

**ORDINANCE No. 2008-04
(SERIES of 2008)**

**ORDINANCE ESTABLISHING STANDARDS FOR MOTOR ENGINE IDLING
WITHIN THE TOWN OF MOUNTAIN VILLAGE, COLORADO**

WHEREAS, the Town Council of the Town of Mountain Village, State of Colorado, has determined that it is in the best interest of the Town of Mountain Village and will promote the health, safety and welfare of the Mountain Village community to adopt standards for motor engine idling of vehicles within the Town of Mountain Village;

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE the following:

SECTION 1: ENGINE IDLING

Except as hereinafter provided, it shall be unlawful for any person to idle or permit the idling of any stationary motor vehicle for a prolonged or unreasonable period of time determined herein to be five (5) minutes or more within any one (1) hour period of time. At all times during permitted idling, the vehicle must be attended by a licensed operator.

SECTION 2: EXCEPTIONS

This Ordinance shall not apply to the following:

- (a) When an engine must be operated in the idle mode for safety or other necessary operational reasons including, but not limited to, the operation of cranes, fork-lifts, waste removal vehicles, and cement mixing vehicles.
- (b) The time required by a diesel powered motor vehicle with a gross weight rating of ten thousand (10,000) pounds or more, while operating in a stationary position, to achieve a proper temperature and air pressure shall not be included in the computation of the five (5) minutes determined herein to be a prolonged or unreasonable period of time. The temperature and air pressure as indicated on the vehicle's gauges may be used for determining the diesel engine's temperature and air pressure.
- (c) The time during which transportation vehicles are actively loading or discharging passengers shall not be included in the computation of the five (5) minutes determined herein to be a prolonged or unreasonable period of time.
- (d) To vehicles providing emergency services (police, fire, medical).

SECTION 3: PENALTIES

3-1 Penalties for Court Conviction

- (a) Any person violating this Ordinance and where violation results in a Court conviction shall be subject to the following penalties: The first conviction shall result in a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00); the second conviction shall result in a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00); the third conviction and each subsequent conviction thereafter shall result in a fine of Three Hundred Dollars (\$300.00), imprisonment in the County Jail for not more than ninety (90) days, or both.

3-2 Penalty Assessment for Pleading Guilty

- (a) Any person charged with a violation of this Ordinance, may, instead of proceeding to defend against the prosecution thereof, elect to pay a penalty assessment according to the following schedule: The first conviction shall result in a fine of Fifty Dollars (\$50.00); the second conviction shall result in a fine of One Hundred Dollars (\$100.00); upon the third conviction within a single twelve (12) month period, the alleged offender must appear before the Municipal Judge.

SECTION 4: CERTIFICATION

THE TOWN CLERK SHALL PUBLISH NOTICE OF THIS ORDINANCE IN COMPLIANCE WITH THE HOME RULE CHARTER FOR THE TOWN OF MOUNTAIN VILLAGE.

INTRODUCED, READ and PASSED on second reading this 20th day of March, 2008.

This Ordinance shall be effective April 20th, 2008.

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, a home-rule municipality**

By: 
Robert H. Delves, Mayor

ATTEST: 
Kim Montgomery, Town Clerk