

ORDINANCE NO.

17-09  
Series of 2017

**TITLE: AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 1 OF THE HUDSON MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW SECTION 9.6 CONCERNING EXHIBITION OF MOTOR VEHICLE EXHAUST**

**WHEREAS**, the Colorado General Assembly recently passed, and the Governor of the State of Colorado recently signed into law, Senate Bill 17-278, which prohibits engaging in a nuisance exhibition of motor vehicle exhaust in a manner that obstructs or obscures the view of another driver, bicyclist or pedestrian, a practice otherwise known as “rolling coal”; and

**WHEREAS**, the Town Council of the Town of Hudson desire to amend Chapter 8 of the Kiowa Municipal Code to make rolling coal a municipal offense.

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Chapter 8, Article 1 of the Hudson Municipal Code is hereby amended by the addition of a new Section 9.6 to read as follows:

**Sec. 8-9.6 Nuisance Exhibition of Motor Vehicle Exhaust**

(a) It shall be unlawful for any person to engage in a nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions from a motor vehicle with a gross vehicle weight rating of fourteen thousand pounds or less into the air and onto roadways, other motor vehicles, bicyclists, or pedestrians, in a manner that obstructs or obscures another person's view of the roadway, other users of the roadways, or a traffic control device or otherwise creates a hazard to a driver, bicyclist, or pedestrian.

(b) The prohibition set forth in Subsection (a) of this Section does not apply to:

- (1) A commercial vehicle, as defined in C.R.S. § 42-1-102 (17.5);
- (2) A common carrier, as defined in C.R.S. § 40-1-102(3)(a)(I);
- (3) A motor carrier, as defined in C.R.S. § 40-10.1-101(10);
- (4) A motor carrier of passengers, permitted pursuant to C.R.S. § 40-10.1-302;
- (5) A motor carrier of towed motor vehicles, permitted pursuant to C.R.S. § 40-10.1-401;
- (6) A motor carrier of household goods, permitted pursuant to C.R.S. § 40-10.1-

502;

- (7) A motor vehicle used for agricultural purposes; or
- (8) Any other vehicle used for commercial activities.

(c) Any person who pleads guilty or no contest to, or is convicted of, violating Subsection (a) of this Section shall be guilty of a traffic infraction and punished according to Section 8-4 of this Article.

Section 2. Safety Clause. The Town Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after final publication by title only.

INTRODUCED, READ BY TITLE, AND ADOPTED ON FIRST READING this 6<sup>th</sup>  
day of September, 2017.



TOWN OF HUDSON, COLORADO

Laura Hargis  
Laura Hargis, Mayor Pro-Tem

ATTEST:

Rebecca Utecht  
Rebecca Utecht, Town Clerk

PASSED by a vote of 6 for and 1 against AND ORDERED PUBLISHED BY TITLE ONLY, with a complete copy available for public inspection and acquisition in the office of the town clerk this 20<sup>th</sup> day of September, 2017.

TOWN OF HUDSON, COLORADO



Raymond Patch  
Raymond Patch, Mayor

ATTEST:

Rebecca Utecht  
Rebecca Utecht, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann  
Corey Y. Hoffmann, Town Attorney