

32.400 ANTI-IDLING ORDINANCE CITY OF MOUNT CLEMENS, MICHIGAN code eff. Sept. 30, 2004

THE CITY OF MOUNT CLEMENS ORDAINS:

32.400 Sec. 1. PURPOSE.

This chapter is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the city through the reduction, prevention and control of fuel emissions. It is the intent of this chapter to provide for the enforcement of standards to assure a reduction in fuel emissions which may be injurious to humans, plant life, animal life or property or which interfere with the comfortable enjoyment of life or property or the conduct of business.

(code eff. Sept. 30, 2004)

32.401 Sec. 2 IDLE STANDARD.

(a) No person shall cause, suffer, allow, or permit the engine of a diesel fueled motor vehicle to idle for more than five consecutive minutes if the vehicle is not in motion.

(b) The provisions of (a) above shall not apply to:

1. Buses while discharging or picking up passengers;
2. Motor vehicles stopped in a line of traffic;
3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning;
4. Motor vehicles being or waiting to be examined by State or Federal motor vehicle inspectors;
5. Emergency motor vehicles;
6. Motor vehicles while being repaired;
7. Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
8. Motor vehicles manufactured with a sleeper berth while being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting.

(code eff. Sept. 30, 2004)

32.402 Sec. 3 NON-INTERFERENCE WITH STATE OR FEDERAL REGULATIONS.

Nothing in this subchapter is intended to limit or supersede motor vehicle guidelines set forth in accordance with federal or state regulations.

(code eff. Sept. 30, 2004)

32.403 Sec. 4. ENFORCEMENT.

A. This ordinance shall be enforced by the City of Mount Clemens Building Official or a person designated by the Building Official, any Mount Clemens Police Officer, or any other person designated by the Mount Clemens City Manager to enforce the provisions of this Ordinance.

B. In addition to any remedies available at law, the City of Mount Clemens may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

C. Each occurrence in violation of this Ordinance shall be deemed a separate offense.

(code eff. Sept. 30, 2004)

32.404 Sec. 5. PENALTY.

Any person, corporation, or other entity who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined a sum not exceeding \$500.00 or imprisoned for a term not exceeding 90 days in jail, or both.

(code eff. Sept. 30, 2004)

32.405 Sec. 6. REPEAL CLAUSE.

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

(code eff. Sept. 30, 2004)

32.406 Sec. 7. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

This Ordinance shall take effect upon publication as required by law.

Introduction and First Reading: September 7, 2004

Second Reading and Adoption: September 20, 2004

Effective Date: September 30, 2004

(code eff. Sept. 30, 2004)