

Effective Date: June 30, 2010

4/5/2010
2/3/2010

12-O-10

AN ORDINANCE

**Amending Subsection 10-4-18-1 of the City Code,
“Standing or Parked Idling Motor Vehicles”**

WHEREAS, the City of Evanston has adopted a City Vehicle Idling Management Policy; and

WHEREAS, by adopting Ordinance 75-O-06, the City Council enacted Title 10, Chapter 4, Section 18 of the Evanston City Code of 1979, as amended (the “City Code”), which regulates the idling of motor vehicles; and

WHEREAS, Section 10-1-2 of the City Code states that the provisions of Title 10 that relate to “the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given Section”; and

WHEREAS, Section 10-1-3 of the City Code defines a “highway” as the “entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel”; and

WHEREAS, Section 10-4-18 of the City Code does not specify that it applies to any particular place; and

WHEREAS, the stated legislative purposes of Ordinance 75-O-06 were to prevent air and noise pollution, the waste of fuel, and the deleterious effects thereof on the public health, safety, and welfare; and

WHEREAS, permitting vehicles to idle on private property without restriction frustrates said legislative purposes,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Subsection 10-4-18-1 of the City Code is hereby amended to read as follows:

10-4-18-1: STANDING OR PARKED IDLING MOTOR VEHICLES:

No standing or parked motor vehicle with a gross vehicle weight rating of eight thousand (8,000) pounds or greater shall be allowed to idle on any public street, public place, or private property for more than a total of five (5) minutes within a sixty (60) minute period except under the following circumstances:

- (A) The motor vehicle is an official City of Evanston vehicle that is operating in compliance with the City of Evanston Vehicle Idling Management Policy;
- (B) The motor vehicle idles while forced to remain motionless because of traffic, an official traffic control device or signal, or at the direction of a law enforcement official;
- (C) The motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
- (D) A police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;
- (E) The motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service;
- (F) When the motor vehicle idles due to mechanical difficulties over which the operator has no control;
- (G) A bus idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain passenger comfort while nondriver passengers are on board;
- (H) An armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;
- (I) When idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations), provided that this exemption does not apply when the vehicle is idling solely for

cabin comfort or to operate nonessential equipment such as air conditioning, heating, microwave ovens, or televisions;

- (J) A motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection; or
- (K) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: May 24, 2010

Approved:

Adopted: June 14, 2010

June 16, 2010

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, City Attorney

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