

ORDINANCE NO. 20080228-002

AN ORDINANCE AMENDING SECTIONS 6-1-51 AND 6-1-52 OF THE CITY CODE RELATING TO VEHICLE IDLING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 6-1-51 (*Idling Prohibited*) of the City Code is amended to read as follows:

- (A) No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion.
- (B) No driver using the vehicle's sleeper berth may idle the vehicle:
 - (i) in a school zone;
 - (ii) ~~[or]~~ within 1,000 feet of a public school during its hours of operation,
 - (iii) within 1,000 feet of a hospital, or
 - (iv) in a residential area, as defined in Section 244.002 of the Texas Local Government Code.
- (C) Subsection B [~~This subsection~~] expires September 1, 2009 [2007].

PART 2. Section 6-1-52 (*Exemptions*) of the City Code is amended to read as follows:

The restriction in Section 6-1-51 (*Idling Prohibited*) does not apply to:

- (1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less, and [~~if before September 1, 2007,~~] does not have a sleeper berth;
- (2) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less, after September 1, 2009.
- (3)[(2)] a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (4)[(3)] a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;

- (5)[(4)] the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, not including propulsion, and/or passenger compartment heating, or air conditioning;
- (6)[(5)] the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- (7)[(6)] the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- (8)[(7)] the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial or public passenger transportation or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;
- (9)[(8)] the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using a vehicle to perform an essential job function related to roadway construction or maintenance;
- (10)[(9)] the primary propulsion engine of a motor vehicle being used as airport ground support equipment;
- (11)[(10)] the owner of a motor vehicle rented or leased to a person who operates the vehicle and is not employed by the owner; or
- (12)[(11)] [before September 1, 2007, a] a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available. This subsection expires September 1, 2009.

PART 3. This ordinance takes effect on March 10, 2008.

PASSED AND APPROVED

_____, February 28, 2008 §
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§ _____
Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk