

ORDINANCE NO. 22-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYTLE APPENDING DIVISION V OF THE CODE OF ORDINANCES TO INCLUDE A LIMIT ON THE IDLING OF HEAVY-DUTY VEHICLES TO FIVE MINUTES; SETTING AN EFFECTIVE DATE OF JANUARY 1, 2023, INCORPORATING RECITALS; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING AN ADMINISTRATIVE PENALTY; AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE.

WHEREAS, the council finds that the NO_x and ground-level ozone caused by the idling of gasoline and diesel-powered heavy-duty vehicles is detrimental to public health and a public nuisance; and

WHEREAS, to reduce nitrogen oxide (NO_x) and volatile organic compound (VOC) emissions the City of Lytle is adopting Vehicle Idling Limitations which limit heavy-duty motor vehicle idling to five consecutive minutes within the City of Lytle 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_x) and volatile organic compound (VOC) emissions, which is needed for public health and safety and to achieve or maintain attainment of the federal ozone standards; and

WEHREAS, that these idling limits will lower NO_x emissions and other pollutants from fuel combustion; because NO_x is a precursor to ground-level ozone formation, reduced emissions of NO_x will result in ground-level ozone reductions and thereby benefit public health and safety; and

WHEREAS, enforcement will begin January 1, 2023, to allow fleet managers and fleet owners and owner-operators, to adjust their operations to comply with the ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYTLE AS FOLLOWS:

SECTION 1. AMENDMENT: Division V of the Lytle Code of Ordinances is hereby appended to include the following:

Sec. 40-315. - MOTOR VEHICLE IDLING

(a) 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.
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.

(b) APPLICABILITY. This division applies within the jurisdiction of the City of Lytle, Texas.

(c) 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.

(d) EXEMPTIONS. Section (c) of this division does not apply to:

1. a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less;
2. 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. 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 States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;
5. the primary propulsion engine of a motor vehicle or auxiliary power unit used to provide a power source necessary for mechanical operation, other than propulsion;
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 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; and

8. 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.

(e) ENFORCEMENT AND PENALTY.

1. No arrest shall be made for violation of any provision of this division unless the arresting officer first affords a suspected violator an opportunity to remedy his conduct, and no person shall be convicted of violating this division if it appears at trial that the explanation given to the arresting officer at the time of arrest was true and disclosed a lawful purpose for engaging in the conduct leading to arrest for alleged violation of this division.
2. A person who commits an offense under this division shall be charged with a misdemeanor and, upon conviction thereof, be punished by a fine not less than \$10.00 nor more than \$200.00 for each offense. Each and every occurrence of violation of this Division shall constitute a separate offense.
3. A violation of this division is hereby deemed a public nuisance. The prosecution of an offense under this division does not limit the city's right to abate such nuisance, including the use of injunctive relief.

SECTION 4. RECITALS. The City Council finds the all of the above recitals to be true and correct and hereby incorporates said recitals herein as findings of fact.

SECTION 5. REMAINING PROVISIONS UNCHANGED. All other provisions of Division V of the City Code of Lytle, Texas shall remain in full force and effect unless expressly amended by this Ordinance.

SECTION 5. SEVERABILITY. Should any Division, 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. PUBLIC NOTICE. The City Secretary is directed to publish notice of this Ordinance. The penalty, fine or forfeiture provisions in this ordinance shall apply five days after publication.

SECTION 8. EFFECTIVE DATE. This ordinance shall be effective immediately upon passage by three 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, 2023.

PASSED and APPROVED this 11th day of October 2022.



Ruben Gonzalez, Mayor

ATTEST:



Paola Rios, City Secretary

