



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	May 16, 2023

### **ITEM**

Ordinance 2023-08 – An Ordinance of the City Council for the City of Salida, Colorado, Amending Chapter 8 of the Salida Municipal Code, Concerning Vehicles and Traffic, To Limit Excessive Vehicle Idling Within The City, First Reading

### **BACKGROUND**

Per a recommendation from the Sustainability Committee and direction from the City Council, the City Attorney has drafted the attached Ordinance 2023-08 to limit excessive vehicle idling within the City of Salida. The Ordinance would provide for a fifteen minute time limit on vehicle idling throughout the City of Salida, with exceptions for cold-weather conditions, emergency vehicles, construction equipment, and refrigeration units on delivery trucks.

### **FISCAL NOTE**

None; however, it must be noted that enforcement of this Ordinance would be time-consuming for law enforcement due to needing to witness excessive idling for a minimum of fifteen minutes. The importance of enforcement of this Ordinance will be on the lowest of levels for law enforcement when taken into account for the more than 8,000 annual calls for service.

### **STAFF RECOMMENDATION**

Staff recommends that the City Council approve Ordinance 2023-08 to limit excessive idling of vehicles to no more than fifteen minutes on first reading, and set the second reading and public hearing for June 6, 2023.

### **SUGGESTED MOTION**

A City Councilmember should state, "I move to approve Ordinance 2023-08 on first reading and set the public hearing for June 6, 2023", followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO**  
**ORDINANCE NO. 08**  
**(Series of 2023)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,  
COLORADO, AMENDING CHAPTER 8 OF THE SALIDA MUNICIPAL CODE,  
CONCERNING VEHICLES AND TRAFFIC, TO LIMIT EXCESSIVE VEHICLE  
IDLING WITHIN THE CITY**

**WHEREAS**, the City of Salida, Colorado (the “City”) is a statutory city, duly organized and existing under the laws of the state of Colorado;

**WHEREAS**, pursuant to C.R.S. § 31-15-401, the City possesses the authority to adopt laws and ordinances in furtherance of the public health, safety, and welfare;

**WHEREAS**, excessive idling of motor vehicles contributes to air pollution, wastes fuel, and causes unnecessary wear on engines;

**WHEREAS**, the City Council recognizes the importance of reducing unnecessary idling in the City to improve air quality, conserve resources, and protect the health and well-being of its residents;

**WHEREAS**, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Chapter 8 of the Salida Municipal Code (the “Code”), by creating a new Section, adopting an excessive idling restriction and establishing penalties for violation same.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE  
CITY OF SALIDA, COLORADO AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

**Section 2:** Chapter 8, Article 2 of the Salida Municipal Code, concerning traffic regulations, is hereby amended by the addition of a new Section 8-2-70 which shall read as follows:

**Sec. 8-2-70. - Excessive idling restriction.**

- (a) No person shall allow a vehicle to idle for more than fifteen (15) minutes in any one-hour period unless:
  - (1) The ambient outside air temperature has been less than twenty (20) degrees Fahrenheit for each hour of the previous twenty-four (24) hour period; or
  - (2) The latest hourly ambient outside air temperature is less than ten (10) degrees Fahrenheit.
- (b) The idling restriction in subsection (a) shall not apply to emergency vehicles; to vehicles engaged in traffic control operations; to vehicles which are being serviced; to vehicles that

must idle to operate auxiliary equipment, including but not limited to pumps, compressors or refrigeration units; or to vehicles en route to a destination that are stopped by traffic congestion; or when an engine must be operated in the idle mode for safety reasons including, but not limited to, the operation of cranes, excavation equipment, and forklifts used in the construction industry.

(c) The idling restriction in this subsection (a) applies to transportation vehicles, as defined in this subsection, except that the time during which transportation vehicles are actively loading or discharging passengers may not be included in the computation of the fifteen (15) minutes provided for in this subsection (a). A transportation vehicle shall be defined for purposes of this section to mean motor vehicles designed to transport a minimum of sixteen (16) persons.

(d) Any person who violates any provisions of this Article within the City commits a civil violation. Any person convicted of such a violation shall be subject to the provisions of Chapter 1, Article IV of this Code. Further, the City shall be entitled to pursue any other civil remedy available at law to enforce the provisions of this Chapter.

**Section 3. Severability.** The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this 16<sup>TH</sup> day of May, 2023, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this 19<sup>th</sup> day of May, 2023, and set for second reading and public hearing on the 6<sup>th</sup> day of June, 2023.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on this 6<sup>th</sup> day of June, 2023.

City of Salida

---

Mayor Dan Shore

ATTEST:

---

City Clerk/Deputy City Clerk