

**ORDINANCE NO. O-2018-03-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS LIMITING THE IDLING OF HEAVY DUTY VEHICLES TO FIVE (5) MINUTES; PROVIDING EXEMPTIONS; PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Nixon, Texas, has determined that the following regulation is necessary in order to protect public health, safety, and welfare;

**WHEREAS**, to reduce nitrogen oxide (NOx) and volatile organic compound (VOC) emissions, the City of Nixon is adopting Vehicle Idling Limitations which limit heavy-duty motor vehicle idling to five consecutive minutes within the public areas of the City of Nixon, Texas and its Extra-Territorial Jurisdiction (ETJ);

**WHEREAS**, idling limits will lower NOx emissions and other pollutants from fuel combustion; because NOx is a precursor to ground-level ozone formation, reduced emissions of NOx will result in ground-level ozone reductions; and

**WHEREAS**, idling limits will provide improved air quality for the City's residents, visitors, tourists, animals and plant life.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS, AS FOLLOWS:**

That the following rules and regulations are hereby adopted:

**Section 1. FINDINGS INCORPORATED**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2. DEFINITIONS**

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

*Idle* - means the operation of an engine in the operating mode where the engine is not engaged in gear nor in motion, 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* – means any self-propelled device powered by an internal combustion engine and designated 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 the Texas Transportation Code, Section 502.002 or any future amendments to said section, excluding vehicles registered under Section 502.006(c) or any future amendments to said section.

*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.

**Section 3.                    APPLICABILITY**

This Ordinance applies within the public areas within the jurisdiction of the City of Nixon, Texas.

**Section 4.                    IDLING PROHIBITED**

No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five (5) consecutive minutes, in any sixty (60) minute period, when the motor vehicle is not in motion.

**Section 5.                    EXEMPTIONS**

This Ordinance shall not apply to a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less and for the period or periods of time when:

- (1) A vehicle idles while forced to remain motionless because of traffic, an official traffic control device or signal, or at the direction of a law enforcement official.
  
- (2) A vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, at the site of the emergency, and not as part of a rest period or warm up period.

- (3) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while at the location of an emergency or training mode and not for the convenience of the vehicle operator.
- (4) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes of idling is required for such activity.
- (5) A vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.
- (6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo, straight truck refrigeration for perishable cargo or for necessary agricultural purposes).
- (7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
- (8) A passenger bus idles a maximum of thirty (30) minutes to maintain passenger comfort while non-driver passengers are onboard.
- (9) A vehicle idles due to mechanical difficulties over which the driver has no control; an officer enforcing this ordinance may require documentation or receipt within a specified number of days in order for this conditional exemption to apply.

**Section 6.**                    **PENALTY CLAUSE**

Any person violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$500.00 for each offense plus Court costs/fees, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

**Section 7.**                    **SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the Nixon City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared

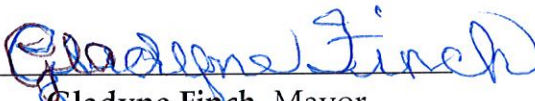
unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 8.                    EFFECTIVE DATE**


This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Nixon, Texas, on this 12<sup>th</sup> day of March, 2018.

**CITY OF NIXON, TEXAS**

By:   
Gladyne Finch, Mayor  
City of Nixon, Texas

**ATTEST:**

  
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Gina Trotter, City Secretary, City of Nixon, Texas

**APPROVED AS TO FORM:**

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Eduardo "Eddie" Escobar, City Attorney  
City of Nixon, Texas