

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2019-640**

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 8 OF THE LOCHBUIE MUNICIPAL CODE CONCERNING AMENDMENTS TO THE MODEL TRAFFIC CODE, ADDING PROVISIONS (1) GOVERNING WEIGHT LIMITATIONS FOR VEHICLES TRAVELING ON TOWN STREETS, (2) SPEED LIMITS ON ALL TOWN STREETS AND ROADS, AND (3) PARKING AND STORAGE OF CERTAIN HEAVY MOTOR VEHICLES ON ALL ROADS AND STREETS AND WITHIN RESIDENTIAL ZONED PRIVATE PROPERTY WITHIN THE TOWN; AND REPEALING ORDINANCES INCONSISTENT HEREWITH

WHEREAS, C.R.S. Section 42-4-106(3) provides that the Board of Trustees may, with respect to highways under its jurisdiction, by ordinance or resolution, (a) prohibit the operation of trucks or commercial vehicles on designated highways or (b) impose limitations as to the weight thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways; and

WHEREAS, C.R.S. Section 42-4-1101(7) provides that the Board of Trustees may, with respect to its jurisdiction, by ordinance, adopt absolute speed limits as the maximum lawful speed limits within its jurisdiction; and

WHEREAS, the Town has previously adopted the 2003 Model Traffic Code promulgated by the Colorado Department of Revenue by reference as codified at Article I of Chapter 8 of the Town Code; and

WHEREAS, due to the heavy truck traffic, propensity of persons to drive large vehicles on the residential streets of the Town of Lochbuie, and the resulting damage to the public streets, and to protect the health, safety and welfare of the citizens of the Town of Lochbuie, the Town desires to amend the Model Traffic Code previously adopted by reference by adopting a prohibition to the driving and parking or storage of overweight or oversized vehicles on Town streets and within residential zoned property of the Town; and

WHEREAS, the Town desires to amend the Model Traffic Code previously adopted by reference by adopting absolute speed limits as the maximum lawful speed limits within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LOCHBUIE, COLORADO:

Section 1. Section 8-1-20 of the Town of Lochbuie Municipal Code, concerning amendments to the Model Traffic Code, is hereby amended by the addition of a subsection (b)(9) which shall read as follows:

(9) Section 501 of the Model Traffic Code is hereby amended to designate the current language as subsection (a) and to add a new subsection (b) to read as follows in its entirety:

(b) Weight limitations and prohibitions.

(1) It shall be unlawful for any person to operate any motor vehicle within the Town in violation of the weight limitations set forth in this Section.

(2) Unless specifically excepted in subsection (3), the Town hereby imposes a weight limit on all motor vehicles, including trucks and commercial vehicles, applicable to all streets and highways within the Town of Ten Thousand (10,000) pounds. The Town shall duly erect or cause to be erected and maintained signs designating this weight limitation.

(3) The Ten Thousand (10,000) pounds weight limit shall not be effective:

- a. On Weld County Road 2
- b. On Weld County Road 37 north of from Weld County Road 4
- c. On Weld County Road 4
- d. On Weld County Road 6
- e. On The I-76 Frontage Road
- f. On other Town streets and roads while and if being operated:
 - i. for the purpose of providing service, including without limitation, delivery, pick-up, or construction activities, to or at any Town address, access to which requires travel across any Town weight restricted street to access;
 - ii. by a governmental entity such as, without limitation, a school district or fire protection district, providing service for the benefit of the public.

Section 2. Subsection (b)(3) and (b)(4) of Section 8-1-2, governing amendments to the 2003 Model Traffic Code as adopted by reference, are hereby repealed. Subsection (b)(4) is reserved and a new subsection (b) (3) shall be adopted to read as follows in its entirety:

(3) Pursuant to the power and authority granted to the Board of Trustees under Section 1101(7), the following absolute speed limits shall be in effect throughout the Town and any other provisions contained within Sections 1101(2) or 1102(4) of the Model Traffic Code providing for maximum speed limits for streets and roads located within the Town are hereby deleted and replaced with the following, which provides for applicable absolute maximum speed limits for the Town:

(a) The absolute maximum speed limit on every street and road within the Town shall be 25 miles per hour unless a different speed limit is established by the Police Chief, with the approval of the Town Administrator, without the necessity of further ordinance amendment or adoption to establish such maximum speed limits, and subject to the

proper posting of signs that conform to the Manual for Uniform Traffic Control Devices then in effect.

(4) Reserved.

Section 3. Section 8-1-20 of the Town of Lochbuie Municipal Code is hereby amended by the addition of a new subsection (b)(10) which shall read as follows:

(10) A new Section 513 is hereby added to the Model Traffic Code, said subsection providing as follows:

513. Keeping, Storing or Parking of Certain Vehicles Prohibited in Certain Areas.

(a) It shall be unlawful for any person to park, keep or store any truck-tractor, laden or unladen, or semitrailer, as such terms are defined in Article 1 of Title 42, C.R.S., or other tractor-trailer or truck weighing 10,000 pounds or more, or allow to be parked, kept or stored such truck-tractor, laden or unladen, semitrailer, or other tractor-trailer or truck weighing 10,000 pounds or more:

- (1) on any public right-of-way in the Town except while the operator of said vehicle is providing service, including without limitation, delivery, pick-up, or construction activities, to or at any Town address; or
- (2) in any residential zoned district in the Town on private property, except while the operator of said vehicle is providing service, including without limitation, delivery, pick-up, or construction activities.

(b) It shall be an affirmative defense to a charge of parking, keeping or storing a vehicle in violation of subsection (a) of this Section, if the defendant can prove that the vehicle became inoperable while the operator of said vehicle was making deliveries in the normal course of his business and the vehicle was actively undergoing necessary repairs to be made immediately operable. No such vehicle may be driven or transported to any private residence for repairs. If the inoperable vehicle cannot be made immediately operable by a short – term repair within twenty-four (24) hours of the time it becomes inoperable, the vehicle shall be towed from the public right-of-way or residentially zoned private property within twenty-four (24) hours to a business establishment that repairs or stores inoperable vehicles.

(c) Upon conviction, violations of this Section 513 shall be subject to the following:

- (1) Where the vehicle owner or the last operator of such vehicle has no outstanding summons against him charging a violation of this Section, a summons may be issued charging him with a violation of this Section. Reasonable efforts shall be made to serve the summons on the defendant personally. If personal service is not obtained on the defendant after making reasonable efforts to obtain such personal service, a summons shall be affixed to the subject vehicle and a true copy thereof

sent to the defendant by certified mail, along with a notice stating that a failure to appear in court on the date specified in the summons will result in the impounding or immobilizing of said vehicle if a second violation occurs.

- (2) Where there is one or more outstanding summons against the owner or last operator of such vehicle citing him for a violation of this Section, and said defendant has failed to appear in court on the date specified in the prior summons, reasonable efforts shall be made to personally serve said defendant. If such efforts to personally serve the defendant are ineffective, the subject vehicle shall be immobilized or impounded. When a vehicle has been immobilized or impounded pursuant to this Section, the Town shall promptly notify the owner or the last operator of such vehicle by certified mail, that the immobilized or impounded vehicle may be obtained by accepting personal service of a summons citing the vehicle owner or last operator of such vehicle with a violation of this Section.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 5. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 7. Effective Date. This Ordinance shall take effect 30 days following publication by title.

ADOPTED by a vote of 5 in favor, 1 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 7th day of May 2019.

TOWN OF LOCHBUIE, COLORADO



Jacob Lofgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of May 7, 2019 and ordered published by title only by *The Brighton Blade* newspaper on May 15, 2019.

[SEAL]

ATTEST:



Linda Blackston, Town Clerk

