

**ORDINANCE NO. 20131121-040**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 6-1 RELATING TO AIR QUALITY.**

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

**PART 1.** City Code Chapter 6-1, Article 3 (*Motor Vehicle Idling*) is amended to amend Sections 6-1-42 (*Applicability*), 6-1-51 (*Idling Prohibited*), and 6-1-52 (*Exemptions*) to read:

**§ 6-1-42 APPLICABILITY.**

~~[(A) This article applies during the period of April 1 through October 31 of each year.~~

~~(B)~~ This article applies within the zoning jurisdiction of the City.

**§ 6-1-51 IDLING PROHIBITED.**

~~[(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) — 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 expires September 1, 2009.]~~

**§ 6-1-52 EXEMPTIONS.**

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 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]~~ and that is equipped with 2008 or subsequent model year heavy-duty diesel engine or liquefied or compressed natural gas

engine that has been certified by the United States Environmental Protection Agency or a state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling;

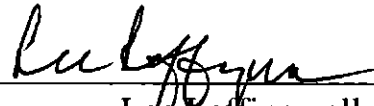
- (3) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety in an armored vehicle while the employee remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded;
- ~~[(3)]~~(4) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- ~~[(4)]~~(5) 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)]~~(6) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, ~~[not including]~~ other than propulsion, and/or passenger compartment heating, or air conditioning;
- ~~[(6)]~~(7) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- ~~[(7)]~~(8) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- ~~[(8)]~~(9) the primary propulsion engine of a motor vehicle that is being used to supply heat or commercial or public passenger transportation or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed air conditioning necessary for passenger comfort and safety in vehicles intended for;
- ~~[(9)]~~(10) 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] the vehicle to perform an essential job function related to roadway construction or maintenance;
- ~~[(10)]~~(11) the primary propulsion engine of a motor vehicle being used as airport ground support equipment;
- ~~[(11)]~~(12) 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)]~~(13) 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

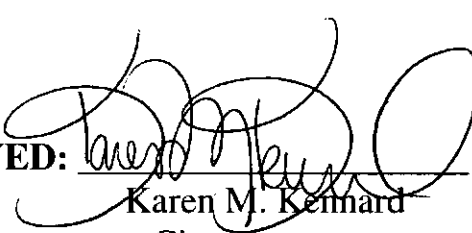
external heating and air conditioning connections at a time when those connections are available. [~~This subsection expires September 1, 2009.~~]

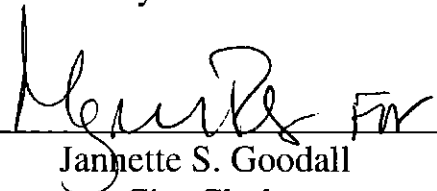
**PART 2.** This ordinance takes effect on December 2, 2013.

**PASSED AND APPROVED**

\_\_\_\_\_, November 21, 2013

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Lee Leffingwell  
Mayor

**APPROVED:**   
Karen M. Kenhard  
City Attorney

**ATTEST:**   
Jannette S. Goodall  
City Clerk