

TOWN OF TIMNATH, COLORADO

COUNCIL BILL NO. 2

ORDINANCE NO. 2

**AN ORDINANCE PROHIBITING THE IDLING OF
DIESEL-POWERED ENGINES IN EXCESS OF 15
CONSECUTIVE MINUTES OR FOR A PERIOD IN
EXCESS OF 45 MINUTES FOR ANY 12 HOUR
PERIOD**

WHEREAS, pursuant to C.R.S. § 31-15-401(1)(c) the Town Council ("Council") of the Town of Timnath ("Town") is empowered to declare what is a nuisance and abate the same and to impose fines upon parties who may create or continue nuisance or suffer nuisances to exist; and

WHEREAS, pursuant to this power, the Council has previously enacted Chapter 7, Article II of the Timnath Municipal Code ("Code"), concerning nuisances; and

WHEREAS, the Council has determined that the idling of diesel-powered engines for excessive periods of time constitutes a nuisance to the Town; and

WHEREAS, the Council desires to amend Chapter 7, Article II, Section 7.45 of the Code by adding a new subsection "K" to prohibit the idling of diesel-powered engines for excessive periods of time.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

Section 1. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Council.

Section 2. Chapter 7, Article II, Section 7.45 of the Code is hereby amended by the addition of a new subsection K to read:

K. Diesel emissions. It shall be unlawful for any owner or operator of any diesel-powered engine to cause or permit the same to be idled for a period in excess of fifteen (15) consecutive minutes, or for a total period in excess of forty-five (45) minutes in any twelve (12) hour period, (it being the intent of this provision that an owner or operator may not circumvent the provisions of this section by the repeated turning on and off of a diesel engine); provided, however, that the provisions of this section shall not apply to ambulances or other emergency vehicles.

✓
Town of Timnath
Town Clerk
4800 Goodman Street
Timnath, CO 80547

2

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.


Section 4. 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 5. Effective Date. This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON FEBRUARY 7, 2007 AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 14TH DAY OF FEBRUARY, 2007.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON FEBRUARY 7, 2007.

TOWN OF TIMNATH, COLORADO



Donna Benson

Donna Benson, Mayor

ATTEST:

Linda Griess

Linda Griess, Acting Town Clerk

