

TOWN OF TIMNATH, COLORADO

COUNCIL BILL NO. 1

ORDINANCE NO. 1

**AN ORDINANCE PROHIBITING TRUCKS AND  
COMMERCIAL VEHICLES WITH A WEIGHT  
GREATER THAN 7.5 TONS WITHIN THE TOWN  
LIMITS**

**WHEREAS**, pursuant to C.R.S. § 42-4-106(3) the Town Council ("Council") of the Town of Timnath ("Town") is empowered to impose limitations as to the weight of trucks or commercial vehicles on designated highways and designate such restricts by the use of appropriate signage; and

**WHEREAS**, pursuant to C.R.S. § 31-15-702, the Council is empowered to regulate streets and alleys; and

**WHEREAS**, pursuant to this power, the Council has previously enacted Chapter 8, Article I of the Timnath Municipal Code ("Code"), concerning vehicles and traffic; and

**WHEREAS**, Sections 8.1 and 8.2 of the Code provide for the adoption of the 2003 edition of the Model Traffic Code ("MTC") and the modification of the same; and

**WHEREAS**, the Council has determined that it is not in the best interest of the Town and potentially damaging to Town roadways to have trucks and commercial vehicles with a weight greater than 7.5 tons on Town roadways; and

**WHEREAS**, the Council desires to amend Chapter 8, Article I, Section 8.2 of the Code by deleting an existing section and amending an existing section to reflect such a prohibition.

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 8, Article I, Section 8.2 of the Code is hereby amended by the addition of a new subsection to read:

Section 507 of the Model Traffic Code is hereby deleted in its entirety.

**Section 3.** Chapter 8, Article I, Section 8.2 of the Code is hereby further amended by the addition of a new subsection to read:

Section 508 of the Model Traffic Code is hereby amended to read in full:

**508. Gross weight of vehicles and loads.** (1) When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of 7.5 tons on any public street within the Town.

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(2) The provisions of this article governing size, weight, and load shall not apply to: fire apparatus, authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the State, County road maintenance and County road construction equipment temporarily moved upon the highway, farm tractors, and implements of husbandry/agricultural equipment except that trucks and trailers used for transporting livestock and/or other agricultural projects must meet all size, weight, and load restrictions imposed by law unless exempt pursuant to this Section.

(3) Vehicles owned or operated by a resident of the Town of Timnath or a vehicle picking up or delivering goods, or being repaired or having other similar specific business within an area bounded by Harmony Road/County Road 38 on the South, Interstate 25 on the West, Propsect Road/County Road 44 on the North, and Weld County Line Road on the East, shall be exempt from the requirements of this Section.

(4) Any law enforcement officer having reason to believe that the weight of a vehicle may be unlawful, is authorized to require the driver to stop and submit to a weighing of the same, either by means of portable or stationary scales and may require that such vehicles be driven to the nearest public scales in the event such scales are within ten (10) miles.

**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 or 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.


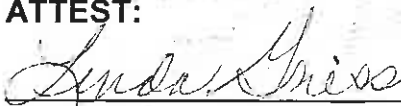
**Section 6. Effective Date.** This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

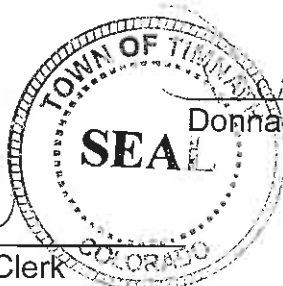
**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON FEBRUARY 7, 2007 AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH COLORADO AND PUBLISHED BY TITLE THIS 14TH DAY OF FEBRUARY, 2007.**

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

**TOWN OF TIMNATH, COLORADO**

ATTEST:

  
  
Linda Griess, Acting Town Clerk



  
Donna Benson, Mayor