

## ORDINANCE NO. 2021-63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTIONS 34.401 AND 34.402 OF THE SAN MARCOS CITY CODE TO CORRECT A TYPOGRAPHICAL ERROR AND TO LIMIT THE APPLICABILITY OF VEHICLE IDLING RESTRICTIONS TO THE CITY LIMITS AND AREAS OF THE CITY'S EXTRATERRITORIAL JURISDICTION WITHIN 1,000 FEET OF THE CITY LIMITS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

**SECTION 1.** Sections 34.401 and 34.402 of the San Marcos City Code are amended to read as set forth below. Added text is indicated by underlining.

### DIVISION 3. IDLING OF ENGINES

#### **Sec. 34.401. Definitions.**

In this division:

*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.

*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.

#### **Sec. 34.402. Jurisdiction.**

The provisions of this division are applicable within the city limits and areas of the city's extraterritorial jurisdiction within 1,000 feet of the city limits of the City of San Marcos.

#### **Sec. 34.403. Idling prohibited.**

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.

**SECTION 2.** In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

**SECTION 3.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 4.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 5.** This ordinance will take effect after its passage, approval and adoption on second reading.

**PASSED AND APPROVED** on first reading on August 17, 2021.

**PASSED, APPROVED AND ADOPTED** on second reading on September 7, 2021.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney