

ORDINANCE 332
TOWN OF RICO

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO,
COLORADO PROHIBITING THE USE OF ENGINE RETARDERS IN THE TOWN.**

WHEREAS, Highway 145 runs through the center of town and is a major thoroughfare for commercial trucks, including tractor trailers; and

WHEREAS, the speed limit on Highway 145 drops from 55 miles per hour outside of town to 30 miles per hour within the town; and

WHEREAS, commercial trucks, including tractor trailers, sometimes utilize "engine retarders" or "jake brakes" to slow down as they enter the town, and the use of such brakes creates an excessive amount of noise and is disturbing to the residents of the town; and

WHEREAS, such noise represents a threat to the serenity and quality of life in town; and

WHEREAS, the Board of Trustees has determined that this ordinance prohibiting the use of airbrakes in the town is necessary to protect the health, safety and welfare of the town's residents and is a local matter.

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

Section 1

Use of Airbrakes Prohibited

The use of engine retarders, "jake brakes" or other similarly loud brakes in the Town of Rico is prohibited.

Section 2

Penalty

- A. It shall be unlawful for any person to violate any provision of this ordinance.
- B. Any person found guilty of violating, or who admits violating, any provision of this ordinance shall be punishable by a fine of not less than \$200 and not more than \$1000, or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.
- C. A separate offense shall be deemed committed on each day or portion thereof that the violation of any provision of this ordinance occurs.

Section 3

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 4

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 5

This ordinance shall become effective thirty (30) days after publication of notice of its passage in a legal publication of general circulation within the Town of Rico.

Section 6

A public hearing on the ordinance shall be held on the 12 day of November, 1997, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 12th day of November, 1997.

TOWN OF RICO

ATTEST

By: Robert E Cummings
Robert Cummings
Mayor

Linda Yellowman
Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 12 day of November, 1997.

TOWN OF RICO

ATTEST

By: Robert E Cummings
Robert Cummings
Mayor

Linda Yellowman
Linda Yellowman
Town Clerk