

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 07-09
INTRODUCED BY: Romeo
REQUESTED BY: Goodman

February 9, 2009

AN ORDINANCE

AMENDING SECTION 339.13 "EXCESSIVE IDLING" OF PART-THREE, TRAFFIC CODE, TITLE-FIVE "VEHICLES" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 339.19, "EXCESSIVE IDLING" of the Codified Ordinances of the City of South Euclid, Ohio be amended to read as follows:

Excessive idling

(a) The purpose of this law 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) A person that operates a motor vehicle may not cause or allow the motor vehicle, when it is not in motion, to idle, except under the following circumstances:

(1) the motor 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;

(2) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health hazard;

(3) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not **solely** for the convenience of the vehicle operator;

(4) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;

(5) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;

(6) when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;

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

(8) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;

(9) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;

(10) the vehicle is actively engaged in work upon the surface of a street or highway,

including construction, cleaning, snow removal or leaf pickup activities, and the operator is in the vehicle or is operating an auxiliary function of the vehicle;

(11) the motor vehicle is owned by a public utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of utility service; or

(12) the outdoor temperature is less than 32 degrees Fahrenheit or greater than **85** degrees Fahrenheit.

(c) when the outdoor temperature is 32 degrees Fahrenheit or higher and **85** degrees Fahrenheit or lower, a person who operates a motor vehicle may not cause or allow the motor vehicle to idle for a period greater than 20 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.

(d) this section does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine.

(e) this section does not apply to the owner of a motor vehicle rented or leased to another entity or person operating the vehicle.

(f) any person convicted of any violation of this section is guilty of a petty offense and shall be fined \$ 50 for the first conviction and \$ 150 for a second or subsequent conviction within any 12 month period.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. Such necessity exists by reason of the fact that immediate attention to the obtaining of health services for the City is required, and the foregoing must 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.

Passed this 23rd day of February, 2009.

Modestino Romeo, President of Council

Attest:

Approved:

Keith Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law