

2008-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Colvin Roy

Amending Title 3, Chapter 58 of the Minneapolis Code of Ordinances relating to Air pollution and Environmental Protection: Idling.

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

Section 1. That Chapter 58 of the Minneapolis Code of Ordinances be amended by adding thereto a new title Article I, to read as follows:

CHAPTER 58. IDLING

ARTICLE I. DIESEL ENGINE POWERED COMMERCIAL MOTOR VEHICLES

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 Code of Federal Regulations (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:

- (1) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.
- (2) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
- (3) 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.

Section 2. That Chapter 58 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article II, including new Sections 58.90-58.150, to read as follows:

ARTICLE II. GENERALLY

58.90. Purpose. The purpose of this article is to protect the public health and the environment by reducing vehicular emissions and conserving fuel.

58.100. Applicability. This article applies to all gasoline or diesel powered motor vehicles not otherwise regulated under Article I of this chapter.

58.110. General Requirement. No person shall allow a motor vehicle to idle for more than three (3) consecutive minutes in any one-hour period.

58.120. Exemptions. Section 58.110 does not apply for the periods or period where:

- (1) A police, fire, ambulance, public safety, public utility, military, other emergency or law enforcement or other City vehicle idles for the purpose of running lights, maintaining circulation of water in tanks, or to maintain accessories necessary to accomplish its mission or while engaged in emergency or enforcement activities.
- (2) A police K9 or Animal Control vehicle idles for the purpose of maintaining an appropriate and safe climate for animals.
- (3) A motor vehicle owned and operated by the city idles at a job site during inclement weather situations when authorized to do so by a supervisor.
- (4) The primary propulsion engine idles for maintenance, servicing, repairing, mandated inspection or diagnostic purposes if idling is required for such activity.
- (5) A motor vehicle is stopped due to traffic congestion.
- (6) 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.
- (7) A vehicle idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain comfort for paying passengers.
- (8) The ambient outside air temperature is less than zero (0) degrees or more than ninety (90) degrees Fahrenheit, in which case no person shall allow a motor vehicle to idle for more than fifteen (15) consecutive minutes in any one-hour period for the comfort and safety of the driver or passengers.
- (9) 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, operating lifts, etc.). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

58.130. 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.

58.140. Penalties. Violations of the provisions of this article 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 article may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

58.150. Severability. (a) Severability of text. If any portion of this article 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 article.

(b) Severability of application. If the application of any provision of this article 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.
