

ORDINANCE NO.

13-09
Series of 2013

TITLE: A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 3.5 TO CHAPTER 8 OF THE HUDSON MUNICIPAL CODE ADOPTING A PERMIT FOR OVERWEIGHT VEHICLES

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

Section 1. The Hudson Municipal Code is amended by the addition thereto of a new Article 3.5 to Chapter 8 to read as follows:

ARTICLE 3.5

Permits for Overweight Vehicles

Section 8-35. Permit Required for Overweight Vehicles

(a) Permit required. A Permit for Overweight Vehicles ("Permit") shall be required for all overweight vehicles as defined by C.R.S. §§ 42-4-507 and 42-4-508, as the same may be amended from time to time, for the use of any non-residential Town roadways, exclusive of State Highway 52 and Interstate 76 as provided in this Section. A map of such areas is attached to this Ordinance as **Exhibit A**, and incorporated herein by this reference.

(b) The Town Administrator or his or her designee may, upon application in writing and good cause being shown therefor, issue a single-trip, a daily, a special or an annual permit in writing authorizing the applicant to operate or move a vehicle, or combination of vehicles, of a weight of vehicle or load exceeding the maximum specified in this Article, or otherwise not in conformity with the provisions of this Article. The application for any permit shall specifically describe: the vehicle and load to be operated or moved; the particular street or streets for which the permit to operate is requested; whether such permit is for a single trip, a daily, a special or an annual operation; the maximum axle load; the length of the vehicle between and including the front and rearmost bumper; and the time of such movement.

(c) The Town Administrator or his or her designee is authorized to issue or withhold a permit, as provided in this Section, and, if such permit is issued, to limit the number of trips, or to establish other time limitations within which the vehicles described may be operated on the streets indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of roadway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the roadways from undue damage to the road foundations, surfaces or structures. The Town

Administrator or his or her designee may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or roadway structure.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

(e) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by local governments or political subdivisions, or implements of husbandry and farm tractors temporarily moved upon the roadway, including transportation of such tractors or implements by a person dealing therein to his place of business within the state or to the premises of a purchaser or a prospective purchaser within the state. Such vehicles or equipment shall not be subject to the weight provisions of this Section.

(f) The Town Administrator or his or her designee shall charge permit fees as follows:

1. Annual permit, four hundred dollars (\$400);
2. Daily permit, two hundred dollars (\$200);
3. Single-trip permit, fifteen dollars (\$15), plus five dollars (\$5) per axle.

(g) Special permits for overweight moves requiring extraordinary Town action, or moves involving weight in excess of two hundred thousand (200,000) pounds, one hundred twenty-five dollars (\$125) for a permit for a single trip or the actual cost to the Town of the extraordinary action, whichever amount is greater. In addition, unless waived by the Town Administrator or his or her designee for good cause, the owner of a vehicle requiring a special permit shall provide the Town with a bond in an amount to be determined by the Town Administrator or his or her designee, but not less than two thousand five hundred dollars (\$2,500), as security for damage to streets, roadways or roadway structures within the Town.

(h) Nothing in this Article shall be deemed to excuse any permit holder from obtaining any additional transport permits for overweight vehicles that are not under the jurisdiction of the Town of Hudson. This includes, but is not necessarily limited to Weld County and the State of Colorado.

Section 8-36. Violations.

Any person operating a vehicle in violation of this Article shall be subject to the fine set forth in Hudson Municipal Code section 1-51.

Section 2. Safety Clause. The Town Board of Trustees 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 Board of Trustees 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 thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 19th day of June, 2013.



ATTEST:

Linnette Barker
Linnette Barker, CMC, Town Clerk

TOWN OF HUDSON, COLORADO

Neal Pontius
Neal Pontius, Mayor

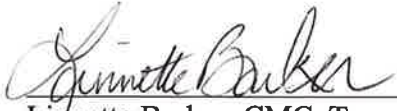
PASSED ON SECOND AND FINAL READING this 17th day of July, 2013, AND ORDERED PUBLISHED ONCE IN FULL.



TOWN OF HUDSON, COLORADO

Neal Pontius
Neal Pontius, Mayor

ATTEST:



Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:



Corey Y. Hoffmann, Town Attorney

