GARDEN CITY

CHAPTER 4

MOTOR VEHICLE EMISSIONS CONTROL

SECTION:

5-4-1:	Short Title
5-4-2:	Legislative Findings and Purpose
5-4-3:	Definitions
5-4-4:	Inspection Maintenance Program Created
5-4-5:	Duties and Powers of the Board
5-4-6:	Financing
5-4-7:	Inspection Criteria and Costs
5-4-8:	Acquisition of Property; Certificates Property of Board
5-4-9:	Falsification of Certificates
5-4-10:	Enforcement
5-4-11:	Penalties
5-4-12:	Effective Dates
5-4-13:	Severability

5-4-1: **SHORT TITLE**: This Chapter may be cited as THE 1991 *VEHICLE EMISSIONS CONTROL CHAPTER.*

5-4-2: **LEGISLATIVE FINDINGS AND PURPOSE:**

It is found and declared that exhaust emissions from motor vehicles are a major source of air pollution in the County of Ada and such air pollution is a health hazard to all residents of the County and its five (5) incorporated cities;

It is further found and declared that an effective system of periodic motor vehicle inspection and maintenance will reduce the level of vehicular air pollution;

It is further found and declared that Ada County has been designated as a nonattainment area for carbon monoxide and as such is mandated under the Federal Clean Air Act to reduce automobile emissions so that the National Ambient Air Quality Standard for carbon monoxide will be attained and maintained;

It is further found and declared that fuel economy is a legitimate legislative purpose and that an efficient emissions control program will result in motor vehicle fuel savings for the residents of Ada County and its cities;

It is further found and declared that the City of Garden City is duly authorized under Idaho

Code section 50-302 to enact and enforce this Chapter.

The purposes of this Chapter, therefore, are to protect the health and welfare of the citizens of Ada County and its cities; to provide for the control of exhaust emissions from motor vehicles above certain levels as determined by the Air Quality Board and to require annual inspection of certain motor vehicles in order to comply with the Federal Clean Air Act, as amended.

5-4-3: **DEFINITIONS:**

AUTOMOTIVE INSPECTION AND READJUSTMENT (AIR) PROGRAM	That program established by the Board in accordance with this Chapter and whose purpose is to implement the requirements of this Chapter.
AUTOMOTIVE INSPECTION AND READJUSTMENT (AIR) STATION	A facility licensed in accordance with Board specifications and which is so equipped as to enable an exhaust emissions inspection to be performed.
BOARD	The Air Quality Board.
CARBON MONOXIDE (CO)	The chemical compound containing one atom of carbon and one atom of oxygen.
CERTIFICATE OF COMPLIANCE	A sticker that certifies that the motor vehicle described thereon is in compliance with the requirements of this Chapter and the rules and regulations adopted pursuant to this Chapter.
EMISSIONS INSPECTION MECHANIC	An individual licensed in accordance with Board specifications to inspect and adjust motor vehicles which are subject to the AIR program.
EXHAUST EMISSIONS	Substances emitted into the atmosphere from any opening downstream of the exhaust port(s) of any motor vehicle engine.
EXHAUST EMISSIONS CONTROL DEVICE	Equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the motor vehicle, or a system or engine modification of a vehicle which causes a reduction of pollutants emitted from the motor vehicle.

EXHAUST EMISSIONS INSPECTION	That test, performed at an AIR station by an emissions inspection mechanic, which determines whether a motor vehicle's exhaust emissions meet or do not meet applicable pass-adjust criteria.
EXHAUST GAS ANALYZER	A device for calculating the proportion of various gases present in the exhaust emissions of a motor vehicle, specifically including carbon monoxide and any other gases as required by the Board.
GROSS VEHICLE WEIGHT	The weight in pounds of a fully fueled empty motor vehicle plus any additional carrying capacity specified by the vehicle manufacturer.
INSPECTION PERIOD	The month during which a nonexempt motor vehicle is scheduled to be presented for an exhaust emissions inspection.
JOINT POWERS AGREEMENT	That agreement entered into pursuant to the joint powers provisions of Idaho Code chapter 23, title 67, among and between the incorporated cities of Ada County and the County of Ada, which creates the Board.
MODEL YEAR	The year of origin of a motor vehicle so designated by that vehicle's certificate of registration.
MOTOR VEHICLE	Any self-propelled gasoline fueled or gasoline mix fueled motor vehicle with four (4) or more wheels in contact with the ground.
MOTOR VEHICLE OWNER	An individual, partnership, firm, public, private, or municipal corporation, association, trust, estate, agency, lessee, political subdivision or the State of Idaho or the government of the United States or any other legal entity or their legal representatives, agents or assigns whose name appears as owner of a motor vehicle on its certificate of registration.
NONEXEMPT MOTOR VEHICLE	A motor vehicle which is subject to AIR program testing requirements of this Chapter.
PASS-ADJUST CRITERIA	Those standards set forth in the rules and regulations adopted by the Board pursuant to this Chapter which specify the maximum allowable components which may exist in exhaust emissions of a nonexempt motor vehicle.

PUBLIC NOTICE	A statement of the Board's intent to modify the rules and regulations, including a summary of the proposed modifications, published in at least one newspaper of general circulation within Ada County, posted at the offices of the Air Quality Board, and mailed to participants in the joint powers agreement and AIR stations.
RULES AND REGULATIONS	Specific written provisions governing the AIR program, as adopted and amended by the Board from time to time.
TAMPERING	Removal of or rendering wholly or partially inoperative an exhaust emissions control device, including but not limited to, the catalytic converter, air injection system and leaded fuel inlet restrictor.

5-4-4: **INSPECTION MAINTENANCE PROGRAM CREATED:**

A. An Air Quality Board is created pursuant to the joint powers provisions of Idaho Code chapter 23, title 67, in a joint powers agreement executed by the participating public agencies. The composition and organization of the Board shall be as set forth in the joint powers agreement.

B. The Board shall design and implement an automotive inspection and readjustment (AIR) program for the mandatory exhaust emissions analysis, inspection and maintenance of certain motor vehicles in accordance with the "idle test" requirements for "Motor Vehicles: Emissions Control System Performance Warranty Short Tests," listed in section 207(b) of the Clean Air Act, 42 U.S.C., 7541(b).

C. The owner of a nonexempt motor vehicle is required to present it annually at an AIR station for an exhaust emissions inspection during an inspection period determined by the Board. Failure to do so within the inspection period constitutes prima facie evidence of a violation of this Chapter. Criteria for determining the inspection period shall be adopted by the Board and incorporated in the rules and regulations.

D. The owner of a nonexempt motor vehicle which passes an exhaust emissions inspection as provided herein shall display any sticker, certification, or other evidence of a completed inspection in a place and manner specified by the Board in the rules and regulations. Failure to do so constitutes prima facie evidence of a violation of this Chapter.

E. A motor vehicle is classified as a nonexempt vehicle if all of the following are true:

1. The primary fuel is gasoline or a gasoline mix;

2. The certificate of registration has or is required to have "Ada County" entered upon

it as the County of residence pursuant to Idaho Code 49-441;

3. The gross vehicle weight equals or exceeds one thousand five hundred (1,500) pounds; and

4. The model year is 1965 or newer.

F. The following are hereby specifically exempted from compliance with the AIR program, subject to verification in a manner specified by the Board and included in the rules and regulations:

1. Motor cycles as defined in Idaho Code 40-114;

2. "Idaho Old Timers" as defined in Idaho Code 49-406;

3. Farm tractors as defined in Idaho Code 49-107;

4. Motor vehicles for which an alternate fuel type has been established;

5. Motor vehicles for which a gross vehicle weight of less than one thousand five hundred (1,500) pounds has been verified;

6. Motor vehicles registered under the prorated registration provisions of Idaho Code 49-437 for a period of less than six (6) months;

7. Such other motor vehicles as may be exempted by rules and regulations adopted by the Board.

G. An exhaust emissions inspection may only be performed by an exhaust emissions mechanic at an AIR station. An exhaust emissions inspection shall include all of the following:

1. A measurement of exhaust emissions using an approved exhaust gas analyzer or other device approved by the Board to sample the motor vehicle's exhaust emissions, specifically including the carbon monoxide content of the exhaust emissions and any other gases as adopted by the Board to comply with future regulations of the United States Environmental Protection Agency.

2. A determination as to whether exhaust emissions meet the pass-adjust criteria.

3. A visual inspection, for model years 1984 and newer, of the catalytic converter, air injection system and size of the fuel restrictor.

4. Where exhaust emissions do not meet the pass-adjust criteria, an indication to a motor vehicle owner of the probable cause(s) of any malfunction or misadjustment

responsible for the failure to comply with the pass-adjust criteria.

H. It is the responsibility of the owner of a nonexempt motor vehicle which was found not to comply with the pass-adjust criteria to have the motor vehicle repaired at the owner's expense and to have it reinspected within ten (10) calendar days of the failed exhaust emissions inspection. When repairs are necessary, the owner has the right to return said motor vehicle to the same AIR station for one reinspection without charge; provided, that not more than ten (10) calendar days have elapsed since the motor vehicle's initial exhaust emissions inspection. Repairs may be performed by the AIR station or by any other mechanic of the owner's choice.

1. Any person who presents a motor vehicle for an exhaust emissions inspection shall immediately pay the AIR station for the inspection, except as provided for re-inspections in subsection 5-4-4H of this Section.

In addition, any person whose motor vehicle successfully passes the exhaust emissions inspection shall immediately reimburse the AIR station for a certificate of compliance. The maximum allowable fee for an exhaust emissions inspection and the fee for a certificate of compliance shall be adopted by the Board as a portion of the rules and regulations and made known to the public in whatever manner the Board deems appropriate.

J. An exhaust emissions mechanic who performs an exhaust emissions inspection on a motor vehicle shall, when the motor vehicle Is found to comply with the pass-adjust criteria, immediately issue a certificate of compliance in accordance with procedures adopted by the Board in the rules and regulations. The certificate of compliance will expire on the last day of the next inspection period for that motor vehicle.

5-4-5: DUTIES AND POWERS OF THE BOARD:

A. The Board shall conduct regular monthly public meetings at such time as the Board shall determine.

B. The Board, in accordance with the criteria expressed herein, shall adopt rules and regulations for the implementation and operation of the AIR program and amend those rules and regulations, from time to time, as it deems necessary. Rules and regulations and amendments to same may only be adopted at an Air Quality Board meeting with a minimum of fourteen (14) days' public notice of the Board's intent to amend the rules and regulations.

C. Rules and regulations shall include, but not be limited to, the following:

1. Procedures for determining the exempt or nonexempt status of any motor vehicle and releasing exempt motor vehicles from further compliance with the AIR program;

2. Procedures for establishing the inspection period for a nonexempt motor vehicle:

3. Pass-adjust criteria for all nonexempt motor vehicles;

4. Display and placement of certificates of compliance on nonexempt motor vehicles which have passed an exhaust emissions inspection;

5. Specifications for approved exhaust gas analyzers;

6. The fee ceiling which may be required to be paid by a nonexempt motor vehicle owner to bring their nonexempt motor vehicle into compliance with the pass-adjust criteria (this fee shall be the minimum necessary to accommodate typical repair needs and may be different for different model years);

7. The cost of a certificate of compliance (this fee shall be the minimum necessary to provide for the on-going operation, administration, maintenance and enforcement of the AIR program and shall not exceed $3.75 without concurrence of all participating agencies);

8. Procedures for AIR stations to purchase certificates of compliance;

9. The maximum fee which may be charged by an AIR station for performing an exhaust emissions inspection (this fee shall be the minimum necessary to reimburse the AIR station for labor costs and reasonably amortize the cost of an exhaust gas analyzer plus a reasonable overhead and return on investment allowance);

10. The processing fee which may be assessed upon owners of nonexempt motor vehicles who fail to present their nonexempt motor vehicle for inspection within the inspection period (this fee shall be sufficient to recover costs of processing notices of violation for all nonexempt motor vehicles which do not comply with the provisions of this Chapter within the inspection period);

11. Procedures governing the licensing of AIR stations and emissions inspection mechanics and the suspension, revocation or termination of those licenses when appropriate;

12. Schedules and deadlines for the flow of data, paperwork and information pertaining to exhaust emissions inspections among AIR stations, exhaust emissions mechanics and the AIR program staff;

13. Fee schedules for licensing AIR stations and exhaust emission mechanics and for testing applicants for exhaust emissions mechanics' licenses; and

14. Audit procedures to insure that all certificates of compliance are adequately

protected against theft and counterfeiting.

D. The Board or its authorized representatives, upon notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of the AIR station license of any AIR station permittee if it finds that such station is not operated in accordance with this Chapter or the rules and regulations. The procedure and grounds for suspension or revocation shall be set forth in the rules and regulations.

E. The Board or its authorized representatives, upon notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of any emissions inspection mechanic's license if the Board finds that such emissions inspection mechanic does not perform tests in accordance with this Chapter or the rules and regulations. The procedure and grounds for suspension or revocation shall be set forth in the rules and regulations.

F. The Board shall conduct an on-going quality assurance program to determine that all AIR stations and exhaust emission mechanics perform AIR program tasks in conformance with the adopted rules and regulations.

G. The Board shall have the authority to undertake any additional actions reasonably necessary to the operation of the AIR program, including but not limited to:

1. Employing necessary staff;

2. Executing necessary contracts and documents;

3. Authorizing deposits into and expenditures from the Motor Vehicle Emissions Inspection Fund;

4. Acquiring and disposing of personal property;

5. Operating the AIR program in accordance with standard fiscal practice; and

6. Providing for an annual audit of both financial and management practices of the AIR program.

H. The Board shall conduct on-going evaluations of the AIR program sufficient to satisfy requirements of the United States Environmental Protection Agency and other applicable rules and statutes.

I. The Board may make known to owners of nonexempt motor vehicles, in whatever manner the Board deems appropriate, the following information about the AIR program:

1. Purpose of the AIR program;

2. Owners' responsibilities under the AIR program;

3. Most common adjustments and repairs likely to be required in order for a motor vehicle to successfully pass an exhaust emissions inspection; and

4. Locations of AIR stations at which an exhaust emissions inspection may be performed.

5-4-6: **FINANCING:**

A. There is hereby established a Motor Vehicle Emissions Inspection Fund which shall consist of the following:

1. Money appropriated thereto by the Board or any local entity;

2. Money remitted by the AIR stations which is collected as fees;

3. Money received by the Board from private grants or donations;

4. Money received by the Board from processing fees assessed to owners of nonexempt motor vehicles who do not present their vehicle for an exhaust emissions inspection during the inspection period;

5. Federal or State funds received by the Board for the AIR program; and

6. Any other funds received by the Board from any source.

B. Moneys in the Motor Vehicle Emissions Inspection Fund may be used to pay all costs incurred by the Board in administering any aspect of the AIR program.

C. The Board shall appropriate and budget on a fiscal year basis, indicating expenditures to be made in implementing and administering the AIR program and sources of income to be used for such expenditures.

5-4-7: **INSPECTION CRITERIA AND COSTS:**

A. The Board shall adopt and include in the rules and regulations pass-adjust criteria and may amend these criteria, from time to time, as it deems necessary to meet the purposes and intent of this Chapter. A nonexempt motor vehicle's exhaust emissions must be less than or equal to the approved pass-adjust criteria in order for a certificate of compliance to be issued without further adjustment or testing.

B. Nonexempt motor vehicles of the model year 1984 and newer must have a fully operational catalytic converter, air injection system, leaded fuel restrictor and any other component(s) specified by the Board in the rules and regulations. The owner of a nonexempt motor vehicle is required to see that these systems are fully operational. An exhaust emissions inspection will not be performed on any vehicle on which one or more of these components have been subject to tampering. The owner of any nonexempt motor vehicle which has been subject to tampering must bring all components into compliance and have the vehicle inspected within the inspection period.

C. A certificate of compliance will be issued to each nonexempt motor vehicle which complies with the AIR program. The certificate will be displayed in a manner consistent with rules and regulations adopted by the Board.

D. 1. Blank certificates of compliance will be distributed to each participating AIR station upon payment to the AIR program of a fee adopted and set by the Board; this fee is recovered by the AIR station when it is transferred to a nonexempt motor vehicle which has successfully passed an exhaust emissions inspection. The AIR station may also charge a fee, adopted and set by the Board, to perform the exhaust emissions inspection on a nonexempt motor vehicle. The maximum total cost to a motor vehicle owner for an exhaust emissions inspection is therefor the sum of the fee for the certificate of compliance and the exhaust emissions inspection.

2. If a nonexempt motor vehicle exceeds the model year pass-adjust criteria during the Initial test and the owner elects to utilize the ten (10) day period for independent correction provided for by subsection 5-4-4H of this Chapter, the charge for the initial test without the issuance of a certificate of compliance shall be limited to the fee for the exhaust emissions inspection. When the motor vehicle is returned within the ten (10) day period and meets pass-adjust criteria or has met the current repair limits, a certificate of compliance will be issued and the owner will pay only the fee for the certificate.

E. If model year pass-adjust criteria are exceeded upon the initial test of a nonexempt motor vehicle, the AIR station may perform the adjustments and/or repairs required by the rules and regulations in order for a certificate of compliance to be issued. If, however, repair costs exceed or are reasonably expected to exceed the Board's currently adopted repair limits, a certificate of compliance may be issued without further testing.

F. A certificate of compliance shall be issued to a nonexempt motor vehicle only by an emissions inspection mechanic at an AIR station and may only be issued to motor vehicles which have been tested with equipment and procedures specified and approved by the Board. No person shall represent himself or herself as an emissions inspection mechanic unless he or she has a current license issued by the Board.

G. No person shall demand or collect a fee for the exhaust emissions inspection of a nonexempt motor vehicle unless authorized by this Chapter.

H. As of January 1, 1991, the following pass-adjust criteria will be in place, subject to modification as provided in subsection 5-4-7A:

MODEL YEAR	% CARBON MONOXIDE
1965 - 1974	5.5
1975 - 1979	3.5
1980	1.5
1981 and newer	1.2

5-4-8: **ACQUISITION OF PROPERTY; CERTIFICATES PROPERTY OF BOARD:**

A. The Board may acquire by purchase, donation, dedication, or other lawful means any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this Chapter or the rules and regulations adopted pursuant hereto provided; however, any acquisition made by the Board shall comply with all statutory requirements imposed upon the County of Ada for the purchase or receipt of property.

B. All certificates of compliance are the property of the Board until such time as they are issued to properly inspected motor vehicles.

5-4-9: **FALSIFICATION OF CERTIFICATES:**

A. No person shall wilfully make, issue, display, sell or possess any imitation, counterfeit, or alteration of a certificate of compliance.

B. No person shall display upon any nonexempt motor vehicle a certificate of compliance knowing it to be issued without compliance with this Chapter.

5-4-10: **ENFORCEMENT**: Any owner who fails to present a nonexempt motor vehicle for an exhaust emissions inspection during the inspection period is in violation of this Chapter and will be subject to a Board processing fee and any and all other enforcement mechanisms available through Idaho Code, this Chapter, and other applicable Municipal or County ordinances. Nothing in this Chapter shall be construed to prevent the Board from requesting or utilizing any and all enforcement mechanisms granted by law.

5-4-11: **PENALTIES**: Any person who violates any provision of this Chapter shall be deemed guilty of an infraction and, upon judgment thereof, shall be subject to the penalties set forth In Idaho Infraction Rule 9(b) (Other Infractions). Failure to satisfy judgment as ordered by the court pursuant to this Chapter shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code 18-1801.

5-4-12: **EFFECTIVE DATES**: This Chapter shall be effective beginning on January 1, 1991. (Ord. 674, 8-13-96)

5-4-13: **SEVERABILITY**: If any section, sentence, clause, word or phrase of this Chapter is for any reason held to be unconstitutional or otherwise invalid or unenforceable by any court of competent jurisdiction, such shall not affect the validity and enforceability of the remaining portions of this Chapter, all of which shall remain in full force and effect. (Ord. 558, 11-13-90)