

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 11, SECTION 11-10 OF THE GILLETTE CITY CODE TO REVISE CITY SNOW ROUTES AND SNOW EMERGENCY DECLARATIONS.

WHEREAS, the Governing Body of the City of Gillette desires to amend Chapter 11, Section 11-10 of the Gillette City Code.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

SECTION ONE. Section 11-10 of the Gillette City Code, is amended to read as follows:

§11-10. Snow Route and Snow Emergency Declarations.

(A) Definitions.

The following definitions shall apply in the interpretations and enforcement of this ordinance:

(1) The “Administrator” is the City Administrator or his designated representative.

(2) “Street” or “highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(3) “Roadway” means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

(4) “Snow Routes” are clearly marked streets or portions of streets within the city with restricted parking during certain times of the year or during a Snow Emergency.

(5) “Snow Emergency” a forecast for an accumulation of at least four (4) inches of snow from an accredited weather service, prohibiting parking on designated Snow Routes. When parking is prohibited by a Snow Emergency, the City shall request local radio, TV or cable stations, social media to broadcast announcements that all vehicles should be moved off the snow route within four (4) hours. (Ord. 3746, 1-3-2012)

(6) “Snow Emergency Declaration” a declaration of Snow Emergency by the City Administrator stating that for the health, safety and welfare of the public, emergency travel restrictions on City Streets is necessary. **Snow Emergency Declarations do include any declarations made in accordance with any internal or administrative City Policies. As such,**

the public is not bound by and should not rely on or base any of its decisions on any declaration based on any internal or administrative City Policy regardless whether the information is made public.

(B) Snow Emergency

(1) Declarations of the Administrator

The Administrator shall utilize all forms of communication to publicly announce any Snow Emergency as soon as possible. The Administrator shall keep a record of the time and date when a Snow Emergency Declaration is announced to the public. The Administrator is authorized in any Snow Emergency to implement any emergency measures and restrictions reasonably necessary to protect the public health, safety, and welfare, including but not limited to closing City streets to vehicular traffic.

(2) Termination of Snow Emergency by the Administrator.

The Administrator may terminate the Snow Emergency Declaration by notifying the public, when in the Administrator's sole discretion, the Snow Emergency conditions no longer exist.

(3) Provisions Temporarily Effective to Take Precedence.

Any provision of the Ordinance that is effective by Snow Emergency Declaration shall take precedence over other conflicting provisions of law normally in effect, except over provisions of law relating to traffic accidents, emergency travel or authorized emergency vehicles, or emergency traffic directions by a police officer. Any prohibition under this section shall remain in effect until terminated by the Administrator. No person shall park or drive any motor vehicle in violation of the terms of a Snow Emergency Declaration.

(C) Snow Routes.

(1) No Parking on Snow Routes;

Whenever there is a forecast for an accumulation of at least four (4) inches of snow from an accredited weather service, prohibiting parking on designated Snow Routes. When parking is prohibited by a Snow Emergency, the City shall request local radio, TV or cable stations, social media to broadcast announcements that all vehicles should be moved off of the snow route within 4 hours. (Ord. 3746, 1-3-2012)

(2) Signs to Mark Snow Routes.

On each street designated by the Ordinance as a Snow Route, special signs shall be posted with the wording “Emergency Snow Route. No Parking if over 4 inches”. These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street and highway. (Ord. 3746, 1-3-2012)

(3) Snow Routes Designated.

The following streets or portions of streets within the city are hereby designated as Snow Routes:

(a) The following streets or portions of streets within the city are hereby designated as Snow Routes:

- (i) 6th Street from Burma Road to Gillette Avenue.
- (ii) 4th Street from 4-J Road to Gurley Avenue.
- (iii) Gurley Avenue from 12th Street to 4th Street.
- (iv) 4-J Road from 2nd Street to 8th Street.
- (v) Brooks - 2nd Street to Warlow.
- (vi) 9th - Butler Spaeth to U. S. 59.
- (vii) Foothills Blvd. - U.S. 14-16 to Echeta Road.
- (viii) 7th Street - U.S. 59 to 4-J Road. (Ord. 3194, 12-18-01; Ord. 3746, 1-3-2012; Ord. 3795, 6-3-2013)

(b) The Administrator, in his sole discretion, is authorized before, during, or after any Snow Emergency to implement any emergency measures and restrictions reasonably necessary to protect the public health, safety, and welfare, including but not limited to prohibiting parking on any City street.

(4) Parking after Snow removal.

In addition, to the parking prohibition in Section (3)(b)(i)-(iv), any other Snow Emergency under this section shall remain in effect until the Snow Route has been plowed and snow is no longer accumulating. While the Snow Emergency is in effect, no person shall park any vehicle on any portion of a Snow Route. Nothing in this section shall be construed to permit parking where parking is forbidden by any other provision of this ordinance or any other local, state or federal rule, regulation or law.

(5) Notification of Owners.

When a Snow Emergency occurs the police, whenever practicable, will attempt to identify the owners of vehicles parked on Snow Routes to relocate their vehicles prior to their removal. (Ord. 3746, 1-3-2012)

(6) Removal, Impounding, and Return of Vehicles.

(a) The police department is authorized to remove or have a vehicle removed from a street to the nearest garage, other designated facility owned by the City, or place of safety (including another location on a street) when:

(i) The vehicle is parked on a Snow Route during a Snow Emergency.

(ii) The vehicle is parked in violation of any City Parking Ordinance or other provision of law and is interfering with snow removal operations.

(b) When the City police department removes a vehicle from a street during a Snow Emergency, the City will provide notice in writing to the owner of the vehicle. If the vehicle is stored in a public or private garage, a copy of the notice will be provided to the owner of garage.

(c) If the City police department cannot determine the owner of the vehicle within three (3) days, a written report must be filed with the Wyoming Department of Transportation including the reasons for removal, and the name of the garage or place where the vehicle is stored.

(d) To recover a vehicle the owner must provide the City police department with their driver's license, registration for the vehicle, and sign a receipt for the return of the vehicle. The owner is responsible for all fees owed to any company towing and/or storing the vehicle. (Ord. 3746, 1-3-2012)

(e) The City police department is responsible for keeping a record of each vehicle removed in accordance with this section, including a description of the vehicle, license number, the date, time and location of vehicle removal, where it is stored, the name and address of its owner, if known, and any parking violation.

(f) This section shall be supplemental to any other provisions of Wyoming law authorizing the police department to remove vehicles.

(7) Evidence Vehicles Parked or Left in Violation of Ordinance.

Proof that the vehicle described in the citation was parked in violation of this ordinance, and proof that the defendant was registered owner at the time of the violation constitutes prima

facie evidence that the defendant was the person who parked the vehicle in violation of this Ordinance.

(D) Penalties.

Every person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than two hundred dollars (\$200.00).

(E) Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance. (Ord 1045, 11-5-79; Ord. 1422, 2-7-83; Ord. 1915, 1-3-94)

PASSED, APPROVED, AND ADOPTED this ___ day of October 2019.

Louise Carter-King, Mayor

(S E A L)
ATTEST:

Cindy Staskiewicz, City Clerk