or leased to a person who operates the vehicle and is not employed by the owner;
- L. A motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

SECTION 10.88.050 FAILURE TO PAY CITATION

- A. All idling violations shall be issued a warning for the first offense. In the event that there is a second or any further subsequent citation there shall be charged and collected upon a simple Notice of a Fine payable to the City Clerk in the amount of \$25.00.
- B. If a violator of the restrictions under the Motor Vehicle Idling Limitations of the City fails to make payment of the fine as specified on the citation affixed to such motor vehicle within 30 days the Chief of Police shall send the owner/operator of the motor vehicle to which the parking citation or citations were affixed a letter informing the owner/operator of the violations and warning that in the event such letter is disregarded for a period of five days, a Court citation will be issued requiring a Court appearance and subjecting the violator to the payment of court costs. It shall be a misdemeanor for the owner/operator to disregard certified notices contemplated by this Code Section.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading:

Date of Second Reading:

Roll Call Vote:

Councilmen Voting Aye:

Councilmen Voting Nay:

PASSED AND ADOPTED this _____ day of _____, 2017.

Donald P. Arendt, Mayor

ATTEST:

Wanda Hemesath, City Clerk-Treasurer

I hereby certify that the above **Ordinance No. 1193** was published on the _____ day of _____, 2017, in the _____.

Wanda Hemesath, City Clerk-Treasurer