

ORDINANCE NO.

NO. 13-06
Series of 2013

TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING SECTIONS 7-37, 8-3 AND ARTICLE 3 OF CHAPTER 8 OF THE HUDSON MUNICIPAL CODE

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

Section 1. Section 7-37 of the Hudson Municipal Code is repealed and reenacted to read as follows:

Sec. 7-37. Illegal vehicles.

(a) Definitions.

Approved hard-finished parking surface shall mean a hard surface customarily used for the parking of motor vehicles as approved by the Town Administrator or his or her designee, which surface shall include but not be limited to pavement, concrete or gravel. Such surface must be well drained, free of weeds, and of sufficient depth to support vehicles parked thereon, preventing accumulation of mud that can be carried onto adjoining street pavement. Provided, however, no residential lot shall contain more than forty percent (40%) of the total lot area in the front and side yard portions of the lot as an approved hard finished parking surface.

Illegal vehicle shall mean any motor vehicle, trailer, semi-trailer or other vehicle that is required pursuant to the laws of the state to have attached thereto a valid, unexpired license plate, and which:

- a. Does not bear a valid, unexpired license plate; or
- b. Is substantially damaged, wrecked or dismantled, or otherwise inoperable; or
- c. Is abandoned within the meaning of chapter 8, article 2 of this code; or

- d. Is displayed, parked, stored, kept or left on the front or side yard of residentially used real property on an unimproved surface not intended or customarily used for the parking of motor vehicles in a residential or commercial area, including but not limited to grass, dirt or other areas not having an approved hard-finished parking surface.

(b) Unlawful acts.

(1) It shall be unlawful and deemed a nuisance for any person to display, store, keep, park or leave any illegal vehicle upon any public or private property in the Town.

(2) It shall be unlawful and deemed a nuisance for any person, being the owner or tenant in possession of any real property in the Town, to cause or permit any illegal vehicle to be put upon or kept upon any real property within the Town.

(c) Exceptions. The provisions of this section shall not be deemed or construed to prevent the keeping or storage of junk cars, or cars in a state of repair, in compliance with the provisions of the zoning and land use ordinances of the Town, as follows:

(1) Upon the premises of any automotive repair or automobile storage business;

(2) When such vehicle is kept completely inside a completely enclosed building, or is screened by an opaque fence in good repair in the back yard portion of any lot, which fence may not be less than six (6) feet in height so that said vehicle is not visible from any adjacent street or right-of-way, or from abutting land; provided, however, that a property owner may seek approval from the Town Administrator or his or her designee for a permit to erect a fence in excess of six (6) feet, but not more than ten (10) feet in height if the relative grades require that the fence be in excess of six (6) feet in order to effectively screen the vehicle.

(d) Removal – disposition – impounding.

(1) The Town is hereby authorized to issue a notice to abate pursuant to section 7-23 of this article requiring the removal of any illegal vehicle displayed, stored, kept, parked or remaining on any property within the Town within the time stated in such notice to abate.

(2) After the expiration of the time set forth in the notice to abate, the illegal vehicle therein described shall be subject to removal and impoundment by the Town as provided in this section. In no event shall the Town be required to issue a summons and complaint prior to removal of said illegal vehicle.

(3) A notice to abate for the removal of illegal vehicles issued under the provisions of this section shall be given by attaching a copy of such order or an official notice to the illegal vehicles described in such notice to abate.

(4) If any illegal vehicles are removed and impounded by the Town, said vehicles shall be impounded and placed in an authorized Town impoundment lot.

(5) Any illegal vehicles removed and impounded pursuant to this section shall be held, stored, reclaimed and disposed of in accordance with the procedures of chapter 8, article 2 of this code.

(e) Presumption in reference to illegal parking or storage of vehicles. In any prosecution charging a violation of this section, proof that the particular vehicle described in the notice to abate or in a summons and complaint was parked, stored or kept in violation of this section, together with proof that the defendant named in the notice to abate or summons and complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked, stored or kept such vehicle at the place where, and for the time during which, such violation occurred.

(f) Other remedies. In addition to the remedies set forth herein, the Town shall also be entitled to exercise all other remedies authorized by law for violations of this section, including the following:

(1) Bringing an action in the municipal court pursuant to the provisions of section 7-24 of this article; and/or

(2) Seeking a fine for the violation of this section in the amount of nine hundred ninety-nine dollars (\$999.00). Each day that any such violation continues shall be a separate and distinct offense; provided however, that the Town shall not be authorized to seek imprisonment in the county jail for any such violation; and/or

(3) The Town shall be authorized in accordance with the provisions of section 7-25 of this article to assess the costs associated with the illegal parking or storing of vehicles by filing any such costs as a lien against any property upon which the removal of any such vehicles was performed.

Section 2. Section 8-3 of the Hudson Municipal Code is repealed and reenacted to read as follows:

Sec. 8-3. General parking prohibitions; permit required.

(a) Definitions. For purposes of this section only, the following terms shall have the following meanings:

Camper means and includes camping trailers and pickup (slide-in) campers.

Camping trailer means and includes a type of trailer or trailer coach, the walls of which are so constructed as to be collapsible and made out of either canvas or similar cloth, or some form of rigid material such as fiberglass, plastic or metal. The walls of such trailer are collapsible while being towed, and are raised or unfolded when the vehicle becomes temporary living quarters and is not being moved.

Commercial vehicle means and includes any truck tractor, dump truck, semi-trailer, commercial trailer, tow truck or vehicle equipped to provide towing services, bus or vehicle with a weight of twenty thousand (20,000) pounds GVWR, or any vehicle, regardless of weight, which is used or normally associated with the transportation of materials, products, freight, other vehicles or equipment in furtherance of any commercial activity or used "for hire," except that any passenger vehicle designed to transport no more than nine (9) persons or any pickup truck or van not exceeding twenty-four (24) feet in length shall not be considered commercial vehicles.

Gross Vehicle Weight Rating (GVWR) means the maximum allowable weight of a fully loaded vehicle, including passengers and cargo, as set by the vehicle manufacturer.

Mobile home means and includes a dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site.

Motor home means and includes recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom. The truck or motor van chassis may have single or double rear wheels.

Motor vehicle means and includes any vehicle classified as a motor vehicle under state laws.

Pickup (slide-in) campers means and includes recreational structures designed to be mounted temporarily or permanently in the beds of light trucks, with the trucks having either single or double rear wheels, and with or without an assisting, extra tag axle and wheels mounted on either the camper chassis or the truck chassis behind the truck's rear wheels.

Private property means and includes any real property which is not public property.

Public property means and includes real property having its title, ownership, use or possession held by the federal government, this state, any county or municipality as defined in Section 31-1-101(6), C.R.S., or any other governmental entity of this state.

Recreational vehicle means and includes a self-contained transportation structure, self-propelled or capable of being towed by a passenger car, station wagon or pickup truck, of such size and weight as not to require any special highway movement permits, and primarily designed or constructed to provide temporary, movable living quarters for recreational, camping or travel use, but not for profit or commercial use. Included as *recreational vehicles* are trailers, trailer coaches, camping trailers, motor homes, pickup (slide-in) campers, chassis mounts, converted vans, chopped vans, mini-motor homes and fifth-wheel trailers of recreational vehicle construction (as opposed to commercial fifth-wheel trailers).

Semi-trailer means a trailer without a front axle. A large proportion of its weight is supported either by a truck tractor or by a detachable front axle assembly called a dolly. A semi-trailer is equipped with legs that can be lowered to support it when it is unhooked from the tractor. When coupled together, the tractor and trailer combination is often referred to as a semi, 18-wheeler, big-rig, tractor-trailer, or truck and trailer.

Trailer means any wheeled vehicle, without motive power which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

Trailer-coach means and includes recreational vehicles constructed with integral wheels to make them mobile and intended to be towed by passenger cars, station wagons or pickup trucks, but does not include truck tractors or commercial vehicles of any type.

Truck tractor means and includes a motor vehicle designed and used primarily for drawing a semi-trailer and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vessel means and includes every description of watercraft used or capable of being used as a means of transportation of persons and property on water, other than single-chamber air-inflated devices or seaplanes.

(b) Prohibitions. It is unlawful:

(1) To park any motor vehicle or trailer upon public property where an official sign is posted prohibiting such parking.

(2) To park any commercial vehicle, truck tractor, semi-trailer, motor vehicle or a combination trailer and motor vehicle exceeding twenty-five (25) feet in length or eight (8) feet in width on a public right-of-way adjacent to any property within a residentially zoned district, unless such vehicle is rendering services to any property located within two hundred (200) feet.

(3) To park any trailer, recreational vehicle, vessel or any vehicle that is not self-propelled on a public right-of-way adjacent to any property within a residentially zoned district for a period of time longer than twenty-four (24) hours unless a permit has been issued pursuant to subsection (c) below.

(4) To park on a public right-of-way adjacent property within a residentially zoned district any commercial vehicle used by a Town resident in the course of his or her employment for normal commuting to and from home unless a permit has been issued pursuant to subsection (d) below.

(5) For any person by means of parking or storing any truck tractor, trailer, semi-trailer, vessel or any other vehicle in or upon any public street or highway in the Town to damage or destroy any street, highway or surface.

(6) To park any vehicle upon any public street, highway, right-of-way or public property for the purpose of greasing, painting or repairing such vehicle, except in emergency situations.

(c) Parking permits. In order to receive a parking permit authorizing a trailer, vessel, vehicle that is not self-propelled, trailer, boat, mobile home, motor home or recreational vehicle to be parked on a public right-of-way in excess of twenty-four (24) hours, the owner or operator of said trailer, vessel, vehicle that is not self-propelled, trailer, boat, mobile home, motor home or recreational vehicle must file a request with the Town Administrator on a form supplied by the Town for such a permit. The request for a permit shall be evaluated by the Town Administrator, and a permit shall be granted upon satisfaction of the following criteria:

(1) The safety and nature of the location for which the parking permit is sought, taking into account whether the location constitutes a traffic hazard based on factors including, by way of example, the size of the vehicle, the location of the vehicle relative to the sight triangle for traveling vehicles and whether the location causes a hazard to pedestrians;

(2) The adjacent neighbors on either side and across the right-of-way from the location for which the permit is sought do not have an objection to the permit being issued;

(3) The location does not block or otherwise impair a pedestrian's use of the sidewalk;

(4) The location is not on the paved portion of the Town right-of-way;

(5) Occupancy of a permitted recreational vehicle shall be specified on the permit and may not exceed fourteen (14) days in any one calendar year;

(6) The term of the permit shall be based on the specific justification described in the application, and shall be the minimum term necessary to provide relief to the applicant; and

(7) The requested permit does not violate any other provisions of this code.

(d) Parking permits for overweight commercial vehicles. In order to receive a permit authorizing an individual who commutes to and from his or her residence in Hudson in an otherwise overweight and prohibited commercial vehicle that is used in the course of his or her employment to park on a Town right-of-way adjacent to a residential district, such resident must file a request with the Town Administrator on a form supplied by the Town for such a permit. The request for a permit shall be evaluated by the Town Administrator, and a permit shall be granted upon satisfaction of the following criteria:

(1) The safety and nature of the location for which the parking permit is sought, taking into account whether the location constitutes a traffic hazard based on factors including, by way of example, the size of the vehicle, the location of the vehicle relative to the sight triangle for traveling vehicles and whether the location causes a hazard to pedestrians;

(2) The adjacent neighbors on either side and across the right-of-way from the location for which the permit is sought do not have an objection to the permit being issued;

(3) The location does not block or otherwise impair a pedestrian's use of the sidewalk;

(4) There must be a clear hardship shown, indicating that there is no reasonable means of installing an adequate parking space off of the Town right-of-way and on the applicant's residential property;

(5) The vehicle does not exceed forty thousand (40,000) pounds GVWR; and

(6) The requested permit does not violate any other provisions of this code.

(e) Revocation of a parking permit. A permit issued pursuant to this section may be revoked by the Town Administrator as follows:

(1) The vehicle is parked in a location that is not approved in the duly issued permit;

(2) The vehicle as parked constitutes a nuisance within the meaning of chapter 7 of this code, including, by way of example, the presence of unlawful weeds, debris on, under or near the permitted vehicle, or the presence of offensive discharges from the parked vehicle;

(3) The vehicle is an illegal vehicle pursuant to section 7-37 of this code; or

(4) The vehicle is in violation of any other provision of this code.

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

ARTICLE 3

Vehicle Weight Limits on Residential Streets

Sec. 8-30. Definitions.

For the purposes of this article, the following words shall have the following definitions:

Bus means every motor vehicle designed for carrying more than seven (7) passengers and used for the transportation of persons for compensation.

Commercial vehicle means and includes any truck tractor, dump truck, semi-trailer, commercial trailer, tow truck or vehicle equipped to provide towing services, bus or vehicle with a weight of twenty thousand (20,000) pounds GVWR, or any vehicle, regardless of weight, which is used or normally associated with the transportation of materials, products, freight, other vehicles or equipment in furtherance of any commercial activity or used "for hire," except that any passenger vehicle designed to transport no more than nine (9) persons or any pickup truck or van not exceeding twenty-four (24) feet in length shall not be considered commercial vehicles.

Gross Vehicle Weight Rating (GVWR) means the maximum allowable weight of a fully loaded vehicle, including passengers and cargo, as set by the vehicle manufacturer.

School bus means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from any school, or privately owned and, while being operated, primarily for the transportation of children to or from any school.

Semi-trailer means a trailer without a front axle. A large proportion of its weight is supported either by a truck tractor or by a detachable front axle assembly called a dolly. A semi-trailer is equipped with legs that can be lowered to support it when it is unhooked from the tractor. When coupled together, the tractor and trailer combination is often referred to as a semi, 18-wheeler, big-rig, tractor-trailer, or truck and trailer.

Street within a residentially zoned area means those roadways designated by appropriate signage providing that such areas are residentially zoned and thus subject to the restrictions contained in this Article. A map of such areas is attached to this Ordinance as **Exhibit A**, and incorporated herein by this reference.

Truck means any motor vehicle which is used for the transportation or delivery of goods with a body built for that purpose.

Sec. 8-31. Weight limit on residential streets.

No person shall operate or drive a commercial vehicle, truck, bus or semitrailer within the corporate limits of the Town on a street within a residentially zoned area of the Town that has

more than a twenty thousand (20,000) pounds GVWR. A map of such areas is attached to this Ordinance as **Exhibit A**, and incorporated herein by this reference.

Sec 8-32. Exceptions.

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

(a) Any vehicle that is traveling within the Town in order to make a local delivery or to patronize a Town business. For purposes of this exception, a local delivery shall include a commercial vehicle that does not exceed forty thousand (40,000) pounds GVWR and is used by a resident of the Town in the course of his or her employment and would otherwise be an overweight and prohibited commercial vehicle;

(b) School buses as defined herein;

(c) Emergency vehicles;

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

(e) Implements of husbandry and farm tractors temporarily moved upon the Town roadways, 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 size and weight provisions of this Section

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.

Section 4. 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 5. 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 6. 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.



TOWN OF HUDSON, COLORADO

Neal Pontius
Neal Pontius, Mayor

ATTEST:

Linnette Barker
Linnette Barker, CMC, Town Clerk

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
Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann
Corey Y. Hoffmann, Town Attorney

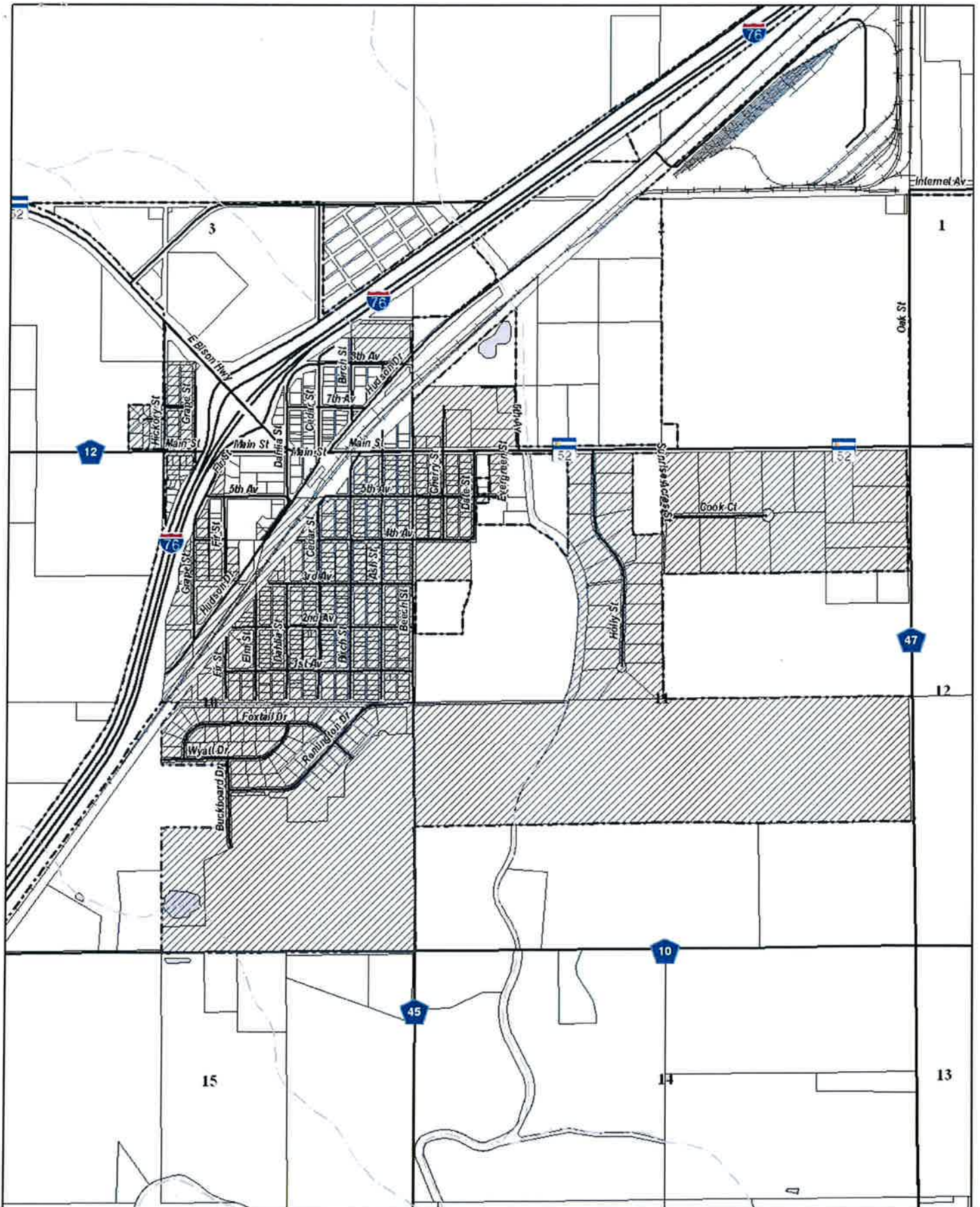


Exhibit A:
**RESIDENTIALLY
ZONED AREAS**

Legend

 Residentially Zoned Areas

 Town Limits



NORTH
Map Not
to Scale

Each Section is
Approximately
One Square Mile
August, 2013

NOTE: Streets in Residentially Zoned Areas are
Exclusive of State Highway 52 and Interstate 76