



## Legislation Text

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**File #:** 47998, **Version:** 1

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### Fiscal Note

No appropriation is required. Any fiscal impact is anticipated to be minimal.

### Title

Amending Section 12.129 and 28.141(13)(g), and creating Section 12.1291 of the Madison General Ordinances to impose restrictions on property owners, motor vehicle owners, and City motor vehicle drivers for motor vehicle idling, amending Section 1.08(3)(a) to establish bail amounts for enforcement, and repealing 12.915(7)(f) and RES-07-00576, the City of Madison Vehicle Idling Management Policy.

### Body

DRAFTER'S ANALYSIS: This proposal creates Sec. 12.1291, MGO, to restrict motor vehicle owners and City motor vehicle drivers from causing or permitting the engine of any motor vehicle to operate in idle for more than five consecutive minutes on any highway. "Owner," "motor vehicle," and "highway" are defined in Wis. Stat. §§ 340.01(42), (35), (22), respectively. The City adopts these definitions in Sec. 12.01.

Under Sec. 12.1291, idling is not permitted while stopping, standing, or parking, each of which are defined in Wis. Stats. §§ 340.01(62), (59m), (42m), respectively. The City again adopts these definitions in Sec. 12.01. The definitions of "parking" and "standing" do not require a vehicle to be occupied, and the definition of "parking" excludes vehicles actively engaged in the loading or unloading of property or passengers.

Except for City motor vehicles, motor vehicle owners solely bear the responsibility for violations of Sec. 12.1291 on any highway, and need not be operating the motor vehicle at the time of violation. For City vehicles, drivers are solely responsible for violations of Sec. 12.1291 on any highway. An escalating forfeiture scheme for motor vehicle owners or City motor vehicle drivers who receive more than one conviction for this violation within one year is proposed in Sec. 12.141(9). Specific bail deposit amounts are specified in the proposed amendment to Sec. 1.08(3)(a) as well.

Proposed Sec. 12.1291 provides several exceptions to liability relating to ambient temperatures, health and safety concerns, repair purposes, auxiliary equipment, and general traffic conditions.

Additional pre-existing idling ordinances have been amended and repealed, as necessary, to conform with the creation of Sec. 12.1291. These include amending Sec. 12.129 and repealing 12.915(7)(f). The City of Madison Vehicle Idling Management Policy Resolution, RES-07-00576, Legistar # 05017, has also been repealed as a result of the creation of Sec. 12.1291.

Furthermore, this proposal amends Sec. 28.141(13)(g) to enforce the prohibition of motor vehicles from idling for more than five minutes on private property except while actively loading. Identical to a violation of Sec. 12.1291, the amendment sets forth an escalating forfeiture scheme for property owners who receive more than one conviction for this violation within one year in Sec. 28.141(13)(g)2. Likewise, specific bail deposit amounts are specified in the proposed amendment to Sec. 1.08(3)(a).

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The Common Council of the City of Madison do hereby ordain as follows:

Please see "Body" in Attachments.