

Ordinance No. 12-11

AN ORDINANCE AMENDING TITLE 9, PARKING CODE, SECTION 9-9-4, PENALTIES FOR ILLEGAL PARKING AND ILLEGAL IDLING, CHAPTER 9-10, ANTI-IDLING, AND TITLE 4, LICENSING, CHAPTER 4-15, FOR-HIRE VEHICLE LICENSING, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the State Legislature in House Bill 104 passed legislation which prohibits municipal legislative bodies to regulate idling under certain circumstances; and

WHEREAS, the State Legislature in House Bill 104 passed legislation which prohibits regulating the age or number of miles of "for hire" vehicles; and

WHEREAS, to comply with this State legislation, the following amendments must be made to the Municipal Code;

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 9-9-4, Penalties for Illegal Parking and Illegal Idling, and 9-10, Anti-Idling 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 issued a warning citation and, after receiving three warning citations, shall be required to pay a the penalty of one hundred (\$100) dollars in the amount set forth in for general parking violations in the Fee Resolution.

(Amended by Ord. Nos. 99-31; 10-42)

9-10. ANTI-IDLING

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 operations 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.

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

The primary purpose of Section 9-10-1 is to educate the public on the health and environmental consequences of vehicle idling.

(Amended by Ord. No. 10-42)

9-10-2 IDLING ON PUBLIC AND PRIVATE PROPERTY

Section 9-10-1 may only be enforced when the idling vehicle is found on:

(A) public property; or

(B) private property that is open to the public unless the private property owner:

(I) has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to Park City informing its customers and the public of Park City's time limit of three minutes for idling vehicle engines; or

(II) adopts an idle reduction education policy approved by Park City.

9-10-3 SAFETY OF LAW ENFORCEMENT OFFICERS

Section 9-10-1 shall be enforced in such a manner as to provide for the utmost safety of the law enforcement officers or designees who enforce it.

Section II. Amendment. Title 4, Licensing, Chapter 4-15, For-Hire Vehicle Licensing, of the Municipal Code of Park City is hereby amended as follows:

4-15-7. VEHICLE AGE REQUIREMENT

~~(A) All For-Hire vehicles except those noted in this section shall be no more than ten (10) model years in age from year of business license.~~

~~(B) Any vehicle which meets the ADA accessibility requirements set forth in 36 CFR Part 1192 shall be no more than fifteen (15) model years in age from the year of business license.~~

~~(C) Any vehicle licensed with a current State of Utah "C-Plate" as defined at Utah State Code 41-1a-102(57) shall be no more than fifteen (15) model years in age from the year of business license.~~

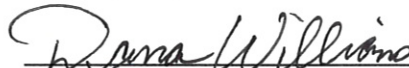
~~(D) Any vehicle licensed with a current State of Utah "Special Interest Plate" as defined at Utah State Code 41-1a-102(57) shall be exempt from this section.~~

This section intentionally left blank.

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

PASSED AND ADOPTED this 3rd day of May, 2012.

PARK CITY MUNICIPAL CORPORATION



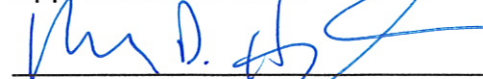
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

