

**ORDINANCE NO. 6
SERIES 2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING
TITLE 5 GENERAL OFFENSES, CHAPTER 5.20 TRAFFIC, SECTION 5.20.020
ADDITIONS OR MODIFICATIONS, PART 12 PARKING, SECTION 1206
UNATTENDED MOTOR VEHICLES, OF THE CITY OF GUNNISON MUNICIPAL
CODE**

WHEREAS, the Model Traffic Code for Colorado, was adopted by reference subject to additions and modifications with Ordinance No. 8, Series 2010, and approved December 14, 2010; and

WHEREAS, the State of Colorado has amended the traffic laws related to 42-4-1206, Unattended Motor Vehicles and 42-14-105, Idling since adoption of the Model Traffic Code in 2010; and

WHEREAS, City Council has asked staff to address citizen complaints concerning noise and pollution caused by idling engines and staff makes the following recommendation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Title 5 General Offenses, Chapter 5.20 Traffic, Section 5.20.020 Additions or Modifications, Part 12 Parking, Section 1206 Unattended Motor Vehicles, of the *City of Gunnison Municipal Code*, is hereby repealed and re-enacted to read as follows:

1206, Unattended or Idling Motor Vehicles:

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first removing the key from the ignition or locking the doors, and when standing upon any grade, said person shall effectively set the brake thereon, and turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

(2) The owner or operator of any motorized vehicle shall not cause or permit the vehicle engine to idle for more than five minutes within any sixty-minute period except as authorized by this subsection (2).

(a) When it remains motionless because of highway traffic, an official traffic control device or signal, or at the direction of a law enforcement officer;

(b) When the driver is operating defrosters, heaters, or air conditioners or is installing equipment only to prevent a safety or health emergency, and not for rest periods;

(c) In the case of a law enforcement, emergency, public safety, or military vehicle, or any other vehicle used to respond to an emergency, when it is responding to an emergency or being used for training for an emergency, and not for the convenience of the vehicle operator;

(d) When necessary for required maintenance, servicing, or repair of the vehicle;

(e) During a local, state, or federal inspection verifying that the equipment is in good working order if required for the inspection;

(f) During the operation of power take-off equipment if necessary for operating work-related mechanical or electrical equipment;

(g) In the case of an armored vehicle, when a person is inside the vehicle to guard its contents or during the loading or unloading of the vehicle;

- (h) In the case of a passenger bus, when idling for up to five minutes in sixty-minute period to maintain passenger comfort while non-driver any passengers are on board;
 - (i) In the case of a commercial or delivery vehicle when used to heat or cool the drivers compartment during a rest or sleep period at a fleet trucking terminal, commercial truck stop, state-designated location designed to be a driver's rest area or other parking area designated by the Chief of Police;
 - (j) In the case of a commercial or delivery vehicle used to heat or cool the drivers compartment during a rest or sleep period at a location where the vehicle is legally permitted to park and that is at least one thousand feet from residential housing, a school, a daycare facility, a hospital, a senior citizen center, or a medical outpatient facility providing primary, specialty, or respiratory care; or
 - (k) When idling for up to twenty minutes in any sixty-minute period if the ambient temperature is less than ten degrees.
- (3) This section shall apply to all public and private property.
- (4) Any person who violates any provision of this section commits a class B traffic infraction.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 9th day of June, 2015, on first reading, and introduced, read, passed and adopted on second and final reading this 23rd day of June, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

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