

ORDINANCE NO. 323

AN ORDINANCE OF THE TOWN OF NUNN, COLORADO, ADDING ADDITIONAL TRAFFIC RESTRICTIONS INCLUDING WEIGHT RESTRICTIONS AND RESTRICTIONS ON CERTAIN BRAKING DEVICES

WHEREAS pursuant to section 42-4-106 of the Colorado Revised Statutes, the Town of Nunn is authorized to impose weight limitations with respect to the public roads under the Town's jurisdiction;

WHEREAS the damage to roads within the Town resulting from use by heavy vehicles and the need to repair such damage for the benefit of the public results in a substantial economic burden on the Town;

WHEREAS the Board of Trustees of the Town desires to restrict the use of certain roads within the Town in order to reduce the cost of repair and maintenance incurred by the Town and to preserve such roads;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NUNN, COLORADO, AS FOLLOWS:

Section 1. A new Chapter 10.08 is hereby added to Title 10 of the Nunn Municipal Code, which will read as follows in its entirety:

Chapter 10.08. Additional Traffic Restrictions

Sections:

- 10.08.010 Definitions and Purpose.
- 10.08.020 Truck and Commercial Vehicle Weight Restriction.
- 10.08.030 Installed Muffler on Engine Compression or Dynamic Braking Devices.
- 10.08.040 Penalties.

10.08.010. Definitions and Purpose.

A. For the purposes of this chapter, the following terms shall have the meanings indicated:

1. "Bus" means every motor vehicle designed for carrying more than seven (7) passengers and used for the transportation of persons for compensation.
2. "Gross Vehicle Weight Rating" or "GVWR" means the maximum allowable weight of a fully loaded vehicle, including passengers and cargo, as set by the vehicle manufacturer.
3. "Nonresidential town roadway" means any road or highway within the

town that is not a street within a residentially zoned area.

4. "Overweight vehicle" means any vehicle that exceeds any of the limits described in section 507 and 508 of the Model Traffic Code as adopted by the Town of Nunn.
5. "Permit officer" means the town clerk or his or her designee.
6. "Street within a residentially zoned area" means those highways and roadways designated by appropriate signage, providing that such areas are residentially zoned.

B. Terms used in this chapter other than those set forth in subsection A, above, shall have the meanings assigned to them in the Model Traffic Code as adopted by the Town of Nunn, or, if not found therein, then in section 42-1-102 of the Colorado Revised Statutes. The purpose of the provisions in this chapter is to supplement without overriding, preempting, or invalidating any similar provisions in the Model Traffic Code. The provisions in this chapter may be independently enforced, and any authority granted or delegated in this chapter may be exercised, without regard to the provisions of the Model Traffic Code or any constraints or requirements therein.

10.08.020. Truck and Commercial Vehicle Weight Restriction.

- A. It shall be unlawful for any truck or commercial vehicle weighing over twenty six thousand and one (26,001) pounds empty weight to travel on any street, alley, viaduct, bridge or other public way in the Town of Nunn except on designated truck routes. Designated truck routes shall be identified on a map maintained by the town clerk, which the Board of Trustees may establish and update from time to time by resolution.
- B. The prohibition set forth in subsection A, above, shall not apply to the following vehicles:
 1. Any vehicle that is traveling within the town in where the driver was in the immediate process of (a) delivering or picking up materials or merchandise, (b) providing services, or (c) reaching the final business destination. This exception will only apply if the driver left the truck route at the point nearest the destination and returned to the truck route by the shortest route.
 2. School buses.
 3. Emergency vehicles.
 4. Public transportation vehicles operated by municipalities or other political subdivisions of the state.

5. Any vehicle that has an actual weight of no more than twenty six thousand and one (26,001) pounds empty weight that is used by a resident of the town in the course of his or her employment that is driven on a street within a residentially zoned area in the Town only for the purpose of traveling to and from work.
6. Any vehicle exempted under the Colorado Right to Farm Act.
7. Any road maintenance and road construction equipment performing work in the immediate area.
8. Any trucks traveling on Highway 85 as a through route within town limits.

Permits for Overweight Vehicles

- C. The Town Clerk's Office may issue a permit with such restrictions as the Police Department deems reasonably necessary in his or her judgment authorizing the operation or movement of one or more vehicles that exceed the weight restriction set forth in section 10.08.020.A where the applicant has shown that the operation or movement of such vehicles with such restrictions will not unreasonably affect the safety of the road or damage the roadway or road structures. The Town Clerk's Office may require the posting of bond or other security necessary to compensate the Town for any damage to the roadway or road structures and may assess a fee for the permit. The Town Clerk's Office shall draft, implement, and maintain an appropriate Permit application form. The Town may assess an additional charge for each hour or any part thereof spent by any police officer supervising the movement of such vehicle(s). The Board may establish and from time to time revise the fee set forth in this section by resolution.
- D. 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. This includes, but is not necessarily limited to the county and the state.

10.08.030. Installed Muffler on Engine Compression or Dynamic Braking Devices

- A. It is unlawful for any person to operate a motor vehicle in the Town with an engine compression or dynamic braking device engaged without an OEM muffler, including without limitation what are commonly referred to as "Jacob brakes" or "Jake brakes." Such a device is a device which is normally used on a truck or other vehicle for slowing or stopping such vehicle by reducing the engine compression and is sometimes referred to as an engine brake.
- B. The Board of Trustees finds that devices of the kind described in section 10.08.030.A cause an unreasonable and unnecessary noise, and are hereby

declared to be a public nuisance without OEM muffler.

10.08.040. Penalties.

Every person convicted of a violation of any provision of this Chapter shall be subject to such penalties as are provided in Chapter 1.06 of the Nunn Municipal Code.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts may be declared unconstitutional or invalid.


Section 3. Effective Date. Unless otherwise specified herein, this ordinance shall take effect thirty days after publication as provided by law.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 20th DAY OF
April 2023.

TOWN OF NUNN


By: Jordan Cable, Mayor

ATTEST:


Cathy Payne, Town Clerk

