

ORDINANCE NO.

13-01

Series of 2013

TITLE: A BILL FOR AN ORDINANCE AMENDING ARTICLE 3 OF CHAPTER 8 OF THE HUDSON MUNICIPAL CODE REGARDING VEHICLE WEIGHT LIMITS AND CREATING A PERMIT FOR OVERWEIGHT VEHICLES

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

Section 1. Section 8-30 of the Hudson Municipal Code is amended by the addition thereto and deletion of the definitions as set forth below:

Sec. 8-30. Definitions.

~~*Commercial Business District* means that portion of the town bounded on the west by I-76, on the north by Eighth Avenue, on the east by Hudson Drive and on the South by Fifth Avenue.~~

Oil and Gas Rig or Drilling Rig means the complex of equipment commonly used for the initial drilling of an oil and/or gas well. The oil and gas rig or drilling rig is commonly broken into multiple vehicle loads for the transport to and from a well site.

Section 2. Section 8-31 of the Hudson Municipal Code is repealed and reenacted to read as follows:

Sec. 8-31. Weight and size limit.

Subject to the exceptions contained in Section 8-32 of this Hudson Municipal Code, no vehicle, combination of vehicles, commercial vehicle, truck, bus, or semitrailer shall be moved or operated, or be permitted to be moved or operated, on any street, bridge or highway within the Town when the gross weight thereof exceeds twenty thousand (20,000) pounds where such weight limit is posted on such street, bridge or highway.

Section 3. Section 8-32 of the Hudson Municipal Code is repealed and reenacted to read as follows:

Sec 8-32. Exceptions.

(a) Exceptions. The terms and provisions of this article shall not apply to the following vehicles:

(1) Any vehicle that is traveling within the town in order to make a local delivery or to patronize a town business;

(2) School buses as defined herein;

(3) Emergency vehicles;

(4) Public transportation vehicles operated by municipalities or other political subdivisions of the State;

(5) Any vehicle that travels through town exclusively via State Highway 52 and Interstate 76; or

(6) Any vehicle obtaining a Special Transport Permit as defined by subsection (b) of this Section 8-32; provided however, a Special Transport Permit shall not be issued pursuant to this Section for residential streets within the Town.

(b) Permit required. A Special Transport Permit for Oversized Vehicles ("Permit") shall be required for all overweight vehicles as defined in Section 8-31 of this Hudson Municipal Code, which use Town roads exclusive of State Highway 52, Interstate 76, as follows:

(1) Said permit, when required, shall be obtained from the Town prior to the transport of any load within the Town that exceeds defined weight limits.

(2) The Permit applicant or holder remains responsible to secure any additional transport permits for oversize and/or 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.

(3) Any road damage occurring shall be the financial responsibility of the permittee who shall make prompt payment for any damage caused to the traffic, road, or bridge by the transportation of any load in excess of limitations prescribed by this ordinance, and as may be further prescribed in the Town's adopted Model Traffic Code.

(4) For vehicles carrying Oil and Gas Rigs or Drilling Rigs and other vehicles exceeding 200,000 pounds, a bond in the amount determined by the Town Engineer or their designee shall be posted as security prior to issuance of the Permit. The minimum bond shall be \$2,500 for security. Alternatively, the Permit applicant may provide proof of insurance in an amount deemed sufficient by the Town Engineer, or designee, and such insurance shall list the Town as an additional insured.

(e) Permit fees for Special Transport Permits shall be adopted by the Town by Resolution of the Board of Trustees. Such Permit fees submitted to the Town pursuant to this Article are subject to a nonrefundable fee due at the time of issuance of the Permit. In addition, the Board of Trustees is authorized to enter into agreements with applicants in order to authorize multiple permits in a manner consistent with the intent and purpose of this Article.

Section 4. Section 8-33 of the Hudson Municipal Code is enacted to read as follows:

Sec. 8-33. Violation.

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 and/or revocation of any Special Transport Permit issued.

Section 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 6th day of March, 2013.



TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor


Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this 20th day of February, 2013, AND ORDERED PUBLISHED ONCE IN FULL.

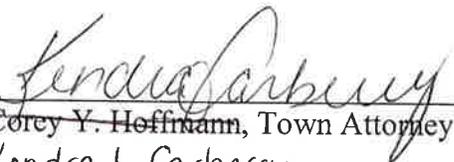


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Neal Pontius, Mayor


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APPROVED AS TO FORM:


Corey Y. Hoffmann, Town Attorney
Kendra L. Carberry