

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE CREATING SECTION 10.60.015, PAID ON-STREET PARKING DISTRICTS; ESTABLISHMENT; ADMINISTRATION, OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING, ESTABLISHING THE PAID ON-STREET PARKING DISTRICTS PROGRAM AND MAKING CONFORMING AMENDMENTS AS SPECIFIED."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That Section 10.60.015, Paid On-Street Parking Districts; Establishment; Administration, of Chapter 10.60, Parking Limitations, of Title 10, Vehicles and Traffic, of the City of Cheyenne, Wyoming, is hereby created to read:

10.60.015 - Paid on-street parking districts; establishment; administration.

- A. There is created the paid on-street parking districts program, which shall be administered by the parking division within the Cheyenne police department in accordance with this section. The geographic area of any paid on-street parking district administered under this program shall be designated by resolution of the governing body.
- B. Within each paid on-street parking district as designated by the governing body, the parking administration manager for the division shall establish appropriate on-street parking zones and reasonable on-street parking rates. The purpose for establishing any parking zone or parking rate shall be to positively influence parking behavior, prioritizing customer and visitor parking while emphasizing off-street options for longer-term parkers, such business employees and city residents. When establishing any parking zone or any parking rate under this subsection, the parking administration manager shall take the following factors into consideration:
 1. The types of activities or businesses to be encompassed within the proposed zone and whether the proposed parking rate will support the efficient use of the available on-street parking;
 2. Whether dynamic parking management is appropriate for a proposed zone in order to manage demand for on-street parking through variable parking rates and dissemination of real-time parking availability information; and
 3. Other parking conditions, such as availability and usage trends, for the purpose of tailoring the paid on-street parking districts program to better match the specific needs and dynamics of a parking zone and between zones to optimize parking management and resource utilization.

- C. Before any parking zone or parking rate is established under subsection (B) of this section, and before any parking zone or parking rate may be modified by the parking administration manager, the division shall provide public notice of the proposed parking zone or parking rate, or modification thereof, by means of publication of the notice on not less than one (1) City of Cheyenne media platform. In addition, the notice required under this subsection shall be provided for a period of not less than thirty (30) days before the proposed parking zone or parking rate establishment or modification is set to take effect and shall seek to solicit public input on the proposal.
- D. Every parking zone established under this section shall include appropriate signage communicating the type of zone and the authorized payment methods as provided by the division. Authorized payment methods may include payments through electronic means including using webpages, smartphone applications or payment kiosks. The division shall require all persons wanting to park a vehicle within a paid on-street parking district to first register for a user account for the purposes of program administration and securing on-street parking payments.
- E. Information regarding every current parking district and parking zone, along with all attendant parking rates, shall be made publicly available by the division. The information required under this subsection shall include maps for any parking district and parking zone established under this section and shall be publicly accessible on a City of Cheyenne media platform.
- F. It shall constitute a violation of this section, punishable by a civil fine as provided by Section 10.60.040 of this chapter, for any person to park a vehicle in a designated parking location within a paid on-street parking district:
1. Without first registering for a user account as required under subsection (D) of this section; or
 2. Having registered for a user account, and parked in excess of the time authorized for the person to park the vehicle as provided by the paid parking apparatus or time monitoring platform regulating vehicle parking is the particular parking zone.
- G. As used in this section:
1. "Division" means the parking division within the Cheyenne police department;
 2. "On-street parking rate" or "parking rate" means the monetary charge levied by the City of Cheyenne for the privilege of parking a vehicle for a specified duration in a designated parking space within any paid on-street parking district;
 3. "On-street parking zone" or "parking zone" means the geographical area located within a parking district that is specified in accordance with this section, which exhibits consistent usage characteristics that allow for the assessment of parking patterns and determination of parking rates based on parking demand; and

4. "Paid on-street parking district" or "parking district" means the geographical area specified by resolution of the governing body for the implementation of paid on-street parking as provided by this section.

Section 2. That Section 10.04.020, Definitions, of Chapter 10.04, General Provisions, Section 10.16.080, Citation on Illegally Parked Vehicles, of Chapter 10.16, Arrest and Citation Procedure, Section 10.52.220, Parking Time Limited, of Chapter 10.52, Stopping, Standing and Parking Generally, Section 10.60.010, Signed Time Limitations, and Section 10.60.040, Fine Schedule, of Chapter 10.60, Parking Limitations, of Title 10, Vehicles and Traffic, of the City of Cheyenne, Wyoming, are hereby amended to read:

10.04.020 - Definitions.

~~The following definitions apply. Whenever any words and phrases are not defined in this code but are defined in state laws regulating the operation of vehicles, such a definition controls.~~

A. Except as otherwise provided, as used in this title:

1. "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic;:-
2. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than fourteen (14) inches in diameter;:-
3. "Central business (or traffic) district" means all streets and portions of streets within the geographic area bounded by ~~Fifteenth~~ 15th Street on the south, ~~Twentieth~~ 20th Street on the north, Reed ~~Street~~ Avenue on the west and Evans ~~Street~~ Avenue on the east;:-
4. "Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;:-
5. "Freight curb loading zone" means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passenger;:-
6. "Motor vehicle" or "vehicle" means as defined by W.S. 31-1-101(a)(xv);
7. "Passenger curb loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers;:-
8. "School zones" mean the streets and alleys and immediate intersections adjacent to any property used for school and for school play purposes;:- and

9. "Traffic division" means the traffic division of the police department of the city or, in the event a traffic division is not established, then the police department of the city.

10.16.080 - Citation on illegally parked vehicles.

A. Whenever any motor vehicle without a driver is found parked, standing or stopped in violation of any of the restrictions imposed by ordinances of this city or by state law, the officer finding the vehicle shall take its registration number, vehicle identification number or any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a civil traffic citation. ~~A~~ Any violation of Section 10.64.020 or under ~~this section, Chapter(s) Chapters~~ 10.52, 10.56, 10.60 ~~and Section(s) 10.08.010/Wyo. Stat. Section~~ of the city code or any violation of W.S. 31-5-512; ~~10.08.010/Wyo. Stat. Section~~ or W.S. 31-5-504(a)(iii)(A) ~~and 10.64.020 as adopted under Section 10.08.010 of the city code~~ shall constitute a civil traffic violation, subject to ~~civil sanctions as provided herein. the fine schedule established under Section 10.60.040 of the city code.~~

~~A.~~ B. The civil traffic citation specified under subsection (A) of this section shall be on a form provided by the ~~chief of police-police department~~ which citation shall include the following:

1. The date, time and location of the violation;
2. The state license number and/or vehicle identification number (VIN) of the vehicle that is unlawfully parked;
3. Reference to the municipal ordinance or code provision alleged to have been violated; and
4. A notice that:
 - a. Within fifteen (15) calendar days after the date that the citation is issued, the stated fine for a violation must be paid and received by the City;
 - b. Any request ~~made for a hearing~~ for administrative review to contest the alleged violation must be ~~made and~~ received by the police department parking administration manager within fifteen (15) days after the date the citation was issued;
 - c. Failure to pay or request ~~a hearing~~ administrative review within fifteen (15) calendar days after the date that the citation was issued ~~will~~ shall result in the entry of a default judgment and assessment of a thirty-dollar (\$30.00) late fee; and
 - d. Payment within two (2) business days after the date the citation is issued will cause the stated fine for ~~a~~ the violation to be discounted by ten dollars (\$10.00).

~~B.-C.~~ The citation specified under subsection (A) of this section, or copy thereof, shall constitute prima facie evidence of the parking ~~infraction~~ violation.

~~C.-D.~~ The city may contract with a private person or entity for the collection of civil judgments in parking cases. Any costs reasonably related to the collection of civil judgments in parking cases shall be levied against the violator.

10.52.220 - Parking time limited.

When parking time limitation signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the time specified on posted signs on any day except Sundays and public holidays, unless otherwise indicated upon any of the streets within the city as designated by the city traffic engineer. Any person who has parked a vehicle in an area where parking is limited by time shall before the expiration of that time move the vehicle as required by Section 10.60.010 of the city code. The requirements imposed under this section shall not apply to paid on-street parking districts as provided by Section 10.60.015 of the city code.

10.60.010 - Signed time limitations.

~~Vehicles parked~~ Any person who has parked a vehicle in an area where parking is limited by time ~~must~~ shall move from the block face of the vehicle's parked position before the expiration of ~~the~~ time indicated on posted signs. This requirement applies on any day except Sundays and public holidays; ~~or~~ unless otherwise indicated upon any of the streets within the city as designated by the city traffic engineer. The requirements imposed under this section shall not apply to paid on-street parking districts as provided by Section 10.60.015 of this chapter. As used in this section, "block face" means the one (1) side of a specific city block where signed time limited parking is available.

~~"Block face" is defined as one side of a specific city block where signed time limited parking is available.~~

10.60.040 - Fine schedule.

Any ~~such~~ fine to be imposed pursuant to a notice of violation issued under Section 10.60.030 of this chapter or a civil traffic citation under Section 10.16.080 of the city code, including any applicable administrative fees, shall be ~~determined~~ specified by resolution of the governing body; ~~including any administrative fees,~~ and shall be made available to the general public in the form of a fine schedule. Administrative fees shall be factored into the total amount of the fine before any late payment penalties are applied in accordance with Section 10.16.090(A) of the city code.

~~A. Administrative fees shall be factored into the total amount of the fine before any late payment penalties are applied in accordance with Section 10.16.090 A.~~

~~B. Court costs of ten dollars (\$10.00) may be assessed against those requesting a hearing in accordance with Section 10.16.140.~~

Section 3. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 4. This ordinance shall be in full force and effect upon approval and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

PATRICK COLLINS, MAYOR

(SEAL)

ATTEST:

KRISTINA F. JONES, CITY CLERK

Published: _____
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