

ORDINANCE 1-2002

AN ORDINANCE FOR THE TOWN OF ECKLEY RELATING TO LIVESTOCK TRAILER WITH A GROSS WEIGHT OF TWELVE THOUSAND (12,000) POUNDS OR OVER OR TWENTY-FIVE (25) FEET OR MORE IN LENGTH WITHIN THE TOWN OF ECKLEY, AND DECLARING THAT A VIOLATION OF THIS ORDINANCE WILL CONSTITUTE A MISDEMEANOR AND WILL BE PUNISHABLE BY A FINE.

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

Section 1: Definitions:

- A) 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 Prohibited. It will constitute a misdemeanor upon the part of the owner or operator or both of a truck to park such vehicle upon the public streets of the Town of Eckley or alleys of the Town of Eckley for a period longer than required for reasonable loading or unloading thereof, unless the owner has previously obtained a parking permit provided herein.

Section 3: A parking permit may be applied for through the Town of Eckley to permit parking of livestock trailer upon the public streets at certain locations designated in the application. Area zoned residential are exempt from this process. Rezoning for permit parking not allowed. The parking of livestock trailers is not permitted in any area zoned residential.

Section 4: The Town of Eckley before issuing a parking permit shall evaluate the applications for parking of trucks on public streets in the Town of Eckley and shall consider prior to its issuance of the permit the following:

- A) The proposed location of the parking permit in the community;
- B) The location of the parking permit and location of applicant's residence;
- C) The applicant's demonstration of the need for the permit;
- D) The Inconvenience to the area affected by the proposed permit.

Section 5: All permits approved by the Board of Trustees shall be reviewable one (1) year after being granted, and renewable for one (1) year periods. The Town of Eckley shall charge the fee of \$ $\frac{50^{00}}{m.l}$ for each permit issued.

Section 6: Permits granted by the Board of Trustees shall be appealable to the Board of Trustees of the Town of Eckley by any party in interest to review the decision made.

Section 7: 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 8: 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 9: 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.

Section 10: Any person found guilty of violating this ordinance or any part thereof shall, upon the first conviction, be fined not less the \$50.00 or more than \$100.00; on the second conviction, shall be fined not less than \$100.00 or more than \$150.00; upon the third or subsequent convictions, shall be fined not less than \$200.00 or more than \$300.00, plus court costs and expenses as hereinafter defined.

Section 11: 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 12: 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, adopted and approved this 7th day of January, 2023

TOWN OF ECKLEY,



Michael Leerar, Mayor

ATTEST:



Carolyn Copley, Town Clerk/Treasurer