

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**AMENDING CHAPTER 19, ARTICLE VI, OF THE CITY CODE OF SAN ANTONIO, TEXAS, LIMITING THE IDLING OF HEAVY DUTY VEHICLES TO FIVE MINUTES WITH AN EFFECTIVE DATE OF JANUARY 1, 2017, ESTABLISHING AN ADMINISTRATIVE PENALTY, DIRECTING THE CITY CLERK TO PUBLISH NOTICE AND AMENDING THE FISCAL YEAR 2016 ADOPTED BUDGET TO APPROPRIATE FUNDING FOR EXPENSES**

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**WHEREAS**, to reduce nitrogen oxide (NO<sub>x</sub>) and volatile organic compound (VOC) emissions the City of San Antonio (COSA) is adopting Vehicle Idling Limitations which limit heavy-duty motor vehicle idling to five consecutive minutes within the COSA jurisdiction; and

**WHEREAS**, the effective implementation of rules to reduce the extended idling of gasoline and diesel-powered heavy-duty vehicles will help to ensure the reduction in nitrogen oxide (NO<sub>x</sub>) and volatile organic compound (VOC) emissions, which is needed to achieve or maintain attainment of the federal ozone standard; and

**WHEREAS**, these idling limits will lower NO<sub>x</sub> emissions and other pollutants from fuel combustion; because NO<sub>x</sub> is a precursor to ground-level ozone formation, reduced emissions of NO<sub>x</sub> will result in ground-level ozone reductions; and

**WHEREAS**, City staff in coordination with Bexar County and the Alamo Area Council of Governments will provide anti-idling education and outreach to fleets, truck stops and other targeted areas; enforcement will begin January 1, 2017, to allow fleet managers and fleet owners to adjust their operations to comply with the ordinance; the Fiscal Year 2016 Adopted Budget will be amended to appropriate \$12,400.00 from the Energy Efficiency Fund balance for one-time expenses for public outreach associated with the anti-idling ordinance; and

**WHEREAS**, this Ordinance amends Chapter 19, Motor Vehicles and Traffic, Article VI, Stopping, Standing and Parking, of the City Code by adding a new Division 6 - Motor Vehicle Idling, to implement idling limits for gasoline and diesel-powered engines in heavy-duty motor vehicles within the jurisdiction of the City of San Antonio, with enforcement to begin January 1, 2017, provides for a violation to be subject to administrative adjudication, and amends the Fiscal Year 2016 Adopted Budget to appropriate funding for expenses; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 19, Article VI, Division 5, of the City Code of San Antonio, Texas is hereby amended by deleting the ~~strike through~~ as follows:

\* \* \* \*

~~Secs. 19-249, 19-250. — Reserved.~~

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**SECTION 2.** Chapter 19, Article VI, of the City Code of San Antonio, Texas is hereby amended by adding a new Division 6 - Vehicle Idling, to read as follows:

\* \* \* \*

## DIVISION 6. - MOTOR VEHICLE IDLING

Sec. 19-249 - DEFINITIONS. In this Division:

(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.

Sec. 19-249.001 - APPLICABILITY. This division applies within the jurisdiction of the City of San Antonio.

Sec. 19-249.002 - IDLING PROHIBITED.

(1) 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.

(2) No driver using the vehicle's sleeper berth may idle the vehicle;

- (a) in a school zone,
- (b) within 1,000 feet of a public school during its hours of operation,
- (c) within 1,000 feet of a hospital, or
- (d) in a residential area.

Sec. 19-249.003 - EXEMPTIONS. Section 19-249.002 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 that has a gross vehicle weight rating of 14,000 pounds 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;
- (4) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (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;
- (6) 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;
- (7) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- (8) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- (9) 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;
- (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 the vehicle to perform an essential job function related to roadway construction or maintenance;
- (11) the primary propulsion engine of a motor vehicle being used as airport ground support equipment;
- (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
- (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.

Sec. 19-250. – RESERVED

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**SECTION 3.** A person commits an offense if the person performs an act prohibited by this Ordinance or fails to perform an act required by this Ordinance. An offense under this Ordinance is subject to the administrative adjudication provisions as prescribed in City Code section 19-225. Each instance of a violation of this Ordinance is a separate offense.

**SECTION 4.** All other provisions of Chapter 19 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this Ordinance.

**SECTION 5.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 6.** The City Clerk is directed to publish notice of this Ordinance in accordance with Section 17 of the Charter of the City of San Antonio. The penalty, fine or forfeiture provisions in this ordinance shall apply five days after publication.

**SECTION 7.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

**SECTION 8.** The amount of \$12,500.00 is appropriated in Fund 29652000, Cost Center 8055030001, and General Ledger Account 5201040, and the Fiscal Year 2016 Adopted Budget will be amended by this action.

**SECTION 9.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 10.** This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage. The penalty provisions provided in this ordinance shall be effective January 1, 2017.

**PASSED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

M A Y O R  
Ivy R. Taylor

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Martha G. Sepeda, Acting City Attorney