

SUB. 1 TO ORD. AMDT. 22, 10-11

AMENDING CHAPTER 34 OF THE DANE COUNTY CODE OF ORDINANCES.
REGULATING DIESEL POWERED MOTOR VEHICLE IDLING

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 34.26 is created to read as follows:

34.26 DIESEL POWERED MOTOR VEHICLE IDLING. (1) *Purpose and authority.* The purpose of this ordinance is to protect the public health of the citizens of Dane County and the environment by reducing emissions from diesel powered motor vehicles. This section is enacted under the authority of s. 59.03(2)(a), Wis. Stats.

(2) *Applicability.* This ordinance shall apply in the unincorporated areas of Dane County to the operation of diesel powered commercial motor vehicles as defined by s. 340.01(8), Wis. Stats.

(3) *Excessive idling prohibited.* No person responsible for the operation of a diesel powered commercial vehicle shall allow or cause the vehicle to idle with the motor running in Dane County for more than five (5) minutes in a sixty (60) minute period.

(4) *Exceptions.* The provisions of sub. (3) shall not apply:

(a) to emergency service vehicles, such as fire apparatus, public safety vehicles or ambulances;

(b) during traffic conditions over which the driver has no control or at the direction of a law enforcement official;

(c) to airport support equipment;

(d) to vehicles being serviced or repaired; or

(e) to vehicles idling when necessary to operate auxiliary equipment that is required to accomplish the intended use of the vehicle.

(f) When the outside air temperature is above 80 degrees F a vehicle subject to this ordinance that is equipped with air conditioning may idle for not more than fifteen (15) consecutive minutes.

(g) When the outside air temperature is below 40 degrees F a vehicle subject to this ordinance may idle for not more than fifteen (15) consecutive minutes.

(h) When the outside temperature is below -10 degrees F the restrictions of this ordinance shall not apply.

(i) Operating a defroster, heater, air conditioner, emergency lighting or installing equipment solely to prevent a safety or health emergency and no as part of a rest period;

(j) The primary propulsion engine idles or maintenance, servicing, repair or diagnostic purposes if idling is required to such an activity;

(k) Part of a state or federal inspection to verify that all equipment is in good working order if idling is required as part of the inspection;

(l) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion, including but not limited to, mixing, dumping or processing cargo; operating a lift, generator, crane, pump, drill, hoist, or other auxiliary mechanical equipment; straight truck refrigeration, utility service restoration or to protect prescription or over-the-counter drug products. This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment;

(m) Off-road equipment or transit buses are in immediate stand-by mode for passenger loading/unloading, project and/or worker safety, for readiness of an upcoming phase of a specific project element, or is needed for a stop-and-go project element.

(n) An armored vehicle idles when a person remains inside the vehicle to guard the contents or the vehicle is being loaded or unloaded;

(o) Necessary for regeneration of exhaust emission control devices or to recharge batteries on a hybrid vehicle;

(p) A passenger bus idles a maximum of 15 minutes in any 60-minute period to maintain passenger comfort while non-driver passengers are on board;

(q) Idling due to mechanical difficulties over which the operator has no control if the vehicle owner submits the repair paperwork or product receipt by mail within 30 days of the appropriate authority verifying that the mechanical problem has been fixed. If no repair paperwork is submitted within 30 days, the vehicle owner is subject to penalties as provided in subsection 6;

(r) Truck driving schools.

(5) *Penalties.* Any person who violates this section shall be subject to a forfeiture of \$50.00 for each violation. To be effective date September 1, 2011.