

Ord. No. 207-09.
By Council Members Zone and Brancatelli.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 403.071 and 431.44 relating to fuel conservation, motor vehicle idle reduction and penalty.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 403.071 and 431.44, to read, respectively, as follows:

Section 403.071 Idle Reduction, Enforcement

The Director of Public Safety may designate appropriate employees to enforce Section 431.44, and to issue citations for any violation of that section.

Section 431.44 Idle Reduction, Exemptions, Penalty

(a) **Purpose.** The purpose of this section is to protect public health and the environment by reducing emissions while conserving fuel, maintaining adequate rest and safety of all drivers, and removing barriers to economic development imposed by the region's air quality status under the federal Clean Air Act.

(b) **Applicability.** As used in this section, "vehicle" has the same meaning as in Section 4511.01, R.C.

(c) **General Requirement.** Except as provided in division (d) of this section,

(1) the owner or operator of a vehicle shall not cause or allow a vehicle to idle for more than 5 minutes in any 60-minute period; and

(2) the owner or operator of a vehicle that is loading or unloading at a loading dock or loading/unloading area, and the owner or operator of the loading dock or loading/ unloading area, shall not cause or allow a vehicle to idle in that loading/unloading area for more than 10 minutes in any 60 minute period.

(d) **Exemptions.** Division (c) of this section does not apply when:

(1) The outdoor temperature is below 32 degrees Fahrenheit or above 85 degrees Fahrenheit. However, idling is limited to 10 minutes in any 60 minute period.

(2) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, air conditioners, or when installing equipment.

(3) A vehicle idles while forced to remain motionless because of on highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.

(4) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator.

(5) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

(6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

(7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

(8) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a required rest or sleep period.

(9) A vehicle idles due to mechanical difficulties over which the driver has no control.

(10) A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine.

(11) A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.

(e) **Penalty.** Whoever violates this section shall be guilty of a minor misdemeanor.

Section 2. That the provisions of Sections 403.071 and 431.44 set forth in this ordinance shall become effective on October 1, 2009.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public
Safety, Finance, Law; Committees on
Public Safety, Legislation, Finance.