

ORDINANCE NO. 125

**THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO, DOES HEREBY RESOLVE AND ORDAIN TO PROHIBIT THE OPERATION OF HEAVY VEHICLES WITHIN THE TOWN OF ARRIBA EXCEPT ON DESIGNATED HEAVY VEHICLE ROUTES AND TO ESTABLISH SUCH HEAVY VEHICLE ROUTES**

**Whereas**, the Town of Arriba, (hereinafter referred to as the "Town"), in the County of Lincoln and the State of Colorado, is the body corporate operating as a statutory Town pursuant to the general statutes of the State of Colorado; and

**Whereas**, Colorado Revised Statute 42-4-106(3) gives to the governing body of each municipality the power and authority with respect to highways and roads within the municipality's limits to prohibit the operation of trucks, commercial vehicles, or vehicles exceeding a fixed weight limit on such designated highways or roads; and

**Whereas**, the Board of Trustees of the Town, (hereinafter referred to as the "Board") deems that it is necessary and appropriate to designate certain heavy vehicle routes and to confine heavy vehicles, as defined herein, to such routes so as to minimize damage to Town streets and alleys that may be caused by vehicles of large weight;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO, AS FOLLOWS:**

**SECTION I: DEFINITIONS.**

For the purposes of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

1.1 "Town" shall mean the Town of Arriba, Lincoln County, Colorado.

1.2 "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

1.3 "Heavy Vehicle" shall mean any vehicle designed or operated for the transportation of persons or property, and which body weight or combined body and load weight exceeds Ten Thousand (10,000) pounds.

1.4 "Heavy Vehicle Route" is a way over certain streets, as designated herein, over and along which heavy vehicles must operate within the Town.

**SECTION II: APPLICATION OF REGULATIONS.**

2.1 All heavy vehicles driven or operating within the Town shall be driven or operated only over and along the heavy vehicle routes herein established.

2.2 This Ordinance shall not prohibit:

- a. The operation of heavy vehicles upon any street or alley where, as part of a business enterprise, the operator is making a local delivery to a home, residence, or business within the Town during normal business hours.
- b. The operation of a school bus, recreational vehicle, or emergency vehicle upon any street in the Town.
- c. The operation of heavy vehicles owned or operated by the Town, public utilities, or any contractor or material person, while engaged in the repair, maintenance, public construction, or operation of streets, street improvements, or public utilities within the Town.
- d. The operation of heavy vehicles upon any officially established detour.

**SECTION III: HEAVY VEHICLE ROUTES ESTABLISHED.**

There is hereby established within the Town the heavy vehicle routes indicated on the Heavy Vehicle Route Map incorporated herein and kept at the office of the Town Clerk. Such routes shall be limited to College Avenue and Main Street. The routes may be expanded or limited upon subsequent Resolution of the Board.

**SECTION IV: PARKING OF HEAVY VEHICLES.**

No heavy vehicle shall be parked or stored upon any part of a street or alley which is adjacent to or contained within any residential district, except for the conduct of business as described in Section II above or except if the owner of the truck resides at a residential address and the vehicle is a necessary part of his or her business or livelihood. When parking is allowed as part of a business delivery or pickup, the heavy vehicle may not be parked for more than one hundred twenty (120) minutes, not including the time during which such heavy vehicle is actually being loaded or unloaded.

**SECTION V: ENFORCEMENT.**

5.1 The Town Clerk shall keep and maintain an accurate map setting out the heavy vehicle routes designated herein upon which heavy vehicle traffic is permitted and streets and alleys upon which heavy vehicle parking is permitted. The map shall be kept on file in the office of the Town Clerk and shall be available to for public inspection.

5.2 The Town shall cause the streets upon which heavy vehicle traffic is prohibited to be clearly sign-posted to give notice that this ordinance is in effect.

5.3 The Board shall appoint a committee, agent(s), or employee(s) to monitor this Ordinance and to cite violators to appear in the Municipal Court. Further, the committee, agent(s), or employee(s) charged with the enforcement of this Ordinance shall have the authority to require any person driving or in control of any heavy vehicle not proceeding over a heavy vehicle route or parked on a prohibited street or alley, and not meeting an exception as set forth herein, to proceed to any public or private scale available for the purpose of weighing and determining whether this Ordinance has been violated. In lieu of or in addition to such committee, this Ordinance may be enforced by the Lincoln County Sheriff's Department.

**SECTION VI: PENALTY FOR VIOLATION.**

Any person violating any of the provisions of this Ordinance, upon conviction thereof, shall be subject to a fine in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation of the Ordinance. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as set forth herein.

**SECTION VII: SEVERABILITY**

Should any portion of this ordinance be subsequently found by a qualified court of Law to be unconstitutional or unenforceable, the remaining portions shall remain in full force and effect.

**SECTION VIII: EFFECTIVE DATE**

The Board deems that this Ordinance is necessary to the immediate preservation of the public safety as the condition of the roads within the Town of Arriba and the safety of the drivers traveling upon such roads is of paramount concern. Therefore, such Ordinance will take immediate effect upon approval by the Board.

Adopted and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

Signed \_\_\_\_\_  
**HARVEY L. DUMCUM, Mayor Pro Tem**

( S E A L )

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**E. KAY RUDDER, Town Clerk**