

Ordinance No. 10-42

AN ORDINANCE AMENDING TITLE 9, PARKING CODE, OF PARK CITY MUNICIPAL CODE SECTIONS 9-1-2, APPLICATION OF THE CODE, 9-9-4 PENALTIES FOR ILLEGAL PARKING, and 9-9-5 ENFORCEMENT; PAYMENT. AND ADOPTING A NEW CHAPTER_ CHAPTER 10, ANTI-IDLING, PROHIBITING THE IDLING OF VEHICLES WITHIN CITY LIMITS AND PROVIDING FOR LIMITED EXCEPTIONS

WHEREAS, emissions from vehicle idling contribute significantly to air pollution, climate change and increased rates of cancer and heart and lung diseases which adversely affect the health, natural environment and economic well being of residents, guests and visitors of Park City; and

WHEREAS, petroleum-based fuels are nonrenewable and should be used wisely and not wasted; and

WHEREAS, idling a typical vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, Park City Municipal Code, 9-8-3, already provides that no delivery vehicle parked on Main Street or Swede Alley shall be parked with its engine left idling; and

WHEREAS, Utah State Code, 41-6a-1403, prohibits the idling of an unattended vehicle; and

WHEREAS, Park City Municipal Corporation presently has a Fuel Conservation and Anti-Idling Policy in place, encouraging efficient use of City vehicles to reduce operating costs and emissions; and

WHEREAS, reducing needless vehicle idling is in keeping with Park City's promotion as an eco-tourism destination and its affiliation with ICLEI (Local Governments for Sustainability); and

WHEREAS, the City Council desires to ensure that unnecessary idling does not occur in idle-frequent locations such as school grounds, parking lots/garages, business centers, and ski resort parking lots and loading and unloading zones; and

WHEREAS, Clean Air Park City will, on its own and in partnership with Park City Municipal Corporation and other like-minded organizations, continue to educate residents, visitors, and guests of the dangers to the environment and health of citizens caused by the unnecessary idling of motor vehicles; and

WHEREAS, the City Council desires to take a proactive position on air pollution to protect the livability and viability of Park City and its residents, visitors and guests; and

WHEREAS, it is in the public interest that Park City residents, guests and visitors reduce vehicle emissions to protect the health, economy and natural environment of Park City and the surrounding area;

WHEREAS, City Council has previously demonstrated leadership on this issue by adopting an "Idle-Free Resolution" for Park City in November 2009; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PARK CITY, UTAH THAT:**

Section I. Amendment. Title 9 Parking Code, Section 9-1-2, of the Municipal Code of Park City is hereby amended as follows:

9-1-2. APPLICATION OF THE CODE.

This Title is applicable on all public streets and public parking facilities, within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection. The anti-idling Chapter is applicable everywhere within Park City's corporate limits as now constituted or as subsequently amended by annexation or disconnection including private property.

Section II. Amendment. Title 9 Parking Code, Section 9-9-4, of the Municipal Code of Park City is hereby amended as follows:

9-9-4. PENALTIES FOR ILLEGAL PARKING AND ILLEGAL IDLING.

The owner or operator of a vehicle cited for illegal parking under this Title shall be required to pay the penalty in the amount set forth in the Fee Resolution for the violation, and if the illegal parking is not contested, shall pay the fee according to the schedule set forth by resolution in lieu of administrative hearing on the infraction. In addition to the fee imposed for illegal parking, the owner of the vehicle is responsible for paying Immobilization, towing and impound fees for the release of the vehicle. Immobilization and towing fees may be levied against the violator or the owner of the vehicle, or both. The owner or operator of a vehicle cited for illegal idling under this Title shall be required to pay a penalty of one hundred (\$100) dollars.

Section III. Amendment. Title 9 Parking Code, Section 9-9-5, of the Municipal Code of Park City is hereby amended as follows:

9-9-5. ENFORCEMENT; PAYMENT.

The City may employ private enforcement officer(s) to enforce this Title and issue parking and anti-idling citations for violations thereof, including parking illegally in handicapped spaces. All fees and penalties imposed pursuant to this Title shall be paid to Park City Municipal Corporation in the manner and by the means specified on the reverse side of the parking or anti-idling citation.

Section IV. Adoption. Chapter 10, Anti-Idling, in Title 9 Parking Code of the Municipal Code of Park City is hereby adopted as follows:

9-10-1 NO IDLING.

No driver, while operating a vehicle within Park City corporate limits, shall cause or permit a vehicle's engine to idle for more than three minutes, with exceptions for the following circumstances:

- (A) The vehicle is forced to remain motionless on a roadway because of traffic conditions.
- (B) The vehicle is an authorized emergency vehicle used in an emergency situation.

- (C) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other equipment that is part of the vehicle.
- (D) Vehicle idling is necessary for repair or inspection of the vehicle.
- (E) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions.
- (F) Vehicle idling is necessary for efficient operation of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

Vehicle idling under these exceptions should not violate Utah State Code, 41-6a-1403, which prohibits the idling of an unattended vehicle.

Section V. Effective Date. This Ordinance shall become effective upon publication.

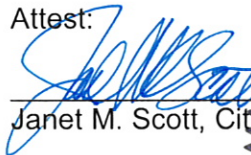
PASSED AND ADOPTED this 16th day of December 2010.

PARK CITY MUNICIPAL CORPORATION

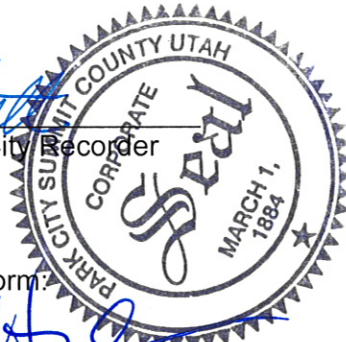


Mayor Dana Williams

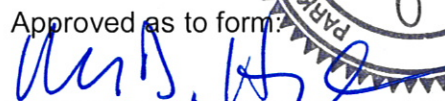
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, City Attorney