CITY OF MOAB ORDINANCE 2019-17
AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL
CODE, SECTIONS 10.04.230, 8B and 8C

The following findings describe the intent and purpose of this ordinance:

WHEREAS, the City Council ("Council") adopted the Moab Municipal Code ("Code") and especially Chapter 10.04, also known as "Vehicles and Traffic" in an effort to promote safe use of all City streets and vehicles within the City limits; and

WHEREAS, the City has noticed that there is a need to amend the Code in order to clarify existing uses or prohibit activities that may be deemed unsafe or which may disturb the peace of residents; and

WHEREAS, the City has received several noise complaints from residents due to commercial trucks and recreational vehicles parking for hours on public streets while running or idling; and

WHEREAS, the increase in vehicle traffic, idling and unlawful camping is negatively impacting air quality (i.e., SOx, NOx and VOCs) and exacerbating the severity and number of allergies and asthma attacks, and other health conditions; and

WHEREAS, over 50% of air pollution is a result of mobile sources in Utah; and

WHEREAS, the Utah Department of Air Quality has observed that the unnecessary idling or cars, trucks and buses affects the quality of air we breathe both at the point of idling (often most concentrated in front of schools and homes), and regionally due to pollutants released into the atmosphere; and

WHEREAS, in addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life; and

WHEREAS, vehicle exhaust is a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases; and

WHEREAS, Moab City should play an important role in improving air quality by limiting the amount of time engines in City-owned vehicles are allowed to idle and thereby will lead the effort to improve air quality; and

WHEREAS, according to the Environmental Protection Agency, fuel costs alone from engine idling are enormous, as car engines use over a gallon of fuel for each hour they idle. In addition, according to the U.S. Department of Energy, more than 3 billion gallons of fuel are used every year fueling idling engines; and
WHEREAS, by amending the code and prohibiting idling as defined in this ordinance within city limits, the City limits the negative environmental effects that idling creates and thereby preserves the health and promotes the prosperity, good order, comfort and convenience of the city and its inhabitants; and

WHEREAS, Council found that the amendments to the code are in the best interests of the City.

NOW, THEREFORE, the Moab City Council hereby adopts Ordinance #2019-17 and amends Chapter 10.04, specifically Section 10.04.230 8. B. and 8.C. as follows:

10.04.230 lawful Parking, Idling or Camping

A. Definitions. As used in this section:

1. “Block” means the distance on both sides of a street between two (2) intersecting streets.

2. “Commercial vehicle” means a motor vehicle in excess of one-ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time. The term “commercial vehicle” includes, without limitation, all so-called “semi” truck tractors and “semi” truck-trailers, as well as motorized equipment, such as loaders, backhoes, excavators, or the like.

3. “Idling:” means running an engine on a motor vehicle while parked.

4. “Public Street” means any right of way owned by the City of Moab, Grand County or Utah Department of Transportation (UDOT) within the city limits of Moab. This includes roads, streets and alleys.

5. “Recreational vehicle (RV)” means a vehicle other than a mobile home, primarily designed as a temporary dwelling for travel, recreational or vacation use, which is either a self-propelled motor vehicle or pulled by another vehicle. The term recreational vehicle also includes a boat, a snowmobile, personal watercraft, an all-terrain vehicle, or off-highway vehicle, a travel trailer, a camping trailer, a motor home, a fifth wheel trailer, trailers, and other similar vehicles.

6. “Running” means any vehicle, as defined in this section, parked with a motor-powered generator or refrigeration unit in operation.

7. “Trailer” means any truck trailer or other trailer designed or adapted
primarily for the transportation of materials, debris, or property of whatever kind, including, without limitation, boats, personal watercraft, snowmobiles, all-terrain vehicles, or motorcycles, whether occupied or empty.

8. "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, whether occupied or empty, designed as a temporary dwelling for travel, recreational or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

B. Idling or Running Prohibited. It is unlawful for any person to park or to cause to park or leave standing, idling, or running any motor vehicle commercial vehicle, or recreational vehicle as defined in this section on any public road, street, alley or municipal property for a period of time in excess of twenty (20) minutes. Any vehicle parked or left standing in violation of this subsection may be impounded or removed by any certified peace officer or other designated official, and the owner may be fined as provided in this chapter, except for the following kinds of idling:

1. Idling while stopped:
   a. For an official traffic control;
   b. For an official traffic control signal;
   c. At the direction of a police officer.

2. Idling as needed to operate heaters or air conditioners where the temperature is below zero degrees Fahrenheit (0°F) or above ninety degrees Fahrenheit (90°F) as measured at the Moab Airport and determined by the National Weather Service, for the health or safety of a driver or passenger, including service animals and pets.

3. Idling as needed for emergency vehicles to operate equipment.

4. Idling as needed to ascertain that a vehicle is in safe operating condition and equipped as required by all provisions of law, and that all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed.

5. Idling as needed for testing, servicing, repairing, installation, maintenance or diagnostic purposes.

6. Idling for the period recommended by the manufacturer to warm up or cool down a turbocharged heavy duty vehicle.

7. Idling as needed to operate auxiliary equipment for which the vehicle was primarily designed or equipped, other than transporting goods, such as: operating a transportation refrigeration unit (TRU), lift, crane, pump, drill, hoist, ready mixed equipment, except a heater or air conditioner.
8. Idling as needed to operate a lift or other piece of equipment designed to ensure safe loading and uploading of goods or people.

9. Idling to recharge a battery or other energy storage unit of a hybrid electric vehicle.

10. Idling as needed for vehicles that house K-9 or other service animals.

11. Idling by on duty police officers as necessary for the performance of their official duties.

C. Camping Prohibited. It is unlawful to park any motor vehicle, commercial vehicle, or recreational vehicle on a public road, street, alley, or private property, for purposes of human habitation or overnight camping. Any vehicle parked or left standing in violation of this subsection for a period exceeding four consecutive hours may be impounded or removed by a peace officer or other designated official, and the owner may be fined as provided in this chapter.

1. Vehicles moved from a parking spot and then re-parked on the same block, as defined in this section, within twenty four (24) hours from the time of removal shall be deemed to have been continuously parked for the purposes of this subsection.

D. Impoundment. For purposes of impoundment and removal, a certified peace officer, or other designated official, may, after placing a visible notification on the vehicle and making a reasonable effort to locate the owner, impound and remove any motor vehicle which has been unmoved for four consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

E. Ownership. The presence of any motor vehicle, commercial vehicle, or recreational vehicle when parked in violation of this section is prima facie evidence that the registered owner or lessee of such vehicle parked the same, or that the driver was acting as the agent of the owner or lessee.

F. Relocation. No motor vehicle, commercial vehicle, or recreational vehicle that has been the subject of a violation of this section shall be subsequently relocated or parked on the same block where the violation occurred for a period of one hundred eighty days from the date of violation, while idling. Relocation or parking of the vehicle in violation of this subsection shall be a separate violation.

G. Continuing Violations. In the case of a continuing violation under this section, each day of violation shall be deemed a separate offense.
H. Conflicting Ordinances. This section shall control and take precedence over any conflicting provisions in this code concerning parking or storage of vehicles. (Ord. 18-02 (part), 2018: Ord. 17-35, 2017)

Editor’s note: Ord. No. 10-02, adopted February 23, 2010, repealed the former § 10.04.230, and enacted a new § 10.04.230 as set out herein. The former § 10.04.230 pertained to unlawful parking; vehicles left standing for more than forty-eight hours and overnight camping in vehicles and derived from Ord. No. 4-79, 1979 and Ord. No. 93-02, 1993.

PASSED AND APPROVED by a majority of the City of Moab City Council on July 23, 2019. This ordinance shall take effect immediately upon passage.

SIGNED:

Tawny Knuteson-Boyd, Mayor Pro-Tem

ATTEST:

Sommar Johnson, Recorder