

ORDINANCE NO. 19-11-14-42

IDLING REDUCTION IMPLEMENTATION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING TITLE VII "TRAFFIC CODE" OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH BY ADDING A NEW CHAPTER, CHAPTER 72 "VEHICLE IDLING RESTRICTIONS"; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Dallas-Fort Worth area is a federally designated non-attainment area for pollutant ozone, and air quality impacts the public and economic health of the entire region; and

WHEREAS, the U.S. Environmental Protection Agency "EPA" and the Texas Commission on Environmental Quality "TCEQ" jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has adopted the Texas Clean Air Act codified as part of Chapter 382 of the Texas Health and Safety Code "Act" which addresses that purpose; and

WHEREAS, section 382.113 of the Act provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and

WHEREAS, locally enforced idling restriction is a voluntary mobile source emission reduction program commitment in the Dallas-Fort Worth eight-hour ozone attainment demonstration state implementation plan "SIP"; and

WHEREAS, on October 3, 2019, in accordance with Section 114.115 of Title 30, Part 1, Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitation of the Texas Administrative Code, the City and TCEQ have signed a Memorandum of Agreement with the TCEQ to delegate enforcement of the provisions of §§114.512 and 114.517 of that Title to the City; and

WHEREAS, the City Council finds that the adoption of this ordinance serves a public purpose and protects the health, safety, and welfare of citizens of the City by limiting the pollution created by motor vehicles unnecessarily idling within the City's jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2
AMENDMENTS

That Title VII “Traffic Code” of the Code of Ordinances of the City of Corinth, Texas is hereby amended to add a new chapter titled Chapter 72 - “Vehicle Idling Restrictions” and shall be and read in its entirety as follows, and all other subparagraphs and subsections of Title VII, “Traffic Code” not specifically amended hereby shall remain in full force and effect without amendment:

Chapter 72: Vehicle Idling Restrictions

72.01 – TCEQ Rules Adopted.

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, as may be amended from time to time, and the City Council hereby approves the adoption and implementation of the TCEQ Idling Limitation Rule, as may be amended from time to time (collectively the “Rules”). All Rules adopted hereby shall be incorporated herein by reference as if written word for word. The provisions of the state Rules are included in the remainder of this Chapter, but where there is a conflict between the Rules and the provision of this Chapter, the Rules shall prevail.

72.02 – Definitions

The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gross Vehicle Weight Rating “GVWR”. The maximum weight of a fully loaded vehicle.

Idle. 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.

Motor vehicle. 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).

Primary propulsion engine. 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.

72.03 – Restrictions

- (A) Except as expressly exempted by Section 72.04 of this Chapter, no person shall intentionally, knowingly or recklessly cause, suffer, allow or permit the Primary Propulsion Engine with a gross vehicle weight rating greater than 14,000- pounds may Idle for more than five (5) consecutive minutes, when the Motor Vehicle is not in motion.
- (B) Except as expressly exempted by Section 72.04 of this Chapter, No person using the sleeper berth of a Motor Vehicle may cause, suffer, allow, or permit the Primary Propulsion Engine to Idle at a location within a two-mile radius of a public facility offering external heating/air conditioning.

72.04 – Exemptions

The Provisions of this Chapter shall not apply to any one or more of the following:

(A) Vehicle Type: Primary Propulsion Engine of a Motor Vehicle:

1. That has a GVWR of 14,000 pounds or less;
2. With a GVWR greater than 14,000 lbs. and that is equipped with 2008 or newer heavy-duty diesel, liquefied natural gas, or compressed natural gas engine certified by EPA or state agency to emit less than 30 grams of nitrogen oxides emissions per hour of idling.
3. When idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth when used during a government-mandated rest period and is not within two (2) miles of a facility offering external heating and air conditioning connections at a time when those connections are available.
4. That is being used for military, emergency and law enforcement vehicles purposes.
5. 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.
6. That is being used as airport ground support equipment.
7. Which the owner of the vehicle has rented or leased to a person not employed by the owner.

(B) Operations: Primary Propulsion Engine of a Motor Vehicle that is:

1. Forced to remain motionless because of traffic conditions over which the operator has no control.
2. Providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating, or air conditioning.
3. Idling during operation for maintenance/diagnostic purposes.
4. Being operated solely to defrost a windshield.

(C) Air Conditioning and Heating Provisions: Primary Propulsion Engine of a Motor Vehicle that is:

1. Being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial/public passenger transportation or passenger transit operations (30-minute maximum for idling).
2. Being used for employee health or safety while employee is using vehicle to performan essential job function related to road construction or maintenance.
3. Necessary for use during a government-mandated rest period as set forth in A(3) above.

72.04 – Public Outreach

- (A) Educational brochures, developed by the North Central Texas Council of Governments (NCTCOG) will be available for pickup at City Hall. These brochures will include information on rule details, anti-idling technologies, potential funding assistance, and other resources.

- (B) Anti-Idling signs will be installed throughout the City of Corinth to inform citizens and truck drivers of the anti-idling ordinance.

72.05 – Enforcement

Enforcement through warnings and traffic citations, including penalties of up to \$500 per offense, is allowable to ensure compliance with this rule and net maximum air quality benefits.

SECTION 3
CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4
SEVERABILITY

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5
SAVINGS/CONFLICT

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or other authorization of the City, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 6
PENALTY

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving an intentional, knowing, reckless or criminally negligent violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7

PUBLICATION/EFFECTIVE DATE

This Ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this Ordinance as required by the City Charter and state law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS on this the 15 day of November 2019.

APPROVED:



A handwritten signature in blue ink, appearing to read "Bill Heidemann", is written over a horizontal line.

Bill Heidemann, Mayor
City of Corinth, Texas

ATTEST:

A handwritten signature in blue ink, appearing to read "Kimberly Pence", is written over a horizontal line.

Kimberly Pence, City Secretary
City of Corinth, Texas

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in blue ink, appearing to read "Patricia A. Adams", is written over a horizontal line.

Patricia A. Adams, City Attorney