



Legislation Details (With Text)

File #: 16-1221 **Version:** 2 **Name:** 9/16/16 Idling Reduction Ordinance
Type: Ordinance **Status:** Passed
File created: 9/6/2016 **In control:** City Council
On agenda: 10/6/2016 **Final action:** 10/6/2016
Enactment date: 9/6/2016 **Enactment #:** ORD-16-18

Title: An Ordinance to Add a New Chapter 72, Idling Reduction, to Title VI and to Amend Section 1:17 of Chapter 1 of Title 1 of the Code of the City of Ann Arbor (Ordinance No. ORD-16-18)

Sponsors: Sabra Briere

Indexes:

Code sections:

Attachments: 1. 16-18 Idling Ordinance Briefed and Approved as Amended 100616, 2. 16-18 Idling Ordinance Briefed and Approved.pdf, 3. 16-18 Idling Reduction Chapter 72 Ordinance.pdf, 4. Idling Reduction Chapter 72.pdf, 5. Idling Reduction Ordinance-memo.pdf, 6. 16-18 Approval Notice.pdf

Date	Ver.	Action By	Action	Result
10/6/2016	2	City Council	Adopted as Amended on Second Reading	Pass
10/6/2016	2	City Council	Held and Closed	
9/6/2016	2	City Council	Approved on First Reading	Pass

An Ordinance to Add a New Chapter 72, Idling Reduction, to Title VI and to Amend Section 1:17 of Chapter 1 of Title 1 of the Code of the City of Ann Arbor (Ordinance No. ORD-16-18)

See attached memo.

Councilmember Briere has requested that, if this ordinance is approved at first reading, the public hearing and second reading be scheduled for the October 6, 2016 City Council meeting.

Prepared by: Christopher Frost, Assistant City Attorney
ORDINANCE NO. ORD-16-18

First Reading: September 6, 2016 Approved: October 6, 2016
Public Hearing: October 6, 2016 Published: October 13, 2016
Effective: July 1, 2017

IDLING REDUCTION ORDINANCE

AN ORDINANCE TO ADD A NEW CHAPTER 72 (IDLING REDUCTION) TO TITLE VI 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 to add a Chapter 72, which shall read as follows:

**CHAPTER 72
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, 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, 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/Idling* means to operate a Motor Vehicle’s internal combustion engine while the Motor Vehicle is stationary.

(3) *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. This definition of Motor Vehicle includes Commercial Vehicles.

(4) *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.

(5) *Operator* means a person who has actual control of an internal combustion engine.

6:503. Regulation of Motor Vehicle Idling

(1) No Operator of a Commercial Vehicle shall cause or permit the Commercial Vehicle to Idle:

- (a) for any period of time while the Commercial Vehicle is unoccupied; or
- (b) for more than 5 minutes in any 60-minute period while the Commercial Vehicle is occupied.

(2) No Operator of a Motor Vehicle shall cause or permit the Motor Vehicle to Idle within a posted “No Idling” zone designated by the City Administrator:

- (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.

(3) Sections 6:503(1) and 6:503(2) 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 for human or animal occupants;
- (c) Idling is necessary to provide heat to an occupied Motor Vehicle when the outside ambient temperature is below 32 degrees Fahrenheit and there is no accessible temperature-controlled area within a reasonable distance; or Idling is necessary to provide cooling within the cab of the vehicle if the outside temperature is more than 85 degrees Fahrenheit and there is no accessible temperature- controlled area within a reasonable distance;
- (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 10 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 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 6:504(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;

6:505. Penalties

Each violation of this chapter shall be a civil infraction. The minimum fine for each violation of this chapter by an 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 Motor Vehicle or engine is registered at the time of the violation.

6:506. - Effective Date

This Chapter shall be effective on July 1, 2017.

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, 79, 82, 94, 98, 99, 100, 101, 103, 104, 105, 106, 116 and 119):

Building Official.

City Planner.

Development Services Inspectors.

Project & Programs Manager.

Senior City Planner.

- (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.

Field Operations Supervisor.

Field Operations Technician.

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 26, 33, 40, 47, 55, 56, 57, 59, 60, 62, 63, 70, 98, 100, 104, 106, 116 and 119):

Systems Planning Unit Manager.

Environmental Coordinator.

Fertilizer Program Administrator.

Solid Waste Coordinator.

Recycling Coordinator.

Environmental Systems Analyst.

Urban Forestry and Natural Resources Planning Coordinator.

Stormwater and Floodplain Programs Coordinator.

- (d) Project management services unit (Chapters 27, 28, 33, 38, 40, 47, 49, 50, 59, 60, 62, 63, 100, 104, 106, 119, and 126):

Project Management Manager.

Senior Project Manger.

Project Manager.

Senior Project Engineer.

Project Engineer.

Civil Engineer Specialists' Supervisor.

Civil Engineer Specialist.

(3) *Safety services area.*

- (a) Fire services unit (Chapters 27, 93, 98, 99, 100, 101, 105, 106, 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.

Police Service Specialists (Chapters 38, 39, 47, 49, 70, 72, 82, 85, 106, 107, 111, 114, 115, 119, 126 and 127).

Community Standards Officers (Chapters 26, 30, 40, 47, 49, 56, 59, 61, 70, 72, 79, 82, 105, 106, 111 and 126).

Telecommunicator (Chapter 93).

(4) *Human resources services unit.* (Chapters 23 and 112):

Human Resources Manager.

Human Rights Coordinator.

Human Rights Investigator.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of October 6, 2016.

Jacqueline Beaudry, City Clerk

Date

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on October 13, 2016.

Jacqueline Beaudry, City Clerk

Sponsored by: Councilmember Briere