

# SAMPLE BYLAW: ENERGY EFFICIENCY IN TOWN PROCUREMENT OF MOTOR VEHICLES

In accordance with Massachusetts General Laws c. 39, § 10, and §47-2 of the By-Laws of the Town of Yarmouth, the undersigned registered voters of Yarmouth, Massachusetts request the insertion of the following Article on the Warrant for the 2021 Annual Town Meeting of Yarmouth, Massachusetts:

To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Yarmouth, Massachusetts:

## Energy efficiency in Town procurement of motor vehicles.

1. Purpose. The purpose of this by-law is to mitigate the threat of climate change by reducing greenhouse gas emissions from the Town's motor vehicles by transitioning the Town motor vehicle fleet to zero emission vehicles at the earliest feasible time as Town vehicles are replaced or added.

## 2. Definitions.

- a) Battery electric vehicle: a battery electric vehicle that draws propulsion energy solely from an on-board electric storage device during operation that is charged from an external source of electricity, as defined in Section 16(a) of Chapter 25A of Massachusetts General Laws.
- b) Conventional motor vehicle: any motor vehicle which is not an electric vehicle or fuel cell vehicle.
- c) Electric vehicle: any battery electric vehicle or plug-in hybrid electric vehicle, as defined in Section 16(a) of Chapter 25A of Massachusetts General Laws.
- d) Fuel cell vehicle: a new qualified fuel cell motor vehicle as defined in sub-section (b)(3) of Section 30B of Title 26 of the United States Code.
- e) Listed vehicle: an electric vehicle or fuel cell vehicle which the Cape Cod Commission has determined (i) is capable of serving particular functions required by a category of municipal user in the normal usage of such motor vehicle and (ii) the total lifetime cost of such electric vehicle or fuel cell vehicle is not likely to materially exceed the total lifetime cost of a conventional motor vehicle.
- f) Materially exceeds: exceeds by more than the greater of five per cent or five thousand dollars.
- g) Motor vehicle: Any vehicle included in the definition of motor vehicles, as defined in Section 1 of Chapter 90 of Massachusetts General Laws.
- h) Plug-in hybrid electric vehicle: a plug-in hybrid electric vehicle with an on-board electric energy storage device that can be recharged from an external source of electricity which also has the capability to run on another fuel, as defined in Section 16(a) of Chapter 25A of Massachusetts General Laws.
- i) Total lifetime cost: the total net cost to the Town of a motor vehicle over its expected useful life including the price for purchase or leasing plus the total net cost to the Town of purchasing fuel or other energy and replacement parts, and performance of repairs and maintenance, over the expected useful life of the vehicle.
- j) Zero emission vehicle: a battery electric vehicle or a fuel cell vehicle.

## 3. Energy efficiency standards for procurement of motor vehicles by Town departments.

- a) Priority for procurement of zero emission vehicles: Any instrumentality of the Town which intends to procure a motor vehicle by purchase or lease shall select a zero emission vehicle if there is such a listed vehicle and otherwise unless the head of such instrumentality documents in writing that there is no commercially available zero emission vehicle capable of serving the functions required the Town in the normal usage of such motor vehicle or that it is likely that the total lifetime cost of such zero emission vehicle would materially exceed the total lifetime cost of a conventional motor vehicle.
- b) Preference for procurement of plug-in hybrid electric vehicles: In the event that there is no commercially available zero emission vehicle would meet the requirements of sub-section (a), the instrumentality shall procure a plug-in hybrid electric vehicle for such purposes if there is such a list vehicle and otherwise unless the head of such instrumentality documents in writing that there is no commercially available zero emission vehicle capable of serving the functions required by the Town in the normal usage of such motor vehicle or that it is likely that the total lifetime cost of such zero emission vehicle would materially exceed the total lifetime cost of a conventional motor vehicle.
- c) Exception for emergency procurement of motor vehicles: The Town Administrator may authorize the purchase of a conventional motor vehicle by an instrumentality of the Town if he or she determines that an emergency exists which requires the immediate purchase of a motor vehicle by the Town and that it is not feasible to complete the procurement of a zero emission vehicle within the time frame required by such emergency.
- d) Effective date: This by-law shall apply to any procurement which will be completed on or after January 1, 2022.