

Ordinance No. 13-31

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS ADDING THE OFFENSE OF EXCESSIVE IDLING TO THE VILLAGE'S TRAFFIC CODE

WHEREAS, the Village of East Dundee (the "*Village*") is a duly organized and validly existing home-rule Village created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, The Village is authorized pursuant to Section 20-204 of the Illinois Vehicle Code (625 ILCS 5/20-204) to adopt any portion of the Illinois Vehicle Code by reference; and,

WHEREAS, the Illinois Vehicle Code in section 11-1429 provides for the offense of excessive idling; and,

WHEREAS, the purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles; and,

WHEREAS, the Village hereby adopts this ordinance pursuant to its home rule and statutory authority.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1. That Title VII, Chapter 70, of the Code of the Village of East Dundee, as amended, be and is hereby amended by adding Section 70.10 to read as follows:

"Sec. 70.10. EXCESSIVE IDLING

- A. It shall be unlawful for a person that operates a motor vehicle operating on diesel fuel in the Village to cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60 minute period, except under the following circumstances:
- (1) the motor vehicle has a Gross Vehicle Weight Rating of less than 8,000 pounds;
 - (2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;
 - (3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
 - (4) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;
 - (5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;
 - (6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;

- (7) when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;
- (8) an armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;
- (9) a bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;
- (10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;
- (11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;
- (12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;
- (13) the motor vehicle is (i) a bus owned by a public transit authority and (ii) being operated on a designated bus route or on a street or highway between designated bus routes for the provision of public transportation;
- (14) the motor vehicle is an implement of husbandry exempt from registration;
- (15) the motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service; or
- (16) the outdoor temperature is less than 32 degrees Fahrenheit or greater than 80 degrees Fahrenheit.

B. When the outdoor temperature is 32 degrees Fahrenheit or higher and 80 degrees Fahrenheit or lower, a person who operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle to idle for a period greater than 30 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.

C. This Section does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel.

D. This Section does not apply to the owner of a motor vehicle rented or leased to another entity or person operating the vehicle.”

Section 2. This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

ADOPTED this 19th day of August, 2013 pursuant to a roll call vote as follows:

AYES: Trustees Gorman, Lynam, Skillicorn, Selep and Wood

NAYS: Ø

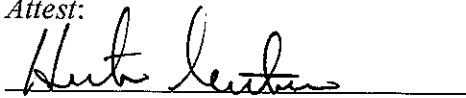
ABSENT: Trustee Ruffalo

APPROVED by me this 19th day of August, 2013.



Village President

Attest:



Village Clerk

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