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AN ORDINANCE TO AMEND CHAPTER 116, VEHICLES AND TRAFFIC, OF THE MUNICIPAL CODE OF THE TOWN OF HENLOPEN ACRES, DELAWARE, VEHICLES AND TRAFFIC, BY ADDING A NEW SECTION 116-7.1 RELATING TO VEHICLE IDLING TIME

WHEREAS, the Mayor and Town Commissioners of the Town of Henlopen Acres deem it appropriate and necessary to amend the ordinance regulating Parking, Stopping, and Standing;

WHEREAS, the Commissioners have determined that limiting the idling time of diesel and gas powered motor vehicles has become necessary to preserve the air quality of the Town and the wellbeing of its population;

WHEREAS, the proposed amendments will promote the health, safety, and general welfare of the Henlopen Acres community.

BE IT ORDAINED by the Commissioners of the Town of Henlopen Acres, in session met, a quorum pertaining at all times thereto, in the manner following to-wit:

Section 1. Chapter 116, Vehicles and Traffic, Article I, Article II, Parking, Stopping, Standing, as amended, be and the same is hereby amended by adding Section 116-7.1 to read as follows:

§ 116-7.1 Idling Time – Diesel and gasoline powered motor vehicles.

- A. Definitions. In addition to the definitions set forth in section 116-1 of this chapter, for purposes of this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:
 - (1) Motor vehicle means a vehicle which is self-propelled by a compression ignition type of internal combustion engine and which is designed primarily for transporting persons, objects, items, or property on a public street or highway; for purposes of this section, passenger automobiles and motorcycles are excluded.
 - (2) *Idle* means the motor vehicle operating mode consisting of a nonloaded, throttled engine speed at the revolutions per minute specified by the manufacturer.
- B. Standards. No person shall cause, suffer, allow, or permit the engine of a motor vehicle to idle for more than five consecutive minutes if the vehicle is not in motion, except:
 - (1) A vehicle at the vehicle operator's place of residence may idle for 20 consecutive minutes; or

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- (2) A vehicle may idle for 20 consecutive minutes when the vehicle engine has been turned off and not operated for three or more consecutive hours.
- C. Exceptions. The provisions of subsection (b) of this section shall not apply to:
 - (1) Vehicles stopped in a line of traffic;
 - (2) Vehicles whose primary or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion or passenger compartment heating or air conditioning;
 - (3) Vehicles being or waiting to be examined by state or federal motor vehicle inspectors;
 - (4) Emergency vehicles in an emergency situation;
 - (5) Vehicles while engaged in the process of connection, detachment or exchange of trailers.

Section 2. This Ordinance shall take effect immediately upon its adoption by the Commissioners of the Town of Henlopen Acres.

I, Thomas A. Roth, Assistant Secretary of the Commissioners of the Town of Henlopen Acres, do hereby certify that the foregoing is a true and correct copy of the amendment passed by the Commissioners at their meeting held on October 7, 2016, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Assistant Secretary

SYNOPSIS: This Ordinance adds a § 116-7.1 to the Municipal Code of the Town of Henlopen Acres to restrict certain vehicle idling.