

LOCAL LAW INTRO. NO. -2008

A LOCAL LAW amending the Laws of Westchester County with respect to idling time of motor vehicles within the County of Westchester.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 873 of Article XIII Section 873.1317 is amended to read as follows:

Sec. 873.1317. Air quality; emissions from diesel engines and motor vehicle engines; limitations.

1. As used in this section, the following terms shall have the meanings indicated:
 - a. *Motor vehicle.* Any vehicle that is self-propelled by an engine, including but not limited to, automobiles, vans, motorcycles and construction vehicles;
 - b. *Hybrid-electric vehicle.* A motor vehicle which operates by combining an internal combustion engine powered by gasoline or diesel fuel with a battery powered electric motor; and
 - c. *Electric vehicle.* A vehicle powered by electricity, usually provided by batteries.
2. No person shall operate, allow or permit the operation of a diesel engine or vehicle propelled by a diesel engine in such a manner as to emit exhaust emissions equal to or greater than 20 percent opacity for a continuous period of more than five seconds as determined by a trained certified observer.

3. No person shall allow or permit the engine of a motor vehicle to idle for more than three consecutive minutes when the motor vehicle is not in motion, except that this provision shall not apply when:
 - a. A motor vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control;
 - b. Regulations adopted by a federal, state or local agency having jurisdiction require the maintenance of a specific temperature for passenger comfort, in which case the idling time may be increased to the extent necessary to comply with such regulations;
 - c. An engine is being used to provide power for an essential auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming operations; or when operation of the engine is required for the purpose of maintenance;
 - d. Trucks and heavy-duty construction equipment propelled by diesel engines, owned and operated by persons engaged in mining and quarrying, are used within the confines of such person's property;
 - e. A hybrid-electric vehicle is idling for the purpose of providing energy for the battery or other form of energy storage recharging;
 - f. The motor vehicle is an electric vehicle; and
 - g. The motor vehicle is not powered by a diesel engine and the ambient air temperature is 32 degrees Fahrenheit (0 degrees Celsius) or less.

4. This section shall apply to any person who owns, operates, leases, supervises or who otherwise has charge, supervision or control of such vehicle and to any person who owns leases or occupies land and has actual or apparent domain or control over such vehicle or engine which is present on such land.
5. This section shall not apply to fire trucks, police, emergency medical services and other emergency vehicles and equipment while performing in the scope of their duties.
6. Penalties for violations of this section shall be as set forth in Sections 873.218, 873.219 and 873.220 of the code.
7. The provisions of this section shall be enforced by the officers of the Department of Public Safety and may be enforced by all law enforcement officers with jurisdiction in Westchester County, including state and municipal law enforcement officers authorized to enforce the Vehicle and Traffic Law of the State of New York. The provisions of this section may also be enforced by municipal traffic and parking enforcement agents if authorized by the municipality to issue appearance tickets. The law enforcement officer or enforcement agent shall issue an appearance ticket returnable in the local court of the jurisdiction where the violation occurred.
8. If any section, subsection, sentence, clause, phrase or other portion of this law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining

portions of this act, which remaining portions shall continue in full force and effect.

Section 2. This local law shall take effect ninety (90) days following its enactment.