

ORDINANCE 4-2022

AN ORDINANCE FOR THE TOWN OF ECKLEY RELATING TO TRUCK TRACTORS AND LIVESTOCK TRAILERS WITHIN THE TOWN OF ECKLEY,

WHEREAS, Section 31-15-103, C.R.S. authorizes the Board of Trustees (the “Board”) of the Town of Eckley, Colorado (the “Town”) to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the Town and the inhabitants thereof; and

WHEREAS, on January 7th, 2003, the Board adopted Ordinance No. 1-2002 relating to the regulation of Livestock Trailers; and

WHEREAS, in 2014, the Board subsequently adopted Ordinance No. 2-2014, which amended Ordinance No. 1-2002, relating to the regulation of truck tractors and livestock trailers;

WHEREAS, on February 16, 2022, the Board amended Ordinance No 2- 2014 revising Section 2 Parking and Section 5 Notice of Violation.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ECKLEY, COLORADO:

Section 1: Definitions:

- A) “Truck Tractor – Laden” or “Laden Truck Tractor” means any motor vehicle carrying cargo that is generally and commonly designed and used to draw, and is drawing, a semitrailer or trailer and its cargo load over the public highways.
- B) “Truck Tractor – Unladen” or “Unladen Truck Tractor” means any motor vehicle not carrying cargo that is generally used to draw a semitrailer or trailer and its cargo load over the public highways.
- C) Livestock Trailer whose length is twenty-five (25) feet or more with a gross weight of twelve thousand pounds (12,000) or more.

Section 2: Parking

- A) It will result in a warning and or fine upon the part of the owner or operator or both of a truck tractor to park such vehicle upon the public streets, alleys, or rights-of-way of the Town of Eckley except for the period of time needed for reasonable loading or unloading thereof.
- B) The parking of all livestock trailers, manure spreader and all trailers used for the hauling of manure is prohibited within the limits of the Town of Eckley.
- C) Only one (1) tractor/trailer will be allowed to park on privately owned and occupied residential property within the town limits.
 - 1) Property must be occupied by either the owner of the property or a tenant who is under contract with the property owner.
- D) Parking or storing of a tractor, trailer, or combination of either is not permitted on any vacant property within the town limits

Section 3: Discharge of waste. It shall be unlawful for any truck to discharge or leave animal waste on any street, alley, or highway within the city limits of Eckley. Any person engaging in any activity involving a significant risk of air pollution or is discharging or causing to be discharged into the atmosphere, directly or indirectly, any odor of fumes, air pollutants and such activity or discharge does not constitute a clear, present, and immediate danger to the health of the public, but is of such a nature as to cause extreme discomfort or that is an immediate danger to the welfare of the public because such pollutants make habitation of residences or the conduct of business subject to the pollutants that are extremely unhealthy or disruptive.

Section 4: Removal of vehicles. The Town may remove and dispose of illegally parked commercial vehicles. In the event that prohibited vehicles under this ordinance are not promptly moved within twenty-four (24) hours after notification to operator or owner by complaint, warrant or sticker attached to the windshield of the offending vehicle, the Town may remove said vehicle to some available location and hold same until all fines, penalties and expenses incurred by the Town in connection with removal to be included as costs to be paid by the said owner or operator. If the fines, costs and charges are not paid or discharged within thirty (30) days after notification to the owner of the vehicle, as shown by the motor vehicle records, such vehicle will be sold at public auction and the net amount received therefore, after payment of all the above fines, costs, and expenses, shall be paid to the owner of the vehicle. Insofar as may be practical, the sale of such vehicles shall be conducted as provided by law for mechanic and/or storage liens, and all costs of such sale will be added to the above expenses.

Section 5: Notification of violations. Violations hereunder may be communicated to the owner and/or the operator by summons, warrant or notice appended to windshield, or other written communications.

A. Any person found guilty of violating this ordinance or any part thereof shall, upon the first ticket, be fined not less than \$300.00 or more than \$500.00; for any ticket not paid within 14 days on the second ticket, shall be fined not less than \$500.00 or more than \$750.00; upon the third or subsequent tickets, shall be fined not less than \$750.00 or more than \$1,000.00, plus court costs and expenses as hereinafter defined.

Section 7: Emergency Use. That it is hereby declared that an emergency exists, and that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and the same shall be in full force and effect five (5) days after final passage and publication as by law provided.

Section 8: Severability Clause. If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the 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.

Passed, this 7th day of June 2022.

Published and Approved this 5th day of July 2022

TOWN OF ECKLEY,

Elno Hagemeier Mayor

ATTEST:

Aileene Vance Town Clerk/Treasurer