

**CITY OF NORTH OLMSTED  
ORDINANCE NO. 2009 - 34**

**BY:** Council Members Jones and Orlowski

***AN ORDINANCE CREATING NEW SECTION 331.43 OF CHAPTER 331  
(OPERATION GENERALLY) OF THE NORTH OLMSTED TRAFFIC CODE  
FOR THE PURPOSE OF PROHIBITING EXCESSIVE MOTOR VEHICLE  
ENGINE IDLING IN THE CITY OF NORTH OLMSTED, AS AMENDED.***

**WHEREAS**, this Council finds that prolonged idling of motor vehicle engines adversely impacts the quality of air in our region; and

**WHEREAS**, the Northeast Ohio Areawide Coordinating Agency ("NOACA") supports and recognizes municipalities that adopt anti-idling legislation; and

**WHEREAS**, in light of the foregoing, it is the desire of this Council to create new Section 331.43 of the Traffic Code which will prohibit excessive idling of motor vehicle engines in the City;

***NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
NORTH OLMSTED, CUYAHOGA COUNTY, AND STATE OF OHIO:***

**SECTION 1:** That there be and hereby is created new Section 331.43 of Chapter 331 of the North Olmsted Traffic Code, entitled "Operation Generally," which, as created, shall read as follows:

**331.43 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 of the Ohio Revised Code.
- (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 of 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 of 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.
- (12) **A North Olmsted city government vehicle is engaged in a city government operation that necessitates the idling of the vehicle's engine for more than five (5) minutes within a sixty (60) minute period.**

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

**SECTION 2:** That any ordinance or part of any ordinance inconsistent or in conflict with this ordinance shall, to the extent of such inconsistency or conflict, be repealed.

**SECTION 3:** That this Ordinance shall take effect and be in force from and after the earliest date provided for by law.

PASSED: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Committee: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
BARBARA L. SEMAN  
Clerk of Council

\_\_\_\_\_  
KEVIN M. KENNEDY  
President of Council

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR THOMAS E. O'GRADY

APPROVED AS TO FORM:

/s/ James M. Dubelko  
\_\_\_\_\_  
JAMES M. DUBELKO  
Director of Law