

ORDINANCE NO.

AN ORDINANCE APPROVING AND AUTHORIZING A ZONING TEXT AMENDMENT TO AMEND THE ZONING ORDINANCE OF THE CITY OF GILLETTE, WYOMING, TO AMEND SECTION 16 DEFINITIONS, SECTION 9.B., OFF-STREET PARKING AND LOADING REQUIREMENTS AND SECTION 5, ADMINISTRATION AND ENFORCEMENT; SUBJECT TO ALL PLANNING REQUIREMENTS

Whereas, it is necessary to define Parking Lot and Access and

Whereas, it is necessary for the health, safety and welfare of the City of Gillette, Wyoming to establish by ordinance requirements for the maintenance of private parking lots; access to public and private rights of way; and methods of administration and enforcement of this ordinance, and

Whereas, improper maintenance of private parking lots and/or private right of ways or easements dedicated to the public has a direct bearing on the economic value of the property. Improper maintenance of private parking lots and/or private right of ways or easements dedicated to the public brings about blight, decay, decreased property values, and loss of both private and public revenues and

Whereas, required maintenance of private parking lots and access to public and private rights of way necessitate the methods of administration, enforcement, and abatement be updated for the entire zoning ordinance.

NOW THEREFORE, BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

SECTION ONE: Section 16. Definitions shall be amended to include the following:

Parking Lot: A defined area where patrons can park for a brief period of time while visiting a business

Access: A vehicle access way shared by and serving two or more lots not publicly maintained, regardless whether dedicated to the public, and accessible to public rights of way.

SECTION TWO: Section 9, Off Street Parking and Loading Requirements, Paragraph (b) Design, Use and Maintenance shall be amended to include item (10) Access and Parking Maintenance Requirements to read as follows:

(10) Access and Parking Lot Maintenance Requirements: Parking lots and public access easements shall be maintained by the owner of the property to prevent deterioration, including but not limited to: potholes; crumbling asphalt, concrete, or any other surface covering; or weeds. Additional vehicle or equipment parking storage areas as provided for in Section 9.b(3)(e) accessible to the public for use as a parking lot, shall be maintained to prevent deterioration.

SECTION THREE: Section 5, Administration and Enforcement, Paragraph (b) Inspection Agency shall be amended to read as follows:

1. Except as otherwise provided, the Zoning Administrator shall have primary responsibility for enforcing the provisions of the Zoning Code, including inspections for insuring compliance with those provisions of this code governing development of land and the use of structures. The Zoning Administrator shall establish and maintain rules and procedures for the conduct of inspections.

~~The Zoning Administrator shall have the responsibility for inspections, for insuring compliance with those provisions of this ordinance governing the actual development of land and the use of structures. The Zoning Administrator shall establish and maintain rules and procedures for the conduct of inspections.~~

SECTION FOUR: Section 5, Administration and Enforcement, Paragraph (e) Violations, Penalties and Remedies shall be amended to read as follows:

1. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of this ordinance including but not limited to the following:
 - a. Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use of any building, structure, sign, or development on any land contrary to this ordinance.
 - b. Create, expand, replace, or change a nonconformity inconsistent with this ordinance.
 - c. Reduce lot area, setback, buffers, or open space below the minimum requirements in this ordinance.
 - d. Increase the density of any use of land or structure except in accordance with the requirements of this ordinance.
 - e. Fail to remove any sign installed, created, erected, or maintained in violation of this ordinance.
 - f. Fail to remove a temporary use once authorization for the temporary use has lapsed.
 - g. Fail to maintain private parking lots and access as required by this ordinance.
2. The Zoning Administrator or his authorized representatives shall order, in writing, the remedying of any violation as outlined below:
 - a. The Zoning Administrator Office shall provide a written notice and order to the property owner of the violation. Written notice may be

served upon the property owner, agent, or applicant, or may be posted in a prominent location at the place of violation.

- b. The Notice and Order shall state the nature of the violation, the ordinance provision violated, ~~time by which the violation must be corrected~~ potential fines, penalties and abatement procedures. The property owner has ten working days from receipt of the notice to contact the Zoning Administrator to discuss the violation and plan for correction of the violation. After Notice and the Order have been served, no work is allowed on any structure or tract of land covered by Notice or Order, except to correct the violation(s).
 - c. The Zoning Administrator may, at his discretion, extend the deadline to correct any violation of the zoning code. An extension under the zoning code does not relieve any obligation to correct any violation. Failure to correct a violation after an extension under this section will be subject to abatement procedures, citation or both.
3. The Zoning Administrator is authorized to post a notice and abate the violation. Any City employee or City contractor is authorized to enter the property to abate the violation.
 - a. A final Notice shall be posted on the property and served personally or by certified mail with return receipt to the owner of the property, prior to abatement.
 - b. Unless the order is appealed to the Board of Adjustment within ten days of the posting of the final warning, the Zoning Administrator's office shall proceed to abate the violation. See Section 5.j for procedure to appeal to Board of Adjustment.
 - c. The Zoning Administrator's Office shall keep an accounting of the cost incurred by the city in the abatement of the violation, including incidental expenses. The Zoning Administrator's Office shall forward a bill to the owner of record of the property specifying the nature and costs of the work performed. If the cost of abatement remains unpaid for thirty (30) calendar days, the abatement of the property will be assessed against the property and placed on the City assessment roll constituting a special assessment and a lien upon the property.
4. ~~(3)~~ In addition to the other remedies provided by Wyoming law, this ordinance shall be enforceable, by injunction, mandamus, or proceedings in abatement. Appeals from judgments rendered in any action instituted to enforce this ordinance shall be permitted and shall be in accordance with the general appeal provisions of this ordinance or the of Wyoming Rules of Civil Procedure.
5. ~~(4)~~ Any person, firm or corporation, owner, lessee, occupant or otherwise, who violates this any provision of this ordinance, or any subsequent

amendment may be cited in the Municipal Court and upon conviction is guilty of a misdemeanor punishable by a fine of up to seven hundred fifty dollars (\$750.00). Each day of non-compliance with any provision of the zoning code shall constitute a separate offence. ~~Persons or corporations convicted of violations of this ordinance shall be fined not more than \$100 for each offense. Each day's continuation of such violation is a separate offense.~~

6. ~~(5)~~ The City of Gillette, its employees, and contractors are not responsible for any damage to persons or property while enforcing this ordinance or any other ordinance, rule, regulation or law.

SECTION FIVE. This ordinance shall be in full force and effect on its effective date, _____, 2019.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 2019.

Louise Carter-King, Mayor

(S E A L)

ATTEST:

Cindy Staskiewicz, City Clerk