

ORDINANCE 2013-04

IMPLEMENTATION OF A VEHICLE EMISSIONS AND MAINTENANCE PROGRAM IN CACHE COUNTY

1.0 PURPOSE

The purpose of this ordinance 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 emission 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 IMPLEMENTATING A VEHICLE EMISSION INSPECTION AND MAINTENANCE PROGRAM IN CACHE COUNTY

4.1 Vehicles registered in Cache County that are not exempt from the program (see 41-6a-1642(3), Utah Code Annotated) will be inspected on the following schedule:

4.1.1 Gasoline and natural gas powered vehicles model year 1969 and newer: No emissions inspection will be required for gasoline and natural gas powered vehicles that are six model years and newer as of January 1 of any given year. An emissions inspection will be required every other year for vehicles that are seven model years and older as of January 1 of any given year. Emissions testing on odd-numbered years for vehicles with odd-numbered model years and on even-numbered years for vehicles with even-numbered model years. No emissions inspection for vehicles model year 1968 and older.

4.1.2 Diesel powered vehicles model year 1998 and newer: No emissions inspection will be required for diesel powered vehicles that are six model years and newer as of January 1 of any given year. An emissions inspection will be required every other year for vehicles that are seven model years and older as of January 1 of any given year. Emissions testing on odd-numbered years for vehicles with odd-numbered model years and on even-numbered years for vehicles with even-numbered model years.

Diesel powered vehicles 2007 and newer will be tested using OBD technology. Diesel powered vehicles 1998-2006 will have a visual inspection to verify that proper emissions control devices are in place. Diesel powered vehicles 1997 and older are subject to the Bear River Health Department Smoking Vehicle Program.

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 an 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. The Board shall establish criteria to be used to identify how many and which firms are allowed to conduct inspections and the training that is required for certification.

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 vehicle 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

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.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS MARCH 12, 2013.

	In Favor	Against	Abstained	Absent
Potter		X		
Buttars		X		
White	X			
Petersen	X			
Robison	X			
Yeates		X		
Zilles	X			
Total	4	3		



CACHE COUNTY

By: Val K. Potter
Val K. Potter, Chairman

ATTEST:

Jill N. Zollinger
Jill N. Zollinger, County Clerk

Publication Date: March 27, 2013