



TOWN ATTORNEY

To: Mayor and Town Council

From: Terrence S. Welch, Town Attorney

Through: Mario Canizares, Town Manager

Re: Engine (Jake) Brake and Motor Vehicle Idling Amendments

Town Council Meeting – November 12, 2024

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

Agenda Item:

Consider and act upon an ordinance repealing existing Section 12.01.003, "Engine (Jake) Brakes," of Chapter 12, "Traffic and Vehicles," of the Town's Code of Ordinances and replacing it with a new Section 12.01.003, "Engine (Jake) Brakes," relative to the prohibition of engine or jake braking in the Town; and amending Article 12.01, "General Provisions," of Chapter 12, "Traffic and Vehicles," of the Town's Code of Ordinances by adding a new Section 12.01.004, "Motor Vehicle Idling," generally relating to the prohibition of the idling of motor vehicles in the Town.

Description of Agenda Item:

The purpose of this Ordinance is to amend the Town's existing engine (jake) brake ordinance and to amend the Code of Ordinances to prohibit the idling of motor vehicles in the Town.

The current engine (jake) brake ordinance is being slightly amended since it addresses, for example, the obligations of the Town Administrator rather than the Town Manager and makes other technical revisions to the existing ordinance. The purpose of the ordinance—to prohibit emergency braking due to noise issues—remains unchanged.

The Town currently has no prohibition of motor vehicle idling in the Town. This ordinance will apply to any motor vehicle in excess of 14,000 pounds. The proposed provisions follow State of Texas/Texas Commission on Environmental Quality (TCEQ) guidelines found in the Texas Administrative Code. While vehicle idling is prohibited in excess of 5 consecutive minutes, there are several exceptions to that rule, many of which exceptions will not apply in most situations. Exceptions include smaller vehicles (14,000 pounds or less), as noted; a motor vehicle remaining motionless because of traffic conditions; the motor vehicle is being used by the military or national guard; the motor vehicle is in the process of undergoing maintenance or diagnostic review; defrosting a windshield; passenger transportation such as a school bus or commercial passenger vehicle; and other exceptions. These exceptions and other provisions of the ordinance are dictated by State regulations, and it is necessary that they be included in any idling ordinance.

Budget Impact:

There is no budgetary impact affiliated with this item.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached Ordinance as to form and legality.

Attached Documents:

1. Ordinance

Town Staff Recommendation:

The Town Attorney recommends that the Town Council adopt the attached Ordinance amending the Code of Ordinances.

Proposed Motion:

I move to approve an ordinance repealing existing Section 12.01.003, "Engine (Jake) Brakes," of Chapter 12, "Traffic and Vehicles," of the Town's Code of Ordinances and replacing it with a new Section 12.01.003, "Engine (Jake) Brakes," relative to the prohibition of engine or jake braking in the Town; and amending Article 12.01, "General Provisions," of Chapter 12, "Traffic and Vehicles," of the Town's Code of Ordinances by adding a new Section 12.01.004, "Motor Vehicle Idling," generally relating to the prohibition of the idling of motor vehicles in the Town.