

PRE-MEETING AGENDA

Casper City Council
City Hall, Council Chambers
Tuesday, April 6, 2021, 5:30 p.m.



Please silence cell phones during the City Council meeting.

COVID-19 precautions are in effect at Council meetings. Entrance to the meetings is the east door off David Street. Upon entry you will be asked to sign-in for contact tracing purposes. Face coverings are encouraged. Seating will be limited, and media will be given priority for seating. Public input via email is encouraged: CouncilComments@casperwy.gov

	Presentation	Allotted	Beginning Time
1.	Parking Ordinance Revision	10 min	5:30
2.	Johnson Group Liquor	10 min	5:40
3.	Agenda Review	5 min	5:50
	Approximate Ending Time		5:55
	Bright Spot - Retirement Ceremony for Police Officer Don Crow Police Chief McPheeters will invite everyone outside (between City Hall and the Hall of Justice) to honor Officer Crow's service with the Casper Police Department and Casper Fire Department		6:00

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April 2, 2021

MEMO TO: Casper City Council
J. Carter Napier, City Manager *JCN*

FROM: John Henley, City Attorney *JH*
Liz Becher, Community Development Director *LB*

SUBJECT: Parking Ordinance Revision

Meeting Type & Date:

Pre-meeting - Regular Council Meeting, April 6, 2021

Action Type:

Pre-Meeting: Information, discussion, and direction requested.

Recommendation:

Staff's recommendation is for Council to discuss the proposed ordinance and resolution regarding various sections of Chapter 10.36 of the Casper Municipal Code regarding parking regulations and restrictions, and establish the Public Hearing and First Reading of the proposed ordinance by minute action during the Council Meeting.

Summary

Council recently discussed modifying several different parking regulations and restrictions in the City of Casper, as well as modifying and establishing application fees, permit fees and fine schedules pertaining to parking regulations and restrictions. The parking regulations and restrictions, as well as application fees, permit fees, and fine schedules are modified by ordinance (which, if adopted, will be codified). The ordinance references and incorporates the City of Casper's Parking Manual, which can be modified and updated by resolution; the application fees, permit fees and fine schedules are modified by resolution.

Staff has been working on updating Chapter 10.36 of the Casper Municipal Code by preparing a draft ordinance for Council's consideration (attached). Also attached is a proposed resolution to adopt an updated Parking Manual.

The general collection of the City's parking options, prohibitions, limitations, regulations, and exceptions are contained in the City of Casper's Parking Manual, dated April 10, 2010. Staff has been working on updating the Parking Manual and it will be included in the packet, for review only, with the memo for Public Hearing and First Reading of the proposed ordinance.

The drafts of the proposed ordinance, resolution, and parking manual reflect, hopefully, Council's preliminary direction regarding modifying parking regulations, and establishment of parking permits for parking on City's public parkways located on 12th and 13th Streets, between CY Avenue

and McKinley Street; as well as Council’s preliminary discussions regarding permit fees and other parking regulations and restrictions.

Staff’s recommendations in terms of the preliminary schedule of readings is as follows:

- April 6, 2021: Pre-Meeting/discussion and direction requested.
- April 6, 2021: Minute Action establishing Public Hearing regarding the proposed ordinance.
- April 20, 2021: Public Hearing and First Reading of the proposed ordinance.
- May 4, 2021: Second Reading of the proposed ordinance.
- May 18, 2021: Third Reading of the proposed ordinance.
- May 18, 2021: Resolution Establishing Application Fees, Permit Fees and Fine Schedules Pertaining to Parking.

Financial Consideration:

As set out in the proposed drafts.

Oversight/Responsibility:

- Liz Becher, Community Development Director
- John Henley, City Attorney
- Lt. Ryan Dabney and Sgt. Jeff Bullard, Casper Police Department

Attachments:

- Preliminary draft of proposed ordinance
- Preliminary draft of proposed resolution
- A draft of the May 2021 Parking Manual, will be included in the April 20, 2021 packet.

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 10.36 – PARKING, OF THE CASPER MUNICIPAL CODE.

WHEREAS, the governing body of the City of Casper has the authority granted by Wyoming State Statutes Sections 15-1-103 (a) (xli) and 15-1-103(a)(v), to adopt ordinances and resolutions necessary to protect the health, safety, and welfare of its citizenry; and,

WHEREAS, the governing body of the City of Casper may perform all acts in relation to the concerns of the City necessary to the exercise of its corporate powers; and,

WHEREAS, the Casper Municipal Code needs updated and modified from time to time; and,

WHEREAS, the governing body of the City of Casper desires to update and amend the City of Casper Code, Chapter 10.36 Parking, as set out below.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following sections 10.36.010, 10.36.020, 10.36.030, 10.36.040, and 10.36.050 of Chapter 10.36 – Parking, of the Casper Municipal Code, are amended as follows:

10.36.010 - Delegation of ~~a~~Authority.

The city manager, by and through his or her designee, is hereby authorized to, in accordance with appropriate state and federal statutes, rules and regulations, designate and post prohibitions, limitations, regulations and exceptions thereto, regarding parking motor vehicles within the city limits of Casper. The general collection of the City's parking options, prohibitions, limitations, and regulations and exceptions thereto are contained in the May 2021 City of Casper's Parking Manual; the City of Casper Parking Manual was reviewed, discussed and passed concurrent with the third reading of this Ordinance; it shall be known as the May 2021 City of Casper Parking Manual and may be amended by resolution of the City of Casper's Governing Body.

(Ord. No. 12-10, § 2, 7-6-2010)

10.36.020 - General prohibitions.

A. In addition to any specific regulations adopted pursuant to the above-granted delegation of authority, and the provisions of the Casper City Code, it shall be unlawful to park a motor vehicle or RV within the city limits of Casper:

1. At any place, time or manner prohibited by the city manager or his or her designee;
2. On a sidewalk;

3. In a parkway, without a properly displayed permit/~~decal~~; parking on the parkway is subject to the rules and regulations of the May 2021 City of Casper Parking Manual, as it may be amended; parkway parking, as provided in the Manual, may be permitted on 12th Street and 13th Street, between CY Avenue and McKinley Street.
4. In front of a public or private driveway or garage entrance on a street or in an alley;
5. Within an intersection;
6. Within fifteen feet of a fire hydrant;
7. On a crosswalk;
8. Within twenty feet of a crosswalk or an intersection, unless otherwise permitted by the city engineer;
9. Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
10. Within twenty feet of the nearest rail of a railroad crossing;
11. Within twenty feet of the driveway entrance to any fire station;
12. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
13. On the roadway side of any vehicle stopped or parked at the edge of the curb of a street (double parked);
14. In any underpass within the city;
15. At any place where official regulatory signs prohibit stopping, standing or parking, except as set forth on and in compliance with said regulatory sign;
16. Adjacent to any portion of an official painted yellow curbline, except where regulated by, and in conformance with, a regulatory sign;
17. In any manner that is not parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside ~~outside~~ wheels of the vehicle more than eighteen inches from the curb or edge of the roadway, except where marked for diagonal parking, where the vehicle must be parked with the outside front wheel of the vehicle within six inches of the curb or edge of the roadway;
18. In a manner that allows less than ten feet of the width of the roadway for free movement of vehicular traffic;
19. In a manner that allows less than fifteen feet of the width of the alley for free movement and unobstructed access to public utilities and refuse containers;
20. Upon any roadway for the principal purpose of displaying such vehicle for sale; or, washing, greasing or repairing such vehicle except repairs necessitated by an emergency;
21. Upon any private property, without permission of the owner of said private property;

22. In a permanent reserved space of any kind, without proper permits and proper display of said permits;
 23. In a handicapped parking space without valid and properly displayed handicapped parking permits, tags or license plates;
 24. In a marked bus stop; ~~and~~
 25. In a publicly owned parking lot in violation of posted limits, restrictions or permit requirements; ~~and~~
 26. Any RV that may be parked on a public street~~boat or trailer of any size~~ must be parked in front of the owner's or renter's lot or property.
- B. No person shall park any commercial vehicle which is longer than twenty feet in length, or wider than eight feet in width, or any truck tractor, or any semitrailer, upon any street or alley in the city, except in those areas designated as business and in the industrial areas on the zoning district map of the city, except when such commercial vehicles, truck tractors or semitrailers are in the process of loading or unloading at the site of origin or delivery of shipments. No person shall park any commercial vehicle, truck tractor, or semitrailer of any dimensions, loaded with live animals, or any hazardous material as defined by U.S. Department of Transportation regulations. A commercial vehicle of twenty feet or less in length may only be parked in front of the vehicle owner's property, unless properly parked in front of a job site while the job is in progress.
 - C. No person shall park any recreational vehicle, as defined in this chapter, on any street within the city for a period in excess of five ~~consecutive~~ days in any thirty-day period, unless the individual has complied with provisions outlined in the May 2021 Parking Regulations Manual of the City of Casper, Wyoming, ~~dated April 20, 2010~~, as may be amended from time to time by resolution of the city council.
 - D. No person shall park on certain designated snow route streets during a snow emergency, as set forth in the snow emergency regulations contained within the May 2021 Parking Regulations Manual of the City of Casper, Wyoming, ~~dated April 20, 2010~~, as may be amended from time to time by resolution of the city council.
 - E. It shall be unlawful for any person to own, store, park or otherwise maintain a motor vehicle upon the public streets, alleys or highways of the city, without first having registered the vehicle, obtained a license therefor and affixed thereto such license plates as are required, ~~all~~ in accordance with the applicable laws of the state pertaining to the licensing and registering of motor vehicles, as such laws now exist and as the same may from time to time be amended.
 - F. At any corner formed by the intersecting streets, it shall be unlawful to park any recreational vehicle, as defined in this chapter, within the triangle formed by the intersection of the curb face of the extended curb lines, measured back a distance of thirty (30') feet with a line drawn to form a right triangle.
 - ~~G. It shall be unlawful for any person to remove, erase, deface, obliterate or render unusable for the purpose of enforcement of this chapter or the provisions outlined in the Parking Regulations Manual of the City of Casper, Wyoming, dated April 20, 2010, as may be amended from time to time by resolution of the city council, any chalk mark, marker, or other indicator placed on a vehicle or any portion thereof by an authorized representative of the city~~

~~for the purpose of measuring the passage of time or the movement of a vehicle stopped, standing or parking on any street, or in any parking lot or structure, or portion thereof.~~

(Ord. No. 12-10, § 2, 7-6-2010)

10.36.030 - Recreational ~~v~~Vehicle—Defined.

- A. For purposes of this chapter, "recreational vehicle ~~'(RV)'"~~" means any of the following:
1. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, in accordance with ANSI Standards Bulletin No. 119-A;
 2. A pickup camper, meaning a structure designed to be mounted on a truck chassis, for use as a temporary dwelling for travel, recreation and vacation;
 3. A motor home, meaning a portable, temporary dwelling, to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle;
 4. A camping trailer, meaning a structure mounted on wheels and designed for travel, recreation and vacation use; or
 5. A boat or trailer of any type, but not an enclosed commercial trailer less than twenty (20) feet in length;- for purposes of this Chapter a commercial trailer less than twenty (20) feet shall be considered a motor vehicle/vehicle.

(Ord. No. 12-10, § 2, 7-6-2010; Ord. No. 17-19, 7-2-2019)

10.36.040 - Vehicle ~~r~~Removal ~~A~~authorized ~~W~~when.

- A. Whenever any police officer finds a vehicle or RV upon a street or highway or in a restricted parking area in violation of the provisions of this chapter, such officer is authorized to move such vehicle or RV, or require the driver or other person in charge of vehicle to move the same. Should the officer not be able to move the vehicle or RV or find the person in charge of the vehicle or RV, the officer is authorized to have the vehicle towed and impounded.

(Ord. No. 12-10, § 2, 7-6-2010)

10.36.050 - Penalties and ~~e~~Enforcement.

- A. Parking in violation of this chapter or the May 2021 Parking Regulations Manual of the City of Casper, Wyoming, ~~dated April 20, 2010~~, as may be amended from time to time by resolution of the city council, shall constitute a misdemeanor.
- B. Any violation of this chapter which continues for a period of twenty-four hours or more shall constitute a new and separate distinct violation.
- C. Conviction of ~~abuse or a~~ violation of the terms of the ~~various~~ parking permits issued by the City of Casper, shall result in revocation of the permits; ~~and~~ the holder of said permits or owner or operator of the motor vehicle or RV which has misused or violated the terms of the permits shall be subject to other penalties or remedies as provided in the Casper City Code.

- D. It shall constitute notice to every person charged with violating this chapter, if the city manager or his/her designee affixes to or deposits in a motor vehicle, found to be parked in violation of this chapter, a parking ticket indicating thereon that the motor vehicle is parked in violation of this chapter, the street address or location where such violation occurred, the date upon which the same occurred, the license number of such motor vehicle, and notice of time and date the owner of such motor vehicle is to pay the fine or post the bond for the violation, and the bond and fine amount for the violation. The owner of any motor vehicle who fails to appear at the municipal court at the time fixed in any such notice, shall be formally charged, by criminal complaint with violation of this chapter. The original parking citation shall serve as the formal complaint in the matter if served pursuant to Wyoming law. It shall be presumed that the last known address to which the vehicle is registered is a valid address for service of notice under this chapter.
- E. In the event that any person receiving any ticket or notice of violation does not desire to appear before the municipal court to answer to such charge, he may post a cash bond in the amount of the fine for the violation with the municipal court. Such bonds shall be forfeited unless such person shall appear before the municipal judge at the time fixed in such notice, and upon forfeiture of such bonds, no further action shall be taken against such violator.
- F. The fact that a motor vehicle or RV which is parked in violation of this chapter is registered in the name of a person shall be prima facie evidence that such person was in control of the automobile motor vehicle or RV at the time of such parking.
- G. 1. In addition to any other penalties or remedies enumerated in this chapter, the city manager or his or her designee may tow, impound and/or immobilize any vehicle or RV that has accumulated ~~three~~five or more unpaid ~~or unadjudicated~~ notices of violation that are ~~thirty or more days past due.~~ all more than thirty days past due. For handicapped parking violations, the threshold shall be one or more notices of violations that are thirty or more days past due.
2. Any vehicle or RV towed, immobilized or impounded pursuant to this chapter may be released upon the payment of the outstanding fines leading to the towing, immobilization or impoundment, or the posting of a bond with municipal court in the amount of the fines, along with a request for a hearing to adjudicate the underlying violations.
- H. The city manager or his or her designee may tow any vehicle or RV that is parked on the street in the downtown business district during the hours of 3:00 a.m. until 6:00 a.m., seven days a week, if it is necessary for said vehicle to be moved to allow city crews to sweep and clean city streets, and perform snow removal and other activities without the interference of parked cars.
- I. The city manager or his or her designee may tow any vehicle or RV parked in violation of this chapter at any time, if said vehicle is obstructing traffic flow, street or utility work, access to public or private property, or in any way jeopardizes the health, safety or welfare of the public.

(Ord. No. 12-10, § 2, 7-6-2010; Ord. No. 14-11, §§ 1, 2, 3-21-2011)

This Ordinance shall become in full force and effect twenty-one (21) days after passage on third reading and publication.

PASSED on 1st reading the ____ day of ____, 2021

PASSED on 2nd reading the ____ day of ____, 2021

PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day of _____, 2021.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor

RESOLUTION NO.

A RESOLUTION ESTABLISHING APPLICATION FEES,
PERMIT FEES AND FINE SCHEDULES PERTAINING TO
PARKING.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the following application fees, permit fees and fine schedules for parking are hereby established.

APPLICATION FEES

Those individuals making application for any type of parking permit provided for in the May 2021 Parking Regulations Manual of the City of Casper, Wyoming (May 2021 Parking Manual), shall pay a non- refundable fee of \$25.00, with the exception of the critical parking – school permits, which will not require an application fee. Application fees shall be collected only for new applications.

PERMIT FEES

Annual fees for all types of parking permits provided for in the May 2021 Parking Manual, and shall be as follows:

The annual fee for critical parking -schools permits shall be: \$25.00

The fee for recreational vehicle seasonal parking permits from May 1 to November 1 shall be: \$250.00; this permit allows an owner to park the owner’s/renter’s RV in front of the owner’s/renter’s property from May 1 to November 1 of the calendar year for when the permit is purchased, as permitted in the May 2021 Parking Manual.

The annual fee for Permanent Reserved Handicap Parking space shall be: \$50.00.

The annual fee for Loading Zone permits shall be: \$300.00

The annual fee for parkway parking shall be: \$250.00

PARKING VIOLATION FINES

Violation of parking regulations outlined in Chapter 10.36 of the Casper Municipal Code, and the May 2021 Parking Manual, shall be as follows:

Parking in a handicapped parking space without proper identification	\$100.00
Parking in a critical parking – school space without proper identification	\$50.00
Parking on a designated snow route street during a snow emergency	\$50.00

Parking on the street in the Downtown Business District between the hours of 3:00 a.m. and 6:00 a.m.

1 st violation in a calendar year	\$25.00
2 nd violation in a calendar year	\$50.00
3 rd or subsequent violation in a calendar year	\$75.00

Parking without current registration or license \$110.00

Misuse or violation of the terms of the various parking permits \$100.00

All other parking violations:

1 st violation in a calendar year	\$25.00
2 nd violation in a calendar year	\$50.00
3 rd or subsequent violation in a calendar year	\$75.00

PASSED, APPROVED AND ADOPTED this _____ DAY OF _____ 2021.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Steven K. Freel
Mayor