

**ORDINANCE NO. 20050901-003**

**AN ORDINANCE AMENDING THE CITY CODE BY ADDING A NEW CHAPTER 6-1, ARTICLE 3, RELATING TO VEHICLE IDLING AND CREATING AN OFFENSE.**

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

**PART 1.** Chapter 6-1 of the City Code is amended to add a new Article 3 to read:

***ARTICLE 3. MOTOR VEHICLE IDLING.***

**Division 1. General Provisions.**

**§ 6-1-41 DEFINITIONS.**

In this article:

- (1) IDLE means the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.
- (2) MOTOR VEHICLE means any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, Section 502.002, excluding vehicles registered under Section 502.006(c).
- (3) PRIMARY PROPULSION ENGINE means a gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

**§ 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.

**Division 2. Restrictions.**

**§ 6-1-51 IDLING PROHIBITED.**

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.

**§ 6-1-52 EXEMPTIONS.**

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;
- (2) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (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;
- (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;
- (5) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- (6) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- (7) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles intended for commercial passenger transportation or school buses in which case idling up to a maximum of 30 minutes is allowed;
- (8) the primary propulsion engine of a motor vehicle used for passenger transit operations in which case idling up to a maximum of 30 minutes is allowed;

- (9) the primary propulsion engine of a motor vehicle being used as airport ground support equipment; or
- (10) the owner of a motor vehicle rented or leased to a person who operates the vehicle and is not employed by the owner.

**§ 6-1-53 PENALTY.**

- (A) A person commits an offense if the person performs an act prohibited by this article or fails to perform an act required by this article. An offense under this article is a Class C misdemeanor, and is subject to the penalty prescribe by Section 1-1-99 (*Offenses; General Penalty*).
- (B) Each instance of a violation of this article is a separate offense.

**PART 2.** This ordinance takes effect on September 12, 2005.

**PASSED AND APPROVED**

<u>September 1</u> , 2005	§ § § <u>Will Wynn</u> Will Wynn Mayor
<b>APPROVED:</b> <u>David Allan Smith</u> David Allan Smith City Attorney	<b>ATTEST:</b> <u>Shirley A. Brown</u> Shirley A. Brown City Clerk