

**ORDINANCE NO.2633**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS AMENDING ORDINANCE NO. 2560, CHAPTER 11, TRAFFIC REGULATIONS, SECTION 42: PARKING RESTRICTIONS BY THE AMENDMENT OF SUBSECTION J, REGULATION OF THE STANDING OR PARKING OF IDLING MOTOR VEHICLES WITHIN THE CITY LIMITS; PROVIDING FOR A PENALTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the standing and parking of idling motor vehicles releases particles which can cause lung damage and aggravate existing lung diseases such as asthma; and

**WHEREAS**, the standing and parking of idling motor vehicles for extended periods of time is generally unnecessary, contributes to noise pollution and wastes fuel; and

**WHEREAS**, the City Council finds that the noise generated by idling parked motor vehicles constitutes a public nuisance; and

**WHEREAS**, the Terrell City Council finds the adoption of this Ordinance serves a public purpose and protects the health, safety and welfare of the citizens of the City of Terrell by limiting the pollution created by motor vehicles unnecessarily idling within the City limits of the City of Terrell, Texas.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS THAT:**

Chapter 11, Traffic Regulations, Section 42: Parking Restrictions is hereby amended by the amendment of Subsection J, Regulation of Standing or Parking of Idling Motor Vehicles within the City Limits of The City of Terrell, Texas, to read as follows:

**ARTICLE I**

No standing or parked motor vehicles shall be allowed to idle for more than a total of five (5) minutes within a sixty (60) minute period except under the following circumstances:

1. the motor vehicle is an official City of Terrell vehicle being utilized for official City of Terrell business and operated in accordance with the City of Terrell municipal policies;
2. the motor 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;

3. a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle operated in the accordance with the City of Terrell municipal policies;
4. the motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service;
5. when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing or processing cargo; controlling cargo temperature; construction operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens or televisions;
6. when the motor vehicle idles due to mechanical difficulties over which the operator has no control;
7. a bus idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain passenger comfort while non-driver passengers are on board;
8. an armored motor vehicle idles when a person remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded;
9. a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;
10. the primary propulsion engine idles for maintenance, servicing, repairing or diagnostic purposes if idling is necessary for such activity;
11. when the temperature is below 32°F , there is no time restriction on idling, provided no nuisance is thereby created.

## **ARTICLE II**

### **Penalty**

Any person or persons violating any provision of this subsection shall be guilty of a Class C misdemeanor, upon conviction, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each offense.

## **ARTICLE III**

### **Repeal**

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

## **ARTICLE IV**

### **Severability**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases 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 without such unconstitutional phrase, clause, sentence, paragraph or section.

**ARTICLE V**  
**Effective Date**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

**PASSED AND APPROVED** on first reading this the 21st day of April, 2015.

**PASSED AND ADOPTED** on second reading this the 5th day of May, 2015.

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Hal Richards, Mayor

Attest:

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John Rounsavall, City Secretary

Approved as to Form:

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Mary Gayle Ramsey, City Attorney