

2007-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: _____

Amending Title 3 of the Minneapolis Code of Ordinances relating to Air pollution and Environmental Protection.

The City Council of The City of Minneapolis do ordain as follows:

That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 58 to read as follows:

CHAPTER 58. IDLING

58.10. Purpose. The purpose of this chapter is to protect the public health and the environment by reducing vehicular emissions and conserving fuel while enhancing the rest and safety of all drivers of diesel vehicles.

58.20. Applicability. This chapter applies to diesel engine powered commercial motor vehicles (as that term is defined in 49 CFR Part 390.5) which are designed to operate on highways, and to locations where such vehicles load or unload (hereinafter referred to as "load/unload locations").

58.30. General requirement for load/unload locations. No load/unload location owner or operator shall cause vehicles covered by this chapter to idle for a period greater than thirty (30) minutes in any sixty (60) minute period while in the act of or waiting to load or unload at a location under the control of the owner or operator.

58.40. General requirement for vehicles. No owner or operator of a vehicle shall cause or permit vehicles covered by this chapter to idle for more than five (5) minutes in any sixty (60) minute period except as noted in section 58.50, and except as provided in section 58.30 in the case of a vehicle located at a load/unload location.

58.50. Exemptions. Section 58.40 does not apply for the period or periods where:

- (1) 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.

- (2) A vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.
- (3) 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 and not for the convenience of the vehicle operator.
- (4) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.
- (5) 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.
- (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) A passenger bus idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain passenger comfort while non-driver passengers are onboard.
- (9) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period.
- (10) An occupied vehicle idles for purposes of air conditioning or heating while waiting to load or unload.
- (11) A vehicle idles due to mechanical difficulties over which the driver has no control; an officer or inspector enforcing this chapter may require that the owner or operator of the vehicle submit repair documentation or receipt within a specified number of days in order for this conditional exemption to apply.

58.60. 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 engine shall not be precluded under this chapter.

58.70. Penalties. Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:

- (a) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.
- (b) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
- (c) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

58.80. Severability. (a) *Severability of text.* If any portion of this chapter is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the chapter.

- (b) *Severability of application.* If the application of any provision of this chapter to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.