



DEPARTMENT OF SUSTAINABILITY

**CITY COUNCIL TRANSMITTAL**

  
Lisa Shaffer (Feb 23, 2021 15:54 MST)

Lisa Shaffer, Chief Administrative Officer


02/23/2021

**Date Received:** \_\_\_\_\_  
**Date sent to Council:** 02/23/2021

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**TO:** Salt Lake City Council  
Amy Fowler, Chair

**DATE:** October 9, 2020

**FROM:** Vicki Bennett  
Sustainability Department Director 

**SUBJECT:** Salt Lake City Code 12.58 Idling of Vehicles

**STAFF CONTACTS:** Debbie Lyons  
Sustainability Division Director  
debbie.lyons@slcgov.com | 801.535.7795

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** Adopt the ordinance amending a Section of the *Salt Lake City Code* related to idling (Exhibit A)

**BUDGET IMPACT:** Minimal, fewer warnings issued prior to a citation

**BACKGROUND/DISCUSSION:**

**Background**

In October 2011, Salt Lake City Council adopted Salt Lake City Code 12.58 Idling of Vehicles. Subsequently, during the 2012 State legislative session, the Utah State Legislature adopted House Bill 104 which authorized adoption of idling restrictions by local jurisdictions, but was subject to certain conditions. In April 2012, Salt Lake City adopted amendments to the Idling of Vehicles ordinance to comply with newly adopted State law.

During the 2019 State legislative session, House Bill 148 was adopted to amend provisions allowing local authority to enforce idling restrictions after one warning instead of three<sup>1</sup>. The proposed amendment to section 12.58.040 "Penalties" is updated to allow a civil fine to be issued after one warning.

Salt Lake City was the second city in Utah to adopt an ordinance restricting idling, after Park City. Currently nine other cities in Utah have idle free ordinances. Proposed amendments to

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<sup>1</sup> [Utah State Legislature, 2019 General Session, H.B. 148 Vehicle Idling Revisions](#)

section 12.58.030 include updated language related to the exceptions of the idling restriction, reflecting common language used in most city ordinances without changing intent of the exceptions or scenarios to which they would apply, such as during extreme temperatures, operation of equipment in emergency and law enforcement vehicles, or stopped for traffic control devices.

Further, the proposed amendment includes the following updates that may be considered “housekeeping” items, including:

- Idling listed as a civil violation in section 12.56.550 “Unauthorized Use of Streets, Parking Lots, and Other Areas”, which includes procedures for issuing civil violations and assessing late fees.
- Adding a cross-reference to Chapter 12.58 “Idling of Vehicles” in the list of Civil Violations in Chapter 12.12.015.

The fine for an idling citation is the same as an expired parking meter which currently starts at \$23 and increases by 25% if not paid within 30 days. State code requires local ordinance to have “the same fine structure as a parking violation”.

## LEGISLATIVE COPY

### SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2020

(Idling of Vehicles, Penalty Amendments, Exemption Amendments)

An ordinance amending section 12.58.030, section 12.58.040, section 12.12.015, and section 12.12.040 of the Salt Lake City Code pertaining to Idling of Vehicles, penalties and exemptions.

WHEREAS, in October 2011, the Salt Lake City Council adopted Ordinance No. 65 of 2011, enacting Chapter 12.58 of the City Code which prohibited idling of vehicles within City limits; and

WHEREAS, in May 2012, the Salt Lake City Council adopted Ordinance No. 25 of 2012, amending Chapter 12.58 of the City Code which prohibits idling of vehicles within City limits to include conditions adopted by the State Legislature during the 2012 State legislative session; and

WHEREAS, during the 2019 State legislative session, the Utah State Legislature adopted third substitute House Bill 148, Vehicle Idling Revisions; and

WHEREAS, House Bill 148 amends provisions related to enforcement of a local authority's idling restrictions, allowing the local authority to impose a fine after one warning instead of three; and

WHEREAS, the City Council now desires to amend its prior idling ordinance to include this condition allowed by the State Legislature; and

WHEREAS, the City Council finds that this ordinance is in the best interest of the public.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending text of Salt Lake City Code section 12.58.030, Exemptions, and 12.58.040 Penalties. That section 12.58.030 and section 12.58.040 of the Salt Lake City Code Idling of Vehicles Ordinance, shall be, and hereby is, amended to read as follows:

**12.58.030: IDLING RESTRICTION WITHIN CITY LIMITS:**

No driver, while operating a vehicle within city limits, shall cause or permit a vehicle's engine to idle for more than two (2) minutes, except for the following kinds of idling:

**A. Idling while stopped:**

1. For an official traffic control device;
2. For an official traffic control signal;
3. At the direction of a police officer;
4. At the direction of an air traffic controller;
5. For airport airside operations requirements.

~~B. Idling as needed to operate heaters or air conditioners where the temperature is below thirty two degrees Fahrenheit (32°F) or above ninety degrees Fahrenheit (90°F), as measured at the Salt Lake City Airport and determined by the National Weather Service, for the health or safety of a driver or passenger, including police K-9 or other service animals.~~

~~C. Idling for the minimum amount of time required for the operation of defrosters or other equipment to clear the windshield and windows to provide unobstructed views and ensure visibility while driving.~~

~~D.C.~~ Idling as needed for authorized emergency or law enforcement vehicles to operate equipment.

~~E. Idling as needed to ascertain that a vehicle is in safe operating condition and equipped as required by all provisions of law, and that all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed.~~

~~F.D.~~ Idling as needed for testing, servicing, repairing, installation, maintenance or diagnostic purposes repair, maintenance or inspection of the vehicle.

~~G.E.~~ Idling as needed for the period recommended by the manufacturer to warm up or cool down for efficient operations of a turbocharged heavy duty vehicle. This includes building air pressure in air brake systems, among other requirements.

~~H.F.~~ Idling as needed to operate auxiliary equipment for which the vehicle was primarily designed or equipped, other than transporting goods, such as: emergency equipment, operating a transportation refrigeration unit, (TRU), lift, crane, pump, drill, hoist, or ready mixed equipment, except a heater or air conditioner.

~~I. Idling as needed to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods or people.~~

~~J. Idling to recharge a battery or other energy storage unit of a hybrid electric vehicle.~~

~~K. Idling as needed for vehicles that house K-9 or other service animals.~~

~~Idling by on duty police officers as necessary for the performance of their official duties. (Ord. 25-12, 2012)~~

#### **12.58.040: PENALTIES:**

A. Violation: Violation of section 12.58.030 of this chapter is a civil offense and shall be penalized as follows:

1. First ~~three (3)~~ offenses: A warning but no fine.
2. Subsequent offenses: A civil fine in an amount equal to the penalty identified for a parking violation under section 12.56.190, "Parking Meters; Overtime Parking Prohibited", of this title.

B. ~~Reduction Of~~ Penalties: The civil penalties specified in subsection A of this section shall be assessed in accordance with section 12.56.550, "Unauthorized Use of Streets, Parking Lots, and Other Area; Penalties", of this title. ~~shall be subject to the following:~~

- ~~1. Paid Within Ten Days: Any penalty that is paid within ten (10) days from the date of receipt of notice shall be reduced by the sum of one hundred ten dollars (\$110.00).~~
- ~~2. Paid Within Twenty Days: Any penalty that is paid within twenty (20) days from the date of receipt of notice shall be reduced by the sum of seventy dollars (\$70.00).~~
- ~~3. Paid Within Thirty Days: Any penalty that is paid within thirty (30) days from the date of receipt of notice shall be reduced by the sum of forty dollars (\$40.00).~~

4.C. Receipt Of Notice: As used in this section, "receipt of notice" means the affixing of a notice to the vehicle alleged to have been employed in a violation of this chapter, or by delivery of such notice to the owner or driver thereof.

~~C.D.~~ Strict Liability Of Owner: Whenever any vehicle shall have been employed in a violation of this chapter, the person in whose name such vehicle is registered shall be strictly liable for such violation and the penalty therefor.

~~D.E.~~ Appeal Procedures: A violation of this chapter may be appealed as an unauthorized use of the streets pursuant to section 12.56.570 of this title and is subject to subsection 12.56.570H of this title.

~~E.F.~~ Outstanding Notices: Notices issued pursuant to this chapter shall be considered notices of unauthorized use of streets within the city for purposes of section 12.96.020 of this title.

SECTION 2. Amending text of Salt Lake City Code section 12.12.015 and section 12.12.040. That section 12.12.015 and 12.12.040 of the Salt Lake City Code Traffic Code Rules and Enforcement Ordinance, shall be, and hereby is, amended to read as follows:

**12.12.015: TRAFFIC VIOLATIONS:**

A. Infractions: Any person guilty of violating any provision of this title shall be deemed guilty of an infraction, unless such offense is specifically designated as a class B or class C misdemeanor or a civil violation.

B. Civil Violations: The following violations of this title shall be civil violations:

1. Chapter 12.56, "Stopping, Standing And Parking", of this title;
- ~~1-2.~~ 2. Chapter 12.58, "Idling of Vehicles", of this title;
- ~~2-3.~~ 3. Chapter 12.64, "City Parking Permit Program", of this title;
- ~~3-4.~~ 4. Chapter 12.68, "High School Parking Lots", of this title;
- ~~4-5.~~ 5. Chapter 12.76, "Pedestrians", of this title, except for sections 12.76.045 and 12.76.050 of this title; and
- ~~5-6.~~ 6. Chapter 12.92, "Vehicle Weight And Tire Restrictions", of this title.

C. Misdemeanors: The following violations of this title shall be class B misdemeanors:

1. Sections 12.16.010 through 12.16.120 of this title;
2. Sections 12.24.016 and 12.24.018 of this title, regarding driving without owner's and operator's security;
3. Section 12.24.070, "Drinking Alcoholic Beverages In Vehicles", of this title;
4. Section 12.24.080, "Intoxicated Persons In Or About Vehicles", of this title;
5. Section 12.24.100, "Driving Under The Influence Of Drugs And Intoxicants Prohibited; Penalties", of this title;
6. Section 12.24.120, "Class B Misdemeanor; Alcohol And Controlled Substance Related Driving Prohibited While Driving Privilege Denied, Suspended, Disqualified, Or Revoked; Penalty", of this title;
7. Section 12.52.350, "Reckless Driving; Prohibited", of this title;
8. Subsection 12.52.355B of this title;
9. Chapter 12.88, "Vehicle Noise Standards", of this title;
10. Chapter 12.89, "Other Noise Prohibitions", of this title;
11. Chapter 12.96, "Impoundment Of Vehicles", of this title.

**12.12.040: EMERGENCY VEHICLES; EXEMPTION CONDITIONS:**

The driver of an emergency vehicle shall be exempt from the driving restrictions imposed by chapters 12.32, 12.36, 12.40, 12.44, 12.48, 12.52, 12.56, 12.58 and

sections 12.100.080, 12.100.090 and 12.100.110 of this title, or their successors, when driving under the following conditions:

- A. Such exemption shall apply whenever the authorized vehicle is being driven in response to an emergency call or when used in the pursuit of an actual or suspected violator of the laws, or when responding to but not returning from a fire alarm;
- B. Such exemption shall apply only when the driver of the vehicle, while in motion, sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

SECTION 3. Effective Date. This ordinance shall become effective on the date of its passage.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.  
Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2020.  
Published: \_\_\_\_\_.

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2020

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WHEREAS, in May 2012, the Salt Lake City Council adopted Ordinance No. 25 of 2012, amending Chapter 12.58 of the City Code which prohibits idling of vehicles within City limits to include conditions adopted by the State Legislature during the 2012 State legislative session; and

WHEREAS, during the 2019 State legislative session, the Utah State Legislature adopted third substitute House Bill 148, Vehicle Idling Revisions; and

WHEREAS, House Bill 148 amends provisions related to enforcement of a local authority's idling restrictions, allowing the local authority to impose a fine after one warning instead of three; and

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No driver, while operating a vehicle within city limits, shall cause or permit a vehicle's engine to idle for more than two (2) minutes, except for the following kinds of idling:

- A. Idling while stopped:
  - 1. For an official traffic control device;
  - 2. For an official traffic control signal;
  - 3. At the direction of a police officer;
  - 4. At the direction of an air traffic controller;
  - 5. For airport airside operations requirements.
- B. Idling as needed for the health or safety of a driver or passenger, including police K-9 or other service animals.
- C. Idling as needed for authorized emergency or law enforcement vehicles to operate equipment.
- D. Idling as needed for repair, maintenance or inspection of the vehicle.
- E. Idling as needed for the period recommended by the manufacturer for efficient operations of a turbocharged heavy duty vehicle. This includes building air pressure in air brake systems, among other requirements.
- F. Idling as needed to operate auxiliary equipment for which the vehicle was primarily designed or equipped, such as: emergency equipment, refrigeration unit, lift, crane, pump, drill, hoist, or ready mixed equipment, except a heater or air conditioner.

### **12.58.040: PENALTIES:**

- A. Violation: Violation of section 12.58.030 of this chapter is a civil offense and shall be penalized as follows:
  - 1. First offense: A warning but no fine.
  - 2. Subsequent offenses: A civil fine in an amount equal to the penalty identified for a parking violation under section 12.56.190, "Parking Meters; Overtime Parking Prohibited", of this title.
- B. Penalties: The civil penalties specified in subsection A of this section shall be assessed in accordance with section 12.56.550, "Unauthorized Use of Streets, Parking Lots, and Other Area; Penalties", of this title.

- C. Receipt Of Notice: As used in this section, "receipt of notice" means the affixing of a notice to the vehicle alleged to have been employed in a violation of this chapter, or by delivery of such notice to the owner or driver thereof.
- D. Strict Liability Of Owner: Whenever any vehicle shall have been employed in a violation of this chapter, the person in whose name such vehicle is registered shall be strictly liable for such violation and the penalty therefor.
- E. Appeal Procedures: A violation of this chapter may be appealed as an unauthorized use of the streets pursuant to section 12.56.570 of this title and is subject to subsection 12.56.570H of this title.
- F. Outstanding Notices: Notices issued pursuant to this chapter shall be considered notices of unauthorized use of streets within the city for purposes of section 12.96.020 of this title.

SECTION 2. Amending text of Salt Lake City Code section 12.12.015 and section

12.12.040. That section 12.12.015 and 12.12.040 of the Salt Lake City Code Traffic Code Rules and Enforcement Ordinance, shall be, and hereby is, amended to read as follows:

**12.12.015: TRAFFIC VIOLATIONS:**

- A. Infractions: Any person guilty of violating any provision of this title shall be deemed guilty of an infraction, unless such offense is specifically designated as a class B or class C misdemeanor or a civil violation.
- B. Civil Violations: The following violations of this title shall be civil violations:
  1. Chapter 12.56, "Stopping, Standing And Parking", of this title;
  2. Chapter 12.58, "Idling of Vehicles", of this title;
  3. Chapter 12.64, "City Parking Permit Program", of this title;
  4. Chapter 12.68, "High School Parking Lots", of this title;
  5. Chapter 12.76, "Pedestrians", of this title, except for sections 12.76.045 and 12.76.050 of this title; and
  6. Chapter 12.92, "Vehicle Weight And Tire Restrictions", of this title.
- C. Misdemeanors: The following violations of this title shall be class B misdemeanors:
  1. Sections 12.16.010 through 12.16.120 of this title;
  2. Sections 12.24.016 and 12.24.018 of this title, regarding driving without owner's and operator's security;
  3. Section 12.24.070, "Drinking Alcoholic Beverages In Vehicles", of this title;
  4. Section 12.24.080, "Intoxicated Persons In Or About Vehicles", of this title;
  5. Section 12.24.100, "Driving Under The Influence Of Drugs And Intoxicants Prohibited; Penalties", of this title;

6. Section 12.24.120, "Class B Misdemeanor; Alcohol And Controlled Substance Related Driving Prohibited While Driving Privilege Denied, Suspended, Disqualified, Or Revoked; Penalty", of this title;
7. Section 12.52.350, "Reckless Driving; Prohibited", of this title;
8. Subsection 12.52.355B of this title;
9. Chapter 12.88, "Vehicle Noise Standards", of this title;
10. Chapter 12.89, "Other Noise Prohibitions", of this title;
11. Chapter 12.96, "Impoundment Of Vehicles", of this title.

#### **12.12.040: EMERGENCY VEHICLES; EXEMPTION CONDITIONS:**

The driver of an emergency vehicle shall be exempt from the driving restrictions imposed by chapters 12.32, 12.36, 12.40, 12.44, 12.48, 12.52, 12.56, 12.58 and sections 12.100.080, 12.100.090 and 12.100.110 of this title, or their successors, when driving under the following conditions:

- A. Such exemption shall apply whenever the authorized vehicle is being driven in response to an emergency call or when used in the pursuit of an actual or suspected violator of the laws, or when responding to but not returning from a fire alarm;
- B. Such exemption shall apply only when the driver of the vehicle, while in motion, sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

SECTION 3. Effective Date. This ordinance shall become effective on the date of its passage.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.  
Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2020.  
Published: \_\_\_\_\_.

Approved As To Form  
Salt Lake City Attorney's Office

By: Megan DePaulis  
Date: October 9, 2020