

PLEASE SUBSTITUTE FOR ORDINANCE NO. 56-09 PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 7/6/09, 2ND READING 7/20/09, Referred to Health & Human Services Committee 3/15/10.

ORDINANCE NO. 56-09

BY: Antonio, Bullock, Butler, Madigan, Powers, Smith, Summers.

AN ORDINANCE to enact a new Section 331.47, Excessive Idling, of the Codified Ordinances of the City of Lakewood.

WHEREAS, the Council of the City of Lakewood desires to promote fuel conservation and emissions reduction; promote the health and well being of its citizens and reduce barriers to economic development imposed by the region's air quality status under the federal Clean Air Act; and

WHEREAS, poor air quality aggravates asthma and breathing disorders, and can cause lung disease, heart disease and premature death; and

WHEREAS, idling reduction helps cuts polluting greenhouse gas emissions, cuts energy use, maintenance costs, saves fuel and prevents pollution.

Now therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That a new Section 331.47, Excessive Idling, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

331.47 EXCESSIVE IDLING

(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 301.51 of the Lakewood Codified Ordinances and Ohio Revised Code Section 4511.01.

(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; 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.

(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, provided idling under these circumstances shall be limited to 10 minutes.

(2) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, or 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 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 or other essential on board equipment, 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 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 vehicle idles due to mechanical difficulties over which the driver has no control.

(9) 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.

(10) 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.

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

Section 2. It is 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 such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: July 19, 2010

Kim Barber
PRESIDENT

Mary T. Hagan
CLERK

Approved: July 21, 2010

Ed Fitzgerald
MAYOR