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ARTICLE XV. - LOCALLY ENFORCED MOTOR VEHICLE IDLING RESTRICTIONS [45]

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Sec. 62-800. - TCEQ rule adopted by reference.

The city council hereby adopts the Texas Commission on Environmental Quality ("TCEQ") Idling Limitations Rule as published in the Texas Administration Code, title 30, part 1, chapter 114, subchapter J, operational controls for motor vehicles, division 2, locally enforced motor vehicle idling limitation and the city council approves the adoption and implementation of the TCEQ Idling Limitation Rule by reference. The provisions of the state rules are included in the remainder of this article, but where there is a conflict between the state rule and the provision of this article, the state rules shall prevail.

(Ord. No. 2009-03-016, § 2, 3-3-2009)

Sec. 62-801. - Control requirements for motor vehicle idling.

- (a) In accordance with 30 TAC § 114.512, 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, as defined in [section 62-802](#) of this article, is not in motion during the period of April 1 through October 31 of each calendar year.
- (b) No driver using the vehicle's sleeper berth may idle the vehicle:
- (1) In a residential area (as defined in Section 244.001 of the Texas Local Government Code);
 - (2) In a school zone;
 - (3) Within 1,000 feet of a hospital;
 - (4) Within 1,000 feet of a public school during its hours of operation; or
 - (5) At, on or about the premises of a service station, fueling station or gasoline station.
- (c) No more than one motor vehicle may idle in each line adjacent to a fuel pump while waiting to access and add fuel to the motor vehicle.
- (d) An offense under this Article may be punishable by a fine not to exceed \$500.00. A culpable mental state is not required for prosecution of an offense under this article.

(Ord. No. 2009-03-016, § 2, 3-3-2009; Ord. No. 2011-10-062, § 2, 10-18-2011)

Sec. 62-802. - Definitions.

The terms used in this article have the meanings commonly ascribed to them under 30 TAC §114.510. The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

- (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 § 502.002, excluding vehicle registered under § 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.

(Ord. No. 2009-03-016, § 2, 3-3-2009)

Sec. 62-803. - Exemptions.

The provisions of [section 62-801](#) do 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;
- (3) A motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (4) A motor vehicle being used by the United State military, national guard, or reserves forces, or as an emergency or law enforcement motor vehicle;
- (5) The primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating or air conditioning;
- (6) The primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- (7) The primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- (8) 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) 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 the vehicle to perform an essential job function related to roadway construction or maintenance;
- (10) The primary propulsion engine of a motor vehicle being used as airport ground support equipment;
- (11) The owner of a motor vehicle rented or leased to a person that operates the vehicle and is not employed by the owner; or
- (12) 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.

(Ord. No. 2009-03-016, § 2, 3-3-2009)

FOOTNOTE(S):

⁽⁴⁵⁾ **Editor's note**— Ord. No. 2009-03-016, § 2, adopted March 3, 2009, amended the Code by adding a new article X. In order to avoid duplication of article numbers, the editor has redesignated the new article as article XV. ([Back](#))