

Sponsor: Bilbrough
First Reading: 4/3/2023
Second Reading: 6/5/2023

ORDINANCE #68-23

AN ORDINANCE PROHIBITING THE IDLING OF VEHICLES IN THE TOWN OF WYOMING

WHEREAS, Section 27 of the Charter of the Town of Wyoming authorizes the Town Council to “enact ordinances . . . relating to the government of the town, its peace and order, its sanitation, beauty, the health, safety, convenience and comfort of its population, and the protections and preservation of property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances. . . .”

WHEREAS, the idling of vehicles contributes to air pollution and reduces air quality, which can be harmful to the public;

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to limit the idling of vehicles on public property in the Town of Wyoming and to establish penalties for violations thereof.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that “An Ordinance Prohibiting the Idling of Vehicles in the Town of Wyoming” be and hereby is adopted, as follows, to wit:

Section 1. Purpose. The Town Council finds that the idling of vehicles contributes to air pollution and reduces air quality, which can be harmful to members of the public, particularly those individuals situated in close proximity to idling vehicles. The purpose of this ordinance is to promote the public health, safety, and welfare by improving air quality and reducing health conditions associated with air pollution caused by excessive idling of vehicles in the Town of Wyoming.

Section 2. Applicability. This ordinance applies to all on-road motor vehicles. An “on-road motor vehicle” or simply “motor vehicle” is defined as a vehicle self-propelled and designed for transporting persons or property, including but not limited to, motorcycles, automobiles, trucks, buses, and farm vehicles.

Section 3. Prohibition on Idling Motor Vehicles on Public Property. No person who owns, operates, leases, or otherwise has control over a motor vehicle shall allow or permit the engine of such motor vehicle to idle on public property for more than five minutes in any 60-minute period when said motor vehicle is not in motion. For purposes of this ordinance, public property includes all streets, alleys, roadways, highways, and other property owned and/or maintained by the Town of Wyoming, the State of Delaware, or any other government entity.

Section 4. Exceptions. The following occurrences shall not be deemed to be idling of a motor vehicle:

- (a) A motor vehicle idles while it is caused to remain motionless because of on-highway traffic, an official traffic control device or signal, mechanical difficulties over which the driver has no control, or at the direction of a law enforcement official.

- (b) The motor vehicle is idling for maintenance, service, repair, or diagnostic purposes if idling is required for such activity.
- (c) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, and not solely for the convenience of the vehicle's operator.
- (d) Idling of the engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g. mixing or processing cargo or straight truck refrigeration). Such operations shall include vehicles engaged in the repair, maintenance and restoration of public utility services required to preserve the health and safety of the public, to include such operations as performed by or on behalf of the state, a bridge and highway district, and a municipality.
- (e) A motor vehicle idles as part of a state or federal inspection to verify that all vehicle equipment is in good working order, provided that idling is required for such inspection.
- (f) Any passenger bus for up to five minutes prior to passenger boarding.
- (g) A passenger bus idles a maximum of 15 minutes in any 60-minute period to maintain passenger comfort while passengers are onboard.
- (h) Any military tactical vehicle engaged in training operations.
- (i) An armored vehicle idles when a person remains inside the vehicle to guard the contents thereof, or while the vehicle is being loaded or unloaded.
- (j) Any situation in which it is necessary to bring the engine of an on-road vehicle to the manufacturer's recommended operating temperature, not to exceed 15 minutes.
- (k) A motor vehicle providing heat to the occupant thereof and when the temperature is between -10° and 32°F, may idle for not more than 15 consecutive minutes. When the temperature is below -10°F, and where no nuisance is created, an engine shall not be subject to idling restrictions. A vehicle providing air-conditioned cool air to the occupant thereof on account of a verifiable medical condition and when the temperature is above 80°F may idle for not more than 15 minutes in one hour. A vehicle providing air-conditioned cool air for the comfort of those over 65 years of age or children under the age of six may idle up to 15 minutes in one hour when the temperature is above 90°F.

Section 5. Violations and penalties.

- (a) This ordinance shall be enforced by the Wyoming Police Department.
- (b) Anyone violating this ordinance shall be issued a warning citation for the first violation. For each subsequent offense within two years of the issuance of the warning citation, the fine shall be \$100.00.

Section 6. General provisions.

- (a) *Severability.* If any of the sections, paragraphs, sentences, clauses, and/or phrases of this ordinance shall be declared unconstitutional or invalid by the valid

judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of the ordinance.

- (b) *Effective date.* This ordinance shall take effect after the second reading and approval by the Town Council.

SYNOPSIS

This ordinance prohibits the idling of vehicles on public property for more than 5 minutes in a 60-minute time period. Exceptions to this ordinance include, among other reasons, vehicles stopped in traffic, emergency vehicles, and vehicles idling for repair or maintenance purposes. This ordinance establishes a \$100 fine for violations of the ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on June 5, 2023.

So Certifies:

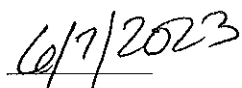
Attest:


Town Clerk


Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on June 8, 2023.

So Certifies:


Date