

ORDINANCE NO. 15

SERIES 2011

**AN ORDINANCE ADOPTING REGULATIONS ON
THE IDLING OF VEHICLES IN TOWN**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Town is a signatory to the United States Mayor's Climate Protection Agreement, which commits the Town to environmental protection goals;

WHEREAS, the Town Council has identified environmental and air quality stewardship and carbon emissions mitigation as priorities, and adopted an Energy Action Plan to meet its emissions reduction and environmental stewardship objectives;

WHEREAS, air quality in and around Crested Butte is impacted by exhaust and pollutants from the combustion of fossil fuels;

WHEREAS, the operation of internal combustion engines over short periods of time produces exhaust and pollutants which reduce air quality and can cause health problems;

WHEREAS, the Town Council has found that exhaust, fumes and pollutants significantly undermine the environment in and around Crested Butte, undermining Crested Butte's appeal as a tourist and recreation destination;

WHEREAS, the Town Council has found that unattended idling vehicles attract vehicle theft and pose a public safety hazard to pedestrians and motorists on public rights-of-way;

WHEREAS, the Town Council believes that it has a duty to protect and improve the air quality in and around the Crested Butte, and also protect the economic and environmental well-being of Crested Butte as a tourist destination, and preserve the health and scenic natural resources of the Crested Butte community; and

WHEREAS, the Town Council has determined that the below amendments to the Code suggested by the Town staff promote the desired goals of the Town Council to air improve air quality in and around Crested Butte and protect the economic and environmental well-being of Crested Butte as a tourist destination, and, therefore are in the best interests of the environment, health, safety and general welfare of the residents and visitors of Crested Butte.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Chapter 8 of the Code to Add a New Article 6, Idling Vehicles. A new Article 6 is hereby added to Chapter 8 of the Code which shall read as follows:

"ARTICLE 6

Idling Vehicles

Sec. 8-6-10 Purpose.

The purpose of these regulations is to preserve public health and the environmental quality in the Town of Crested Butte through the elimination of harmful emissions from internal combustion engines. Emissions from the engines of commercial and passenger vehicles, as well as equipment such as snow and leaf blowers, lawn mowers, snowmobiles, motorcycles and similar fuel-burning devices can cause serious public health hazards and undermine the environmental quality and aesthetic appeal of Crested Butte. These provisions are intended to reduce the unnecessary emission of greenhouse gasses while providing for the reasonable operation of such vehicles and other similar devices.

Sec. 8-6-20 Definitions.

The following definitions shall apply to the interpretation and enforcement of this Article:

Vehicle Idling shall mean the operation of a gasoline or diesel combustion engine while the vehicle is not in motion or otherwise performing its intended function.

Unattended Vehicle shall mean any commercial or passenger vehicle or equipment left idling in place without a driver or passenger occupant of the vehicle.

Sec. 8-6-30 Restrictions.

(A) Except as hereinafter provided, it shall be unlawful for any person to idle or permit the idling of the motor of any stationary motor vehicle or other internal combustion engine for a prolonged or unreasonable period of time determined herein to be three (3) minutes or more. Proof that the motor vehicle was left idling for a period of time of longer than three (3) minutes shall be prima facie proof that said vehicle was idling for a prolonged and unreasonable period of time.

(B) It shall be unlawful for motor vehicles or other internal combustion engines within Crested Butte to be left idling while unattended by a driver, operator or passenger for any period of time.

(C) When weather conditions warrant, motor vehicles shall be permitted to idle to aid in the removal of snow and ice to facilitate safe operation of the vehicle. Vehicles shall be permitted to idle in these circumstances for no longer than is reasonably required to remove snow and ice or for five (5) minutes, whichever is shorter. Vehicles idling to facilitate the removal of snow and ice must be attended at all times during the idling period.

(D) Trucks and equipment with refrigeration systems or similar fossil fuel-burning devices ancillary to the vehicle engine must turn off such devices in addition to the primary vehicle engine within three (3) minutes of parking the vehicle within Crested Butte.

Sec. 8-2-40 Exemptions.

The following activities shall be exempt from the requirements of this Article:

(A) Authorized law enforcement, safety and emergency equipment that require engine idling for auxiliary power, safety purposes or proper operation.

(B) Engines that must be operated in idle mode for safety reasons including, but not limited to, the operation of cranes and forklifts used in the construction industry.

(C) Public transportation vehicles such as buses that idle for the pick-up and drop-off of passengers.

(D) Heavy-duty diesel engines where the manufacturer's specifications require engine idling for warm-up and cool-down periods, (the permitted idle time for these vehicles shall not exceed the minimum time recommended in the manufacturer specifications).

(E) Vehicles forced to remain motionless on a roadway due to traffic conditions for up to ten minutes. Motionless vehicles standing for more than ten minutes must turn off engines until the flow of traffic resumes.

(F) Vehicle occupants in distress or other circumstances where vehicle idling is required for the life-safety of the vehicle occupants.

Sec. 8-2-50 Penalties.

Persons found to be in violation of any provision of this article shall be subject to a fine not to exceed \$100.00 for each offense. Each incidence of violation shall be deemed a separate offense. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Article, together with proof that the defendant named in the complaint was at the

time the registered owner of such vehicle, shall be prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this Article."

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 5th DAY OF JULY, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 18th DAY OF JULY, 2011.

TOWN OF CRESTED BUTTE

By: *Leah B. Williams*
Leah B. Williams, Mayor

ATTEST:

By: *Eileen Hughes*
Eileen Hughes, Town Clerk

