CITY OF BOISE

Chapter 8-13

MOTOR VEHICLE EMISSIONS CONTROL

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Section 8-13-01 SHORT TITLE
This Ordinance may be cited as The 1999 Motor Vehicle Emissions Control Ordinance.
(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-02 LEGISLATIVE FINDINGS AND PURPOSE OF ORDINANCE
A. It is found and declared that exhaust emissions from Motor Vehicles are a major source of air pollution throughout Ada County and such air pollution is a health hazard to all residents of the County and its incorporated cities;

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

C. It is further found and declared that the federal government has mandated to the several states and local entities the ultimate responsibility for periodic motor vehicle inspection and maintenance;

D. It is further found and declared that Ada County has been designated as a non-attainment area for both carbon monoxide and small particulate matter (PM10) and as such is mandated under the Federal Clean Air Act to reduce emissions so that the National Ambient Air Quality Standards will be attained and maintained;

E. It is further found and declared that Ada County and its incorporated cities will be monitored for PM2.5 and ozone in the immediate future, and that the primary source of both of these pollutants in Ada County is exhaust emissions from motor vehicles;

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

G. It is further found and declared that Ada County and its incorporated cities are duly authorized to enact and enforce this Ordinance under Idaho Code §31-714 and §50-302, respectively;

H. The purposes of this Ordinance, therefore, are to protect the health and welfare of the citizens of Ada County and its incorporated cities, to provide for the continued control and management of exhaust emissions above certain levels as determined by the Federal Clean Air Act, as amended, as well as Rules for the Control of Air Pollution in the State of Idaho (IDAPA 16.01.01, et seq), and to empower the Air Quality Board to design and implement required periodic inspection of certain motor vehicles in order to comply with the Federal Clean Air Act, as amended.

(Ord. No. 5661, Amended, 09/26/95)
(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-03 DEFINITIONS

A. AUTOMOTIVE INSPECTION PROGRAM: That program established by the Board in accordance with this Ordinance and whose purpose is to implement the requirements of this Ordinance.

B. AUTOMOTIVE INSPECTION STATION: A facility licensed in accordance with Board specifications or operating under a contract with the Board for the purpose of performing Exhaust Emissions Inspections.

C. BOARD: The Air Quality Board, chartered under the Automotive Inspection and Readjustment Program Joint Powers Agreement and this Ordinance.

D. CARBON MONOXIDE (CO): An inorganic chemical compound containing one atom of carbon and one atom of oxygen.

E. CERTIFICATE OF COMPLIANCE: A Board-approved certificate verifying that the Motor Vehicle described thereon is in compliance with the requirements of this Ordinance and the Rules and Regulations adopted pursuant to this Ordinance.

F. EMISSIONS INSPECTION MECHANIC: An individual who performs Exhaust Emissions Inspections on behalf of the Board in compliance with a formal written agreement with the Board.

G. EMISSIONS REPAIR MECHANIC: An individual who performs exhaust emissions repairs to Motor Vehicles on behalf of the Board in compliance with a formal written agreement with the Board.

H. EXHAUST ANALYZER: A device for calculating the proportion of various gases, vapors and particles present in the Exhaust Emissions of a Motor Vehicle, specifically Boise Municipal Code including Carbon Monoxide, Hydrocarbon, Oxides of Nitrogen, Sulfur Dioxide, Volatile Organic Compounds and any other gases, vapors and particles as required by the Board.

I. EXHAUST EMISSIONS: Substances emitted into the atmosphere from any opening downstream of the exhaust port(s) of any Motor Vehicle engine.

J. 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, as required by federal law.

K. EXHAUST EMISSIONS INSPECTION AND EXHAUST EMISSIONS RE- INSPECTION: That test, performed at an Automotive Inspection Station or a Repair and Re-Inspection Station by an Emissions Inspection Mechanic, which determines whether a Motor Vehicle's Exhaust Emissions meet or do not meet applicable Pass-Adjust Criteria.

L. FINE PARTICULATE MATTER (PM2.5): All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal two and one half (2.5) micrometers.

M. GROSS VEHICLE WEIGHT: The weight in pounds of a fully-fueled empty Motor Vehicle plus any additional carrying capacity specified by the vehicle manufacturer.

N. HYDROCARBON (HC): An organic compound consisting exclusively of the elements carbon and hydrogen.

O. INSPECTION PERIOD: That period, determined according to applicable Rules and Regulations, during which a Non-Exempt Motor Vehicle is scheduled to be presented for an Exhaust Emissions Inspection.

P. 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, the County of Ada, and the Ada County Highway District, which creates the Board.

Q. MODEL YEAR: The year of origin of a Motor Vehicle so designated by that vehicle's Certificate of Registration filed with the Idaho Department of Transportation.

R. MOTOR VEHICLE: Any self-propelled Motor Vehicle with four or more wheels in contact with the ground.

S. MOTOR VEHICLE OWNER: An individual, partnership, firm, public, private, or municipal corporation, association, trust, estate, agency, lessee, political subdivision of 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.

T. NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS): Standards developed by the U.S. Environmental Protection Agency in accordance with its responsibilities under the Federal Clean Air Act, as amended, and its implementing regulations.

U. NON-EXEMPT MOTOR VEHICLE: A motor vehicle which is subject to the Automotive Inspection Program and its Exhaust Emissions Inspections.

V. OXIDES OF NITROGEN (NOX): A group of chemical compounds formed by the combination of oxygen and nitrogen.

W. OZONE (O3): A molecule composed of three atoms of oxygen.

X. PARTICULATE MATTER (PM10): All particulate matter, including condensable particulates, with an aerodynamic diameter of less than or equal to a nominal ten (10) micrometers.

Y. PASS-ADJUST CRITERIA: Those standards set forth in the Rules and Regulations adopted by the Board pursuant to this Ordinance which specify the maximum allowable components which may exist in Exhaust Emissions of a Non-Exempt Motor Vehicle.

Z. 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 all participants in the Joint Powers Agreement and all Automotive Inspection Stations.

AA. REPAIR AND RE-INSPECTION STATION: A facility licensed in accordance with Board specifications or operating under a contract with the Board for the purpose of repairing Non-Exempt Motor Vehicles which have failed an Exhaust Emissions Inspection and to perform a re-inspection of Exhaust Emissions in a manner specified by the Board.

BB. RULES AND REGULATIONS: Specific written provisions governing the Automotive Inspection Program, as adopted and amended by the Board from time to time.

CC. SULFUR DIOXIDE (SO2): A chemical compound consisting exclusively of the elements sulfur and oxygen.

DD. 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, fuel inlet restrictor or other subsequent systems and devices designed and installed to reduce exhaust emissions.

EE. VOLATILE ORGANIC COMPOUND (VOC): Any organic compound which readily evaporates in the atmosphere and, through its participation in atmospheric photochemical reactions, contributes to the formation of Ozone.

(Ord. No. 5661, Amended, 09/26/95)
(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-04 CREATION OF AN INSPECTION-MAINTENANCE PROGRAM

A. An Air Quality Board is hereby 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 Program for the mandatory Exhaust Emissions analysis, inspection, maintenance and repair of Non-Exempt Motor Vehicles to insure continued compliance with National Ambient Air Quality Standards and in accordance with applicable rules and regulations of the U.S. Environmental Protection Agency, the State of Idaho Division of Environmental Quality and the Ada Planning Association Board.

C. The Exhaust Emissions of each Non-Exempt Motor Vehicle will be measured and evaluated periodically and the Owner of any such vehicle is required to present the vehicle at an Automotive

Inspection Station for an Exhaust Emissions Inspection unless specifically exempted from this requirement by the Board or by this Ordinance. Failure to do so within the Inspection Period constitutes prima facie evidence of a violation of this Ordinance. The frequency and timing of the Inspection Period will be determined by the Board.

D. The Owner of a Non-Exempt Motor Vehicle which passes an Exhaust Emissions Inspection as provided herein shall be presented with a Certificate of Compliance. The Owner shall maintain the certificate in a place and manner specified by the Board in the Rules and Regulations and present it to the Board or other authority upon demand. Failure to do so constitutes prima facie evidence of a violation of this Ordinance.

E. A Motor Vehicle is classified as a Non-Exempt Motor Vehicle if all of the following are true:

1. The Certificate of Registration has 'ADA COUNTY' entered upon it as the county of residence or would be required to have 'ADA COUNTY' entered upon it as the county of residence pursuant to Idaho Code 49-401B;

2. The Gross Vehicle Weight equals or exceeds 1500 pounds; and

3. The Model Year is 1965 or newer.

F. The following are hereby specifically exempted from compliance with the Automotive Inspection Program, subject to verification in a manner specified by the Board and included in the Rules and Regulations:

1. Motorcycles 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 registered under the pro-rated registration provisions of Idaho Code 49-437 for a period of less than six (6) months;

5. Idaho Classic vehicles as defined in Idaho Code 49-406A;

6. Motor Vehicles for which an alternate fuel type has been established according to Rules and Regulations adopted by the Board; and

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 and in a manner consistent with Rules and Regulations adopted by the Board. An Exhaust Emissions Inspection shall include all of the following:

1. A measurement of Exhaust Emissions using an approved Exhaust Analyzer or other procedure or device approved by the Board to sample the Motor Vehicle's Exhaust Emissions, specifically including the Carbon Monoxide and Hydrocarbon content of the

Exhaust Emissions and any other gases, vapors and particles as adopted by the Board to comply with the purposes of this Ordinance as expressed in Section 8-13-02; and.

2. A determination as to whether Exhaust Emissions meet the Pass-Adjust Criteria; and

3. A visual inspection, for Model Years 1984 and newer, to verify presence of the catalytic converter, air injection system, size of the fuel restrictor and any other visual inspection component(s) specified by the Board in the Rules and Regulations; and.

4. Any other inspection adopted by the Board in the Rules and Regulations.

H. Where Exhaust Emissions do not meet the Pass-Adjust Criteria, an indication to a Motor Vehicle Owner of the repair and Re-Inspection provisions of the Automotive Inspection Program.

I. It is the responsibility of the Owner of a Non-Exempt Motor Vehicle which was found not to comply with the Pass-Adjust Criteria to have the Motor Vehicle brought into compliance at the Owner's expense and to have it re-inspected within ten (10) calendar days of the failed Exhaust Emissions Inspection according to procedures and criteria established by the Board and included in the rules and Regulations.

J. Each Non-Exempt Motor Vehicle shall bear a share of the cost of the Automotive Inspection Program regardless of whether the Board elects to waive one or more Exhaust Emissions Inspections for that vehicle. The Motor Vehicle Owner for each Non-Exempt Motor Vehicle is required to submit payment to the Board or other authorized representative under terms and conditions specified in the Rules and Regulations.

K. An Emissions Inspection 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.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-05 DUTIES AND POWERS OF THE BOARD

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

B. The Board, in accordance with the criteria expressed herein, shall adopt Rules and Regulations for the implementation and operation of the Automotive Inspection 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 non-exempt status of any Motor Vehicle and releasing exempt Motor Vehicles from further compliance with the Automotive Inspection Program;

2. Procedures for establishing the Inspection Period for a Non-Exempt Motor Vehicle;

3. Structure of the Automotive Inspection Program, specifically including whether repairs and adjustments to Motor Vehicles failing to comply with the Pass-Adjust criteria may or may not be made by Emissions Inspection Mechanics who perform the original Exhaust Emissions Inspection;

4. Procedures for licensing or contracting for Automotive Inspection Stations, Repair and Re-Inspection Stations, Emissions Inspection Mechanics and Emissions Repair Mechanics and for the potential termination thereof;

5. Pass-Adjust Criteria for all Non-Exempt Motor Vehicles;

6. Nature and display of Certificates of Compliance on Non-Exempt Motor Vehicles which successfully comply with the Pass-Adjust Criteria:

7. Specifications for approved Exhaust Analyzers or other emissions measurement devices or systems;

8. Procedures by which the fee to be charged each Motor Vehicle Owner for each Non-Exempt Motor Vehicle is determined, or, alternatively, the fee itself;

9. Circumstances under which a waiver my be granted to exempt a Non-Exempt Motor Vehicle from the provisions of this Ordinance, either temporarily or permanently;

10. Minimum effort(s) which will be required of the Owner of a Non-Exempt Motor Vehicle which fails to comply with the Pass-Adjust Criteria in order to bring the failing vehicle into compliance with the Pass-Adjust Criteria, as well as procedures by which such minimum effort provisions may be amended from time to time. This effort shall generally be the minimum necessary to accommodate typical repair and reinspection needs and may be different for different Model Years;

11. Cost of a Certificate of Compliance. This shall be the minimum necessary to provide for the on-going operation, administration, maintenance and enforcement of the Automotive Inspection Program and shall not exceed $4.00 without concurrence of all parties to the Joint Powers Agreement;

12. The processing fee which may be assessed upon Owners of Non-Exempt Motor Vehicles who fail to present their Non-Exempt Motor Vehicle for inspection within the Inspection Period (and the procedure by which this fee is established. This fee shall be sufficient to recover costs of processing notices of violation for all Non-Exempt Motor Vehicles which do not comply with the provisions of this Ordinance within the Inspection Period);

13. Procedures governing the contracting for or licensing of Automotive Inspection Stations, Repair and Re-Inspection Stations and Emissions Inspection Mechanics and the suspension, revocation, or termination of those contracts or licenses when appropriate;

14. Schedules and deadlines for the flow of data, paperwork and information pertaining to Exhaust Emissions Inspections among Automotive Inspection Stations, Repair and Re-

Inspection Stations, Exhaust Emissions Mechanics and the Automotive Inspection Program staff; and

15. Any other matters deemed to be within the authority of the Board.

D. The Board may, at is discretion, employ the full power and authority of law to insure that Motor Vehicle Owners comply fully and completely with Idaho Code 49-401B, specifically including correct designation of the county of residence as provided therein.

E. The Board shall conduct an on-going quality assurance program to determine that all Automotive Inspection Stations, Repair and Re-Inspection Stations and Exhaust Emission Mechanics perform Automotive Inspection Program tasks in conformance with the adopted Rules and Regulations.

F. The Board or its authorized representative, upon written notice and an opportunity for a hearing, may suspend, revoke and/or require the surrender and forfeiture of any license granted by the Board which is not utilized in accordance with this Ordinance or the Rules and Regulations. The procedure and grounds for suspension or revocation shall be set forth in the Rules and Regulations and shall comply with current Idaho law.

G. The Board shall have the authority to undertake any additional actions reasonably necessary to the operation of the Automotive Inspection 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. Establishing an annual budget for the Air Inspection Program;

6. Operating the Automotive Inspection Program in accordance with standard fiscal practice; and

7. Providing for an annual audit of both financial and management practices of the Automotive Inspection Program.

H. The Board shall conduct ongoing evaluations of the Automotive Inspection Program sufficient to satisfy requirements of the US Environmental Protection Agency, the Ada Planning Association Board and other applicable rules and statutes.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-06 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 Automotive Inspection Stations and Repair and Re-Inspection 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 Non- Exempt 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 Automotive Inspection 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 Automotive Inspection Program.

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

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-07 INSPECTION CRITERIA AND COSTS

A. A Non-Exempt 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 repair, adjustment or testing.

B. Non-Exempt Motor Vehicles of the Model Year 1984 and newer must have a fully operational catalytic converter, air injection system, fuel restrictor and any other component(s), devices or systems specified by the Board in the Rules and Regulations. The Owner of a Non-Exempt 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 Non-Exempt Motor Vehicle which has been subject to Tampering must bring all components into compliance and have the vehicle inspected within the Inspection Period.

C. Certificate of Compliance may be issued by an Emissions Inspection Mechanic who personally has performed an Exhaust Emissions Inspection and found the Non-Exempt Motor Vehicle to be in full compliance with the Automotive Inspection Program or by an Emissions Repair Mechanic who has personally performed repairs and adjustments to a Motor Vehicle which bring such vehicle into full compliance with the Automotive Inspection Program or the Board.

D. No person shall represent himself or herself as an Emissions Inspection Mechanic unless he or she has a current license issued by the Board or is operating under a current contract with the Board.

E. No person shall demand or collect a fee for the Exhaust Emissions Inspection of a Non-Exempt Motor Vehicle unless authorized by this Ordinance.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-08 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 Ordinance 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 City of Boise for the purpose of 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.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-09 FALSIFICATION OF CERTIFICATES

A. No person shall willfully make, issue, display, sell or possess any imitation, counterfeit, or alteration of a Certificate of Compliance. Such activities so constitute prima facie evidence of a violation of this Ordinance.

B. No person shall display upon any Non-Exempt Motor Vehicle a Certificate of Compliance knowing it to be issued without compliance with this Ordinance. Such activities so constitute prima facie evidence of a violation of this Ordinance.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-10 ENFORCEMENT

Any Owner who fails to present a Non-Exempt Motor Vehicle for an Exhaust Emissions Inspection during the Inspection Period is in violation of this Ordinance and will be subject to a Board processing fee and any and all other enforcement mechanisms available through Idaho Code, this Ordinance, and other applicable municipal or county ordinances. Nothing in this Ordinance shall be construed to prevent the Board from requesting or utilizing any and all enforcement mechanisms granted by law.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-11 PENALTIES

Any person who violates any provision of this Ordinance 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 Ordinance shall be deemed contempt of court punishable as a misdemeanor pursuant to Idaho Code 18-1801.

(5925, Amended, 07/20/1999; 5831, Amended, 01/20/1998)

Section 8-13-12 EFFECTIVE DATES

This Ordinance shall be effective beginning on the date on which the Joint Powers Agreement is adopted and continuously thereafter through and including December 31, 2002.

(5925, Amended, 07/20/1999; 5832, Amended, 02/03/1998; 5831, Repealed, 01/20/1998; 5774, Amended, 12/17/1996)

Section 8-13-13 SEVERABILITY

If any section, sentence, clause, word or phrase of this Ordinance 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 Ordinance, all of which shall remain in full force and effect. (Ord. 5273, 11-20-90)

(5831, Amended, 01/20/1998)