

**ORDINANCE NO.: 2009-16**

INTRODUCED BY: Council President Jackie Albers

ADOPTED BY: Councilman Richard Taylor

**AN ORDINANCE CREATING NEW SECTION 404.15, AND SECTION 432.42 IN THE CODIFIED ORDINANCES RELATING TO FUEL CONSERVATION, MOTOR VEHICLE IDLE REDUCTION AND PENALTIES IN THE CITY OF MAPLE HEIGHTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, most of Northeast Ohio is in violation of Federal Clean Air Standards for both ozone and fine particle matter, which has severe impacts for both the health and economic future of our area; and

**WHEREAS**, idling dirties the air and causes significant health impacts, especially to the elderly and children who are more susceptible to air pollution than healthy adults; and

**WHEREAS**, idling for more than just 10 seconds uses more fuel than restarting engines and idling for 10 minutes a day uses more than 27 gallons of fuel a year; and

**WHEREAS**, all municipalities can do their part to limit idling by adopting a “citywide” idle reduction ordinance to signify that all vehicles traveling in the city be required to obey idle reduction regulations; and

**WHEREAS**, nearly 30 cities through-out Northeast Ohio have already agreed to join a regional effort to solve this critical problem by adopting legislation for idle reduction.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Maple Heights, State of Ohio, Cuyahoga County:

**Section 1.** That Section 404.15 be created to read as follows:

**404.15 IDLING REDUCTION, ENFORCEMENT**

The Director of Public Safety may designate appropriate employees to enforce Section 432.42, and to issue citations for any violation of that section.

**Section 2.** That Section 432.42 be created to read as follows:

**432.42 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. and Section 402.53 of the codified ordinances of Maple Heights.
- (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.
- (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.

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- (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 3.** That the provision so Sections 404.15 and 432.42 set forth in this ordinance shall become effective on October 1, 2009.

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**Section 4.** That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for further reason that it will aid in law enforcement within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

**Section 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council an of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED: March 18, 2009

S/S Jackie Albers, President of Council

ATTEST: S/S Katherine M. Unger, Clerk of Council

S/S Jeffrey A. Lansky, Mayor

I, Katherine M. Unger, Clerk of Council of the City of Maple Heights, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that same has been and will remain duly posted beginning March 20, 2009, for a period of fifteen (15) days as required by law.

March 20, 2009

S/S Katherine M. Unger, Clerk of Council