

CITY OF SYLVAN LAKE
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. 301

**ANTI -IDLING OF DIESEL ENGINE POWERED
COMMERCIAL MOTOR VEHICLES ORDINANCE**

An Ordinance to add Article IV to Chapter 30, Sections 30-80 through 30-86, to provide for the regulation of the idling of diesel engine powered commercial motor vehicles and to provide penalties for the violation thereof.

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1.

Chapter 30 of the Sylvan Lake City Code is hereby amended by adding Article IV, Secs. 30-80 ---- 30-86, to read as follows:

Article IV. Regulation of Diesel Engine Powered Commercial Motor Vehicles

Sec. 30-80 Purpose and Scope.

This chapter is enacted to protect, preserve and promote the health, safety and welfare of the public and the citizens of the city through the reduction, prevention and control of fuel emissions of diesel engine powered commercial motor vehicles. It is the intent of this article/ordinance to provide for the enforcement of standards to assure a reduction in fuel emissions which may be injurious to humans, plant life, animal life or property, or which interfere with comfortable and/or peaceful enjoyment of life or property or the conduct of business.

Sec. 30-81. Applicability.

This article/ordinance shall apply to diesel engine powered commercial motor vehicles as that term is defined in 49 Code of Federal Regulations (CFR) Part 390.5.

Sec. 30-82. Prohibitions / General Requirements.

No owner or operator of a diesel engine powered commercial motor vehicle shall cause or permit said vehicle to idle for more than five (5) minutes in any sixty-minute period except as noted in Sec. 30-83, Exemptions, and except as provided in Sec. 30-84, Requirements for load/unload locations, in the case of such a vehicle located at a load/unload location.

Sec. 30-83. Exemptions.

Sec. 30-82. Prohibitions / General Requirements shall not apply for the period or periods of time when:

- (a) 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.
- (b) A Vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, at the site of the emergency, and not as part of a rest period or warm up period.
- (c) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while at the location of an emergency or training mode and not for the convenience of the vehicle operator.
- (d) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.
- (e) A vehicle 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.
- (f) 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.
- (g) An Armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
- (h) A passenger bus idles a maximum of fifteen (15) minutes in any sixty-minute period to maintain passenger comfort while non-driver passengers are onboard.
- (i) A vehicle idles due to mechanical difficulties over which the driver has no control; an officer or inspector enforcing this chapter may require documentation or receipt within a specified number of days in order for this conditional exemption to apply.

Sec. 30-84. General requirement for load/unload locations.

Refer to Sec. 38-186. of the City Code for loading or unloading of trucks.

Sec. 30-85. Auxiliary power units.

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 diesel engine shall not be precluded under this chapter.

Sec. 30-86. Penalty/Remedy

- (a) Any person, corporation, or other entity who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum no less than \$100.00, and not exceeding \$500.00, or imprisonment for a term not exceeding 90 days in jail, or both, and court costs and costs of prosecution, including actual attorney fees.
- (b) In addition to any remedies available at law, the City of Sylvan Lake may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

- (c) This Ordinance /Article shall be enforced by any Sylvan Lake Police Officer, or any other person designated by the Sylvan Lake City Manager to enforce the provisions of this Ordinance/Article.

Section 2. Repealer.

All ordinances and portions of ordinance inconsistent with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance .

Section 4. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date

The provisions of this Ordinance are hereby ordered to take effect July 1, 2010.

Section 6. Enactment

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at its meeting called and held on the 9th day of June, 2010, and shall be given publication in accordance with Section 8.5© of the Sylvan Lake City Charter.

Yes: Zubrzycki, Lorenz, Maurina, Meskin
No: Wiegand
Abstentions: None
Absent: None

Adopted/Enacted: 06/09/10
Published: 06/16/10
Effective Date: 07/01/10
Posted Date: 06/10/10
Locations: City Hall, Community Center, Ferndale Park

I, Dennise Clippert, City Clerk for the City of Sylvan Lake, Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of Sylvan Lake at a Regular City Council Meeting, held on 9th day of June, 2010, the original of which is on file in my office.

Date: _____, 2010

Dennise Clippert, City Clerk