

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 88, SERIES - 2009

**AN ORDINANCE AMENDING ORDINANCE 73, SERIES 2009, CONCERNING
PARKING OF EXCESS WEIGHT VEHICLES ON PUBLIC RIGHTS-OF-WAY**

WHEREAS, the Town of Timnath, Colorado (the "Town"), is a political subdivision of the State of Colorado organized and existing as a home rule municipality pursuant to Section 6 of Article XX of the Colorado Constitution and the home rule charter for the Town ("Charter"); and

WHEREAS, pursuant to its home rule authority, the Town possesses the authority to prohibit and punish criminal offenses; and

WHEREAS, the Town Council has previously adopted ordinances proscribing certain criminal conduct and providing penalties therefore, codified as Chapter 10 of the Timnath Municipal Code (the "Code"), entitled General Offenses; and

WHEREAS, the Town Council finds that the current requirement for the parking of excess weight vehicles on public rights-of-way is not in the best interest of the Town; and

WHEREAS, the Town Council desires to prohibit residents from parking their excess weight vehicles on public rights-of-way.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF TIMNATH:**

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

Section 2. The first sentence of Section 10.1 of the Code, titled "Definitions generally" is amended to read as follows:

10.1. Definitions generally

The terms used in this Chapter shall be defined in the Colorado Criminal Code, or where applicable, in Title 42 of Colorado Revised Statutes, or if not

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1 OF 3, R \$16.00 TD Pgs: 0
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4800 Goodman Street
Timnath, CO 80547



defined in said codes, as used in their ordinary, usual and accepted sense and meaning.

Section 3. Section 10.24.B of the Code, regarding parking of excess weight vehicles and recreational vehicles on public rights-of-way, is hereby amended as follows:

10.24 Parking Restrictions for Excess Weight Vehicles and Recreational Vehicles

B. No boat, boat trailer, tractor, trailer, motor home, bus or detached/dismounted camper shall be kept or parked upon any public right-of-way or roadway, except for periods not exceeding seventy-two (72) hours in any calendar month. No truck tractor or semi-trailer shall be permitted to park upon any public right-of-way for any length of time in residentially zoned areas.

Section 4. 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 part or any parts be declared unconstitutional or invalid.

Section 5. 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 6. 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 JANUARY 6, 2010, AT THE TIMNATH TOWN HALL,

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4800 GOODMAN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY
TITLE THIS 17TH DAY OF DECEMBER, 2009.

MOVED , SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING
PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON FEBRUARY 3, 2010.

TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:



Milissa McGuire, Town Clerk

