

ORDINANCE NO. 935

AN ORDINANCE PROHIBITING THE PARKING AND/OR STORAGE OF CERTAIN TYPES OF MOTOR VEHICLES, EARTH MOVING MACHINERY AND TRAILERS WITHIN THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

WHEREAS, the unenclosed parking or storage of earth moving machinery and other machinery in public view may present a dangerous attractive nuisance to children and the public; and,

WHEREAS, the majority of streets and alleys within the Town are small, narrow and incapable of safely and regularly supporting traffic and parking by heavy trucks or oversized vehicles; and,

WHEREAS, the parking and storage of heavy or large trucks, earth moving machinery, construction equipment and other large machinery within the Town, and particularly within residentially zoned districts, is detrimental to the promotion of the Town's historical nature, quality of life, appearance and largely residential character; and does not comply with the Town's Comprehensive Plan; and,

WHEREAS, the prohibition or regulation of the parking and storage of trucks, earth moving machinery and other large machinery is necessary to eliminate nuisances and to protect and enhance the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO:

Section 1. Definitions.

The definitions set forth in Article 1 of Title 42, Colorado Revised Statutes, as applicable, shall apply to this ordinance.

Section 2. Parking of Motor Vehicles and Trailers.

It shall be unlawful for the owner or operator to store, park, place, or to permit to be stored, parked or placed, any earth moving machinery, semi-trailer, truck trailer, trailer with three (3) or more axles, detached trailer on a public roadway, street or alley, truck tractor, unlicensed motor vehicle or inoperable motor vehicle within the Town of Berthoud, unless one or more of the following exceptions apply:

- A. The vehicle is legally parked in a C-2 or an M-1 or M-2 zone.
- B. The vehicle is on private property and the duration, intensity and frequency of the parking does not detract from the character of the property or the adjoining properties. Except for pickup trucks, it shall be presumed that the regular parking of the vehicles, trailers with three (3) or more axles, detached

trailers or equipment as listed above which are used primarily for business or commercial purposes, as opposed to being used for private purposes, is unlawful.

C. The motor vehicle, trailer or earth moving machinery is substantially screened on private property from public view, or is temporarily being used on a validly permitted construction site. Construction equipment, earth moving machinery, motor vehicles, and trailers as described above which are not located on a validly permitted construction site or within 100 feet thereof on a public roadway or easement shall be presumed to be in violation of this ordinance unless the vehicle or equipment was used for the purposes for which it was manufactured on that permitted construction site within seventy-two (72) hours prior to the issuance of the citation.

#### Section 3. Parking of Trailer Coaches and Vehicles Prohibited.

It shall be unlawful to park or permit to stand any trailer coach or other vehicle which is constructed or designed for dwelling or sleeping purposes upon any public roadway, street or alley for a period longer than seventy-two (72) hours. No such trailer coach or other such vehicle shall be used for dwelling or sleeping purposes while parked on any public roadway, street or alley.

#### Section 4. Permits for Extended Parking.

Extended parking of trailer coaches or other vehicles for more than seventy-two (72) hours on a public street, alley or roadway may be permitted pursuant to a permit issued by the Town. Such permits shall be issued only to the owner or regular driver of such vehicle and shall not be transferred or assigned to another owner, driver or location. The duration of the initial permit shall not exceed fourteen (14) days and may be renewed for a second period not to exceed fourteen (14) days. The permits may be issued where the parking of the trailer coach or other vehicle will not adversely affect the safety of other vehicles using the rights of way within the Town or where the use would result in a commercial use of an area not zoned commercially.

#### Section 5. Penalties for Violation.

Any person who shall be convicted of a violation of this ordinance shall be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for each offense. Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and different offense.

#### Section 6. Repealer.

Ordinances numbered 290, 610, and 630 and Section 17.37 of the Berthoud Municipal Code are hereby repealed in their entirety.

Section 7. Effective Date.

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting May 14, 2002, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 28<sup>th</sup> day of May, 2002. After the public hearing, the Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 28<sup>th</sup> day of May, 2002.

TOWN OF BERTHOUD:

ATTEST:

Milan Karspeck  
Milan Karspeck - Mayor

Mary K. Cowdin  
Mary K. Cowdin - Town Clerk

Published: May 30, 2002