

PALMER LAKE, COLORADO

ORDINANCE NO. 4 2008

AN ORDINANCE ADOPTING A NEW CHAPTER 10.25 OF THE PALMER LAKE MUNICIPAL CODE REGARDING COMMERCIAL VEHICLES.

WHEREAS, The Board of Trustees has determined that it reasonable and necessary to Amend the Municipal Code regarding Commercial Vehicles to better protect citizens, visitors, travelers, and businesses in the Town of Palmer Lake,

NOW THEREFORE, IT IS ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AS FOLLOWS:

Section 1. A new chapter 25 Commercial Vehicle Traffic is hereby added to Title 10 Vehicles and Traffic as the following:

Sections:

- 010. Application and Enforcement
- 020. Definitions
- 030. Truck and Commercial Vehicle Routes
- 040. Adopted 2003 Model Traffic Code Inclusions
- 050. Minimum Standards for Commercial Vehicles
- 060. Insurance or Bond Required
- 070. Failed to Obtain Port of Entry Clearance

10.25.010 Application and Enforcement

A. The sections of this chapter shall apply to every street, alley, sidewalk area, driveway, park and to every other public way of public place or public parking area, and throughout this municipality either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate.

B. The enforcement of sections of this chapter, unless the content otherwise allows, may only be done by an enforcement officer who is a police officer for the Palmer Lake Police Department and who has been certified by the Commercial Vehicle Safety Alliance or equivalent Federal or Colorado Motor Carrier Safety Regulatory Agency.

10.20.020 Definitions

As used in this chapter:

A. "Aggregate Material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; except that "aggregate material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.

B. "Commercial Vehicle" means:

- 1. Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination

rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to CRS §42-4-1904 or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle;

2. Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state; and
 3. A motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.
- C. "Department" means the Police Department.
- D. "Motor Carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph B of this section.
- E. "Muffler" means the device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.
- F. "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.
- G. "Safety Belt System" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards and includes anchorages, the buckles, and all other equipment directly related to the operation of safety belts.
- H. "Single Axle" means all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.
- I. "Tandem Axle" means two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.
- J. "Trash" means material or objects that have been or are in the process of being discarded or transported.

10.25.030 Truck and Commercial Vehicle Routes

- A. The Town may, by ordinance or resolution, prohibit the operation of trucks or commercial vehicles on designated roads or may impose limitations as to the weight thereof. When enacting any such ordinance or resolution, the Town shall place appropriate signs of prohibitions and limitations on such roads.
- B. The Truck and Commercial Vehicle Routes applicable to trucks over 26,000 GVWR or GCVWR in the Town of Palmer Lake is as follows:

1. Highway 105
2. County Line Road

10.25.040 Adopted 2003 Model Traffic Code Inclusions

- A. The 2003 Edition of the Model Traffic Code for Colorado Municipalities promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, CO 80222 as adopted by the Town and codified in section 10, chapter 4, title 10 of the Palmer Lake Municipal Code, includes the following traffic laws to be applicable and enforceable as part of section 10 of this chapter. Three copies of the Model Traffic Code adopted in 10.04.010 have been filed in the office of the clerk of the Town and may be inspected during regular business hours.
1. Drove Truck/Commercial Vehicle Where Prohibited
 - a. Reference Colorado Revised Statute §42-4-106
 - b. Model Traffic Code 106
 2. No/Inadequate Muffler on a Vehicle Equipped With an Engine Compression Brake (Jake Brake)
 - a. Reference CRS §42-4-225
 - b. MTC 225
 3. Minimum Standards for Commercial Vehicles - Spot Inspections
 - a. Reference CRS §42-4-235
 - b. MTC 235
 4. Safety Belt and Restraint Systems
 - a. Reference CRS §42-4-237
 - b. MTC 237
 5. Wheel/Axle Loads Exceeded Maximum Lawful Limit
 - a. Reference CRS §42-4-507
 - b. MTC 507
 6. Gross Weight of Vehicle Exceeded Maximum Lawful Limit
 - a. Reference CRS §42-4-508
 - b. MTC 508
 7. Failed/Refused to Stop for Weighing Load/Vehicle
 - a. Reference CRS §42-4-509
 - b. MTC 509
 8. Spilled Load/Failure to Cover Load/No Flaps When Required
 - a. Reference CRS §42-4-1407
 - b. MTC 1407
- B. It is a traffic offense for any person to violate any provision of the Colorado Model Traffic Code.
- C. Municipal obligations for violations of the Colorado Model Traffic Code are as follows:
1. Municipalities that have adopted the Code need to be aware of: CRS §13-10-101 and CRS §42-4-110(2), and the Colorado Municipal Court Rules.

2. The court may by order, which may from time to time be amended, supplemented, or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the court clerk.
3. The court in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations, designating each violation specifically in the schedules. Such fines shall be within the limit set by ordinance.
4. Fines and costs shall be paid to, receipted by, and accounted for by the court clerk.

10.25.050 Minimum Standards for Commercial Vehicles

- A. Pursuant to the Memorandum of Understanding between the Colorado State patrol and the Town of Palmer Lake Police Department signed by Palmer Lake Chief of Police Dan Gilliana on 10/04/2007 and accepted by Colorado State Patrol Major S. G. Hernandez on 10/23/2007 regarding commercial vehicle regulations and standards
- B. Any person qualified under part B of this section 010 can enforce other applicable state and federal regulations for commercial vehicles and drivers found under Colorado Revised Statute §42-4-235
- C. As adopted into Palmer Lake Municipal Code and codified through this chapter.

10.25.060 Insurance or Bond Required

- A. Every owner of a truck that is subject to the registration fee imposed pursuant to CRS §42-3-305(5)(b) or (7) or CRS §42-3-306(5)(b) or (7) and that is not subject to regulation by the public utilities commission under CRS title 40, article 10, 11, 13, or 16, before operating or permitting the operation of such vehicle upon any street, alley, or other throughway in this municipality shall have in each such vehicle a motor vehicle liability insurance policy or a certificate evidencing such policy issued by an insurance carrier or insurer authorized to do business in Colorado, or a copy of a valid certificate of self-insurance issued pursuant to CRS §10-4-624, or a surety bond issued by a company authorized to do a surety business in Colorado in the sum of fifty thousand dollars for damages to property of others; the sum of one hundred thousand dollars for damages for or on account of bodily injury or death of one person as a result of any one accident; and, subject to such limit as to one person, the sum of three hundred thousand dollars for or on account of bodily injury to or death of all persons as a result of any one accident.
- B. Non-Emergency Transportation
 1. Every owner of a motor vehicle designed and used for the non-emergency transportation of individuals with disabilities as defined in paragraph (2) of this section, before operating or permitting the operation of such vehicle upon any public highway in this state, shall file with the Public Utilities Commission a certificate evidencing a motor vehicle liability insurance policy issued by an insurance carrier or insurer authorized to do business in the state of Colorado or a surety bond issued by a company authorized

to do a surety business in the state of Colorado with a minimum sum of fifty thousand dollars for damages to property of others; a minimum sum of one hundred thousand dollars for damages for or on account of bodily injury or death of one person as a result of any one accident; and, subject to such limit as to one person, a minimum sum of three hundred thousand dollars for or on account of bodily injury to or death of all persons as a result of any one accident.

2. As used in this section, a "motor vehicle designed and used for the non-emergency transportation of individuals with disabilities" means any motor vehicle designed to facilitate the loading of individuals with physical disabilities confined to a wheelchair except vehicles owned by the United States government, vehicles owned and operated by any special transportation district, or privately owned vehicles when such privately owned vehicles are used by the owner to transport the owner or members of the owner's family who are confined to a wheelchair.
- C. Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. If any violation of this section is committed on behalf of a partnership or corporation, any director, officer, partner, or high managerial agent thereof who authorized, ordered, permitted, or otherwise participated in, by commission or omission, such violation is also guilty of a misdemeanor and shall be punished according to the provisions of this subsection (C).

10.25.070 Failed to Obtain Port of Entry Clearance

- A. Every owner or operator of a motor vehicle that is subject to payment of registration fees under the provisions of CRS §42-3-305(5)(b) or 42-3-306(5)(b) and every owner or operator of a motor vehicle or combination of vehicles having a manufacturer's gross vehicle weight rating or gross combination weight rating of twenty-six thousand one pounds or more shall secure a valid clearance from an office of the department of revenue, from an officer of the Colorado State Patrol, or from a port of entry weigh station before operating such vehicle or combination of vehicles or causing such vehicle or combination of vehicles to be operated upon any highway, street, alley, or other thoroughway in this municipality, but an owner or operator shall be deemed to have complied with the provisions of this subsection (A) if the owner or operator secures a valid clearance from the first port of entry weigh station located within five road miles of the route that the owner or operator would normally follow from the point of departure to the point of destination. An owner or operator shall not be required to seek out a port of entry weigh station not located on the route such owner or operator is following if the owner or operator secures a special revocable permit from the department of revenue in accordance with the provisions of subsection (E) of this section. A vehicle with a seating capacity of fourteen or more passengers registered under the provisions of CRS §42-3-304(13), 42-3-305(2)(c)(I), or 42-3-306(2)(c)(I) shall not be required to secure a valid clearance pursuant to this section.

- B. It is unlawful for any owner or operator of a motor vehicle subject to the provisions of subsection (A) of this section to permit the travel of such motor vehicle on the public highways of this state without first having secured a valid clearance as provided in said subsection (A), and every such owner or operator shall be required to seek out a port of entry weigh station for the purpose of securing such valid clearance, whether or not such port of entry weigh station is located on the route that the owner or operator is following, unless a valid clearance or a special permit in accordance with subsection (E) of this section has previously been secured.
- C. Every owner or operator of a motor vehicle subject to the provisions of subsection (A) of this section shall secure a valid clearance at each port of entry weigh station located on the route that the owner or operator would normally follow from the point of departure to the point of destination for verification of its previously secured clearance.
- D. Every owner or operator of a motor vehicle subject to the provisions of subsection (A) of this section, when stopped for a lawful inspection, shall permit personnel of a port of entry weigh station to inspect the fuel tank of the vehicle for the purpose of ensuring that the vehicle is not operating on the public highways of the state using tax-exempt diesel fuel in violation of CRS §42-4-1414.
- E. The department of revenue may issue a special revocable permit to the owner or operator of any vehicle being operated over a regularly scheduled route waiving the requirement that the owner or operator seek out and secure a valid clearance at a port of entry weigh station not located directly on the route being followed. In order for the permit to be effective, the vehicle must be operating over a regularly scheduled route that has previously been cleared with the department of revenue.
- F. Any owner or operator of a motor vehicle that is subject to the provisions of CRS §42-3-304 to 42-3-306, who is found guilty of violating the provisions and requirements of this section, shall be subject to the fines and penalties prescribed in CRS §42-8-109.
- G. To facilitate the proper identification and handling of all motor vehicles requiring clearance through the port of entry weigh stations of the state, every vehicle requiring such clearance shall have affixed to it a distinct marking conforming to specifications set by the executive director. Such marking shall include the name or company logo of the owner or operator of the motor vehicle and such other information as the executive director shall require.

Section 2. Remaining Provisions in Full Force and Effect. Except as specifically modified by this Ordinance all provisions of Title 10 shall remain in full force and effect.

Section 3. Publication. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published or posted. This ordinance shall become effective thirty (30) days after the date of publication.

PASSED AND ADOPTED THIS _____ DAY OF SEPTEMBER, 2008.

MAYOR

ATTEST:

TOWN CLERK