

ORDINANCE 362-229

AN ORDINANCE OF THE CITY OF VENUS, TEXAS, JOHNSON AND ELLIS COUNTIES TO IMPLEMENT AND ENFORCE THE TEXAS STATE RULE ON LOCALLY ENFORCED MOTOR VEHICLE IDLING LIMITATIONS AND TO APPROVE ENTERING INTO A MEMORANDUM OF AGREEMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO ENFORCE THIS RULE LOCALLY.

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and

WHEREAS, the U.S. Environmental Protection Agency ("EPA") and the Texas Commission on Environmental Quality ("TCEQ") jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has created the Texas Clean Air Act ("Act"), which addresses that purpose; and

WHEREAS, Section 382.113 of the Act provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and

WHEREAS, Locally Enforced Idling Restrictions is a Voluntary Mobile Source Emissions Reduction Program commitment in the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan (SIP); and

WHEREAS, the City of Venus, Texas desires to actively participate in improving the air quality of the region, and

WHEREAS, the Venus City Council finds that the adoption of this ordinance serves a public purpose, and protects the health, safety, and welfare of the citizens of the City of Venus, Texas, by limiting the pollution created by motor vehicles unnecessarily idling within the city's jurisdiction;

NOW, THEREFORE, BE IT HEREBY ORDAINED THAT:

Section 1. The Venus City Council endorses the TCEQ Idling Limitations Rule as published in the Texas Administration Code, Title 30, Part 1, Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitation.

Section 2. The Venus City Council approves the adoption and implementation of the TCEQ Idling Limitation Rule by reference.

Section 3. The Venus City Council authorizes the Mayor of Venus to execute a Memorandum Of Agreement, attached hereto, with the TCEQ for the purposes of local enforcement of the Idling Limitation Rule in the City of Venus, Texas.

Section 4. This ordinance shall be in effect immediately upon adoption.

APPROVED:

ATTEST:

Charley Grimes, Mayor

Linda Taylor, City Secretary

DATE: August 10, 2009