

**MARICOPA COUNTY
VEHICLE IDLING RESTRICTION ORDINANCE P-21**

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**MARICOPA COUNTY
VEHICLE IDLING RESTRICTION ORDINANCE**

SECTION 1 - GENERAL

- A. PURPOSE:** The Vehicle Idling Restriction Ordinance restricts, from idling for more than five (5) consecutive minutes, any device or combination of devices that meets all of the following criteria:
1. designed with a gross vehicle weight rating of more than 14,000 pounds; and
 2. required under Arizona law (Arizona Revised Statute [ARS] Title 28 Chapters 7 and 9) to be registered; and
 3. designed to operate on public highways; and
 4. powered by a diesel engine.
- B. APPLICABILITY:** This Vehicle Idling Restriction Ordinance applies to vehicle idling within Maricopa County.

SECTION 2 - DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:

- A. COMBINATION OF DEVICES** – The coupling of two or more pieces of equipment that consist of the device which contains the diesel engine and an attached piece of equipment, which includes but is not limited to a trailer, cement mixer, refrigeration unit or automobile.
- B. DISTRIBUTION CENTER** – A place with multiple bays where vehicles load or unload materials.
- C. GROSS VEHICLE WEIGHT RATING** – The maximum vehicle weight for which the vehicle is designed as established by the manufacturer.¹
- D. IDLING** – The operation of a diesel engine when the engine is not engaged in gear.²
- E. POWER TAKE OFF (PTO) MECHANISM** – A unit that provides power from the engine to a trailer or other equipment.
- F. PRIMARY PROPULSION ENGINE** – Any engine for which the primary function is to provide mechanical power to propel or direct a vehicle, regardless of whether that power is applied directly to the propeller shaft or indirectly by way of an electrical system.
- G. TRUCK STOP** – A place of business that provides services to drivers and their vehicles in which the service time may exceed one (1) hour.

1 Mirrors the definition in R18-2-1001.36.

2 Federal definition: "Curb-idle" means: (1) For manual transmission code light-duty trucks, the engine speed with the transmission in neutral or with the clutch disengaged. For automatic transmission code light-duty trucks, curb-idle means the engine speed with the automatic transmission in the Park position (or Neutral position if there is no Park position); (2) For manual transmission code heavy-duty engines, the manufacturer's recommended engine speed with the clutch disengaged. For automatic transmission code heavy-duty engines, curb idle means the manufacturer's recommended engine speed with the automatic transmission in gear and the output shaft stalled.

- H. **VEHICLE** – Any device or combination of devices with a gross vehicle weight rating of more than 14,000 pounds, required under Arizona law (ARS Title 28 Chapters 7 and 9) to be registered, designed to operate on public highways and powered by a diesel engine.³

SECTION 3 – REQUIREMENTS

- A. **ORDINANCE** – No owner or operator of a vehicle shall permit the engine of such vehicle to idle for more than five (5) consecutive minutes except as provided in Section 4 (Exemptions) of this ordinance.
- B. **VIOLATION** – Any owner or operator who violates this ordinance is subject to a civil penalty of \$100 for the first violation and \$300 for a second or any subsequent violation.⁴

3 Note: AAC R18-2-101(69): "motor vehicle" means any self-propelled vehicle designed or transporting persons or property on public highways;

ARS 44-1301: "motor vehicle" means any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination or other vehicle operated on the roads of this state, used to transport person or property and propelled by power other than muscular power, but motor vehicle does not include traction engines, vehicles that run only on a track, bicycles or mopeds;

ARS 49-541(16): "Vehicle" means any automobile, truck, truck tractor, motor bus or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, road rollers or road machinery temporarily operated upon the highway.

ARS 49-581: "Motor vehicle" means any self-propelled vehicle including a car, van, bus or motorcycle and all other motorized vehicles;

ARS 28-101(29): "Motor vehicle": (a) means either: (i) A self-propelled vehicle; (ii) For the purposes of the laws relating to the imposition of a tax on motor vehicle fuel, a vehicle that is operated on the highways of this state and that is propelled by the use of motor vehicle fuel. (b) Does not include a motorized wheelchair or a motorized skateboard. For the purposes of this subdivision: (i) "motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility. (ii) "motorized skateboard" means a self-propelled device that has a motor, a deck on which a person may ride and at least two tandem wheel in contact with the ground.

ARS 28-101(50): "Truck" means a motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and includes a motor vehicle to which has been added a box, a platform or other equipment for such carrying.

ARS 28-101 (51): "Truck tractor" means a motor vehicle that is designed and used primarily for drawing other vehicles and that is not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

ARS 28-101 (52): "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power or used exclusively on stationary rails or tracks.

ARS 28-101 (53): "Vehicle transporter" means either: (a) A truck tractor capable of carrying a load and drawing a semitrailer; (b) A truck tractor with a stinger-steered fifth wheel capable of carrying a load and drawing a semitrailer or a truck tractor with a dolly mounted fifth wheel that is securely fastened to the truck tractor at two or more points and that is capable of carrying a load and drawing a semitrailer.

R17-4-435: "Motor carrier" as defined in ARS § 28-5201 except a motor carrier transporting passengers for hire in a vehicle with a design capacity of 6 or fewer persons.

ARS 28-5201: "Motor vehicle" means a self-propelled motor driven vehicle or vehicle combination, except a lightweight motor vehicle, that is used on a public highway in the furtherance of a commercial enterprise.

In research done by ADEQ, no definitions exist for "heavy duty motor vehicle," or "heavy duty diesel engine."

4 Attorney General's Office (AGO) interpretation is that ARS Title 28 allows any law enforcement officer to enforce ARS 11-876, which authorized this ordinance, on private and/or public property.

- C. **SIGN** – Each truck stop owner or operator and distribution center owner or operator shall erect and maintain a permanent sign(s) that is at least 12 inches by 18 inches in size indicating that the maximum idle time allowed in Maricopa County is 5 minutes. The sign(s) shall be posted in a conspicuous location, near the dispatcher, if applicable. In addition to the above, the sign shall at a minimum contain language outlining the following:
 - 1. The County's vehicle idling information line, and
 - 2. The amount of money the violator will be fined.

SECTION 4 – EXEMPTIONS: This ordinance shall not apply when:

- A. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle.
- B. A vehicle is being operated for emergency or law enforcement purposes.
- C. The primary propulsion engine of a vehicle meets all of the following criteria:
 - 1. is providing a power source necessary for mechanical operations other than propulsion; and
 - 2. involves a power take off (PTO) mechanism, or other mechanical device performing the same function as a PTO; and
 - 3. is powered by the engine for:
 - a. loading and unloading cargo, or
 - b. mixing or processing cargo, or
 - c. controlling cargo temperature, or
 - d. providing a mechanical extension to perform work functions.
- D. The primary propulsion engine of a vehicle is being operated at idle to conform to manufacturer's warm up and cool down specifications, for maintenance or diagnostic purposes, or by manufacturers engaging the engines in testing for research and development.
- E. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles operating for commercial passenger transportation or school purposes up to a maximum of 30 minutes/hour. If ambient temperatures exceed 75 degrees Fahrenheit, passenger buses are allowed to idle up to a maximum of 60 minutes in any 90-minute time period.
- F. The primary propulsion engine of a vehicle is being operated to comply with the U.S. Code of Federal Regulation 49 CFR Part 395 and the Arizona Department Of Transportation (DOT) regulation R17-5-202 referencing hours of service restrictions.