

ORDINANCE 2013-04

IMPLEMENTATION OF A VEHICLE EMISSIONS AND MAINTENANCE PROGRAM IN CACHE COUNTY

1.0 PURPOSE

The purpose of this ordinance is to reduce air pollution levels in Cache County by requiring emission inspections of on-road motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet the prescribed standards so as to:

- 1.1 Protect and promote the public health, safety, and welfare;
- 1.2 Improve air quality;
- 1.3 Comply with the federal regulations contained in 40 CFR part 51 subpart S;
- 1.4 Comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 Utah Code Annotated, 1953, as amended.

2.0 POWERS AND DUTIES

2.1 The Cache County Council (hereafter, "Council") has authority to implement a vehicle inspection and maintenance program under Section 41-6a-1642, Utah Code Annotated, 1953, as amended.

2.2 The Council is presently required by the EPA and the State of Utah to implement a vehicle emission inspection and maintenance program.

2.3 The Council hereby delegates its authority as an administrative body under Section 41-6a-1642, Utah Code Annotated, 1953, as amended, to the Bear River District Board of Health (hereafter "Board"), to address all issues pertaining to the adoption and administration of the vehicle emission inspection and maintenance program.

2.4 The Council authorizes and directs the Board to adopt and promulgate rules and regulations to ensure compliance with EPA and State Implementation Plan requirements with respect to an emission inspection and maintenance program.

3.0 GENERAL PROVISIONS

3.1 The Board, in conjunction with its staff, will administer and enforce this ordinance.

3.2 The Board shall adopt vehicle emission and inspection rules and regulations which meet EPA and State Implementation Plan requirements.

3.3 The Council shall approve the initial Rules and Regulations established by the Board and all changes in Rules and Regulations.

4.0 GUIDELINES TO BE FOLLOWED BY THE BEAR RIVER BOARD OF HEALTH IN IMPLEMENTING A VEHICLE INSPECTION AND MAINTENANCE PROGRAM IN CACHE COUNTY

4.1 Vehicles registered in Cache County, that are not exempt from inspection requirements, will be inspected on the following schedule:

4.1.1 All gasoline and non-diesel based Alternative Fuel powered vehicles, including Bi-Fuel vehicles, model year 1996 and newer, with a GVWR 8,500 lbs or less will be subject to inspection. All gasoline and non-diesel based Alternative Fuel powered vehicles, including Bi-Fuel vehicles, model year 2008 and newer, with a GVWR greater than 8,500 lbs and less than 14,001 lbs will be subject to inspection.

4.1.2 All diesel and diesel based Alternative Fuel powered vehicles model year 1998 and newer, with a GVWR less than 14,001 lbs will be subject to inspection.

4.1.3 No emissions inspection will be required for any vehicle that is less than six years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacture.

4.1.4 Emissions inspections will be required in odd-numbered years for a vehicle with an odd-numbered model year. Emissions inspections will be required in even-numbered years for a vehicle with an even-numbered model year.

4.2 A maximum fee for inspection shall be set by the Board and approved by the Council. Part of this fee will be retained by the entity which performs the test and part may be remitted to the Board as reimbursement for administering the program. The intent of the Council is that this fee be as low as possible, while still maintaining the financial viability of the program.

4.3 If a vehicle fails the emissions inspection, a waiver may be granted that will allow the vehicle to be registered that year. In order to qualify for a waiver, the vehicle owner/operator must spend a minimum of \$200.00 on emissions related repairs and meet any other requirements established by the Board. A waiver will be issued once during the lifetime of the vehicle. Any changes to the minimum required repair expenditure to qualify for the waiver shall be approved by the Council.

4.4 Emission inspections in Cache County will be conducted by private firms, or by utilizing remote OBD technology. The Board shall establish criteria to ensure that testing is performed in accordance with state and federal requirements.

4.5 To fund the administration of the emissions inspection and maintenance program and other air quality improvement programs, the Council authorizes an Air Pollution Control fee to be assessed upon every motorized vehicle registered in Cache County at the time of registration as provide by Section 41-1a-1223, Utah Code Annotated, 1953, amended.

4.5.1 The fee is set at \$3.00 for each vehicle registration within the County under section 41-1a-215, Utah Code Annotated, 1953, as amended and at \$2.25 for each vehicle registration within the county for a six month registration period under Section 41-1a-215.5, Utah Code, 1953, as amended.

4.5.2 Motor vehicles that are exempt from the registration fee, and commercial vehicles with an apportioned registration shall be exempt from this fee as per Section 41-1a-1223, Utah Code Annotated, 1953 as amended.

4.5.3 The fee shall be assessed beginning January 1, 2014.

5.0 REVIEW OF NEED FOR PROGRAM

The Council shall review the vehicle emissions and maintenance program at least every five years to evaluate the continuing need for the program.

6.0 EFFECTIVE DATE

These changes will take effect on January 1, 2021.

This ordinance takes effect on March 27, 2013. Following its passage, but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.