

ORDINANCE NO. 192
VEHICLE IDLING RESTRICTION ORDINANCE

AN ORDINANCE TO REGULATE THE IDLING OF VEHICLES WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN 14,000 POUNDS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: Purpose.

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

1. Designed with a gross vehicle rating of more than 14,000 pounds; and
2. Designed to operate on public highways; and
3. Powered by an Internal Combustion engine.

Section 2: Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in the Ordinance shall be as follows:

Combination of Devices: The coupling of two or more pieces of equipment that consist of the device which contains the internal combustion engine and an attached piece of equipment, which includes but is not limited to a trailer, cement mixer, refrigeration unit, or automobile.

Gross Vehicle Weight Rating: The maximum vehicle weight for which the vehicle is designed, as established by the manufacturer.

Idling: the operation of an Internal Combustion engine when the engine is not engaged in gear.

Vehicle: Any device or combination of devices with a gross vehicle weight rating of more than 14,000 pounds, required under Michigan Law to be registered, designed to operate public roadways and powered by an internal combustion engine.

Section 3: Requirements.

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.

Section 4: Exemptions. This ordinance shall not apply when:

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

2. The Vehicle is an authorized emergency vehicle used in an emergency situation.
3. Vehicle idling is necessary for repair of the vehicle or roadway.
4. The vehicle's engine is powered for:
 - a. Loading or unloading cargo, or
 - b. Mixing or processing cargo, or
 - c. Providing a mechanical extension to perform work functions
5. Between the hours of 5:00 am and 10:00 pm
 - a. If the engine is used for controlling cargo temperature, or
 - b. While waiting to load or unload

Section 5: Violations.

A violation of this Ordinance is a municipal Civil Infraction and any person or firm who shall violate the ordinance shall be responsible for a civil infraction and subject to a civil fine as follows:

1. First Offense: \$100.00
2. Second Offense: \$300.00
3. Third and each subsequent offense: \$500.00

Section 6: Severability. The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 7: Effective Date. The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1st day of April, 2014.

Section 8: Repeal. Ordinance No. 191 is hereby repealed and any and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, also hereby repealed.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 3rd day of March, 2014.