ORDINANCE NO. 2-2021

AN ORDINANCE FOR THE TOWN OF ECKLEY RELATING TO ALL TRUCKS AND TRAILERS.

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

**Section 1**: Definitions:

(A) For this ordinance a truck is defined as a Semi-Truck.

(B) Livestock trailers can be defined as any type of trailer capable of hauling livestock and any size manure spreaders or any trailer hauling manure.

**Section 2**: Parking Prohibited. It will constitute a misdemeanor upon the part of the owner or operator or both if a truck/trailer of such be parked within the Town of Eckley at any time. The fine for parking said truck/trailers or manure spreader will be not less than $300.00 and not more than $500.00 for first offence and for the second and further offences will be not less than $500.00 and not more than $750.00 for each offence, plus court cost and expenses as hereinafter defined.

**Section 3**: Definitions: Parking of trucks and trailers which are used for hauling corn, wheat, ensilage or other types of grains.

1. Parking of trucks and trailers which are used for the hauling any of the above will be parked on private property and will be limited to one truck and trailer per resident and per address.
2. All owners of truck(s) and trailer(s) must obtain a parking permit from Town Hall and must be approved by the Town Board.
3. If you have more than one truck/trailer you must obtain a business license if zoned in a commercial area from the Town Hall that is approved by the Board.
4. A business will be defined as anyone owning no more than three trucks, has more than one employee, is in an area that is zoned commercial and has applied for and obtained a Town Business license.
5. Business license costs will be $300.00.
6. Business license will include registrations for 3 trucks and 3 trailers.

**Section 4**: Parking Permits: The Town of Eckley before issuing a parking permit shall evaluate the application for parking of trucks. The board shall consider prior to its issuance of the permit the following.

1. The proposed location of the parking permit is in the community and is in a 100% designated spot on personal property;
2. The area affected by the proposed permit;
3. If you own or operate a truck/trailer, you must live within the Town of Eckley.

**Section5**: Parking permits for non-business trucks/trailers can be obtained by going to town hall and applying for a permit. All permits will be approved by the Board of Trustees before being issued. The permits are good for one (1) year after being granted and renewable for one (1) year periods. The Town of Eckley shall charge the fee of $150.00 for all trucks and trailers for each permit issued. These permits issued for a truck/trailer can only be used on those vehicles that the permit is issued to.

1. Valid permits will be displayed on trucks and trailers on the driver’s window of said truck/trailer where they can be readily seen.
2. Any truck or trailer that is not displaying said valid permit will be fined.

**Section 6**: Owner/operator or designated representative must be present at a Board meeting for final approval.

**Section 7**: It shall be unlawful for any truck to discharge or leave animal waste on any street, alley, or on any personal property within the Town of Eckley. Any person engaging in any activity involving a significant risk of air pollution or in discharging or causing to be discharged into the atmosphere, directly or indirectly, any odor of fumes, air pollutants and such activity or discharge could possibility does not cause discomfort or that is an immediate danger to the welfare of the public because such pollutants that are extremely unhealthy or disruptive.

**Section 8**: Removal of vehicles. The Town may remove illegally parked commercial vehicles by a towing company. 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 written complaint, warrant or sticker attached to the windshield or trailer of the offending vehicle, the Towing Company 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**: Any person found guilty of violating this ordinance or any part thereof shall, upon the first conviction, be fines not less than $300.00 or more than $500.00; on the second conviction, shall be fined not less than $500.00 or more than $750.00; upon the third or subsequent convictions, shall be fined not less than $750.00 or more than $1000.00, plus court costs and expenses as hereinafter defined.

**Section 10**: Working on trucks and trailers.

(A) It is prohibited to work on a truck or trailer within the Town of Eckley limits unless the work is done behind a 6 to 8 foot wall that obstructs the view of the public or in a building large enough for house said truck or trailer.

(B) If you have a fenced area or a large building to work on said trucks and trailers the junk around them needs to be up and kept clean.

**Section 11**: That it is hereby declared that any 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 thirty (30) 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 circumstance 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.

**Section 13**: This ordinance or any section of this ordinance can be changed or updated by a Resolution.

**Introduced, read and ordered published this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2021.**

**Published, pass and approved this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 2021.**

**TOWN OF ECKLEY**

**Mayor Jessie Vance**

**Attest:**

**Aileene Vance**

**Town Clerk/Treasurer**