

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 741**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
CHAPTER 8, ARTICLE VI OF THE *MEAD MUNICIPAL CODE* AS IT RELATES
TO THE USE OF MUNICIPAL STREETS BY COMPACT UTILITY
TRACTORS, AGRICULTURAL OR INDUSTRIAL TRACTORS, IMPLEMENTS
OF HUSBANDRY AND SPECIAL MOBILE MACHINERY.**

WHEREAS, Section 42-4-111, C.R.S., authorizes municipalities to exercise their police powers with respect to streets and highways under their jurisdiction; and

WHEREAS, the Town of Mead is characterized by numerous rural subdivisions with estate sized lots, interspersed with agricultural property that is being actively farmed; and

WHEREAS, it is the declared policy of the Town to conserve, protect and encourage the development and improvement of its agricultural land for the production of food and agricultural products; and

WHEREAS, on occasion, residents and businesses of the Town find it convenient and necessary to drive compact utility tractors, farm and industrial tractors and implements of husbandry on municipal streets; and

WHEREAS, on occasion, residents and businesses of the Town find it convenient and necessary to drive special mobile machinery, including, but not limited to, vehicles commonly used in the construction, maintenance and repair of roadways, the drilling of wells and the digging of ditches on the municipal streets;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Chapter 8, Article VI of the *Mead Municipal Code* is hereby amended by the addition of a new Section 8-6-160. Regulation of Compact Utility Tractors, Farm Tractors and Other Implements of Husbandry on Municipal Streets, to read as follows:

“Section 8-6-160. Regulation of Compact Utility Tractors, Agricultural or Industrial Tractors, Implements of Husbandry and Special Mobile Machinery on Municipal Streets. It shall be unlawful for any person to drive a compact utility tractor, farm tractor, implement of husbandry, or special mobile machinery (SSM) on municipal streets under the jurisdiction of the Town of Mead except as provided herein:

- a.** As used in this section, the following definitions shall apply:
 - i.** *Compact utility tractor* means a smaller version of a Utility (or Agricultural) tractor. These machines are designed principally for landscaping, digging, snow removal and other domestic property maintenance. Compact Utility tractors are also capable of handling a variety of implements and attachments, including a front-end loader, box blade, grader blade, post-hole digger, rotary tiller and many more.
 - ii.** *Agricultural or industrial tractor* means a vehicle used in agriculture or

construction specifically designed to deliver a high tractive effort (or torque) at slow speeds, for the purposes of hauling a trailer or machinery used in agriculture or construction.

- iii. *Implement of husbandry* means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous and dry fertilizers. Transportation of fertilizer in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways.
- iv. *Special mobile machinery* means machinery that is pulled, hauled, or driven over a highway and is either;
 - (1) A vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highway; or
 - (2) A motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been did redesigned or modified by the addition of mounted equipment or machinery, and only incidentally operated or moved over the public highways.

Special mobile machinery includes vehicles commonly used for the construction, maintenance and repair of roadways, the drilling of wells, and digging of ditches.

- b. A compact utility tractor, agricultural or industrial tractor, or implement of husbandry may be driven on municipal streets, provided that, the operator complies with state regulations regarding displaying a “Slow Moving Vehicle” emblem when the vehicle is being transported or moved on the municipal street at a speed less than 25 miles per hour. In addition, the compact utility tractor, agricultural or industrial tractor or implement of husbandry shall display front and rear flashing warning lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.
- c. A compact utility tractor, agricultural or industrial tractor or implement of husbandry displaying a slow-moving vehicle emblem, when the vehicle is being transported or moved on municipal streets at speeds in excess of 25 mph, shall have the slow-moving vehicle emblem removed or covered when being so moved or transported.
- d. Special mobile machinery (SSM) may be driven on municipal streets, provided that the operator complies with state regulations regarding the registration of the SMM and shall display front and rear flashing warning lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.
- e. A compact utility tractor, agricultural or industrial tractor, implement of husbandry or special mobile machinery may be operated on a roadway or street in the Town only during daylight hours and when visibility is at least 500 feet.

- f. Every person operating a compact utility tractor, agricultural or industrial tractor, implement of husbandry or special mobile machinery on a roadway or street in the Town shall be subject to Town traffic laws, and may be subject to issuance of a summons and complaint for said violation.
- g. The compact utility tractor, agricultural or industrial tractor, implement of husbandry or special mobile machinery shall be insured under the owner's, homeowner's, renter's, or business owner's insurance or some other form of liability insurance."

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Violations and Penalties.

- a. It shall be a violation of this ordinance for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required in this ordinance.
- b. Any person, firm or corporation convicted of violating the terms or conditions of the ordinance adopted hereby is guilty of a civil violation and upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50.00) for the first infraction and up to five hundred dollars (\$500.00) for each subsequent infraction.
- c. In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Town Board, may institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violations. The Remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 14th DAY OF April , 2014.

ATTEST:

TOWN OF MEAD

By *Linda Blackston*
Linda Blackston, CMC, Town Clerk

By *Gary R. Shields*
Gary R. Shields, Mayor

