

# **Compilation of State, County, and Local Anti-Idling Regulations**

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# **Compilation of State, County, and Local Anti-Idling Regulations**

Transportation and Regional Programs Division  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency

The following compilation of state and local vehicle idling laws represents the U.S. Environmental Protection Agency's best efforts to catalogue, in one location, the variety of existing and proposed idling laws in their entirety. This document is for reference purposes only; please refer to the actual laws for requirements and compliance. This compilation may not include every state or local law, and you should enquire about your own jurisdiction's regulations on idling. We will make every effort to update this document when we are aware of new idling laws or changes to existing idling laws. For more information on state and local idling reduction laws, please visit the SmartWay Transport Partnership Web site at: [www.epa.gov/smartway/idle-state.htm](http://www.epa.gov/smartway/idle-state.htm).

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# Arizona

## State Codes

### **ARIZONA REVISED STATUTES**

§ 11-876. Engine idling restrictions; exemptions; applicability; civil penalty; definition

A. By July 1, 2002, a county that contains any portion of area A as defined in section 49-451 shall adopt, implement and enforce ordinances that place limits on the maximum idling time for engines that propel heavy-duty diesel vehicles with a gross vehicle weight rating of more than fourteen thousand pounds. The ordinances shall at least include exemptions for:

1. Certain types of vehicles, such as police, fire and other emergency vehicles.
2. Certain types of situations such as traffic delays or the need for a driver to sleep in the vehicle.
3. Certain types of equipment operations, such as refrigeration of cargo.

B. A county with a population of less than one million two hundred thousand persons shall adopt, implement and enforce the ordinances required by this section only for those portions of the county that are located in area A.

C. Any other county may adopt, implement and enforce ordinances that comply with this section.

D. A driver who violates an ordinance adopted pursuant to this section is subject to:

1. The imposition of a civil penalty of one hundred dollars for the first violation.
2. The imposition of a civil penalty of three hundred dollars for a second or any subsequent violation.

E. Ordinances adopted pursuant to this section may be enforced by a county control officer or any law enforcement officer who is authorized to enforce traffic laws. For violations of ordinances adopted pursuant to this section, an officer shall use a uniform civil ticket and complaint substantially similar to a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the supreme court. The officer may issue citations to persons who violate an ordinance adopted pursuant to this section.

F. In enforcing ordinances adopted pursuant to this section, a county control officer or authorized law enforcement officer shall only issue one citation per traffic stop or

investigation of a driver whose vehicle exceeds the maximum idling limits established pursuant to this section.

G. For the purposes of this section, "idling" means the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released and there is no load on the engine.

## **Municipal Codes**

### **MARICOPA COUNTY VEHICLE IDLING RESTRICTION ORDINANCE**

#### SECTION 1 - GENERAL

A. PURPOSE: The Vehicle Idling Restriction Ordinance restricts, from idling for more than five (5) consecutive minutes, any device or combination of devices that meets all of the following criteria:

1. designed with a gross vehicle weight rating of more than 14,000 pounds; and
2. required under Arizona law (Arizona Revised Statute [ARS] Title 28 Chapters 7 and 9) to be registered; and
3. designed to operate on public highways; and
4. powered by a diesel engine.

B. APPLICABILITY: This Vehicle Idling Restriction Ordinance applies to vehicle idling within Maricopa County.

SECTION 2 - DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:

A. COMBINATION OF DEVICES – The coupling of two or more pieces of equipment that consist of the device which contains the diesel engine and an attached piece of equipment, which includes but is not limited to a trailer, cement mixer, refrigeration unit or automobile.

B. DISTRIBUTION CENTER – A place with multiple bays where vehicles load or unload materials.

C. GROSS VEHICLE WEIGHT RATING – The maximum vehicle weight for which the vehicle is designed as established by the manufacturer.<sup>1</sup>

D. IDLING – The operation of a diesel engine when the engine is not engaged in gear.<sup>2</sup>

E. POWER TAKE OFF (PTO) MECHANISM – A unit that provides power from the engine to a trailer or other equipment.

<sup>1</sup> Mirrors the definition in R18-2-1001.36.

<sup>2</sup> Federal definition: "Curb-idle" means: (1) For manual transmission code light-duty trucks, the engine speed with the transmission in neutral or with the clutch disengaged. (2) For automatic transmission code light-duty trucks, curb-idle means the engine speed with the automatic transmission in the Park position (or Neutral position if there is no Park position); (3) For manual transmission code heavy-duty engines, the manufacturer's recommended engine speed with the clutch disengaged. For automatic transmission code heavy-duty engines, curb idle means the manufacturer's recommended engine speed with the automatic transmission in gear and the output shaft stalled.

F. PRIMARY PROPULSION ENGINE – Any engine for which the primary function is to provide mechanical power to propel or direct a vehicle, regardless of whether that power is applied directly to the propeller shaft or indirectly by way of an electrical system.

G TRUCK STOP – A place of business that provides services to drivers and their vehicles in which the service time may exceed one (1) hour.

H. VEHICLE – Any device or combination of devices with a gross vehicle weight rating of more than 14,000 pounds, required under Arizona law (ARS Title 28 Chapters 7 and 9) to be registered, designed to operate on public highways and powered by a diesel engine.<sup>3</sup>

3 Note: AAC R18-2-101(69): "motor vehicle" means any self-propelled vehicle designed or transporting persons or property on public highways;

ARS 44-1301: "motor vehicle" means any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination or other vehicle operated on the roads of this state, used to transport person or property and propelled by power other than muscular power, but motor vehicle does not include traction engines, vehicles that run only on a track, bicycles or mopeds; ARS 49-541(16): "Vehicle" means any automobile, truck, truck tractor, motor bus or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, road rollers or road machinery temporarily operated upon the highway.

ARS 49-581: "Motor vehicle" means any self-propelled vehicle including a car, van, bus or motorcycle and all other motorized vehicles;

ARS 28-101(29): "Motor vehicle": (a) means either: (i) A self-propelled vehicle; (ii) For the purposes of the laws relating to the imposition of a tax on motor vehicle fuel, a vehicle that is operated on the highways of this state and that is propelled by the use of motor vehicle fuel. (b) Does not include a motorized wheelchair or a motorized skateboard. For the purposes of this subdivision: (i) "motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility. (ii) "motorized skateboard" means a self-propelled device that has a motor, a deck on which a person may ride and at least two tandem wheel in contact with the ground.

ARS 28-101(50): "Truck" means a motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and includes a motor vehicle to which has been added a box, a platform or other equipment for such carrying.

ARS 28-101 (51): "Truck tractor" means a motor vehicle that is designed and used primarily for drawing other vehicles and that is not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

ARS 28-101 (52): "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power or used exclusively on stationary rails or tracks.

ARS 28-101 (53): "Vehicle transporter" means either: (a) A truck tractor capable of carrying a load and drawing a semitrailer; (b) A truck tractor with a stinger-steered fifth wheel capable of carrying a load and drawing a semitrailer or a truck tractor with a dolly

mounted fifth wheel that is securely fastened to the truck tractor at two or more points and that is capable of carrying a load and drawing a semitrailer.

R17-4-435: "Motor carrier" as defined in ARS § 28-5201 except a motor carrier transporting passengers for hire in a vehicle with a design capacity of 6 or fewer persons.

ARS 28-5201: "Motor vehicle" means a self-propelled motor driven vehicle or vehicle combination, except a lightweight motor vehicle, that is used on a public highway in the furtherance of a commercial enterprise. In research done by ADEQ, no definitions exist for "heavy duty motor vehicle," or "heavy duty diesel engine."

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### SECTION 3 – REQUIREMENTS

A. ORDINANCE – No owner or operator of a vehicle shall permit the engine of such vehicle to idle for more than five (5) consecutive minutes except as provided in Section 4 (Exemptions) of this ordinance.

B. VIOLATION – Any owner or operator who violates this ordinance is subject to a civil penalty of \$100 for the first violation and \$300 for a second or any subsequent violation.<sup>4</sup>

C. SIGN – Each truck stop owner or operator and distribution center owner or operator shall erect and maintain a permanent sign(s) that is at least 12 inches by 18 inches in size indicating that the maximum idle time allowed in Maricopa County is 5 minutes. The sign(s) shall be posted in a conspicuous location, near the dispatcher, if applicable. In addition to the above, the sign shall at a minimum contain language outlining the following:

1. The County's vehicle idling information line, and
2. The amount of money the violator will be fined.

SECTION 4 – EXEMPTIONS: This ordinance shall not apply when:

A. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle.

B. A vehicle is being operated for emergency or law enforcement purposes.

C. The primary propulsion engine of a vehicle meets all of the following criteria:

1. is providing a power source necessary for mechanical operations other than propulsion; and
2. involves a power take off (PTO) mechanism, or other mechanical device performing the same function as a PTO; and
3. is powered by the engine for:
  - a. loading and unloading cargo, or
  - b. mixing or processing cargo, or
  - c. controlling cargo temperature, or
  - d. providing a mechanical extension to perform work functions.

D. The primary propulsion engine of a vehicle is being operated at idle to conform to manufacturer's warm up and cool down specifications, for maintenance or diagnostic purposes, or by manufacturers engaging the engines in testing for research and development.

<sup>4</sup> Attorney General's Office (AGO) interpretation is that ARS Title 28 allows any law enforcement officer to enforce ARS 11-876, which authorized this ordinance, on private and/or public property.

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E. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles operating for commercial passenger transportation or school purposes up to a maximum of 30 minutes/hour. If ambient temperatures exceed 75 degrees Fahrenheit, passenger buses are allowed to idle up to a maximum of 60 minutes in any 90-minute time period.

F. The primary propulsion engine of a vehicle is being operated to comply with the U.S. Code of Federal Regulation 49 CFR Part 395 and the Arizona Department Of Transportation (DOT) regulation R17-5-202 referencing hours of service restrictions.

# California

## State Codes

### **California Health & Safety Code**

§ 40720. Operation in manner that does not cause engines on trucks to idle or queue for more than 30 minutes

(a) Each marine terminal in the state shall operate in a manner that does not cause trucks to idle or queue for more than 30 minutes while waiting to enter the gate into the marine terminal.

(1) Any owner or operator of a marine terminal that operates in violation of this subdivision is subject to a two hundred fifty dollar (\$ 250) fine per vehicle per violation.

(2) Marine terminals in the state shall be monitored by the district with jurisdiction over that terminal to ensure compliance with this subdivision.

(3) Citations for violations of this subdivision shall be issued by the applicable district, and shall include the truck license plate number or other unique identifier, which may include, but is not limited to, the cargo container number, the name of the marine terminal and port at which the violation occurred, and the date and time of the violation.

(4) Any action taken by the marine terminal to assess, or seek reimbursement from, the driver or owner of a truck for a violation of this subdivision shall constitute a violation of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4.

(5) Any owner or operator of a marine terminal or port, or any agent thereof, who takes any action intended to avoid or circumvent the requirements of this subdivision or to avoid or circumvent the reduction of emissions of particulate matter from idling or queuing trucks is subject to a seven hundred fifty dollar (\$ 750) fine per vehicle per violation, including, but not limited to, either of the following actions:

(A) Diverting an idling or queuing truck to area freeways or alternate staging areas, including, but not limited to, requiring a truck to idle or queue inside the gate of a marine terminal.

(B) Requiring or directing a truckdriver to turn on and off an engine on a truck while that truck is idling or queuing.

(6) The owner or operator of a marine terminal does not violate this subdivision by causing a truck to idle or queue for more than 30 minutes while waiting to enter the gate into the marine terminal, if the delay is caused by acts of God, strikes, or declared state and federal emergencies, or if the district finds that an unavoidable or unforeseeable event caused a truck to idle or queue and that the terminal is in good faith compliance with this section.

(7) Failure to pay a fine imposed pursuant to paragraph (1) or (5) shall constitute a violation of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4.

(b)(1) Subdivision (a) does not apply to any marine terminal that provides, as determined by the district, two continuous hours of uninterrupted, fully staffed receiving and delivery gates two hours prior to and after, peak commuter hours each day, at least five days per week.

(2) For the purposes of this subdivision, "peak commuter hours" shall be those hours determined by the district, in consultation with the owners and operators of the marine

terminals within the jurisdiction of each district and any labor union that is represented at those marine terminals. The district shall notify the marine terminals of the final determination of the peak commuter hours.

(c) Subdivision (a) does not apply to any marine terminal that operates fully staffed receiving and delivery gates for 65 hours, five days per week, if that marine terminal is located at a port that processes less than 3 million containers (20-foot equivalent units (TEUs)) annually.

(d) Subdivision (a) does not apply to any marine terminal that operates fully staffed receiving and delivery gates for 70 hours, five days per week, if that marine terminal is located at a port that processes more than 3 million containers (20-foot equivalent units (TEUs)) annually.

(e) The district shall determine the necessary level of monitoring and enforcement commensurate with the level of the truck idling or queuing problem existing within its jurisdiction.

(f) For the purposes of this section, "marine terminal" means a facility that meets all of the following criteria:

(1) Is located at a bay or harbor.

(2) Is primarily used for loading or unloading containerized cargo onto or off of a ship or marine vessel.

(3) Contains one or more of the following:

(A) Piers.

(B) Wharves.

(C) Slips.

(D) Berths.

(E) Quays.

(4) Is located at a port that processes 100,000 or more containers (20-foot equivalent units (TEUs)) annually.

(g) Notwithstanding paragraph (1) of subdivision (a), if a marine terminal implements a scheduling or appointment system for trucks to enter the terminal, the terminal shall be subject to a fine pursuant to subdivision (a) only for a truck that makes use of the system and that idles or queues for more than 30 minutes while waiting to enter the gate into the terminal, commencing from the start of the appointment or the time the truck arrives, whichever is later. The scheduling or appointment system shall meet all of the following requirements:

(1) Provide appointments on a first-come-first-served basis.

(2) Provide appointments that last at least 60 minutes and are continuously staggered throughout the day.

(3) Not discriminate against any motor carrier that conducts transactions at the marine terminal in scheduling appointments.

(4) Not interfere with a double transaction once inside the gate.

(5) Not turn away or fine a motor carrier if that motor carrier misses an appointment.

## **California Health & Safety Code**

### **§ 41700. Prohibited discharges**

Except as otherwise provided in Section 41705, no person shall discharge from any

source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

§ 42403.5. Discharge from idling engine of diesel-powered bus

(a) Notwithstanding Section 42407, any violation of Section 41700 resulting from the engine of any diesel-powered bus while idling shall subject the owner to civil penalties assessed under this article, which may be recovered pursuant to Section 42403 by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs in any court of competent jurisdiction.

(b) There is no liability under subdivision (a) if the person accused of the violation establishes by affirmative defense that the extent of the harm caused does not exceed the benefit accrued to bus passengers as a result of idling the engine.

**California Code of Regulations**

§ 2480. Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools

(a) Purpose. This airborne toxic control measure seeks to reduce public exposure, especially school age children's exposure, to diesel exhaust particulate matter and other toxic air contaminants by limiting unnecessary idling of specified vehicular sources.

(b) Applicability. Except as provided in subsection (d), this section applies to the operation of every school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, and other commercial motor vehicle as defined in subsection (h).

(c) Idling Control Measure.

(1) A driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle:

(A) must turn off the bus or vehicle engine upon stopping at a school or within 100 feet of a school, and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school or from within 100 feet of a school; and

(B) must not cause or allow a bus or vehicle to idle at any location greater than 100 feet from a school for:

(i) more than five consecutive minutes; or

(ii) a period or periods aggregating more than five minutes in any one hour.

(2) A driver of a transit bus or of a commercial motor vehicle not identified in (c)(1):

(A) must turn off the bus or vehicle engine upon stopping at a school and must not turn the bus or vehicle engine on more than 30 seconds before beginning to depart from a school; and

(B) must not cause or allow a bus or vehicle to idle at any location within 100 feet of, but not at, a school for:

(i) more than five consecutive minutes; or

(ii) a period or periods aggregating more than five minutes in any one hour.

(3) A motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle must ensure that:

(A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(1), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;

(B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(1) are reviewed and remedial action is taken as necessary; and

(C) records of (3)(A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

(4) A motor carrier of a transit bus or of a commercial motor vehicle not identified in (c)(1) must ensure that:

(A) the bus or vehicle driver, upon employment and at least once per year thereafter, is informed of the requirements in (c)(2), and of the consequences, under this section and the motor carrier's terms of employment, of not complying with those requirements;

(B) all complaints of non-compliance with, and enforcement actions related to, the requirements of (c)(2) are reviewed and remedial action is taken as necessary; and

(C) records of (4)(A) and (B) are kept for at least three years and made available or accessible to enforcement personnel as defined in subsection (g) within three business days of their request.

(d) Exemptions

This section does not apply for the period or periods during which:

(1) idling is necessary while stopped:

(A) for an official traffic control device;

(B) for an official traffic control signal;

(C) for traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic; or

(D) at the direction of a peace officer;

(2) idling is necessary to ascertain that the school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

(3) idling is necessary for testing, servicing, repairing, or diagnostic purposes;

(4) idling is necessary, for a period not to exceed three to five minutes (as per the recommendation of the manufacturer), to cool down a turbo-charged diesel engine before turning the engine off;

(5) idling is necessary to accomplish work for which the vehicle was designed, other than transporting passengers, for example:

(A) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;

(B) controlling cargo temperature; or

(C) operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;

(6) idling is necessary to operate:

(A) a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or

(B) a heater or an air conditioner of a bus or vehicle that has, or will have, one or more children with exceptional needs aboard;

(7) idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to ensure the safety or health of the driver or passengers, or as otherwise required by federal or State motor carrier safety regulations;; or

(8) idling is necessary solely to recharge a battery or other energy storage unit of a hybrid

electric bus or vehicle.

(e) Relationship to Other Law

Nothing in this section allows idling in excess of other applicable law, including, but not limited to:

- (1) Title 13 California Code of Regulations Section 1226;
- (2) Vehicle Code Section 22515; or
- (3) any local ordinance or requirement as stringent as, or more stringent than, this section.

(f) Penalties

(1) For each violation of subsection (c)(1), a driver of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(2) For each violation of subsection (c)(2), a driver of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(3) For each violation of subsection (c)(3), a motor carrier of a school bus, school pupil activity bus, youth bus, or general public paratransit vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(4) For each violation of subsection (c)(4), a motor carrier of a transit bus or other commercial motor vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties to the maximum extent provided by law.

(g) Enforcement. This section may be enforced by the Air Resources Board, peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives, and air pollution control or air quality management districts.

(h) Definitions.

The following terms are defined for the purposes of this section:

(1) Children With Exceptional Needs. "Children with exceptional needs" means children meeting eligibility criteria described in Education Code Section 56026.

(2) Commercial Motor Vehicle. "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck with a gross vehicle weight rating of 10,001 pounds or more, with the following

exceptions:

(A) a zero emission vehicle; or

(B) a pickup truck defined in Vehicle Code Section 471.

(3) Driver. "Driver" means any person who drives or is in actual physical control of a vehicle.

(4) General Public Paratransit Vehicle. "General public paratransit vehicle" means any motor vehicle defined in Vehicle Code Section 336, other than a zero emission general public paratransit vehicle, that is transporting school pupils at or below the 12th grade level to or from public or private schools or public or private school activities.

(5) Gross Vehicle Weight Rating. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

(6) Hybrid Electric Bus or Vehicle. "Hybrid electric bus or vehicle" means any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle equipped with at least the following two sources of motive energy on board:

(A) an electric drive motor that must be used to partially or fully drive the bus or vehicle wheels; and

(B) one of the following:

(i) an internal combustion engine;

(ii) a turbine; or

(iii) a fuel cell.

(7) Idling. "Idling" means the engine is running while the bus or vehicle is stationary.

(8) Motor Carrier. "Motor carrier" means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle who operates or directs the operation of any such bus or vehicle on either a for-hire or not-for-hire basis.

(9) Motor Truck. "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the, transportation of property.

(10) Official Traffic Control Device. "Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or

erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

(11) Official Traffic Control Signal. "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

(12) School. "School" means any public or private school used for the purposes of education and instruction of more than 12 school pupils at or below the 12th grade level, but does not include any private school in which education and instruction is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property. The term excludes unimproved school property.

(13) School Bus. "School bus" means any school bus defined in Vehicle Code Section 545, except a zero emission school bus.

(14) School Pupil Activity Bus. "School pupil activity bus" means any bus defined in Section 546 of the Vehicle Code, except a zero emission school pupil activity bus.

(15) Transit Bus. "Transit bus" means any bus defined in Vehicle Code Section 642, except a zero emission transit bus.

(16) Youth Bus. "Youth bus" means any bus defined in Vehicle Code Section 680, except a zero emission youth bus.

(17) Zero Emission School Bus, Transit Bus, School Pupil Activity Bus, Youth Bus, General Public Paratransit Vehicle, or Other Commercial Motor Vehicle. A "zero emission school bus, transit bus, school pupil activity bus, youth bus, general public paratransit vehicle, or other commercial motor vehicle" means any bus or vehicle certified to zero-emission standards.

## **California Code of Regulations**

### **§ 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling**

(a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles.

(b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically

includes:

(1) California-based vehicles; and

(2) Non-California-based vehicles.

(c) Requirements.

On or after February 1, 2005, the driver of any vehicle subject to this section:

(1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and

(2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

(d) Exceptions.

Subsection (c) does not apply for the period or periods during which

(1) a bus is idling for

(A) up to 10.0 minutes prior to passenger boarding, or

(B) when passengers are onboard;

(2) idling of the primary diesel-engine is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth. This provision does not apply when operating within 100 feet of a restricted area;

(3) idling when the vehicle must remain motionless due to traffic conditions, an official traffic control device, or an official traffic control signal over which the driver has no control, or at the direction of a peace officer, or operating a diesel-fueled APS at the direction of a peace officer;

(4) idling when the vehicle is queuing that at all times is beyond 100 feet from any restricted area;

(5) idling of the primary engine or operating a diesel-fueled APS when forced to remain motionless due to immediate adverse weather conditions affecting the safe operation of the vehicle or due to mechanical difficulties over which the driver has no control;

(6) idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or

as otherwise needed, provided that such engine idling is mandatory for such verification;

(7) idling of the primary engine or operating a diesel-fueled APS is mandatory for testing, servicing, repairing, or diagnostic purposes;

(8) idling when positioning or providing a power source for equipment or operations, other than transporting passengers or propulsion, which involve a power take off or equivalent mechanism and is powered by the primary engine for:

(A) controlling cargo temperature, operating a lift, crane, pump, drill, hoist, mixer (such as a ready mix concrete truck), or other auxiliary equipment;

(B) providing mechanical extension to perform work functions for which the vehicle was designed and where substitute alternate means to idling are not reasonably available; or

(C) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;

(9) idling of the primary engine or operating a diesel-fueled APS when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(10) idling of the primary engine or operating a diesel-fueled APS by authorized emergency vehicles while in the course of providing services for which the vehicle is designed;

(11) idling of military tactical vehicles during periods of training; and

(12) idling when operating equipment such as a wheelchair or people assist lift as prescribed by the Americans with Disabilities Act;

(e) Relationship to Other Law.

Nothing in this section allows idling in violation of other applicable law, including, but not limited to:

(1) California Vehicle Code Section 22515;

(2) Title 13, Section 2480, California Code of Regulations;

(3) California Health and Safety Code Section 40720; or

(4) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.

(f) Enforcement. This section may be enforced by the Air Resources Board; peace

officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

(g) Penalties. For violations of subsection (c)(1) or (c)(2), the driver of a subject vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties as specified in the Health and Safety Code and the Vehicle Code.

(h) Definitions.

The following definitions apply to this section:

(1) "Authorized emergency vehicle" is as defined in Vehicle Code Section 165.

(2) "Auxiliary power system" or "APS" means any device that provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab, or sleeper berth, as an alternative to idling the primary diesel engine.

(3) "Bus" means any vehicle defined in Title 13, California Code of Regulations, Section 2480, subsections (h) (13)-(16), inclusive or as defined in the Vehicle Code Section 233.

(4) "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck or bus with a gross vehicle weight rating of 10,001 pounds or more, except the following:

(A) a zero emission vehicle; or

(B) a pickup truck as defined in Vehicle Code Section 471.

(5) "Driver" is as defined in Vehicle Code Section 305.

(6) "Gross vehicle weight rating" is as defined in Vehicle Code Section 350.

(7) "Highway" is as defined in Vehicle Code Section 360.

(8) "Idling" means the vehicle engine is running at any location while the vehicle is stationary.

(9) "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(10) "Official traffic control device" is as defined in Vehicle Code Section 440.

(11) "Official traffic control signal" is as defined in Vehicle Code Section 445.

(12) "Owner" is as defined in Vehicle Code Section 460.

(13) "Primary diesel engine" means the diesel-fueled engine used for vehicle propulsion.

(14) "Queuing" means (A) through (C)

(A) the intermittent starting and stopping of a vehicle;

(B) while the driver, in the normal course of doing business, is waiting to perform work or a service; and

(C) when shutting the vehicle engine off would impede the progress of the queue and is not practicable.

(D) Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.

(15) "Restricted area" means any real property zoned for individual or multifamily housing units that has one or more of such units on it.

(16) "Safety or health emergency" means:

(A) a sudden, urgent, or usually unforeseen, occurrence; or

(B) a foreseeable occurrence relative to a medical or physiological condition.

(17) "Sleeper berth" is as defined in Title 13, California Code of Regulations, Section 1265.

(18) "Vehicle" is as defined in the Vehicle Code Section 670.

## **Municipal Codes**

### **Auburn Municipal Code**

#### **LIMITATION ON ENGINE IDLING**

##### *§ 71.75 FINDINGS AND PURPOSE.*

The City Council finds that:

(A) Air pollution is a public health concern in California. The Sacramento Region is currently designated as non-attainment for the 1-hour federal ozone standard, as well as the more stringent state ozone standard. Air pollution can cause or aggravate long illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life (nuisance).

(B) Exhaust from motor vehicles (both on- and off-road) is a substantial source of ozone precursors in the Sacramento Region. Vehicle exhaust is also a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to improved emission control technologies, the slow turnover in their inventory and the number of miles/hours these vehicles idle each year is hindering progress in improving regional air quality.

(C) Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by adopting ordinances that are cost-effective in reducing ozone precursor emissions and toxic air contaminants. This subchapter is based on and derived from the Sacramento Ozone Summit Model Green Contracting Ordinance.

(D) A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980's-2001 model year truck operating on diesel fuel emits 144 grams per hour of nitrogen oxide and 8,224 grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel while idling.

(E) TIAX, a consultant for the Sacramento Metropolitan Air Quality Management District, estimated idling exhaust emissions from Heavy Duty diesel trucks (HHDV), Medium Heavy Duty Diesel Trucks (MHDV) and off-road construction equipment to be 2.3 tons per day of nitrogen oxide emissions and .23 tons per day of reactive organic gas emissions (Control Measure OFMS 52 & ONMS 45, April 2003). The maximum emissions reductions from full implementation of the Limitation on Engine idling Ordinance in the Sacramento Region was estimated to be 1.725 tons per day of nitrogen oxides emissions and .173 tons per day of reactive organic gas emissions (assuming a 75% compliance).

(F) Under this subchapter, a limitation on engine idling is established by the City of Auburn to discourage the idling of engines in the city.

(Ord. 04-5, eff. 8-10-2004)

#### § 71.76 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMERCIAL MOTOR VEHICLE.** Any on- road motor vehicle with a manufacturer's gross vehicle weight rating greater than 26,000 pounds, or as defined in Cal. Motor Vehicle Code § 15210(b).

**DRIVER.** Any person who drives, operates, or is in actual physical control of a vehicle.

*EMERGENCY.* A sudden, urgent, usually unforeseen occurrence.

*EQUIPMENT OPERATOR.* Any person who is in actual physical control of a piece of off-road equipment.

*GROSS VEHICLE WEIGHT RATING.* The weight specified by the manufacturer as the loaded weight of a single vehicle.

*IDLING.* The engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.

*MEDIUM DUTY VEHICLE.* Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,001-14,000 pounds.

*OFFICIAL TRAFFIC CONTROL DEVICE.* Any sign, signal, marking or device, consistent with Cal. Vehicle Code § 21400, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps or other roadway design features.

*OFFICIAL TRAFFIC CONTROL SIGNAL.* Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

*OFF-ROAD DIESEL EQUIPMENT.* All non- road equipment with a horsepower rating of 70 or greater.

*TRANSPORT REFRIGERATION UNIT or TRU.* A refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo. A TRU is a piece of off-road equipment regardless of its horsepower rating.

*VEHICLE.* Any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

*VEHICLE/EQUIPMENT OWNER.* The registered owner, lessee, licensee or bailee of any heavy- or medium-duty vehicle or piece of off-road equipment who operates or directs the operation of any such vehicle or equipment on either a for hire or not for hire basis.

(Ord. 04-5, eff. 8-10-2004)

#### § 71.77 *APPLICABILITY.*

This subchapter applies to the operation of all diesel fueled commercial vehicles over 26,000 lbs. Gross vehicle weight rating, and all off-road diesel powered equipment over

70 horsepower rating, except as provided in § 71.79. Additionally, this subchapter applies to TRU engines as specified in § 71.76.

(Ord. 04-5, eff. 8-10-2004)

*§ 71.78 IDLING.*

(A) A driver of a vehicle:

- (1) Must turn off the engine upon stopping at a destination; and
- (2) Must not cause or allow an engine to idle at any location for more than five consecutive minutes.

(B) An equipment operator of an off-road piece of equipment not identified in subdivision (A)(1) above must not cause or allow an off-road piece of equipment to idle at any location for more than five consecutive minutes.

(C) An equipment operator of a TRU must not cause or allow a TRU to operate within 1,000 feet of a residential area or school unless the cargo will be loaded or has been unloaded within 30 minutes.

(D) An owner of a vehicle, an off-road piece of equipment, or a TRU must ensure that:

- (1) The vehicle driver or equipment operator, upon employment and at least once per year

thereafter, is informed of the requirements of this Article, and of the consequences under this section, and the fleet owners terms of employment, of not complying with those requirements; and

- (2) Upon rental or lease of a vehicle or piece of equipment, notification is provided of the requirements of this subchapter;

- (3) All complaints of non-compliance with, and enforcement actions related to the requirements of this subchapter are reviewed and remedial action is taken as necessary.

(E) A private property owner shall not allow a vehicle, an off-road piece of equipment or a TRU located on the owner's property to violate the provisions of this subchapter. A private property owner shall notify owners and operators of vehicles, off-road pieces of equipment, and TRUs entering the owner's private property of the requirements of this subchapter.

(Ord. 04-5, eff. 8-10-2004) Penalty, see § 71.99

§ 71.79 EXEMPTIONS.

(A) This subchapter does not apply to a vehicle or piece of equipment for the period or periods during which:

- (1) Idling is necessary while stopped:
  - (a) For an official traffic control device;
  - (b) For an official traffic control signal;
  - (c) For traffic conditions over which the driver has no control, including, but not limited to, stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone; or
  - (d) At the direction of a peace officer.
- (2) Idling is necessary to ascertain that the vehicle and/or the off-road equipment is in safe operating conditions and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;
- (3) Idling is necessary for testing, servicing, repairing or diagnostic purposes;
- (4) Idling is necessary for a period not to exceed three to five minutes (as per the recommendation of the manufacturer) to cool down a turbo charged heavy-duty vehicle before turning the engine off;
- (5) Idling is necessary to accomplish work for which the vehicle/equipment was designed, other than transporting goods, for example: operating a lift, crane, pump, drill, hoist, mixer or other auxiliary equipment other than a heater or air conditioner;
- (6) Idling is necessary to operate a life or other piece of equipment designed to ensure safe loading and unloading of goods and people;
- (7) Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers;
  - (a) The only exception for driver comfort would be a vehicle driver that is required to have rest time by law. In this case, the driver may only idle at a designated rest area or truck stop and will not idle within 1,000 feet of a residential area or school;
  - (b) The only specific exception for passenger comfort would be vehicles with a passenger onboard with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature.

(8) Idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle/equipment;

(9) Idling is necessary to operate equipment that runs intermittently;

(10) Alternative diesel fuel vehicles, or any Tier 2 4.8 g/bhp combined Nox and HMHC level;

(11) Idling is necessary in attainment portions of Placer County.

(B) Nothing in this subchapter allows idling in excess of other applicable laws, including but not limited to:

(1) Title 13 California Code of Regulations § 1226; requirement for leaving the driver's compartment when a pupil is aboard a school bus.

(2) Title 13 California Code of Regulations § 2480; requirements/restriction of idling of school buses.

(3) Cal. Vehicle Code § 22515; requirements for leaving a motor vehicle unattended.

(4) Any local ordinance or requirement as stringent as, or more stringent than, this chapter.

(Ord. 04-5, eff. 8-10-2004)

#### § 71.80 ENFORCEMENT.

This subchapter may be enforced by the local air pollution control or air quality management district, and/or any peace officer as defined in Cal. Penal Code, Title 3, Chapter 4.5, §§ 830 *et seq.* and their respective agencies authorized representative(s).

(Ord. 04-5, eff. 8-10-2004)

#### § 71.99 PENALTY.

(A) Any violation of this chapter for which a penalty is not provided shall be punished according to § 10.99 of this code.

(B) (1) For each violation of § 71.78, a driver of a vehicle, or an operator of an off-road piece of equipment or TRU will be first given a written warning. Subsequent violations will be subject to a civil penalty of \$50 and criminal penalties as provided by law.

(2) For each violation of § 71.78, an owner of a vehicle, off-road piece of equipment or TRU is subject to a written warning on the first offense, followed by a \$100 minimum civil penalty for a second offense, with a minimum civil penalty of \$200 for all future offenses and criminal penalties as provided by law. All penalties assessed under this section shall be deposited with the City of Auburn, regardless of whether another agency or entity first collects the penalties.

(Ord. 04-5, eff. 8-10-2004)

### **Cupertino Municipal Code**

#### *10.48.055 Motor Vehicle Idling.*

Motor vehicles, including automobiles, trucks, motorcycles, motor scooters and trailers or other equipment towed by a motor vehicle, shall not be allowed to remain in one location with the engine or auxiliary motors running for more than three minutes in any hour, in an area other than on a public right-of-way, unless:

A. The regular noise limits of Section 10.48.040 are met while the engine and/or auxiliary motors are running; or

B. The vehicle is in use for provision of police, fire, medical, or other emergency services. (Ord. 1871, (part), 2001)

### **Fountain Valley Municipal Code**

#### § 6.28.147 Idling motor vehicles.

No person shall leave standing any motor vehicle, including refrigeration trailers, with engine idling or auxiliary motor running for in excess of ten minutes between the hours of ten p.m. and seven a.m. if the engine or motor noise disturbs the peace or quiet of any residential neighborhood or causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. The driver, owner, registered owner and legal owner of the motor vehicle or refrigeration trailer shall each be guilty of the offense described herein. (Ord. 1156 § 1, 1990)

### **Palm Desert Municipal Code**

#### 10.98.010 Parking prohibitions and restrictions.

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C. While adjacent to a developed residential area within the city, the operator shall not idle the vehicles engine for longer than fifteen minutes. (Ord. 1025, 2002: Ord. 793 § 1 (part), 1996)

### **Placer County Code**

## Article 10.14 LIMITATION ON ENGINE IDLING

### 10.14.010 Findings and purpose.

The Placer County board of supervisors finds that:

A. Air pollution is a major public health concern in California. The Sacramento region is currently designated as non-attainment for the one-hour federal ozone standard, as well as the more stringent state ozone standard. Air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life (nuisance).

B. Exhaust from vehicles (both on- and off-road) is a substantial source of ozone precursors in the Sacramento region. Vehicle exhaust is also a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to improved emission control technologies; the slow turn over in their inventory and the number of miles/hours these vehicles idle each year is hindering progress in improving regional air quality.

C. Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by adopting ordinances that are cost effective in reducing ozone precursor emissions and toxic air contaminants. This article is based on and derived from the Sacramento Ozone Summit Model Engine Idling Ordinance.

D. A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980s-2001 model year truck operating on diesel fuel emits one hundred forty-four (144) grams per hour of nitrogen oxide and eight thousand, two hundred twenty-four (8,224) grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel while idling.

E. TIAX, a consultant for the Sacramento Metropolitan Air Quality Management District, estimated idling exhaust emissions from heavy heavy duty diesel trucks (HHDV), medium heavy duty diesel trucks (MHDV) and off road construction equipment to be 2.3 tons per day of nitrogen oxide emissions and .23 tons per day of reactive organic gas emissions. (Control Measures OFMS 52 and ONMS 45, April 2003). The maximum emissions reductions from full implementation of the Limitation on Engine Idling Ordinance in the Sacramento region was estimated to be 1.725 tons per day of nitrogen oxides emissions and .173 tons per day of reactive organic gas emissions (assuming a seventy-five percent (75%) compliance).

F. Under this article, a limitation on engine idling is established by the board of supervisors to discourage the idling of engines in the unincorporated Placer County. (Ord. 5271-B, 2003)

### 10.14.020 Definitions.

"Driver" means any person who drives, operates, or is in actual physical control of a vehicle.

"Emergency" means a sudden, urgent, usually unforeseen, occurrence.

"Equipment operator" means any person who is in actual physical control of a piece of off-road equipment.

"Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

"Commercial motor vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating greater than twenty-six thousand (26,000) pounds or as defined in Motor Vehicle Code Section 15210(b).

"Idling" means the engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.

"Medium-duty vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating of six thousand one to fourteen thousand (6,001 -- 14,000) pounds.

"Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the vehicle code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

"Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

"Off-road diesel equipment" means all non-road equipment with a horsepower rating of seventy (70) or greater.

"Transport refrigeration unit" or "TRU" means a refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo. A TRU is a piece of off-road equipment regardless of its horsepower rating.

"Vehicle" means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

"Vehicle/equipment owner" means the registered owner, lessee, licensee, or bailee of any heavy- or medium-duty vehicle or piece of off-road equipment who operates or directs the operation of any such vehicle or equipment on either a for-hire or not-for-hire basis. (Ord. 5271-B, 2003)

#### 10.14.030 Applicability.

There is established an article to be known as "Limitation on Engine Idling" that applies to the operation of all diesel fueled commercial vehicles over twenty-six thousand (26,000) lbs. gross vehicle weight rating, and all off-road diesel-powered equipment over seventy (70) horsepower rating, except as provided in Section 10.14.050. Additionally, this article applies to TRU engines as specified in subsection 10.14.040(C). (Ord. 5271-B, 2003)

#### 10.14.040 Idling.

A. A driver of a vehicle:

1. Must turn off the engine upon stopping at a destination; and
2. Must not cause or allow an engine to idle at any location for more than five consecutive minutes.

B. An equipment operator of an off-road piece of equipment not identified in subsection A of this section must not cause or allow an off-road piece of equipment to idle at any location for more than five consecutive minutes.

C. An equipment operator of a TRU must not cause or allow a TRU to operate within one thousand (1,000) feet of a residential area or school unless the cargo will be loaded or has been unloaded within thirty (30) minutes.

D. An owner of a vehicle, an off-road piece of equipment, or a TRU must ensure that:

1. The vehicle driver or equipment operator, upon employment and at least once per year thereafter, is informed of the requirements in subsections 10.14.040(A)--(C), and of the consequences, under this section and the fleet owners terms of employment, of not complying with those requirements; and
2. Upon rental or lease of a vehicle or piece of equipment, notification is provided of the requirements in subsections 10.14.040(A)--(C); and
3. All complaints of non-compliance with, and enforcement actions related to, the requirements of subsections 10.14.040(A)--(C) are reviewed and remedial action is taken as necessary.

E. A private property owner shall not allow a vehicle, an off-road piece of equipment or a TRU located on the owner's property to violate subsections 10.14.040(A)--(C) respectively. A private property owner shall notify owners and operators of vehicles, off-road pieces of equipment, and TRUs entering the owner's private property of the requirements of subsections 10.14.040(A)--(C). (Ord. 5271-B, 2003)

#### 10.14.050 Exemptions.

This article does not apply to a vehicle or piece of equipment for the period or periods during which:

A. Idling is necessary while stopped:

1. For an official traffic control device;
2. For an official traffic control signal;
3. For traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone; or
4. At the direction of a peace officer;

B. Idling is necessary to ascertain that the vehicle and/or the off-road equipment is

in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;

C. Idling is necessary for testing, servicing, repairing, or diagnostic purposes;

- D. Idling is necessary, for a period not to exceed three to five minutes (as per the recommendation of the manufacturer), to cool down a turbo-charged heavy-duty vehicle before turning the engine off;
- E. Idling is necessary to accomplish work for which the vehicle/equipment was designed, other than transporting goods, for example: operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;
- F. Idling is necessary to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;
- G. Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers;
  1. The only exception for driver comfort would be a vehicle driver that is required to have rest time by law. In this case, the driver may only idle at a designated rest area or truck stop and will not idle within one thousand (1,000) feet of a residential area or school.
  2. The only specific exception for passenger comfort would be a paratransit vehicle with a passenger on board with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature.
- H. Idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle/equipment;
- I. Idling is necessary to operate equipment that runs intermittently;
- J. Alternative diesel fuel vehicles, or any Tier 2 4.8 g/bhp combined Nox and HMHC level;
- K. Idling is necessary in attainment portions of Placer County generally east of Donner Summit. (Ord. 5271-B, 2003)

#### 10.14.060 Relationship to other laws.

Nothing in this article allows idling in excess of other applicable laws, including, but not limited to:

- A. Title 13 California Code of Regulations Section 1226;
- B. Title 13 California Code of Regulations Section 2480;
- C. Vehicle Code Section 22515; or
- D. Any local ordinance or requirement as stringent as, or more stringent than this article. (Ord. 5271-B, 2003)

#### 10.14.070 Penalties.

- A. For each violation of subsections 10.14.040(A)--(C), a driver of a vehicle, or an operator of off-road piece of equipment or TRU is subject to a minimum civil penalty of fifty dollars (\$50.00) and to criminal penalties to the maximum extent provided by law.
- B. For each violation of subsection 10.14.040(D), an owner of a vehicle, off-road piece of equipment or TRU is subject to a warning on the first offense, followed by a one hundred dollar (\$100.00) minimum civil penalty for a second offense, with a

minimum civil penalty of two hundred dollars (\$200.00) for all future offenses and to criminal penalties to the maximum extent provided by law.

C. All fees collected through Section 10.14.070 or the penalty phase of this article shall be accrued in a vehicle replacement grant fund for annual application by commercial and off road vehicle operators. The air pollution control district will manage this fund. (Ord. 5271-B, 2003)

#### 10.14.080 Enforcement.

This article may be enforced by the local air pollution control or air quality management district, and/or any peace officer as defined in California Penal Code, Title 3, Chapter 4.5, Sections 830 et seq. and their respective agencies' authorized representative. (Ord. 5271-B, 2003)

#### 10.14.090 Effective date.

The operation and effective date of the ordinance codified in this article is January 1, 2004. (Ord. 5271-B, 2003)

# Colorado

## Municipal Codes

### **City of Aspen Municipal Code**

13.08.110 Engine Idling.

(a) Except as hereinafter provided, it shall be unlawful for any person to idle or permit the idling of the motor of any stationary motor vehicle for a prolonged or unreasonable period of time determined herein to be five (5) minutes or more within any one (1) hour period of time.

(b) This section shall not apply when an engine must be operated in the idle mode for safety reasons including, but not limited to, the operation of cranes and fork lifts used in the construction industry.

(c) The time required by a diesel powered motor vehicle with a gross weight rating of ten thousand (10,000) pounds or more while operating in a stationary position to achieve a temperature of one hundred twenty (120) degrees Fahrenheit and an air pressure of one hundred (100) pounds per square inch, shall not be included in the computation of the five (5) minutes determined herein to be a prolonged or unreasonable period of time. The temperature and air pressure as indicated on the vehicle's gauges may be used for determining the diesel engine's temperature and air pressure.

(d) The time during which transportation vehicles are actively loading or discharging passengers shall not be included in the computation of the five (5) minutes determined herein to be a prolonged or unreasonable period of time. A transportation vehicle shall be defined for purposes of this section to mean motor vehicles designed to transport a minimum of sixteen (16) persons. (Ord. No 74-1992, § 1: Code 1971, § 11-2.70)

### **Denver Municipal Code**

#### ARTICLE IV. MOBILE SOURCES

Sec. 4-43. Idling restriction.

(a) Effective July 1, 1990, no person shall allow a vehicle to idle for more than ten (10) minutes in any one-hour period unless:

(1) The ambient outside air temperature has been less than twenty (20) degrees Fahrenheit for the previous twenty-four-hour period; or

(2) The ambient outside air temperature is less than ten (10) degrees Fahrenheit.

(b) The idling restriction in subsection (a) shall not apply to emergency vehicles; to vehicles engaged in traffic operations; to vehicles which are being serviced; to vehicles that must idle to operate auxiliary equipment, including but not limited to pumps, compressors or refrigeration units; or to vehicles en route to a destination that are stopped by traffic congestion.

(Ord. No. 330-90, 6-4-90)

### **Greenwood Village Municipal Code**

10.04.010 Model Traffic Code adopted.

A. The City hereby adopts by reference the 2003 edition of the Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222.

...

D. The City makes the following modifications to the 2003 edition of the Model Traffic Code:

1. The following new Part 3 is added to the Model Traffic Code:

*PART 3  
EMISSIONS CONTROL*

...

*304. Idling prohibited. It is unlawful for any person to operate or cause or knowingly permit to be operated in any residential district in the City, except on a state highway, any motor of a motor vehicle which weighs twelve thousand (12,000) pounds or more, manufacturer's gross vehicle weight, or any combination of motor vehicles towed by such motor vehicle, which remains stationary for a consecutive period longer than five (5) minutes.*

**Town of Johnstown Municipal Code**

Sec. 8-44. Idling.

Motor vehicles that weigh more than ten thousand (10,000) pounds (mostly trucks) are hereby forbidden from idling longer than fifteen (15) minutes in any hour unless stopped due to traffic congestion. Moreover, said vehicles shall not idle within one hundred (100) feet of a residential area from 10:00 p.m. to 7:00 a.m. unless parked in the designated area.

**Vail Town Code**

5-1-7: NOISE PROHIBITED:

...

G.Motor Vehicle Noise:

...

3 Idling Engines:

a. It shall be unlawful for any person to idle or permit the idling of the engine of any bus, truck, or any motor vehicle of any kind whatsoever, for a period of time in excess of twenty (20) minutes within the Town limits.

b. Notwithstanding subsection G3a of this Section, it shall be unlawful for any person to permit any idling whatsoever of the engine of any unattended bus, truck or any motor vehicle, except for refrigeration vehicles, within the Lionshead Mixed Use 1, Lionshead Mixed Use 2, Commercial Core 1 or the Commercial Core 2 Zone Districts of the Town.

### **Winter Park Town Code**

#### **4-3-5: IDLING OF MOTOR VEHICLES:**

A. The unreasonable and prolonged idling of motors of any motor vehicle of any kind whatsoever is hereby declared to be a nuisance and public safety and health hazard.

B. It shall be unlawful for any person to idle or permit the idling of the motor of any motor vehicle of any kind whatsoever for a prolonged and unreasonable period of time within the limits of the town at any time of the day or night.

C. Evidence that a motor vehicle has idled for a period of fifteen (15) minutes or longer shall be prima facie proof that said vehicle was idling for a prolonged and unreasonable period of time.

D. Any person convicted of a violation of this section shall be fined in an amount not to exceed three hundred dollars (\$300.00) or imprisoned for a term not to exceed ninety (90) days, or both, for each offense. (Ord. 334, Series of 2003)

# Connecticut

## State Codes

### **Connecticut General Statutes**

§ 14-277. Operator's duties on stopping bus. Prohibition on idling of bus.

...

(b) The operator of any school bus shall not operate the engine of any school bus for more than three consecutive minutes when the school bus is not in motion except (1) when the school bus is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control, (2) when it is necessary to operate heating, cooling or auxiliary equipment installed on the school bus when such equipment is necessary to accomplish the intended use of the school bus, including, but not limited to, the operation of safety equipment, (3) when the outdoor temperature is below twenty degrees Fahrenheit, (4) when it is necessary to maintain a safe temperature for students with special needs, (5) when the school bus is being repaired, or (6) when the operator is in the process of receiving or discharging passengers on a public highway or public road.

(c) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars.

## Municipal Codes

### **Code of Town of Branford, CT**

§ 189-6. Prohibited noise activities.

...

B. Truck idling. No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds manufacturer's gross vehicle weight (GVW) for a period in excess of 10 minutes when such vehicle is parked on a residential premises or on a Town road next to a residential premises.

### **Code of the Town of Mansfield**

§ 134-7. Prohibited noise activities.

The following acts are deemed unlawful pursuant to the regulations contained herein. However, this enumeration shall not be deemed exclusive.

...

B. Truck idling. No person shall operate any standing motor vehicle with a weight in

excess of 10,000 pounds, manufacturer's gross vehicle weight (GVW), for a period in excess of 10 minutes when such vehicle is parked on or next to a residential premise.

## **Code of City of Norwalk**

### **§ 44-10. Control of particulate emissions.**

#### **A. Visible emissions**

- (1) No person shall cause or permit the emission of visible air pollutants with greater than twenty-percent opacity, except as permitted under the following sections.
- (2) A person may discharge air pollutants into the atmosphere from any source of emission for a period or periods aggregating not more than five minutes in any 60 minutes, provided that said air pollutants are of no greater than forty-percent opacity

#### **C. Exceptions for uncombined water.**

- (1) Where the presence of uncombined water, such as water vapor, is the only reason for the failure of an emission to meet the requirements of this regulation, then the provisions of this regulation shall not apply.
- (2) The following shall be exempt from the requirements of Subsection A(2):
  - (a) Antique automobiles over 30 years old.
  - (b) Mobile sources in the process of being repaired.
- (3) Emissions from stationary or idling mobile sources. No mobile-source engine shall be allowed to operate for more than three consecutive minutes when the mobile source is not in motion, except as follows:
  - (a) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control.
  - (b) When it is necessary to operate heating, cooling or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source.
  - (c) To bring the mobile source to the manufacturer's recommended operating temperature.
  - (d) When the outdoor temperature is below 20° F.
  - (e) When the mobile source is being repaired.
- (4) Subsections A(2) and C(3) shall not apply to aircraft, locomotives operating on

rails, vessels for transportation on water, lawnmowers, snowblowers and other small home appliances

...

**§ 68-6. Prohibited activities.**

A. General prohibition. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary and unreasonable noise.

B. The following activities are prohibited:

...

(2) Emissions from stationary or idling mobile sources. No mobile source engine shall be allowed to operate for more than three consecutive minutes when the mobile source is not in motion except as follows:

- (a) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;
- (b) When it is necessary to operate heating, cooling or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source;
- (c) To bring the mobile source to the manufacturer's recommended operating temperature;
- (d) When the outdoor temperature is below 20° F;
- (e) When the mobile source is being repaired.

**Windsor Code of Ordinances**

Sec. 9-33. Prohibited noise activities.

The following activities are prohibited:

...

(2) *Truck Idling*: No person shall operate an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight (GVW) for a period in excess of ten (10) minutes, when such vehicle is parked on a residential premise or on a town road next to a residential premise;

# Delaware

## Municipal Codes

### **Wilmington City Code**

Sec. 37-6. Diesel-powered motor vehicles; idle standard.

(a) *Definitions.* In addition to the definitions set forth in section 37-1 of this chapter, for purposes of this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) *Diesel-powered motor vehicle* means a vehicle which is self-propelled by a compression ignition type of internal combustion engine and which is designed primarily for transporting persons or property on a public street or highway; for purposes of this section, passenger automobiles and motorcycles are excluded.

(2) *Idle* means the motor vehicle operating mode consisting of a nonloaded, throttled engine speed at the revolutions per minute specified by the manufacturer.

(b) *Standards.* No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

(1) A vehicle at the vehicle operator's place of business where the vehicle is permanently assigned may idle for 30 consecutive minutes; or

(2) A vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.

(c) *Exceptions.* The provisions of subsection (b) of this section shall not apply to:

(1) Buses while discharging or picking up passengers;

(2) Vehicles stopped in a line of traffic;

(3) Vehicles whose primary or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning;

(4) Vehicles being or waiting to be examined by state or federal motor vehicle inspectors;

(5) Emergency vehicles in an emergency situation;

(6) Vehicles while being repaired;

(7) Vehicles while engaged in the process of connection, detachment or exchange of trailers; or

(8) Vehicles manufactured with a sleeper berth while being used, in a nonresidentially zoned area, by the vehicle's operator for sleeping or resting or in order to provide heat or air-conditioning.

(d) *Violations; penalties.* Violations of any provision of this section shall be punishable upon conviction in accordance with the provisions of section 37-186.

(Code 1968, § 37-20.1)

# **District of Columbia**

## **District of Columbia Municipal Regulations**

### Title 20

#### Sec. 900.1

The engine of a gasoline or diesel powered motor vehicle, the engine of a public vehicle for hire, including buses with a seating capacity of twelve (12) or more persons, on public or private space shall not idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment in those vehicles, except as follows:

- (a) To operate private passenger vehicles;
- (b) To operate power takeoff equipment including, dumping, cement mixers, refrigeration systems, content delivery, winches, or shredders; or
- (c) To idle the engine for five (5) minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32°F) or below.

#### Sec. 914.1

Each person who fails to comply with any of the provisions of this chapter, prevents any inspection authorized by this chapter, or keeps inaccurate records shall be punished by a fine not to exceed five thousand dollars(\$5,000).

#### Sec. 914.2

Each violation of, or failure to comply with, this chapter shall constitute a separate offense and the penalties described in §914.1 shall be applicable to each separate offense.

# Georgia

## Municipal Codes

### **Atlanta Code of Ordinances**

Sec. 150-97. Restrictions for trucks, buses.

(a) *Time limit for trucks.* No person shall park or stand any truck or other freight-carrying vehicle, including any truck tractor, in excess of one-half ton capacity upon any public street or highway for longer than one hour at any time during the day or no person shall park any truck or other freight-carrying vehicle, including any truck tractor or their cabs, in excess of one-half ton capacity upon any public street or highway from 6:00 p.m. to 8:00 a.m. during standard time and from 8:00 p.m. to 7:00 a.m. during day light savings time.

(b) *Attendant required for certain trucks, buses.* No person shall stop or stand any truck or bus with a body more than eight feet wide or ten feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.

(c) *Time limit for idling.* No person shall stop or stand any truck or bus on any street or public place and idle for more than 15 minutes. A violation of this subsection shall, upon conviction, be punishable by a minimum fine of \$500.00. This limitation shall not apply under the following conditions:

(1) Emergency vehicles, utility company, construction and maintenance vehicles where the engines must run to perform needed work;

(2) Truck or bus is forced to remain motionless because of traffic conditions;

(3) Truck or bus is being used to supply heat or air conditioning necessary for passenger safety or comfort, and such truck or bus is being used for commercial passenger transportation or is a transit authority bus or school bus, in which idling shall be limited to a maximum of 25 minutes;

(4) If the ambient temperature is less than 32 degrees Fahrenheit, idling shall be limited to a maximum of 25 minutes; or

(5) Any vehicle, truck, bus, or transit authority bus in which the primary source of fuel is Natural Gas (CNG) or electricity shall be exempt from the idling limitations set forth in this section.

(Code 1977, § 13-2238; Ord. No. 2001-8, § 1, 2-13-01; Ord. No. 2002-84, § 1, 11-26-02)

# Hawaii

## State Codes

### **Hawaii Administrative Rules**

§11-60.1-34

...

(c) No person shall cause, suffer, or allow any engine to be in operation while the motor vehicle is stationary at a loading zone, parking or servicing area, route terminal, or other off street areas, except:

- (1) During adjustment or repair of the engine at a garage or similar place of repair;
- (2) During operation of ready-mix trucks, cranes, hoists, and certain bulk carriers, or other auxiliary equipment built onto the vehicle or equipment that require power take-off from the engine, provided that there is no visible discharge of smoke and the equipment is being used and operated for the purposes as originally designed and intended. This exception shall not apply to operations of air conditioning equipment or systems;
- (3) During the loading or unloading of passengers, not to exceed three minutes; and
- (4) During the buildup of pressure at the startup and cooling down at the closing down of the engine for a period of not more than three minutes.

# Illinois

## State Codes

### **Illinois Compiled Statutes**

§ 625 ILCS 5/11-1401. Unattended motor vehicles

Sec. 11-1401. Unattended motor vehicles. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

## Municipal Codes

### **Cook County Environmental Control Ordinance**

#### **9.7 IDLING OF MOTOR VEHICLES**

It shall be unlawful for any person to cause or permit the operation of the main engine of any motor vehicle when parked or standing, except for the following:

- (a) Whenever engaged in any rescue operations attendant to accident or other common disaster.
- (b) Whenever operation of the main power train is essential to a basic function as with, but not necessarily limited to, pre-mixed cement trucks, platform lift trucks, compactor refuse trucks, certain varieties of dump trucks and the like, while function is in action.
- (c) Whenever weather conditions justify the use of heating or air -conditioning systems for the welfare and safety of any occupants (or future passengers in the case of public vehicles stopped in turn around or other such waiting areas) or when such low temperatures prevail that the startup of public conveyances or service vehicles might not otherwise be feasible.
- (d) Whenever the need for operation of refrigeration equipment on trailers carrying perishable contents is necessary, but which then must conform with the appropriate boundary levels involved by location and most especially so when parked overnight in any district adjacent to occupied residences. In general when parked, the use of auxiliary power sources shall be subject to the same general caution regarding applicability of other noise level restrictions for operation of the main engine and when the vehicle is in motion shall be considered simply as a component of the overall resultant sound level as specified by Section 9.9(a) or in the case of private travel trailers with auxiliary air conditioners by 9.9(c) and these latter, even while legally parked are subject to the same lot line and zone noise level restrictions described above.
- (e) Whenever main or auxiliary engines are operated for emergency repairs, or when properly housed for professional maintenance (subject to appropriate boundary level restrictions) and the occasional maintenance such as cleaning and flushing of the radiator and associated circulation system and/or seasonal change of antifreeze, cleaning of the carburetor or the like of a personally owned auto by a private citizen.

# Louisiana

## Municipal Codes

### **City of New Orleans Code of Ordinances**

#### ARTICLE II. BUSES

Sec. 122-52. Operating at idle.

The operator of a bus shall not allow buses to operate at idle on the streets of the city for a period longer than 20 minutes, except for situations beyond the operator's control and as otherwise provided for in chapter 162 and section 162-942.

(Code 1956, § 38-143)

Sec. 122-53. Operating at idle in the Garden District.

The operator of a bus shall not allow buses to operate at idle on the streets of the Garden District, which is bounded by St. Charles Avenue, Jackson Avenue, Louisiana Avenue and Magazine Street, for a period longer than ten minutes, except for situations beyond the operator's control.

(Code 1956, § 38-143.1)

...

#### ARTICLE IX. TOUR VEHICLES AND BUSES\*

Sec. 162-941. Garden District tour bus route limitations.

...

(e) *Operation at idle.* It shall be unlawful for the operator of a bus to allow the bus to operate at idle for a period longer than ten minutes in the Garden District, except for situations beyond the operator's control.

(f) *Violations.* It shall be unlawful for the operator of any bus to violate the provisions of this section. Any person cited for violation of this section shall be subject to arrest or to the issuance of a summons or citation.

(Code 1956, § 12-249; M.C.S., Ord. No. 21480, § 5, 4-1-04)

...

(d) A properly licensed CPNC bus having an overall length in excess of 20 feet and not greater than 31 feet shall be permitted to use routes in the Vieux Carre as recommended by the director of the department of safety and permits and approved by the city council. The director of safety and permits shall, within 135 days of the adoption of this ordinance (Ordinance Number 17,558 M.C.S., as amended by Ordinance Number 17,727 M.C.S.), promulgate such rules and regulations, in compliance with section 2-1000 of the City Code, as enacted by Ordinance Number 17,611 M.C.S., necessary to enforce the provisions of this section. Such rules and regulations shall become effective, in accordance with section 4-107(3)(d) of the Home Rule Charter, only after approval by the

city council, after review and recommendation by the council's ground transportation committee or its successor. No bus operator while loading or unloading passengers shall be permitted to idle the bus engine longer than ten minutes. Further, no bus shall be allowed to stop in one place for a period in excess of 15 minutes.

...

Sec. 154-177. Schedule of fines and payments.

...

(b) The following is a minimum schedule of fines which may be paid in the violations bureau for a first offense, provided that the offense does not require a mandatory court appearance as set out in section 154-178 or in the schedule of fines; and that violations occurring simultaneously shall be considered as a single offense for the purpose of assessing fines.

Operation of bus at idle longer than 20 minutes	50.00
Operation of bus at idle longer than 10 minutes	30.00

## Maine

### **Code of the Town of Bar Harbor**

§ 194-38. Idling of motor vehicles. [Added 6-17-1997]

- A. Five-minute limitation. No person may cause or allow a motor vehicle to idle for more than five consecutive minutes while that vehicle is parked in any of the downtown areas during the time from May 1 to Columbus Day.
- B. Exceptions. The limitation set forth in the preceding subsection shall not apply to:
  - (1) Fire trucks, police cars, ambulances and other emergency vehicles while responding to an emergency call.
  - (2) Utility vehicles, including contractor's equipment, while engaged in the construction, maintenance or repair of utility facilities.
  - (3) Motor vehicles idling while in a traffic lane, as the result of congested traffic conditions beyond the driver's control (traffic jams).
  - (4) Refrigeration units of delivery vehicles.
- C. Prima facie evidence. The fact that a parked motor vehicle is idling in violation of this section shall be prima facie evidence that the unlawful idling was caused or allowed by the person in whose name that vehicle is registered.

# Maryland

## State Codes

### **Maryland Transportation Code**

§ 22-402. Mufflers; prevention of noise; discharge of smoke; maximum period of idling

...

(c) Discharge of smoke; maximum period of idling. --

(1) No motor vehicle may be operated, nor may the owner or lessee of a motor vehicle permit it to be operated, on any highway in this State unless the engine power and exhaust mechanism is equipped, adjusted, and operated to prevent:

(i) The discharge of clearly visible smoke (comparable to smoke equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds; and

(ii) The discharge of smoke from any other part of the engine in such amounts and of such opacity as to partially obscure persons or objects from view.

(2) In this subsection, "smoke" means small gasborne and airborne particles, exclusive of water vapor, from a process of combustion in sufficient numbers to be observable.

(3) A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

(i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;

(iii) To bring the vehicle to the manufacturer's recommended operating temperature;  
or

(iv) When it is necessary to accomplish the intended use of the vehicle.

(4) For a period of 1 year from July 1, 1971, this subsection shall be enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the same manner as other violations of this section.

(5) This subsection does not apply to Class L (historic) vehicles.

# Massachusetts

## State Codes

### **Massachusetts General Law ch. 90**

§ 16A. Unnecessary Operation of Engine of Stopped Motor Vehicle Prohibited; Exceptions; Penalty.

No person shall cause, suffer, allow or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes. This section shall not apply to (a) vehicles being serviced, provided that operation of the engine is essential to the proper repair thereof, or (b) vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternate means cannot be made available, or (c) vehicles engaged in an operation for which the engine power is necessary for an associate power need other than movement and substitute alternate power means cannot be made available provided that such operation does not cause or contribute to a condition of air pollution. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars for the first offense, nor more than five hundred dollars for each succeeding offense.

## Municipal Codes

### **Cambridge Municipal Code**

Section 10.17.100 Regulation of idling buses, trucks, and taxis and automobiles.

The Police Department shall promptly review and improve its enforcement of the statutory prohibitions against idling by busses, trucks and taxis and automobiles set forth at G.L., ch. 90, § 16A. Within two months of the effective date of the ordinance codified in this provision, the Commissioner of the Police Department shall report to the City Manager on the Department's implementation of this provision. (Ord. 1139 (part), 1992)

### **Code of the City of Chicopee**

§ 260-30.1. Standing prohibited. [Added 6-18-1996 by Ord. No. 96-38]

- A. On the entire length of Thaddeus Street, trucks or any vehicles idling or found standing for more than five minutes will be subject to the following fines for each violation:
- (1) First offense: \$50.
  - (2) Second offense: \$100.
  - (3) Third offense: \$200.

## **City of Peabody Code of Ordinances**

Sec. 19-90.3. Idling and overnight parking of trucks prohibited.

No person shall idle or park a truck upon any street or highway or part thereof as follows:

(1) Idling of trucks shall be adhered to in strict conformance to 310 CMR 7.11 regulated under the Department of Environmental Protection, Air Pollution Control, U Transportation Unit, (1) Motor Vehicles as follows:

a. All motor vehicles registered to operate in the Commonwealth of Massachusetts shall comply with pertinent regulations of the Registry of Motor Vehicles relative to exhaust and sound emissions.

b. No person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five (5) minutes.

(2) No person shall park overnight or idle its truck in excess of what is allowable under the parameters of 310 CMR 7.11 on any street or highway or part thereof in the City of Peabody within one hundred (100) yards of any residential property including property utilized for elderly housing as defined by Massachusetts State Statute.

(Ord. No. 11-99, § 2, 5-13-99)

## **Minnesota**

### **Municipal Codes**

#### **Minneapolis Code of Ordinances**

389.100. Prohibited acts. (a) The following acts are not allowed in the city and the causing thereof are prohibited:

...

(7) Idling of buses, trucks, tractors, truck-tractor, trailers and semitrailers, as those terms are defined in Minnesota Statute 168.011, while stopped, standing or parked in a residentially used area between the hours of 10:00 p.m. and 6:00 a.m. except as provided for under permit in section 389.70, in compliance with traffic signals or signs, at the directions of a police officer or while buses are in the act of loading or unloading passengers. This prohibition shall not apply to emergency vehicles of the police department, sheriff's office, fire department, nor to any public or private ambulances, nor to any public works or public utility vehicles where actually engaged in the performance of emergency or operational duties necessary to be performed by said public departments or public utilities, nor to any vehicle owned by or performing work for the United States of America or the State of Minnesota.

#### **Owatonna City Code**

Section 900:10. Idling of Engines in Residential Districts. No person shall have or allow a motor vehicle engine to idle in residential districts of this City, as defined in Ordinance No. 827 (Owatonna Zoning Ordinance), for longer than fifteen (15) minutes. No idling period shall be repeated at shorter intervals than five (5) hours.

#### **St. Cloud Ordinance Code**

Section 706:10. Idling of Engines. No person who has stopped or parked a vehicle at the edge or curb of that portion of West St. Germain Street from its intersection with 8th Avenue to its intersection with 10th Avenue shall idle or otherwise leave the engine of that vehicle running for a period of time in excess of 5 minutes.

# Missouri

## Municipal Codes

### **St. Louis City Revised Code**

11.34.150 Restrictions of emission of visible air contaminants.

...

D. Motor vehicles, except for emergency vehicles, shall not operate in idle for more than ten (10) consecutive minutes.

# Nevada

## State Codes

### **Nevada Administrative Code**

445B.576 Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines.

...

4. Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

(a) For which the commission has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency as defined in the air quality plan for the State of Nevada.

(b) Which is an emergency vehicle.

(c) Used for the removal of snow.

(d) Used to repair or maintain other motor vehicles.

(e) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.

(f) Which is idling while a repair or maintenance is being performed on it at a shop or facility for the repair and maintenance of motor vehicles.

(g) The emission from which is contained and treated by a method approved by the commission.

(h) The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency as defined in the air quality plan for the State of Nevada.

## Municipal Codes

### **Clark County Air Quality Regulations**

#### SECTION 45 - IDLING OF DIESEL POWERED MOTOR VEHICLES

##### 45.1 Diesel Powered Motor Vehicle Idling

Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a diesel bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

- (a) For which the Clark County Air Pollution Control Hearing Board has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency episode stage declared by the Department of Air Quality and Environmental Management.
- (b) Which is an emergency vehicle.
- (c) Used to repair or maintain other MOTOR VEHICLES.
- (d) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.
- (e) The EMISSION from which is contained and treated by a method approved by the CONTROL OFFICER.
- (f) The engine of which must idle to perform a specific task for which is it designed such as well drilling, trenching or hoisting. Such an engine may not idle for more than 15 consecutive minutes during an air quality emergency episode stage declared by the Department of Air Quality and Environmental Management.
- (g) Which is idling while maintenance procedures are being performed at a repair facility.

#### **Washoe County District Board of Health Regulations**

##### 040.200 DIESEL ENGINE IDLING (Amended 12/15/93)

Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

- A. Which is an emergency vehicle.
- B. Used for the removal of snow.
- C. Used to repair or maintain other motor vehicles.
- D. Which is traveling on a public right of way from one place to another.
- E. The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency episode stage declared by the Health Authority.
- F. When idling is necessary as part of a maintenance procedure performed at a repair facility.

# New Hampshire

## State Codes

### **New Hampshire Code of Administrative Rules**

Env-A 1101.05 Operational Requirements for Diesel-Powered Motor Vehicles. The owner or operator of a diesel-powered motor vehicle shall comply with the following operational requirements unless specifically exempted from the operational requirements for diesel-powered motor vehicles:

- (a) When the temperature is above 0 °C (32 °F), a diesel engine shall not idle for more than 5 consecutive minutes;
- (b) When the temperature is -23 °C (-10 °F), 0 °C (32 °F), or anywhere in between the 2 temperatures, a diesel engine shall not idle for more than 15 consecutive minutes; or
- (c) When the temperature is below -23 °C (-10 °F), and where no nuisance is created, a diesel engine shall not be subject to idling restrictions.

Env-A 1101.06 Exemptions From the Operational Requirements for Diesel-Powered Motor Vehicles. The owner or operator of a diesel-powered motor vehicle shall be exempted from the operational requirements for diesel-powered motor vehicles when any one of the following conditions exists:

- (a) When a diesel-powered motor vehicle is forced to remain motionless because of traffic conditions over which the operator has no control;
- (b) When a diesel-powered motor vehicle is being used as an emergency motor vehicle;
- (c) When a diesel engine is providing power takeoff for refrigeration, lift gate pumps or other auxiliary uses, or supplying heat or air conditioning necessary for passenger comfort in those vehicles intended for commercial passenger transportation;
- (d) When a diesel-powered motor vehicle is being operated by a mechanic for maintenance or diagnostic purposes; or
- (e) When a diesel-powered motor vehicle is being operated solely to defrost a windshield.

# New Jersey

## State Codes

### **New Jersey Administrative Code**

#### SUBCHAPTER 14. CONTROL AND PROHIBITION OF AIR POLLUTION FROM DIESEL-POWERED MOTOR VEHICLES

##### § 7:27-14.3 General prohibitions

(a) No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

1. A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes; or
2. A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.

(b) The provisions of (a) above shall not apply to:

1. A diesel bus while it is discharging or picking up passengers;
2. A motor vehicle stopped in a line of traffic;
3. A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or passenger compartment air conditioning;
4. A motor vehicle being or waiting to be examined by a State or Federal motor vehicle inspector;
5. An emergency motor vehicle in an emergency situation;
6. A motor vehicle while it is being repaired;
7. A motor vehicle while it is engaged in the process of connection or detachment of a trailer or of exchange of trailers; or
8. A motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties.

(c) No person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered motor vehicle or diesel engine to be disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

### **New Jersey Administrative Code**

#### § 7:27-15.8 Idle standard

(a) No person shall cause, suffer, allow, or permit the engine of a gasoline-fueled motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion.

(b) The provisions of (a) above shall not apply to:

1. Buses while discharging or picking up passengers;
2. Motor vehicles stopped in a line of traffic;
3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning;
4. Motor vehicles being or waiting to be examined by State or Federal motor vehicle inspectors;
5. Emergency motor vehicles in an emergency situation;
6. Motor vehicles while being repaired;
7. Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
8. Motor vehicles manufactured with a sleeper berth while being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting.

### **Municipal Codes**

#### **Code of the City of Atlantic City**

Article IV, Buses; Idling of Engines [Adopted 5-6-1982 by Ord. No. 38-1982]

§ 233-47.

Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

BUS -- Those vehicles capable of holding 15 or more passengers, which passengers originate outside of the City of Atlantic City.

STOPPING or STANDING -- Any cessation of movement of a bus, whether occupied or not, except in compliance with the directions of a police officer or traffic control sign or signal.

§ 233-48. Restrictions

Buses within the boundaries of the City of Atlantic City are not permitted to stop or stand with their engines running or idling in excess of five minutes, except when involved with loading or discharging passengers.

§ 233-49. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction in the Municipal Court of the City of Atlantic City, be punished for each offense by a fine not to exceed \$500 or by imprisonment for any term not exceeding 90 days in the county jail, or in any place provided by the municipality for the detention of prisoners, or both, in the sole discretion of the Municipal Judge.

**Township of Bernards Revised Ordinances**

SECTION 3-13  
Truck Idling

§ 3-13.1. Definitions.

The following words and terms, when used in this section, shall have the following meanings:

DIESEL-POWERED MOTOR VEHICLE shall mean a vehicle which is self-propelled by a compression-ignition-type of internal combustion engine and which is designed primarily for transporting persons or property on a public street or highway.

GASOLINE-FUELED MOTOR VEHICLE shall mean any motor vehicle equipped to be powered by a hydrocarbon fuel other than diesel fuel, but including alcohol fuels and hydrocarbon-alcohol fuel blends.

IDLE means the motor vehicle operating mode consisting of a nonloaded, throttled engine speed at the revolutions per minute specified by the manufacturer or at any other engine speed.

For purposes of this section, noncommercial passenger vehicles and motorcycles are excluded. (Ord. #1034)

§ 3-13.2. Idling Prohibited.

a. No person shall cause, suffer, allow or permit the engine of a diesel-powered or gasoline-fueled motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

1. A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes; or
2. A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.

b. The provisions of Paragraph a above shall not apply to:

1. Buses while discharging or picking up passengers;
2. Motor vehicles stopped in a line of traffic;
3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning;
4. Motor vehicles being or waiting to be examined by state or federal motor vehicle inspectors;
5. Emergency motor vehicles in an emergency situation;
6. Motor vehicles while being repaired;
7. Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
8. Motor vehicles manufactured with a sleeper berth while being used, in a nonresidentially zoned area, by the vehicle's operator for sleeping or resting.

(Ord. #1034)

§ 3-13.3. Penalty

Any person violating any provision of this section shall, upon conviction thereof, be subject to a fine not less than \$100 nor greater than \$1,000 for each violation. (Ord. #1034)

**Code of City of Cape May**

Chapter 493: VEHICLES, IDLING OF

[HISTORY: Adopted by the City Council of the City of Cape May by Ord. No. 777 (Sec. 24-1 of the 1997 Revised General Ordinances). Amendments noted where applicable.]

## GENERAL REFERENCES

Parking — See Ch. 362.

### § 493-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**IDLE** — The motor vehicle operating mode consisting of a nonloaded, throttled engine speed at the revolutions per minute specified by the manufacturer.

**MOTOR VEHICLE** — All vehicles propelled otherwise than by muscular power, excepting motorized bicycles and such vehicles as run only upon rails or tracks.

**PERSON** — Corporations, companies, associations, societies, firms, partnerships and joint-stock companies as well as individuals, and shall also include all political subdivisions of this state or any agencies or instrumentalities thereof.

**PUBLIC AND PRIVATE PROPERTY** — All real estate within the City, including, inter alia, public and private parking lots, on which a motor vehicle may be physically located except for the public streets and highways within the City.

### § 493-2. Time limit for idling; exceptions.

- A. No person shall cause, suffer, allow or permit the engine of a gasoline-fueled or diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion.
- B. The aforesaid shall not apply to the following:
  - (1) A motor vehicle being operated upon the public highway which shall be governed by N.J.S.A. 39:3-70.2 and the Administrative Code Regulations adopted in connection therewith.
  - (2) Motor vehicles stopped due to a line of traffic.
  - (3) Emergency motor vehicles in an emergency situation.
  - (4) Motor vehicles being repaired.
  - (5) Motor vehicles in such circumstances as are deemed by the Chief of Police or his representative, designated in writing to require idling for a period in excess of three minutes due to the peculiar characteristics of the motor vehicle or the particular circumstance in which it is operating.

## **Code of the Borough of Closter**

§ 183-13. Parking vehicles in prohibited areas; use of marked spaces; idling of commercial vehicles.

- A. No person shall park or leave standing a motor vehicle, whether attended or

unattended, on any of the roadways in a parking yard or parking place or in any place therein where parking is prohibited by notice given by a sign or otherwise.

- B. If parking spaces are provided, no person shall park or leave standing a motor vehicle, whether attended or unattended, except in a marked parking space. Such vehicle shall be parked properly within the lines of the parking space. [Added 6-12-1996 by Ord. No. 1996:715]
- C. No person shall leave or park a commercial motor vehicle over 10,000 pounds' gross weight on any street or in any parking yard within the Borough of Closter with the motor running or idling for more than 30 minutes. [Added 6-12-1996 by Ord. No. 1996:715]

### **Franklin Township Code**

§ 253-190.11. Commercial vehicle parking.

A. Definition. As used in this chapter, a "commercial vehicle" shall mean an owner-operated commercial registered vehicle, or vehicle used for commercial purposes, with a gross vehicle weight (GVW) over 12,000 pounds. The standards of this section shall not apply to vehicles used in conjunction with an agricultural operation, recreational vehicles or to vehicles used for the transportation of children to school.

C. General standards.

...

(3) The idling of engines or operation of accessory equipment, such as refrigeration units, etc., shall be prohibited while a commercial vehicle is parked.

### **Code of the Borough of Hillsdale**

Chapter 294: VEHICLES, IDLING OF

[HISTORY: Adopted by the Borough Council of the Borough of Hillsdale 12-8-1998 by Ord. No. 98-20. This ordinance provided that it shall take effect on 12-17-1998. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Air pollution — See Ch. 329.

§ 294-1. Purpose.

It is the policy of Hillsdale to prevent the air pollution caused by the idling of diesel powered motor vehicles that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life.

§ 294-2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicated otherwise:

**DIESEL BUS** — Any diesel-powered autobus or motorbus of any size or configuration, whether registered in this state or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this state, including but not limited to autobuses under the jurisdiction of the New Jersey Department of Transportation pursuant to Title 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the New Jersey Department of Transportation; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter and special buses.

**DIESEL ENGINE** — A compression ignition type of internal combustion engine.

**DIESEL-POWERED** — Utilizing a diesel engine.

**ELEMENT OF DESIGN** — Any part of system on a motor vehicle or a motor vehicle engine pertaining to the vehicle's engine's certified configuration.

**GROSS VEHICLE WEIGHT RATING or GVWR** — The value specified by the vehicle manufacturer as the maximum loaded weight of a single or combination vehicle.

**HEAVY-DUTY DIESEL VEHICLE** — A diesel-powered motor vehicle, other than a diesel bus, that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

**IDLE** — An operating mode where the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer.

**MOTOR VEHICLE** — All vehicles propelled otherwise than by muscular power, except motorized bicycles and such vehicles as run only upon rails or tracks.

**PERSON** — Any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships and joint stock companies, and shall also include, without limitation, all political subdivisions of any states and any agencies or instrumentalities thereof.

**QUASI-PUBLIC ROADWAY** — Any roadway that, although under private ownership or control, is accessible to the public. This term shall include but not be limited to the New Jersey Turnpike, the Garden State Parkway and the Atlantic City expressway, but shall not include shopping mall roadways and parking lots, private business roadways, residential and nonresidential parking lots and private driveways.

§ 294-3. Prohibited acts; exceptions.

- A. No person shall cause, suffer, allow or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except that:
- (1) A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes; or
  - (2) A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.
- B. The provisions of Subsection A above shall not apply to:
- (1) A diesel bus while it is discharging or picking up passengers.
  - (2) A motor vehicle stopped in a line of traffic.
  - (3) A motor vehicle whose primary power source is utilized in whole or part for necessary and definitely prescribed mechanical operation other than propulsion, passenger compartment heating or passenger compartment air conditioning.
  - (4) A motor vehicle being or waiting to be examined by a state or federal motor vehicle inspector.
  - (5) An emergency motor vehicle in an emergency situation.
  - (6) A motor vehicle while it is being repaired.
  - (7) A motor vehicle while it is engaged in the process of connection or detachment of a trailer or of exchange of trailers.
- C. No person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered vehicle or diesel engine to be disconnected, detached, deactivated or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions that it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacements and only for the duration of such operations.

§ 294-4. Violations and penalties.

Any person who violates any provision of this chapter shall be subject to a penalty for each offense not more than \$2,500.

§ 294-5. Issuance of summons.

Local health officials, the Hillsdale Police Department and the local code enforcement office shall be empowered to enforce the provisions of this chapter.

§ 294-6. Other remedies.

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

## **Princeton Township Code**

### *Sec. 11-31.8. Prohibition on idling of diesel powered motor vehicles on township streets.*

Pursuant to N.J.A.C. 7:27-14.3, no person may cause, suffer, allow or permit the engine of a diesel powered motor vehicle to idle for more than three consecutive minutes on streets within the Township of Princeton, if the vehicle is not in motion with the following exceptions:

- (a) The above provisions shall not apply:
  - (1) A diesel bus while it is discharging or picking up passengers;
  - (2) A motor vehicle stopped in a line of traffic;
  - (3) A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment, heating or passenger compartment air-conditioning;
  - (4) A motor vehicle being, or waiting to be examined by a state or federal motor vehicle inspector;
  - (5) An emergency motor vehicle in an emergency situation;
  - (6) A motor vehicle is being repaired;
  - (7) A motor vehicle while it is being engaged in the process of connection or detachment of a trailer or of an exchange of trailer; or
  - (8) A motor vehicle manufactured with a sleeper berth while it is being used in a nonresidentially zoned area by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functions auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather startup difficulties;
  - (9) A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for thirty consecutive minutes;
  - (10) A motor vehicle may idle for fifteen consecutive minutes when the vehicle engine has been stopped for three or more hours.

(b) Furthermore, no person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel powered motor vehicle or diesel engine to be disconnected, detached, deactivated or in any other way rendered inoperable or less effective in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturers, except for the purpose of diagnostics, maintenance, repair or replacement and only for the duration of such operation.

(Ord. No. 2004-9, § 1.)

*Sec. 11-31.9 Idling of gasoline fueled motor vehicles on township streets.*

Pursuant to N.J.A.C. 7:27-14.3, no person may cause, suffer allow or permit the engine of a gasoline fueled motor vehicle to idle for more than three consecutive minutes on streets within the Township of Princeton if the vehicle is not in motion with the following exceptions:

- (a) The above provisions shall not apply to:
  - (1) Buses while discharging or picking up passengers;
  - (2) Motor vehicles stopped in a line of traffic;
  - (3) Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditions;
  - (4) Motor vehicles being or waiting to be examined by state or federal motor vehicle inspectors;
  - (5) Emergency motor vehicles in an emergency situation;
  - (6) Motor vehicles while being repaired;
  - (7) Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
  - (8) Motor vehicles manufactured with a sleeper berth while being used in a nonresidentially zoned area by the vehicle's operator for sleeping or resting.

(Ord. No. 2004-9, § 2.)

*Sec. 11-31.10. Penalty.*

Any person who operated a motor vehicle or owns a motor vehicle which he/she permits to be operated on Township streets in violation of sections 11-31.8 or 11-31.9 of this Code shall be liable for a minimum penalty of a fine of not less than one hundred dollars and not more than one thousand dollars. In addition, any person violating sections 11-31.8 and 11-31.9 may be subject to imprisonment not exceeding ninety days or may be required to perform community service for a period not exceeding ninety days, all in accordance with section 1-6 of said Code. Any person who is convicted of violating sections 11-31.8 and 11-31.9 within one year of the date of a previous violation of the same provision and who was fined for that previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum penalty set forth herein, but shall be calculated separately from the fine imposed for violation of sections 11-31.8 and 11-31.9.

(Ord. No. 2004-9, § 3.)

**Code of the Borough of South River**

§ 64-8. Idling of vehicles.

- A. No person shall cause, suffer, allow or permit the motor of a diesel-powered or gasoline-powered vehicle to be in operation for more than three consecutive minutes if the vehicle is not in motion, except where the ambient temperature is 32° F. or less, then the permitted period for idling shall be five consecutive minutes.
- B. The provisions of Subsection A shall not apply to:

- (1) Buses discharging or picking up passengers.
- (2) Vehicles stopped in a line of traffic.
- (3) Electric motor vehicles.
- (4) Emergency vehicles in performance of their prescribed function.
- (5) Vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion.

# New York

## State Codes

### **New York Code of Rules and Regulations**

#### SUBPART 217-3. IDLING PROHIBITION FOR HEAVY DUTY VEHICLES

##### § 217-3.1 Applicability

This Part shall apply to all on-road heavy duty vehicles propelled by diesel fueled and nondiesel fueled engines excluding marine vessels. Heavy duty vehicle means a vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or properties.

##### § 217-3.2 Prohibitions

No person who owns, operates or leases a heavy duty vehicle including a bus or truck, the motive power for which is provided by a diesel or nondiesel fueled engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy duty vehicle including a bus or truck present on such land, the motive power for which said heavy duty vehicle is provided by a diesel or non-diesel fueled engine, shall allow or permit the engine of such heavy duty vehicle to idle for more than five consecutive minutes when the heavy duty vehicle is not in motion, except as otherwise permitted by section 217-3.3 of this Subpart.

##### § 217-3.3 Exceptions

The prohibitions of section 217-3.2 of this Subpart shall not apply when:

- (a) A diesel or nondiesel fueled heavy duty vehicle including a bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.
- (b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2 of this Subpart may be increased, but only to the extent necessary to comply with such regulations.
- (c) A diesel or nondiesel fueled engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.
- (d) Fire, police and public utility trucks or other vehicles are performing emergency services.

(e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.

(f) A diesel fueled truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25 degrees F.

(g) A heavy duty diesel vehicle, as defined in section 217-5.1(o) of this Part, that is queued for or is undergoing a State authorized periodic or roadside diesel emissions inspection pursuant to Subpart 217-5 of this Part.

(h) A hybrid electric vehicle, as defined in section 217-5.1(r) of this Part, idling for the purpose of providing energy for battery or other form of energy storage recharging.

(i) Heavy duty vehicles used for agricultural purposes on a farm.

(j) Electric powered vehicles.

### **Municipal Codes**

#### **Code of Town of Brighton**

§ 104-2. Prohibited odors.

A. No person shall cause or allow emissions of air contaminants or noxious odors to the outdoor atmosphere that are injurious to human, plant or animal life or to property or that unreasonably interfere with the comfortable enjoyment of life or property (for purposes of this chapter, a "prohibited odor").

B. In addition to the general prohibition set forth in Subsection A above, the following shall be prohibited conduct in violation of this chapter, but the listing herein shall not be deemed to be exclusive.

(1) Any open burning in violation of § 73-1 of the Code of the Town of Brighton.

(2) The idling of any motor vehicle for a period of longer than 15 minutes within 10 feet of any lot line of a property.

#### **Code of the Village of Bronxville**

ARTICLE III, Idling of Motor Vehicles [Added 7-13-1992 by L.L. No. 2-1992]

§ 210-15. Operation of motor vehicle; idling of engine restricted.

A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law, or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading or unloading or processing device.

B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 210-16. Enforcement.

Any parking enforcement officer or member of the Village of Bronxville Police Department is hereby authorized to issue and serve an appearance ticket as provided in Chapter 7, § 7-4, of this Code.

### **Code of Town of Clifton Park**

§ 145-1. Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Clifton Park. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.
- B. In order to protect and preserve the public health, safety and welfare, the Town of Clifton Park hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 145-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**EARTH MOVER** — Mobile, mechanical equipment used in the excavation, displacement or transportation of earth.

**IDLING**— A circumstance in which an engine is running but not engaged in motion.

**LOCOMOTIVE** — A self-propelled engine, usually electric or diesel-powered, that pulls or pushes freight or passenger cars on railroad tracks.

**MACHINERY AND EQUIPMENT** — Locomotives, tractor-trailer trucks and earth movers.

**TRACTOR-TRAILER TRUCKS** — A truck having a cab and no body, used for pulling large vehicles such as vans or trailers.

**UNATTENDED** — A circumstance in which machinery or equipment is left idling with no operator present or in control of the equipment.

§ 145-3. Idling and unattended large machinery or equipment prohibited.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

§ 145-4. Violations.

A law enforcement officer shall issue a citation for violation of this chapter in any instance in which such officer observes idling or unattended machinery or equipment. A citation may also be issued upon complaint of a citizen who observes idling or unattended machinery or equipment. A citation may be issued to an individual, a corporation or both. The prosecution of any citation shall be adjudicated before the Clifton Park Town Court. A violation of this chapter is classified as a misdemeanor.

§ 145-5. Penalties for offenses.

- A. Where an individual is adjudged guilty of a first violation of this chapter, the court may impose a fine not to exceed \$350 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- B. Where an individual is adjudged guilty of a second violation of this chapter within a five-year period, the court may impose a fine not less than \$350 nor more than \$700 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- C. Where an individual is adjudged guilty of a third violation of this chapter within a five-year period, the court may impose a fine not less than \$700 nor more than \$1,000 or imprisonment for a term of not less than 15 days nor more than one year, or both.
- D. Where a corporation is adjudged guilty of a violation of this chapter, the court may impose a fine of \$5,000.

**Code of the Village of Flower Hill**

§ 195-9. Idling of vehicles. [Amended 11-6-2000 by L.L. No. 3-2000]

Vehicles shall not be permitted to idle within the village in excess of two minutes.

**City of Ithaca Code**

§ 346-48. Vehicle idling

- A. Applicability. This section shall apply to all motor vehicles defined in Article 1

of the Vehicle and Traffic Law of the State of New York.

B. No person who owns, operates or leases a motor vehicle or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a motor vehicle on such land shall allow or permit the engine of such motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion, except as otherwise permitted by Subsection C below.

C. Exceptions. The prohibitions of Subsection B of this section shall not apply when:

- (1) The motor vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control.
- (2) Regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in Subsection B of this section may be increased, but only to the extent necessary to comply with such regulations.
- (3) The engine is being used to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; or farming, or operation of the engine is required for the purpose of maintenance.
- (4) Fire, police and public utility trucks or other vehicles are actually performing emergency services.

D. Penalties for offenses. Any person who violates the provisions of this section shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

### **Code of Village of Lawrence**

§ 200-29.1. Bus idling. [Added 6-12-1991 by No. 2-1991]

No person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle for more than three minutes while parking, standing or stopping when the ambient temperature is in excess of 40° F. except while passengers are on board or while hoarding or discharging passengers.

### **Town of Mamaroneck Code**

ARTICLE I Idling of Motor Vehicles [Adopted 5-4-2005 by L.L. No. 5-2005]

§ 219-1. Idling restricted.

- A. No person shall allow, cause or permit the engine of any motor vehicle to run for more than five consecutive minutes while parking, standing, or stopping on public or private property in the unincorporated portion of the Town of Mamaroneck.
- B. This section shall not apply to public utility companies, the United States of America, the State of New York, the County of Westchester, the Town of Mamaroneck, the Mamaroneck Union Free School District or the Villages of Larchmont, Mamaroneck

or Scarsdale. This section also shall not apply to any independent contractor engaged by any of the entities described in the preceding sentence while such independent contractor is carrying out the business activity for which it was engaged by one or more of the entities.

- C. This section shall not apply when the temperature in the Town of Mamaroneck is 40° F. or less.
- D. This section shall not apply in situations where a vehicle is exempt from the requirements of Subpart 217-3 of Title 6 of the New York Codes, Rules, and Regulations.

### **Village of Mamaroneck Code**

§ 326-19. Engine idling prohibited.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes on Village-owned property while parking, as defined in § 129 of the Vehicle and Traffic Law, while standing, as defined in § 145 of the Vehicle and Traffic Law, or while stopping, as defined in the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping on Village-owned property.

### **Code of Town of Milton**

ARTICLE II Unattended or Idling Large Machinery and Equipment [Adopted 1-16-2002 by L.L. No. 1-2002]

§ 169-8. Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Milton. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.
- B. In order to protect and preserve the public health, safety and welfare, the Town of Milton hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 169-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**EARTH MOVER** — Mobile, mechanical equipment used in the excavation, displacement or transportation of earth.

**IDLING** — A circumstance in which an engine is running but not engaged in motion.

**LOCOMOTIVE** — A self-propelled engine, usually electric or diesel-powered, that pulls or pushes freight or passenger cars on railroad tracks.

**MACHINERY AND EQUIPMENT** — Locomotives, tractor-trailer trucks and earth movers.

**TRACTOR-TRAILER TRUCKS** — Trucks having a cab and no body, used for pulling large vehicles such as vans or trailers.

**UNATTENDED** — A circumstance in which machinery or equipment is left idling with no operator present or in control of the equipment.

§ 169-10. Prohibited acts; report of violations.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

§ 169-11. Violations; issuance of citations.

A law enforcement officer shall issue a citation for violation of this article in any instance in which such officer observes idling or unattended machinery or equipment. A citation may also be issued upon complaint of a citizen who observes idling or unattended machinery or equipment. A citation may be issued to an individual, a corporation, or both. The prosecution of any citation shall be adjudicated before the Milton Town Court. A violation of this article is classified as a misdemeanor.

§ 169-12. Penalties for offenses.

- A. Where an individual is adjudged guilty of a first violation of this article, the court may impose a fine not to exceed \$350, or imprisonment for a term of not less than 15 days nor more than one year, or both.
- B. Where an individual is adjudged guilty of a second violation of this article within a

five-year period, the court may impose a fine of not less than \$350 nor more than \$700, or imprisonment for a term of not less than 15 days nor more than one year, or both.

- C. Where an individual is adjudged guilty of a third violation of this article within a five-year period, the court may impose a fine of not less than \$700 nor more than \$1,000, or imprisonment for a term of not less than 15 days nor more than one year, or both.
- D. Where a corporation is adjudged guilty of a violation of this article, the court may impose a fine of \$5,000.

### **Code of the City of New Rochelle**

§ 312-33. Idling. [Added 9-21-2004 by L.L. No. 8-2004]

No person shall allow, cause or permit the engine of any motor vehicle to idle for more than five consecutive minutes while parking, standing, or stopping on public or private property in the City of New Rochelle, subject to the exceptions for heavy-duty vehicles set forth in Section 217.3 of Title 6 of the State of New York Codes, Rules, and Regulations.

### **New York City Administrative Code**

34 RCNY § 4-08

§ 4-08 Parking, Stopping, Standing.

...

(p) Engine idling. (1) Idling of vehicle engines prohibited. Except as provided for buses in paragraph (p)(2) hereof, no person shall cause or permit the engine of any vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping unless the engine is being used to operate a loading, unloading or processing device.

[SEE graphical material in printed version]

(2) Idling of bus engines prohibited. No person shall cause or permit the engine of any bus to idle at a layover or terminal location, whether or not enclosed, when the ambient temperature is in excess of forty (40) degrees Fahrenheit. When the ambient temperature is forty (40) degrees Fahrenheit or less, no person shall cause or permit any bus to idle for longer than three minutes at any layover or terminal location. For the purpose of this rule, at a layover or terminal location a bus engine shall not be deemed to be idling if the operator is running the engine in order to raise the air pressure so as to release the air brakes, provided however, that this shall not exceed a period of three minutes.

### **Code of Town of North Salem**

ARTICLE VI, Idling of Vehicles [Added 8-25-1998 by L.L. No. 7-1998]

§ 220-31. Idling of motor vehicles restricted.

A. Restrictions. No person shall operate an engine of any standing motor vehicle for a period in excess of five minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

B. Applicability. The provisions of this chapter shall apply except when it is necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

C. Enforcement. The provisions of this chapter shall be enforced by the Police Department of the Town of North Salem or other officials designated by the Town Board.

D. Penalties for offenses. Any person violating this chapter shall be guilty of a violation punishable by a fine of not more than \$500 or imprisonment not to exceed 15 days, or both such fine and imprisonment.

### **Code of Village of Northport**

#### § 289-1. Legislative findings.

The Board of Trustees hereby finds and determines that the excessive stationary idling of motor vehicles is detrimental to the health, safety and welfare of the village and its inhabitants in that it causes the release of unnecessary emissions of carbon monoxide and other pollutants into the atmosphere, the production of unnecessary noise and the waste of limited natural resources.

#### § 289-2. Idling restrictions; exceptions.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than five consecutive minutes when the ambient temperature is greater than 25° F. (-4° C.).
- B. Exceptions. The provisions of Subsection A shall not apply:
- (1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.
  - (2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.
  - (3) When necessary to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming, or when the vehicle engine is being serviced.

- (4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

§ 289-3. Penalties for offenses. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Violations of any of the provisions of this chapter shall be punishable by a fine not to exceed \$250 and/or imprisonment for a term not to exceed 15 days, or both such fine and imprisonment, in the discretion of the court.

Code of Village of Nyack

**§ 55-5.1. Idling prohibited. [Added 9-12-2002 by L.L. No. 4-2002]**

- A. No commercial vehicle, bus, or other public omnibus shall be permitted to idle its engine for longer than five minutes on or along any street or public highway within the Village of Nyack.
- B. The penalty for a violation of this section shall be a fine not to exceed \$250.
- C. This section may be enforced by the Village of Nyack Parking Authority, the Clarkstown Police Department, or the Orangetown Police Department.

**Code of Village of Port Chester**

§ 319-26.4. Operation of motor vehicle; idling of engine restricted. [Added 11-1-1993 by L.L. No. 16-1993]

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking or standing.

**Code of Town of Queensbury**

ARTICLE I Idling in Residential Zones [Adopted 9-13-2004 by L.L. No. 7-2004]

§ 68-1. Title and authority.

The Queensbury Town Code is hereby amended by adding a new Article I of Chapter 68 entitled "Prohibition of Diesel Vehicles Idling in Residential Zones." It is adopted pursuant to Municipal Home Rule Law § 10.

§ 68-2. Legislative intent.

Concerns have been raised concerning idling of diesel vehicles, particularly in the Town's residential zones. Such activity can produce offensive odors and offensive noise which can harm the health, safety and welfare of residents. In addition, the activities prohibited in this article waste fuel which is a limited resource, cause environmental harm and are inappropriate in a residential zone. It is the finding of the Town Board that if a diesel vehicle needs to be warmed up or kept warm to run, then the licensed driver of the diesel vehicle shall use a block heater to keep the engine warm.

§ 68-3. Definitions.

For the purposes of this article, "diesel vehicle" shall mean any diesel-fueled vehicle requiring a CDL or higher license to drive. Notwithstanding the above, diesel vehicle shall not include emergency vehicles (e.g., fire or EMS), Town or other municipal or state vehicles operating in the course of their duties (including, without limitation, school buses) or utility company vehicles operating during an emergency, or delivery vehicles while making deliveries or making pickups at places, of business.

§ 68-4. Prohibition.

No person shall allow a diesel vehicle to run or idle its engine for any length of time while the diesel vehicle is unattended. "Unattended" means where the properly licensed driver of the diesel vehicle is not in the diesel vehicle's driver's seat and awake. This prohibition shall be effective in all residential zones of the Town. The driver and the registered owner of the diesel vehicle shall each be responsible for complying with this article.

§ 68-5. Enforcement.

Failure to comply with the provisions of this article shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$100 for the first offense. The second conviction hereunder shall be punishable by a fine of not more than \$200 or imprisonment for a period of not more than three days, or both. Any subsequent offense shall be punishable by a fine of not more than \$350 or imprisonment for a period of not more than seven days, or both. Each violation shall constitute a separate offense. The licensed driver of the diesel vehicle and, if different, the person in whose name the diesel vehicle is registered shall each be considered and responsible for each violation of this article and this article may be enforced against either one or both for each violation.

**Code of the City of Rye**

§ 45-1. Operation of motor vehicle; idling of engine restricted.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.
- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.
- C. Violators of this chapter may be issued appearance tickets by police officers of the City of Rye. Such tickets shall be returnable in Rye City Court.

### **Code of the Village of Scarsdale**

ARTICLE I, Motor Vehicle Engine Idling [Adopted 6-9-1992 by L.L. No. 2-1992]

§ 106-1. Idling of engines restricted.

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

§ 106-2. Bus engines restricted.

When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 106-3. Violators issued appearance tickets.

Violators of this article may be issued appearance tickets by officers of the Scarsdale Police Department. Such appearance tickets shall be returnable in Scarsdale Village Court.

### **Code of Town of Somers**

ARTICLE X Motor Vehicle Engine Idling [Adopted 7-9-1992 by L.L. No. 10-1992]

§ 158-29. Restrictions.

- A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in

§ 145 of the Vehicle and Traffic Law or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

- B. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

§ 158-30. Appearance tickets.

Violators of this article may be issued appearance tickets by officers of the Police Department of the Town of Somers. Such appearance tickets shall be returnable in local court.

§ 158-31. Penalties for offenses.

Any person violating the provisions of this article shall be guilty of an offense and shall be liable upon conviction for a fine not to exceed \$100 for each offense.

### **Laws of Suffolk County**

§ 760-1017. Operation of motor vehicles.

A. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency vehicle, to idle for longer than five consecutive minutes when the temperature is greater than 25° F. (-4° C.).

B. No diesel engine operated in the County of Suffolk shall emit a visible air contaminant of a shade of blue, black or gray of an opacity greater than 20% for a continuous period of more than five seconds.

C. No motor vehicle operated in the County of Suffolk shall emit a visible air contaminant of a shade of blue, black or gray of an opacity greater than 20% for a continuous period of more than five seconds.

D. Exceptions

(1) When a vehicle is forced to remain motionless because of a traffic condition over which the operator has no control.

(2) When regulations adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort, the idling limit specified in this section may be increased, but only to the extent necessary to comply with such regulations.

(3) When necessary to provide power for an auxiliary purpose such as loading, discharging, mixing or processing cargo, controlling cargo temperature, construction, farming or when the vehicle engine is being serviced.

(4) When necessary for operation of mobile receiving and transmitter stations or mobile telephones.

### **Code of Ordinances of the Village of Tuckahoe**

§ 21-86. Operation of motor vehicles idling of engines restricted.

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, as defined in § 129 of the Vehicle and Traffic Law, standing, as defined in § 145 of the Vehicle and Traffic Law, or stopping, as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

(b) When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus, as defined in § 104 of the Vehicle and Traffic Law, to idle while parking, standing or stopping.

(c) A violation of this § 21-86 shall be punishable in accordance with § 1-7 of the Village Ordinances by a fine not to exceed \$250. (L.L. No. 7-1992, § 2)

...

§ 21-104.2. Prohibited uses

...

(c) The provisions of § 21-86 of the Village Ordinances prohibiting the idling of engines of motor vehicles for more than three minutes shall be applicable to and enforced in parking lots.

### **Code of City of Yonkers**

§ 109-88. Idling of engine. [Amended 2-11-1991 by G.O. No. 2-1991]

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus as defined in § 104 of the Vehicle and Traffic Law to idle while parking, standing or stopping at any terminal point, whether or not enclosed, along an established route.

# Ohio

## Municipal Codes

### **Waynesville Code of Ordinances**

*§ 76.10 BUS STOPS AND TAXICAB STANDS; STANDING OR IDLING BUSES.*

...

(B) Standing or idling busses.

(1) Buses shall be prohibited from standing and/or idling within the village, whether in the downtown section or otherwise, for a period in excess of 15 minutes.

(2) Violation of this division (B) may result in the issuance of a citation by the Police Department and summons into Mayor's Court.

(3) Each violation of this division (B) may result in a fine of up to \$50 per occurrence.

(4) For the purpose of this division (B), the definition of BUS shall be as defined in § 70.01.

(5) For the purpose of this division (B), the terms STANDING and IDLING shall be as defined under R.C. Title 45 or the administrative regulations adopted by the Ohio Department of Transportation, which definitions are expressly adopted herein. (Ord. 92-129, passed 10-19-92) Penalty, see 70.99

# Oregon

## Municipal Codes

### **City of Ashland Ordinance No. 2828**

AN ORDINANCE ADDING SECTION 11.24.020.H TO THE  
ASHLAND MUNICIPAL CODE TO PROHIBIT TRUCKS  
AND BUSES FROM IDLING WHILE PARKED

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. The following section is added to the Ashland Municipal Code as section 11.24.020.H:

SECTION 11.24.020 Prohibited parking. In addition to the provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park:

A. A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel in this City, unless marked or indicated otherwise;

B. A vehicle in an alley except to load and unload persons or materials not to exceed twenty (20) consecutive minutes in any two (2) hour period;

C. A vehicle upon a street for the principal purpose of:

1. Displaying the vehicle for sale;
2. Washing, greasing, or repairing the vehicle except repairs necessitated by an emergency;
3. Selling merchandise from the vehicle except in an established marked place or when so authorized or licensed under the ordinance of this City;
4. Storage, or as junkage or dead storage for more than seventy-two (72) hours.

D. A vehicle upon any parkway except where specifically authorized;

E. A vehicle upon private property without the consent of the owner or person in charge of the private property;

F. A vehicle within any area marked off by yellow paint upon the street or upon the curb, except where specifically authorized by a traffic sign, (Ord. 1557 S13, 1968)

G. A vehicle or any part thereof upon a sidewalk or bicycle path. (Ord.1971 S1, 1978)

H. Or stand or stop a truck or bus on a public street or in a public parking area with its engine running, if such engine emits exhaust fumes into the air. Vehicle engines shall be

turned off when loading and unloading passengers or merchandise. This subsection H shall not apply to:

1. An engine running for less than five minutes.
2. A vehicle in the moving traffic lane waiting to move with the normal flow of traffic,
3. An engine needed to operate equipment used to load or unload merchandise,
4. Trucks under 12,000 GVW and buses with a carrying capacity of fifteen passengers or less, or
5. Emergency vehicles, utility company, construction and maintenance vehicles, the engines of which must run to perform needed work.

The foregoing ordinance was first READ on the 16th day of April, 2002, and duly PASSED and ADOPTED this 7th day of May, 2002.

Barbara Christensen, City Recorder

SIGNED and APPROVED this 8th day of May, 2002

Alan DeBoer, Mayor

Reviewed as to form:

Paul Nolte, City Attorney

# Pennsylvania

## Municipal Codes

### **Allegheny County Health Department Rules and Regulations**

§2105.91 School Bus Idling *{This Section added by September 8, 2004 Amendment, effective October 10, 2004.}*

a. Applicability. This Section applies to the operation of every heavy-duty diesel powered school bus.

b. General.

1. No school bus driver shall cause or allow the engine of any school bus subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.

2. No school bus driver shall cause or allow the engine of a school bus subject to this section to be accelerated while idling, unless such action is taken in order to operate other equipment.

3. A school bus driver shall not park or idle a bus within 100 feet from a known and active school air intake system, unless the school district has determined that alternative locations block traffic, impair student safety or are not cost effective.

c. Exemptions. This section does not apply for the period or periods during which idling is necessary under the following circumstances:

1. Traffic Conditions.

A. For traffic conditions over which the driver has no control;

B. For an official traffic control device or signal; or

C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.

2. Queuing at a School. Where the physical configuration of a school requires a queue of buses for the sequential discharge or pickup of students, and the queue of buses is actively engaged in the discharge or pickup of students.

3. Turbo-Charged Diesel Engine Cool Down or Warm Up. When the manufacturer's specifications require more time than the five minute limitation in §2105.91.b.1, above, to cool down or warm up a turbo-charged diesel engine.

4. Cold/Hot Weather.

A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or

B. If the outside temperature is greater than 75°F and the bus is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.

5. Safety and Emergencies.

A. To ascertain that the school bus is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

B. To operate the flashing signal lamps and/or stop signal arm devices;

C. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements;

D. To operate a heater or an air conditioner of a bus that has, or will have, one or more children aboard with temperature sensitive disabilities;

E. To operate a lift or other piece of equipment designed to ensure safe loading, unloading,

or transport of persons with one or more disabilities; or

F. Use of school bus as an emergency vehicle.

6. Maintenance of Operations.

A. For testing, servicing, repairing, or diagnostic purposes; or

B. To recharge a battery or other energy storage unit of a hybrid electric bus.

d. Signage. Each school bus distribution center shall erect and maintain in a conspicuous location, a permanent sign(s) that is at least 12 inches by 18 inches in size indicating:

1. This school bus idling regulation in succinct language, and

2. The amount of money a violator will be fined.

e. Training. A motor carrier of a school bus shall ensure that the school bus driver, upon employment and at least once per year thereafter, is informed of the requirements of this Section and of the consequences of not complying with those requirements.

f. Penalties. Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:

1. A warning for the first offense;

2. A penalty of \$100 for the second offense; or

3. A penalty of \$500 for the third offense, and any subsequent offenses.

g. Enforcement. Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

h. Relationship to Other Law. Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.

## **Allegheny County Health Department Rules and Regulations**

§2105.92 Diesel Powered Motor Vehicle Idling *{This Section added by June 13, 2005 Amendment, effective June 23, 2005.}*

a. Applicability. This Section applies to the operation of every heavy-duty diesel powered motor vehicle, except school buses.

b. General.

1. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.

2. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to be accelerated while idling, unless such action is taken in order to operate vehicle mounted accessory or service equipment.

c. Exemptions. This section does not apply for the period or periods during which idling is necessary for:

1. Traffic Conditions.

A. For traffic conditions over which the driver has no control;

B. For an official traffic control device or signal; or

C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.

2. Boarding and Discharging Passengers.

A. When vehicles intended for commercial passenger transportation are boarding or discharging passengers; or

B. When vehicles intended for transporting people with disabilities are boarding or discharging passengers.

3. Queuing. When a vehicle, situated in a queue of other vehicles, must intermittently move forward to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and be impracticable.

4. Turbo-Charged Diesel Engine Cool Down or Warm Up. When the manufacturer's specifications require more time than the five minute limitation in §2105.92.b.1, above, to cool down or warm up a turbo-charged diesel engine.

5. Cold/Hot Weather.

A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or

B. If the outside temperature is greater than 75°F and a vehicle is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.

C. Notwithstanding subparagraphs A and B, in order to supply heat or air conditioning necessary for the comfort of passengers, a vehicle intended for commercial passenger transportation may idle for up to 10 minutes prior to passenger boarding and anytime passengers are onboard.

D. The Department may, upon request of an owner or manager of a bus terminal, approve alternate limits for warm-up of buses stored outdoors at the terminal when the temperature is below 40°F. Such plan shall include enforceable time limits that minimize bus idling.

6. Sleeping. When idling is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping and resting in a truck cab or sleeper berth.

7. Safety and Emergencies.

A. To verify that the vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

B. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements; or

C. Use of vehicle as an emergency vehicle.

8. Operability and Maintenance.

- A. To provide power for vehicle mounted accessory or service equipment; or
- B. When being operated by a mechanic for testing, servicing, repairing, or diagnostic purposes.
- d. Penalties. Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:
  - 1. A warning for the first offense;
  - 2. A penalty of \$100 for the second offense;
  - 3. A penalty of \$500 for the third offense, and any subsequent offenses.
- e. Enforcement. Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- f. Relationship to Other Law. Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.

## **Allegheny County Council Code of Ordinances**

### § 56-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**DIESEL-POWERED MOTOR VEHICLE** -- A self-propelled vehicle designed for transporting persons or property which is propelled by a compression-ignition type of internal-combustion engine.

**HEAVY-DUTY** -- Any motor vehicle with a gross vehicle weight of more than 8,500 pounds or with a passenger-carrying capacity of more than 12 persons.

**IDLING** -- The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer, or when the accelerator is fully released and there is no load on the engine.

**MOTOR VEHICLE** -- All vehicles propelled other than by muscular power except such vehicles as run only on rail or tracks.

**PERSON** -- Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of federal, state or local government or other entity recognized by law as a subject of rights and duties.

### § 56-2. Idling of diesel-powered motor vehicles.

The following provisions shall apply to the operation of heavy-duty diesel-powered motor vehicles:

- A. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel-powered motor vehicle to idle prior to, during layover between, or at the conclusion of, any trip or route for any period of time beyond that which is reasonably required to attain, or to secure from, normal operating conditions. The Board of Health shall promulgate rules and regulations, subject to the approval of the County Council, regarding a maximum allowable period of idling. Such rules and regulations shall also define exceptions to the maximum allowable period that consider extreme temperatures.
- B. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel-powered motor vehicle to be accelerated while idling unless such action is taken in order to operate other equipment.

...

#### § 56-4. Exceptions to anti-idling policy.

The Board of Health shall promulgate rules and regulations, subject to the approval of the County Council, that exempt the owner or operator of a diesel-powered motor vehicle or diesel-powered locomotive when certain conditions exist. Those exemptions shall include, but not be limited to:

- A. When a diesel-powered motor vehicle or diesel-powered locomotive is forced to remain motionless because of traffic conditions over which the operator has no control;
- B. When a diesel-powered motor vehicle or diesel-powered locomotive is being used as an emergency vehicle;
- C. When a diesel engine is providing power takeoff for refrigeration, lift gate pumps or other auxiliary uses, or supplying heat or air conditioning necessary for passenger comfort in those vehicles intended for commercial passenger transportation;
- D. When a diesel-powered motor vehicle or diesel-powered locomotive is being operated by a mechanic for maintenance or diagnostic purposes; or
- E. When a diesel-powered motor vehicle or diesel-powered locomotive is being operated solely to defrost a windshield.

#### § 56-5. Enforcement; violations and penalties.

It shall be the responsibility of the Department of Health to enforce this article and its provisions. Violators shall receive a warning for their first offense, a \$100 penalty for the second offense and a \$500 penalty for the third offense. The Department may make recommendations to Council regarding further enforcement mechanisms for this policy,

if appropriate.

### **Borough of Emsworth Code**

#### § 157-15. Idling of motor vehicles.

No person shall allow a vehicle to stand idle with the motor running for more than 10 minutes. Odors and fumes from motor vehicles shall not be permitted to affect the quiet enjoyment of adjoining residents. No vapors, malodorous gas or matter shall be permitted which is discernible on any adjoining property.

### **Township of Falls Code**

#### § 156-2. Prohibited odors.

- A. No person shall cause or allow emissions of air contaminants or noxious odors to the outdoor atmosphere that are injurious to human, plant or animal life or to property or that unreasonably interfere with the comfortable enjoyment of life or property (for purposes of this chapter, a "prohibited odor").
- B. In addition to the general prohibition set forth in Subsection A above, the following shall be prohibited conduct in violation of this chapter, but the listing herein shall not be deemed to be exclusive:
  - (1) Any open burning in violation of any Township ordinance.
  - (2) The idling of any motor vehicle for a period of longer than 15 minutes within 10 feet of any lot line of a property.

### **City of Philadelphia Air Management Regulations Ch. IX**

#### CONTROL OF EMISSIONS FROM MOBILE SOURCES SECTION I. DEFINITIONS

*Air Contaminants* - Any smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, mists, aerosols, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or any other materials in the outdoor atmosphere.

*Diesel Powered Motor Vehicle* - A self propelled vehicle designed for transporting persons or property which is propelled by a compression ignition type of internal combustion engine.

*Gasoline Powered Motor Vehicle* - A self propelled vehicle designed primarily for transporting persons or property which is propelled by a thermal ignition type of internal combustion engine, using gasoline as the fuel.

*Motor Vehicle* - All vehicles propelled other than by muscular power except such vehicles as run only on rails or tracks.

*Opacity* - The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as a percentage to which the light is obstructed.

*Person* - Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of Federal, State, or local government or other entity recognized by law as a subject of rights and duties.

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### SECTION III. IDLING OF DIESEL POWERED MOTOR VEHICLES

In addition to the emission limitations set forth in Section II, the following provisions shall apply to the operation of heavy-duty diesel powered motor vehicles:

A. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel powered motor vehicle to idle prior to, during layover between, or at the conclusion of, any trip or route for any period of time beyond that which is reasonably required to attain, or to secure from, normal operating conditions. The maximum allowable period of idling shall not exceed two (2) consecutive minutes or zero (0) for layovers, except under the following conditions:

1. The engine may be idled for a period of up to five (5) consecutive minutes when the ambient temperature is less than 32o F (0oC).
2. The engine may be idled for a period of up to twenty (20) consecutive minutes when the ambient temperature is less than 20oF (-7oC).
3. The engine may be idled for a period of up to twenty (20) consecutive minutes for buses equipped with air conditioning and non-openable windows and the ambient temperature is equal to or greater than 75o F.

B. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel powered motor vehicle to be accelerated while idling at any time.

For the purposes of this Section, the term "heavy-duty" shall apply to any motor vehicle with a gross vehicle weight of more than 8500 pounds or with a passenger carrying capacity of more than 12 persons.

### SECTION IV. CIRCUMVENTION

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in total release of air contaminants to the atmosphere.

### SECTION V. SEVERABILITY

The provisions of these Regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstance to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

### SECTION VI. EFFECTIVE DATE

Except as otherwise provided, this Regulation shall become effective upon adoption.

## **Code of Upper Providence Township**

§ 169-23. Special purpose parking zones. [Amended 7-7-1997 by Ord. No. 363]

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C. To promote the public health, safety and welfare by preventing unnecessary noise and air pollution, it is hereby declared that no person, corporation or entity shall leave any internal combustion engine-powered vehicle idling in any residential district as defined by the Zoning Ordinances of Upper Providence Township for more than a total of 60 minutes per day between the hours of 6:00 a.m. and 9:00 p.m. prevailing local time or for more than a total of 10 minutes between the hours of 9:00 p.m. and 6:00 a.m. For the purpose of this section, " idling " shall be defined as any running of an internal combustion powered vehicle while the vehicle is stationary, regardless of the revolutions per minute of the internal combustion engine at issue. Any person, corporation or entity violating this section shall be fined not less than \$75 and not more than \$600.

# Rhode Island

## Municipal Codes

### **Providence Code of Ordinances**

Sec. 15-11. Residential parking/standing of certain commercial vehicles.

(a) For the purpose of this article, a commercial vehicle shall be defined as any vehicle in excess of 20 feet in length and any vehicle over 6,500 pounds gross vehicle weight.

(b) No commercial vehicle shall park or stand in any residentially zoned area unless engaged in the loading or off-loading of goods. At any such time the vehicle shall not be idling.

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(e) Any person found in violation of any of these sections shall be subject to the penalties enumerated in section 1-10 herein, but in no case shall any person found in violation hereof be fined less than fifty dollars (\$50.00).

(f) (1) Any commercial vehicle otherwise in violation of this section and having an engine idling shall be deemed to be a hazard to the quality of life.

(2) Any commercial vehicle otherwise in violation of this section and in any way limiting, restricting or blocking the access of public safety vehicles in the course of their operation shall be deemed to be a hazard to public safety.

(3) Any commercial vehicle which, under this section, is deemed to be a hazard to the quality of life or a hazard to public safety shall be towed and the person violating subsection (f)(1) or (2) of this section shall be subject to a fine of not less than one hundred dollars (\$100.00).

(Ord. 2000, ch. 00-22, §§ 1--5, 8-11-00; Ord. 2002, ch. 02-11, §§ 1--6, 4-11-02)

## **South Carolina**

### **Municipal Codes**

#### **City of Beaufort Code of Ordinances**

##### Chapter 11. Tourism Management

###### Sec. 7-11027. Idling.

Idling of engines is allowed only while passengers are embarking onto or debarking from vehicles, not to exceed fifteen (15) minutes, with exceptions as noted below.

(Ord. No. O-13-04, 6-8-04)

#### **Code of City of Charleston**

##### ARTICLE VI. TOURING REGULATIONS GENERALLY

###### Sec. 29-239. Limitations on engine idling.

No buses may park with engines idling for more than five (5) minutes in residential areas.

(Ord. No. 1983-22, § 72, 5-10-83)

## Texas

**State Codes (only currently applicable to the following counties: Bastrop, Caldwell, Hays, Travis, Williamson and the following cities: Austin, Bastrop, Elgin, Lockhart, Round Rock, San Marcos)**

### **Texas Administrative Code Title 30**

#### RULE §114.510 Definitions

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Unless specifically defined in the Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act) or in the rules of the commission, the terms used in this subchapter have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Health and Safety Code, Chapter 382; §3.2 of this title (relating to Definitions); §101.1 of this title (relating to Definitions); and §114.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Idle--The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

(2) Local government--A city, county, municipality, or political subdivision of the state.

(3) Motor vehicle--Any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002, excluding vehicles registered under §502.006(c).

(4) Primary propulsion engine--A gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

#### RULE §114.511

#### Applicability

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The provisions of §114.512 and §114.517 of this title (relating to Control Requirements for Motor Vehicle Idling; and Exemptions) are applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement of the provisions of this division to that local government.

#### RULE §114.512

#### Control Requirements for Motor Vehicle Idling

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No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle, as defined in §114.510 of this title (relating to Definitions), is not in motion during the period of

April 1 through October 31 of each calendar year.

RULE §114.517

Exemptions

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The provisions of §114.512 of this title (relating to Control Requirements for Motor Vehicle Idling) do not apply to:

- (1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less;
- (2) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (3) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;
- (4) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, not including propulsion, and/or passenger compartment heating, or air conditioning;
- (5) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- (6) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- (7) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles intended for commercial passenger transportation or school buses in which case idling up to a maximum of 30 minutes is allowed;
- (8) the primary propulsion engine of a motor vehicle used for passenger transit operations in which case idling up to a maximum of 30 minutes is allowed;
- (9) the primary propulsion engine of a motor vehicle being used as airport ground support equipment; or
- (10) the owner of a motor vehicle rented or leased to a person who operates the vehicle and is not employed by the owner.

# Utah

## State Codes

### Utah Code

§ 41-6a-1403. Motor vehicle left unattended -- Requirements

(1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without:

- (a) stopping the engine;

## Municipal Codes

### Park City Municipal Corporation Municipal Code

9- 8- 3. DELIVERY VEHICLES IN THE MAIN STREET CORE.

All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions:

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(F) No delivery vehicle shall be parked with its engine left idling.

### Salt Lake City-County Health Department Regulation #28

6.8 Vehicle Idling Limitation. No owner or operator of a diesel powered vehicle shall allow or permit such vehicle to remain in an idling mode or condition for a period of time exceeding fifteen (15) minutes.

6.8.1 Exemption to Idling Limitations. Vehicles may be exempted from the idling limitation requirements of Section 6.8 under the following conditions:

- (a). To supply power to a refrigeration unit for the purpose of cooling the contents of a trailer.
- (b). To provide heat or air conditioning to a sleeper unit of the vehicle.
- (c). Emergency vehicles.

6.8.2 Vehicles exempted from the Vehicle Idling Limitations as applicable under section 6.8.1 (a) and (b) of these regulations shall not remain in an idling condition for a period longer than fifteen (15) minutes if located within five hundred (500) feet of any residence.

## Vermont

### Municipal Codes

#### **Burlington Code of Ordinances, Sec. 20-55**

(e) No person shall leave idling for more than five (5) minutes any motor vehicle in any area of the city during the period from April 1 of every year to November 1 of the same year, except in the following instances:

- (1) Motors used to run refrigeration units may be left idling to permit uninterrupted refrigeration;
- (2) A motor vehicle may be left idling if necessary for the repair of that vehicle;
- (3) This provision shall not apply to motor vehicles which must be kept idling in order to install, maintain or repair equipment or infrastructure.
- (4) This provision shall not apply in any situation in which the health or safety of a driver or passenger requires the idling of the vehicle.

# Virginia

## State Codes

### **Virginia Administrative Code**

#### ARTICLE 41. EMISSION STANDARDS FOR MOBILE SOURCES (RULE 4-41)

9 VAC 5-40-5670. Motor vehicles.

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C. In commercial or residential urban areas, propulsion engines of motor vehicles licensed for commercial or public service use shall not be left running for more than three minutes when the vehicle is parked, unless the propulsion engine is providing auxiliary power for other than heating or air conditioning; except that:

1. Tour buses may idle for up to 10 minutes during hot weather in order to maintain power to the air conditioning system; and
2. Diesel powered vehicles may idle for up to 10 minutes to minimize restart problems.

### **Virginia Code**

§ 46.2-1224.1. Local ordinances regulating certain parking; penalty

The governing body of any county having the county manager plan of government may by ordinance prohibit idling the engine of a bus for more than ten minutes when the bus is parked, left unattended, or is stopped for other than traffic or maintenance reasons.

Violators of such ordinance shall be subject to a civil penalty not to exceed fifty dollars, the proceeds from which shall be paid into the county's general fund.

The provisions of this section shall not apply to school buses or public transit buses.

## Municipal Regulations

### **Arlington County Code**

§ 14.2-2. Prohibition against parking of vehicles under certain conditions.

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(f) No person shall idle the engine of a bus for more than ten (10) minutes when the bus is parked, left unattended, or is stopped for other than traffic or maintenance reasons. The provisions of this section shall not apply to school buses or public transit buses. Violators of this subsection shall be subject to a civil penalty of fifty dollars (\$50.00).

## **Fairfax County Code**

Section 103-3-10. Mobile sources.

(a) *Prohibition of visible emissions from mobile sources.* No person shall cause or permit the emission of visible air contaminants from a mobile source of a density equal to or greater than twenty (20) percent opacity for longer than five (5) consecutive seconds after the operating engine of the mobile source has been brought up to operating temperature.

(b) *Prohibition of idling engines of mobile sources.* The operating engine of any mobile source shall not be left idling more than three (3) minutes after the mobile source has ceased to perform its designed work or function.

(27-78-103.)

# Washington

## Municipal Codes

### **Spokane Municipal Code**

#### Title 15 Air Quality

#### Chapter 15.02 Carbon Monoxide Nonattainment Area Implementation Plan

#### Section 15.02.020 Idling Defined.

"Idling" means the running of an engine which supplies the motive power for a vehicle, when not for the purpose of moving the vehicle with the normal flow of traffic on a street or roadway. Idling does not include running the vehicle's engine while stopped at a traffic signal or waiting for the passage of other vehicles to permit safe entry into the flow of traffic.

#### Section 15.02.040 Excessive Idling Prohibited.

1. Excessive idling in the Central Business District Portion of the Nonattainment Area Prohibited.  
Unless permitted by subsection (2) of this section it is unlawful for the operator of any vehicle powered by an internal combustion engine while located in the CBD portion of the nonattainment area to cause said engine to idle for a period longer than sixty seconds.
2. Idling Permitted.  
To the extent necessary for the specified purpose, idling is permitted in the following cases:
  - a. police, sheriff or other law enforcement vehicles, including meter patrols, as required for safe and effective performance;
  - b. fire department vehicles, ambulances and other emergency vehicles when responding to an emergency or when the use of special equipment requires that the engines remain in operation;
  - c. construction or demolition equipment or other machinery when actually employed at the site of such work, and only to the extent necessary for efficient operation;
  - d. trucks, buses, or automobiles equipped with lift gates, winches, or other devices powered by take-offs from their engines, to the extent necessary to allow use of those devices provided; provided, however, that this subsection does not authorize idling solely for the purpose of operating any heating device, radio, power-assisted brakes, steering, seat adjustment or any luxury device not then required for safe operation of the vehicle;
  - e. vehicles participating in parades if licensed under Chapter 10.39;
  - f. buses or other mass transit vehicles while operated on a regular schedule;

- g. insofar as necessary for diagnosis, adjustment, or testing, vehicles undergoing repair or maintenance; but only when on the premises of the owner or person performing the work;
- h. any vehicle when required in an emergency for the protection of life, health, or property.

3. Notices.

The street director shall cause to be placed such notices as he may deem necessary to inform drivers of the prohibition against excessive vehicle idling; however, actual knowledge of the prohibition is not an element of an offense under this chapter.

# Wisconsin

## Municipal Codes

### **City of Madison Code**

12.915 TRAFFIC ON STATE STREET RESTRICTED.

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(3) Description of Area. This section applies to the 100 through 600 blocks of State Street running between West Mifflin Street and North Lake Street. When used in this section, the phrases "State Street" or "the area" shall include only the 100 through 600 blocks of State Street as described within this subsection. (Am. by Ord. 12,777, 3-13-01)

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(7) Large Motor Truck Regulations.

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(d) No operator of any large motor truck shall permit such vehicle to remain stationary with the main power train motor running for more than fifteen (15) minutes when the outside air temperature is between 40°F and 80°F. This subsection shall not apply to maintenance, construction or public utility vehicles. (Renum. by Ord. 12,777, 3-13-01)

## Wyoming

### Municipal Codes

#### **Rawlins Municipal Code**

##### Section 10.03.070 Vehicle Unattended

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. Upon report of a vehicle running while unattended the police shall investigate and the person owning or in charge of the vehicle shall have five minutes from the time of the police arrival to shut off or move the vehicle. If after five minutes the vehicle has not been shut off or moved, a misdemeanor citation may be issued for violation of this section. No vehicle, even attended, shall remain idling while parked for more than 20 minutes. Any vehicle found in violation of this section may be towed at owner's expense. Upon repeat calls to the same property or for the same vehicle the police may immediately write a citation without waiting the five minutes.