

**AN ORDINANCE AMENDING THE CITY OF COMMERCE CITY MUNICIPAL
CODE, CHAPTER 11: VEHICLES AND TRAFFIC
CITY OF COMMERCE CITY**

2024 – XX

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

WHEREAS, the City Council ("Council") adopted the Municipal Code ("Code") and especially Chapter 11, 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 and contribute to poor community health; and

WHEREAS, the increase in vehicle traffic and idling is negatively impacting air quality (i.e., SO_x, NO_x and VOCs) and exacerbating the severity and number of allergies and asthma attacks, as well as other health conditions; and

WHEREAS, the two air pollutants that cause the most problems in Colorado are ground level ozone and PM_{2.5}. African Americans are exposed to 64 percent higher PM_{2.5} concentrations from on-road transportation than the average PM_{2.5} exposure for all Coloradans. Asian Americans and Latinos experience concentrations 24 percent and 15 percent higher, respectively, than the average resident. At the same time, white residents have an average exposure that is 9 percent lower than the average for the state.ⁱ

WHEREAS, exposure to PM_{2.5} is the largest environmental risk factor in the United States, responsible for 63 percent of deaths from environmental causes.

WHEREAS, communities in South Commerce City are exposed to a confluence of impacts from multiple emission sources in addition to the refinery, such as multiple interstate highways, the Cherokee Generating Station the Robert W Hite Treatment Facility, and a

variety of other industrial land uses, a condition not otherwise seen in the Denver Metro Area, or the State of Colorado, at such a scale, density, or intensity. Transportation related emissions are significant with the annual average daily vehicle miles travelled (“VMT”) on I-270 within City limits at 521,309; the annual average daily VMT at SH-265 is 15,363; and the annual average daily VMT on I-76 from the intersection with I- 270 and ending at the junction with SH 470 at 621,462 (CDOT 2021); and

WHEREAS, the Colorado Air Pollution Control Division has observed that the unnecessary idling of cars, trucks and buses affect 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, the City has received noise complaints from residents due to commercial trucks and recreational vehicles parking for hours on public streets while running or idling; and

WHEREAS, the City of Commerce City has found that unattended idling vehicles attract vehicle theft and pose a public safety hazard to pedestrians and motorists on public rights-of-way; and

WHEREAS, the City of Commerce City could 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 aiding 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.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2: CHAPTER 11 – MOTOR VEHICLES AND TRAFFIC shall be amended as follows:

Article II. – Miscellaneous Provisions specifically Section 11-2100 as follows:

Unlawful Idling

a. Definitions. As used in this section:

1. "Idling:" means running an engine on a motor vehicle while parked for more than five minutes.
2. "Public Street" means any right of way owned by the City of Commerce City, Adams County or the Colorado Department of Transportation (CDOT) within the city limits of the City of Commerce City. This includes roads, streets and alleys.
3. "Running" means any vehicle, as defined in this section, parked with a motor-powered generator or refrigeration unit in operation.
4. "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.
5. "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, recreation or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

- a. 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 five minutes.

b. Exemptions:

Any vehicle parked or left standing in violation of this subsection 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 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, or drill.
8. Idling as needed to operate a lift or other piece of equipment designed to ensure safe loading and unloading 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.

- 2) Conflicting Ordinances. This section shall control and take precedence over any conflicting provisions in this code concerning parking or storage of vehicles. (Sec. 11-2105 and Article III, Sec. 11-41)

Editor's note: Ord. No. 2315 §2 (Exh. A), 1-4-21; Ord. No. 2318, §2 (Exh. A), 3-1-21

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective immediately upon passage on second and final reading.

RESOLVED AND PASSED THIS XX TH DAY OF JULY, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk
