

ORDINANCE #969

AN ORDINANCE AMENDING ARTICLE 12.2700 OF CHAPTER 12 OF THE LAKE WORTH CITY CODE (2004), AS AMENDED, PERTAINING TO IDLING OF VEHICLES; PROVIDING LIMITED EXEMPTIONS FOR ARMORED CARS AND COMMERCIAL VEHICLES WITH IDLE REDUCTION SYSTEMS; PROVIDING FOR YEAR ROUND ENFORCEMENT; PROVIDING AN EXEMPTION FOR IDLING DURING GOVERNMENT MANDATED REST PERIODS; REMOVING A PROHIBITION ON IDLING IN NEIGHBORHOODS, SCHOOL ZONES AND NEAR HOSPITALS; THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council wishes to amend the vehicle idling regulations to reflect recent state legislation and rules passed by the TCEQ.

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

SECTION 1.

Section 12.2701 "Applicability" is hereby amended to read as follows:

Enforcement of this article shall be year round.

SECTION 2.

Section 12.2702 "Idling Prohibited" is hereby amended to delete Subsection(b):

(b) No person using the vehicle's sleeper berth may idle the vehicle in a residential area as defined by Local Government Code, Section 244.001, in a school zone, within 1,000 feet

of a hospital, or within 1,000 feet of a public school during its hours of operation.

SECTION 3.

Subsection (1) of Section 12.2703 "Exceptions" is hereby amended to read as follows:

(1) A motor vehicle that has a gross vehicle rating of 14,000 pounds or less or of 14,400 pounds for motor vehicles equipped with a system that provides heating, cooling, or electrical service to a commercial vehicle's sleeper berth for the purpose of reducing the idling of a motor vehicle.

SECTION 4.

Section 12.2703 "Exceptions" is hereby amended by adding the following subsections:

(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;

(13); 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; and

(14) any motor vehicle with a gross vehicle weight rating greater than 8,500 pounds that is equipped with a 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 another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling.

SECTION 5.

Section 12.2704 "Penalties" is hereby amended to read as follows:

Violation of this ordinance shall be a Class C misdemeanor and shall be punishable by a fine not to exceed \$500.

SECTION 6.

This ordinance shall be cumulative of all provisions of ordinances of the City of Lake Worth,

Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7.

It is hereby declared to be the intention of the 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 paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 8.

All rights and remedies of the City of Lake Worth are expressly saved as to any and all violations of the provisions of Chapter 1 of the Code of Ordinances of the City of Lake Worth, as amended, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10.


The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, penalty clause, publication clause, and effective date clause of this ordinance for two (2) days as authorized by Section 52.013 of the Local Government Code.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 9th DAY OF AUGUST, 2011.

APPROVED:


Walter Bowen
Walter Bowen, Mayor

ATTEST:

Linda Rhodes
Linda Rhodes, TRMC/CMC
City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jenny Hawley
City Attorney