

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 3, SERIES 2015**

AN ORDINANCE TO PROHIBIT THE USE OF COMPRESSION BRAKES

WHEREAS, the Town Council ("Council") of the Town of Timnath ("Town") is authorized to adopt and enforce ordinances for the protection of public health, safety and welfare; and

WHEREAS, the Council desires to address concerns over noise pollution from increasing traffic, and particularly large trucks, by amending Chapter 7 of the Timnath Municipal Code ("Code").

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 is hereby amended by the addition of Article VI, attached herein as **Exhibit A**, subject to technical or otherwise non-substantive modifications, as deemed necessary by the Town Manager in consultation with the Town Planner, Engineer, Legal Counsel, and other applicable staff or consultants.

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 All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.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

RECEPTION#: 20150017835, 03/30/2015 at
11:00:40 AM, 1 OF 3, R \$21.00 TD Pgs: 0
Angela Myers, Clerk & Recorder, Larimer
County, CO




Please Return to:
Town of Timnath
4800 Goodman Street
Timnath, CO 80547

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON MARCH 24, 2015, AT THE TIMNATH ADMINISTRATION BUILDING, 4800 GOODMAN STREET, TIMNATH, COLORADO, AND PUBLISHED BY TITLE THIS 10th DAY OF MARCH, 2015.


MOVED, SECONDED AND FINALLY ADOPTED IN SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON MARCH 24, 2015.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



3

EXHIBIT A
AMENDMENT TO CHAPTER 7 OF THE TIMNATH MUNICIPAL CODE [TO
FOLLOW ARTICLE VI**]**

ARTICLE VI – USE OF RETARDERS

7.6.1. Definitions: As used in this Chapter, the following terms shall have the meanings indicated:

- a. “Retarder” shall mean any device or piece of equipment which helps increase a vehicle’s braking power, and includes any exhaust or engine braking devise, that, when activated, creates noise through a vehicle’s exhaust system.

7.6.2. Use of retarders prohibited.

- a. It shall be unlawful to use a retarder (commonly known as a compression brake) on any truck, bus, automobile or other vehicle within the Town of Timnath.
- b. This provision shall not restrict the use of a retarder in an emergency.
- c. Any person who violates any of the provisions of this Section shall be guilty of a misdemeanor and subject to penalty, including fines to be determined in accordance with the Town’s Schedule of Fines as adopted by the Municipal Court and as may be updated from time to time pursuant to Court Order.