

ORDINANCE NO. 1-2012

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TITLE 11, CHAPTER 1, SECTION 11-101 THROUGH 11-105

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ORDANANCE ENACTING TITLE 11, CHAPTER 1, SECTIONS 11-101 THOURGH 11-105 IN THE CODE OF THE TOWN OF MOORCROFT, WYOMING, 1979 ESTABLISHING PROVISIONS REGARDING SNOW REMOVAL; PROHIBITING PARKING FOR SNOW REMOVAL; PROVIDING FOR PENALTIES FOR ILLEGAL PARKING; PROVIDING FOR THE REMOVAL OF VEHICLES; AND PROVIDING FOR EMERGENCY PASSAGE.

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BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOORCROFT, CROOK COUNTY, WYOMING, that:

SECTION 1: The Code of the Town of Moorcroft, Wyoming, 1979 is hereby amended to include as Title 1, Chapter1, Sections 11-101 through 11-105 the following:

“11-101–DEFINITIONS- As used in this Chapter, the following words mean:

- (a) “Street” or “Alley” shall mean a publicly maintained way open to public use for vehicular travel and includes the entire width between the boundary lines and not just the portion designed and ordinarily used for vehicular travel.
- (b) “Vehicle” shall mean and include motorized vehicles, trailers, machinery, equipment, and recreational vehicles, whether or not operational.

11-102–SNOW REMOVAL FROM SIDEWALK REQUIRED; PLACEMENT OF SNOW; PENALTY-

- (a) It is unlawful for the occupant(s) of any premise, whether or not the owner (s), or the owner(s) of the premise if unoccupied, which premise abuts a sidewalk(s) to not remove accumulated snow, ice and/or slush from the portion of such sidewalk which abuts the premise within twenty-four (24) hours following such accumulation.
- (b) It is unlawful for any person (excluding employees and authorized agents of the Town) to push, plow, shovel, dump, pile, place or deposit snow, ice or slush upon any public premise, street, alley or sidewalk; except, however, snow may be pushed, plowed, shoveled, dumped, piled, placed, or deposited in windrow fashion on the center line of a street not adjacent to a connecting street provided that: (i) the height of such accumulation does not exceed three (3) feet, (ii) the width of such accumulation does

not impede vehicle traffic on the street, and (iii) the pushing, plowing, shoveling, dumping, piling, placing or depositing of snow does not impede vehicle traffic on the street.

- (c) It is unlawful for any person to push, plow, shovel, dump, pile, place or deposit snow, ice or slush on any private premise without the consent of the owner(s) or the occupant(s) of such premise.
- (d) Violation of this section constitutes a misdemeanor and is punishable by a fine of up to \$200.00 for each day the violation continues.

11-103 - PARKING RESTRICTIONS ON SNOW ROUTES; PENALTY-

- (a) The Town may designate certain streets and alleys, or portions thereof, as snow routes, and may restrict parking of vehicles on and upon such streets and alleys during the months of October through April to facilitate the removal of snow and ice from such streets and alleys. Such restrictions may prohibit parking at all times, or during specified days or times, and may be temporary or permanent during the months of October through April. Signs designating such restrictions shall be posted, and such restrictions shall not be enforced for a period of five (5) days following posting.
- (b) It is unlawful for the owner(s) of any vehicle to park or permit to be parked or to allow to remain parked such vehicle on or upon any street or alley designated as a snow removal route by the Town during the months of October through April in violation of the posted parking restrictions. The owner(s) of a vehicle shall be deemed to have parked or permitted to be parked or allowed to remain parked any vehicle which is parked in violation of this section.
- (c) Violation of this section constitutes a misdemeanor and is punishable by a fine of up to \$200.00 for each day the violation continues.

11-104 – PARKING RESTRICTIONS ON EMERGENCY SNOW ROUTES; PENALTY-

- (a) The Town may designate certain streets and alleys, or any portion thereof, as snow emergency routes. Each such street or alley, or portion thereof, so designated shall be posted with signs stating that such street or alley, or portion thereof, is a snow emergency route and prohibiting parking thereon when snow depth exceeds four (4) inches.
- (b) Whenever there is an accumulation of four (4) inches of snow accompanied by more snow actually falling or anticipated and forecast to fall in the immediate future on the basis of a forecast by the U. S. Weather Bureau or other weather service, the Town Administrator, or in his absence the Town Public Works Director, or in their absence the Town Police Chief, shall declare a snow emergency and publicly announce such declaration of snow emergency on the Town's website and on the Town's

City Watch notification system. The declaration of snow emergency shall inform the public that parking is prohibited on any one or more snow emergency routes as designated in subsection (a) of this section, and direct that all vehicles must be removed from such snow emergency route within four (4) hours of making said public announcement. Once in effect, the parking prohibition shall remain in effect until accumulated snow on the snow emergency route has been removed by the Town and snow is no longer accumulating (falling).

- (c) From and after four (4) hours following announcement of the snow emergency and during the duration of the snow emergency as provided in subsection (b) of this section, it shall be unlawful for the owner(s) of any vehicle to park, permit to be parked, or allow to remain parked such vehicle on or upon any snow emergency route on which parking is prohibited. The owner(s) of a vehicle shall be deemed to have parked, or permitted to be parked, or allowed to remain parked, such vehicle which is in violation of this section. Violation of this section constitutes a misdemeanor and is punishable by a fine of up to \$200.00 for each day the violation continues.

11-105 – REMOVAL OF VEHICLES-

- (a) Officers of the Town police department are authorized to remove or have removed from a street or alley any vehicle parked in violation of any section of this Chapter when: (i) the vehicle is parked in violation of Section 11-103 of this Chapter and is interfering or about to interfere with the Town's snow removal operations; or (ii) the vehicle is parked in violation of Section 11-104 of this Chapter. Prior to removal of the vehicle, the Town police shall attempt to contact the vehicle owner(s), if the identity of the owner(s) can be determined, by telephone or otherwise, to direct the owner(s) to relocate the vehicle. Such contact shall be between the hours of 7:00 a.m. and 10:00 p.m. Vehicles shall not be removed by the Town between the hours of 10:00 p.m. and 7:00 a.m. the next day. Vehicles may be removed to the nearest garage or other place of safety (including another street location), or to a facility designated by the Town.
- (b) Whenever a police officer removes or has removed a vehicle from a street or alley authorized in this section and the police officer knows or is able to ascertain the name and address of the owner thereof, such police officer shall, as soon as practicable give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- (c) Whenever a police officer removes or has removed a vehicle from a street or alley under this section and does not know and is not able to ascertain the name of the owner, or for any reason is unable to give the

notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the police officer shall immediately send or cause to be sent a written report of such removal by mail to the State department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage to which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

- (d) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the Town police department evidence of his identity and right to possession of the vehicle and shall sign a receipt for its return.
- (e) It shall be the duty of the Town police department to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition, and the parking violation involved.
- (f) This section shall be supplemental to any other provisions of law granting members of the Town police department authority to remove vehicles.
- (g) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person with the right of immediate possession of any towed or impounded vehicle may recover it from the place where it has been placed or impounded, he shall pay all reasonable and necessary charges arising from the impoundment of his vehicle and shall present evidence of his identity and right to possession of the vehicle before it may be returned to him. Fees for vehicles towed to a public or private location shall be paid directly to the company providing the towing service. Storage fees at a private or public storage facility will be paid directly to the operator of the facility and will be the responsibility of the individual accepting custody of the vehicle. The Town Administrator shall set daily storage fees for vehicles stored at a Town impound facility.”

SECTION 2: It is hereby declared that an emergency exists, and that passage of this Ordinance is necessary to preserve the public health, peace, safety or welfare, and that the required three (3) public readings shall be suspended in accordance with Wyoming Statute Section 15-1-115, and that this Ordinance shall be in full force and effect after its passage and upon proclamation of the Mayor pursuant to Wyoming Statute Section 15-1-116.

PASSED, APPROVED AND ADOPTED on third reading this 9th day of January, 2012.

TOWN OF MOORCROFT

Steve Blakeman
Mayor

ATTEST:

Tara Ferrell
Town Clerk/Treasurer

PROCLAMATION

I, Steve Blakeman, Mayor of the Town of Moorcroft, Wyoming, proclaim that Ordinance No. 1-2012, passed on the 9th day of January, 2012, on emergency basis in accordance with Wyoming Statute Section 15-1-115, operates for the immediate preservation of the public peace, health, safety or welfare, and pursuant to Wyoming Statute Section 15-1-116, it shall be effective immediately and thereafter it shall be published as soon as possible according to law.

DATED this 9th day of January, 2012.

TOWN OF MOORCROFT

Steve Blakeman
Mayor

ATTEST:

Tara Ferrell
Town Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, Tara Ferrell, Clerk/Treasurer of the Town of Moorcroft, Wyoming, hereby certify that Ordinance No.1-2012 was published in the Moorcroft Leader, Moorcroft, Wyoming on this _____ day of _____, 2012.

Tara Ferrell
Town Clerk/Treasurer