



Legislation Text

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Int. No. 110-A

By Council Members Moskowitz, Avella, Brewer, Clarke, Comrie, Dilan, Gerson, Gioia, Jennings, Koppell, Liu, Lopez, Martinez, McMahon, Monserrate, Quinn, Recchia, Reed, Reyna, Rivera, Sanders, Sears, Stewart, Vann, Weprin, Yassky, Felder, Nelson, Foster, Fidler, Perkins, Gentile, Gennaro, Serrano, Vallone and Palma

A Local Law to amend the administrative code of the city of New York, in relation to penalties and signage regarding the idling of motor vehicles.

Be it enacted by the Council as follows:

Section 1. Subparagraph (i) of paragraph 5 of subdivision b of section 24-178 of the administrative code of the city of New York is amended by inserting the following lines in the Table of Civil Penalties, immediately following the line regarding civil penalties for a violation of section 24-162(c) of this chapter:

<u>24-163 ; provided that a minimum penalty</u> <u>of \$330 and a maximum penalty of \$1,500</u> <u>shall apply to a second violation of such</u> <u>section by the same respondent within a</u> <u>period of two years and a minimum penalty</u> <u>of \$440 and a maximum penalty of \$2,000</u> <u>shall apply to a third or subsequent violation</u> <u>of such section by the same respondent</u> <u>within a period of two years</u>	<u>1,000</u>	<u>220</u>
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§2. Section 24-163 of the administrative code of the city of New York is amended to read as follows:

§ 24-163 Operation of motor vehicle; idling of engine restricted. (a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading,

unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

(b) The department of transportation shall post signs relating to prohibited idling that shall comply with the standards set forth in the Manual on Uniform Traffic Control Devices and, where practicable, include the maximum penalty that may be imposed for a violation of subdivision a of this section as follows:

(1) a sign shall be posted at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York;

(2) signs shall be posted at a minimum of five locations in each borough where two or more truck routes, whether local or through routes, intersect;

(3) a sign shall be posted at each bus layover area (other than school bus layover areas), designated by the commissioner of transportation pursuant to section 4-10(c)(3) of title 34 of the rules of the city of New York;

(4) a sign shall be posted at each multiple use bus terminal point;

(5) a sign shall be posted in close proximity to each school bus depot; and,

(6) signs shall be posted at other appropriate locations throughout the city as jointly determined by the commissioner and the commissioner of transportation, including but not limited to, locations for which the city receives a substantial number of complaints of idling motor vehicles.

(c) For the purpose of this section only the term "school bus depot" shall mean any garage, lot or other facility where buses that transport children to or from schools are parked over night and the term "multiple use bus terminal point" shall mean a location that is both a terminal point of at least one bus route (other than a school bus route) and a bus stop (other than a school bus stop) on one or more other bus routes.

(d) In any proceeding relating to a violation of the restrictions on idling it shall not be a defense that a

sign required by this section was absent at the time of the violation.

§ 3. This local law shall take effect six months after its enactment into law.

DD 5/27/04 12:44 p.m.