

2023

City of Cheyenne Downtown Parking Program Report



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Executive Summary

In 2018 the City of Cheyenne re-organized its parking program. The change was spurred following a parking study completed by Kimley and Horn in 2016. The program has had several changes in the five years since the re-organization. This report provides an overview of the previous parking program, an outline of the current one, and considerations for city leaders moving forward with downtown parking. This report also answers the questions posed by the governing body in Resolution number 6270, which was adopted on September 26, 2022. Those questions are;

1. How can the parking application be implemented with stakeholders' point of sale software, stakeholders' invoicing capabilities, and the use of the most modern technology in regard to scans and coding, i.e., QR codes?
2. How can this application apply to metering in downtown Cheyenne?
3. What is the revenue collected by blockface?
4. How has marketing been utilized to enhance the program?

This report aims to provide adequate information to make informed decisions about the direction of the parking program in the future. Data utilized in this report was collected from a wide variety of sources, including Parking Administrator Ted Miazga, the Treasurer's Office, published city budgets on the city's website, interviews with former police captain Nathan Buseck, interviews with former police chief Brian Kozak, and various other sources of research.

"If you own a car, use public transportation, go to work or school, use health care, shop or dine out, or are part of a metropolitan community, parking affects you, probably in more ways than you've thought about" (Fernandez and Yoka, 2018 p. i). Like many municipalities, the City of Cheyenne's goals for downtown parking involves driving economic development by bringing customers downtown, creating parking turnover, and obtaining voluntary compliance with city parking ordinances.

Background

Starting in the 1990s until 2018, the city ran its parking operation through the City of Cheyenne's Special Events and Services Department. For over twenty years, the program was run with little to no oversight (Kimley and Horn, 2016). This department included a director, office manager, office technician, and two full-time enforcement officers. Kimley and Horn noted in their 2016 study that the department had a considerable lack of resources in relation to the size of city. This lack of resources contributed significantly to a lack of consistent enforcement. The office staff could not devote any time to additional activities "typically included" in a professional complete parking program due to dedicating nearly all their time to ticket management (Kimley and Horn, 2016).

A transition team was formed within the city government to formulate a change in the parking program. The team consisted of Joan Baker (employee working within the parking program), Steve McDonald (supervisor of the parking program), Carol Intlekofer (City Clerk), Tyler Nelson (IT), Dustin Swalla (IT), Captain Nathan Buseck (CPD), Lt. Rob Dafoe (CPD), and

Ben Rowland (Assistant City Attorney). The transition team reviewed the Kimley Horn study as a reference guide and presented recommendations to the mayor.

The transition team identified three primary areas of responsibility for the City of Cheyenne regarding the parking program. Those areas were the sale of parking permits, parking enforcement, and the collection of parking fines. At the time, the sale of parking permits for the two parking garages and the east lot was mainly handled by the City Clerk's office. Out of the 1,314 total parking spots, the city had sold 918 permits (see Figure 1). Enforcement was the task

of two full-time employees of the Special Projects Office (City Clerk). Due to the low

Location	Total Spaces	Agency	Spaces Leased	Projected Permit Revenue
Cox	542	WY. State Bulk Permits	71	\$38,340.00
		State Capitol Project	54	\$29,160.00
		Laramie County Gov.	190	\$13,380.00
		LCSO	20	\$8,100.00 (5 free)
		Indvl. permits as of 9/20	13	\$8,100.00
Spiker	722	DDA	126	\$52,920.00
		Visit Cheyenne	100	\$47,000.00
		Indvl. permits as of 9/20	336	\$181,440.00
East Lot (17 th /Warren)	50	Indvl. permits as of 9/20	8	\$4,320.00

Figure 1 Transition Team Garage Revenue Report

number of enforcement employees as well

as outdated practices and technology, the office struggled to consistently and efficiently enforce parking regulations within the entire downtown area. The third area of responsibility is the collection of parking fines. This area also fell under the City Clerk's office. Payment for fines could be mailed in, dropped in a pay station, or brought into the City Clerk's office.

The parking transition team recommended amending the current process. The team developed three options for moving forward with the parking program. The first option involved placing the entire parking program under the supervision of CPD. The authors highlighted this option would cause "an extreme burden on CPD resources." This option would require the police department to hire a new Community Service Officer (CSO) supervisor to supervise the four current CSOs and the two parking enforcement officers. The transition team recognized that approximately \$300,000 in permit revenue would need to be collected, and personnel would

need to be hired to supervise and implement that revenue collection. This option also included utilizing the municipal court as the arbitrator of parking enforcement fines. This option still left the possible concern that community members may have as to the legitimacy of the same agency selling permit fees and collecting revenue while also enforcing parking regulations.

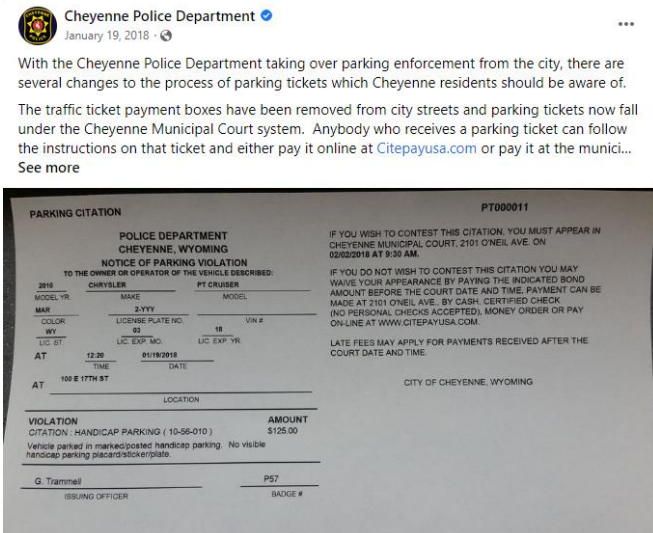
The second option, which was the option recommended by the transition team, involved the police department taking over the enforcement of parking regulations. The new enforcement plan would take advantage of new technology that involved placing license plate readers (LPR) on the enforcement vehicles, which would speed up and automate the enforcement process. The City Clerk's office would utilize technology to modernize the sale of permits and place automated pay stations in the parking structures. Additional LPRs would be placed in the parking garages to monitor vehicle traffic and record parked vehicle times to assist in enforcing parking regulations. This option would also place the collection of fines and arbitration of disputes to the Municipal Court.

The third option highlighted by the transition team involved contracting with a professional parking management firm to develop a stand-alone parking program. This option

was not explored much further as it would have an unknown cost and involve establishing contracts with firms and looking into public/private partnerships to handle parking.

On November 30, 2017, an Information Sheet was provided by public Information officers from the mayor's office and CPD, which outlined the new

parking plan. Considering the recommendations from the Kimley and Horn study, the new plan



was to place parking permits under the City Clerk's Office, parking enforcement under CPD, and the collection of fines under the Municipal Court.

In early 2018 parking enforcement and permit sales moved to the police department, and adjudication moved to the municipal court. The police department followed the recommendations of the parking study and worked diligently to educate the public on the new program. They authored several media releases on the new program and made multiple Facebook posts educating the public. In 2018 there were also several community outreach meetings to speak with the community about parking.

On April 11, 2018, Captain Nathan Buseck conducted two informational meetings with the public to discuss the new parking plan. The first meeting was broadcast over Facebook Live and is still accessible on the CPD's page. In this meeting, Captain Buseck discussed the plan and upcoming changes. He highlighted that, up to that point, CPD had very little to do with parking and parking enforcement unless it was a safety violation or

handicap parking issue. Captain Buseck reported that the parking division was being moved to CPD. In explaining the old process, he reported there was limited authority when the parking division was under Special Projects. It was noted that, under the old program, parking tickets were handled administratively. The division had the ability to "take care" of tickets, which is something a legitimate enforcement agency should not be doing. Captain Buseck reported that



the old program also worked with outdated technology, limited resources, and inconsistent enforcement.

Captain Buseck reported that the parking garage charged \$4 a day or \$45 a month in the past. He reinforced that the permit fees would remain unchanged and have not changed in over a decade. Captain Buseck stated that the fees for violating parking regulations were changed from

\$15 to \$30. What he did not explain was that when the program was first revamped in early 2018, the municipal court initially set the parking fines at \$100. After several meetings and discussions with the city government and CPD, those fines were adjusted back down to \$30. This was the first parking fine increase in more than 13 years.



Captain Buseck said that one of his goals was to establish a process for the city council to update permit fees in the future so they are being established by the citizens' representatives. Captain Buseck went on to describe the parking transition team and the process that was undertaken in updating the program.

Three goals were identified for the transition. Goal #1 was to encourage and increase compliance with the existing parking ordinance through consistent enforcement and permit management. Goal #2 was to increase "turnover" for on-street parking. Goal #3 was to explore new technologies for parking management and plan for future growth within the community.

Captain Buseck reiterated multiple times that the goal is not to issue as many tickets as possible but to gain compliance with the parking regulations.

Captain Buseck spent significant time reviewing the parking study with the public. He pointed out that most of our downtown parkers follow the rules and stay within the time

restrictions. The study illustrated that effective utilization of parking resources and turnover depends on consistent enforcement of parking regulations. This is because there will always be individuals who refuse to follow the rules and, without consequences, will willfully disobey regulations. Captain Buseck explained that the study recommended that a parking spot should turn over 4-6 times a business day, but downtown Cheyenne was only turning over 2.17 times per day. This was evidence of a lack of compliance by commuters downtown, which suggested a low level of enforcement.

In the movement of parking enforcement to CPD, Captain Buseck noted that there was clear evidence of inconsistent enforcement. Under the old program, the enforcement officers felt they did not have support from the city.

It was discovered that the old program would issue VIP passes to individuals the old program wanted to treat differently. With the change to CPD, the department is mandated to treat all citizens the same and would not continue with VIP passes. The police department began issuing warnings on 2/12/18 and citations on 3/12/18.

Captain Buseck explained the importance of equal and consistent enforcement of parking regulations and a separation between the city's enforcement arm and the city's judicial branch. With this in mind, the parking fines



must be adjudicated through the Municipal Court. Increased efficiencies were also highlighted with the implementation of online payment.

The safety issue within the parking garages was addressed by displaying the data involving police incidents in the Spiker Garage. There was a significant reduction in incidents in the garage over the previous four years. Captain Buseck also reported there was public support for adding a dedicated downtown police officer by 76.14% from a recent downtown survey. He explained that the department's budget would not support staffing a downtown officer at that time.

Captain Buseck introduced the public to Parking Administration Manager Ted Miazga. He reiterated that Ted's purpose was to work with the public but would not be the person to sign off on a ticket and make it go away because that was not the function of a police department. Captain Buseck reported that Ted had been an employee of the police department since 2000 and had other duties, but was transferred to head the new parking program and would work diligently to help implement the new technology to increase customer service. LPR technology was explained as a possible solution to make permitting more efficient in the parking garages. He also explained that parking validation by business owners would be possible with LPR technology in our parking garages. The idea of using LPRs to record on-street parking violations rather than chalking tires was also discussed.

Current Downtown Parking Program

Permitting

Cheyenne parking permit purchases are currently completed at CPD through the



parking division. Most permits are purchased online through the ParkCheyenne program. Permits are available for the east parking lot and both parking garages for \$4 a day or \$45 a month. After taking over the sale of permits, it was discovered that the 190 spots in the Cox Garage reserved for Laramie County Government were actually provided at no cost and not the \$13,380 initially

Location	Total Spaces	Permits Issued (2022)	Spaces Leased	Projected Permit Revenue
Cox	542	Laramie County Gov. (Free)	190	\$0.00
		DAILY PERMITS	98	\$588.00
		MONTHLY PERMITS	342	\$60,075.00
Spiker	722	DAILY PERMITS	249	\$996.00
		MONTHLY PERMITS	1214	\$248,490.00
East Lot (17th/Warren)	50	DAILY	91	\$488.00
		MONTHLY	157	\$12,915.00

reported in 2017. According to officials, the city and county governments agree to provide those spots at no cost. In 2022

the City received \$323,552 in revenue through permit sales. There has been a massive increase of more than 290% in the purchase of non-government individual monthly permits since 2017, with a total of 1713 monthly permits purchased in 2022.

Consideration

If the City of Cheyenne has a goal to utilize our parking garage to relieve the demand for on-street parking, it is worth exploring the concept of the "commons" problem. Commons refers to land that belongs to the "community and is freely available to everyone without charge" (Shoup, 2005, p. 7). The observation goes back to colonial times and the use of public land for grazing for all citizens. The more animals placed on the commons, the more the grass was trampled down, and the less beneficial the commons became. This is very similar to free on-street parking, "Free curb parking is an asphalt commons: just as cattle compete in their search for scarce grass, drivers compete in their search for scarce curb parking spaces. Drivers waste time and fuel, congest traffic, and pollute the air while cruising for curb parking, and after finding a space, they have no incentive to economize how long they park" (Shoup, 2005, p. 7).

The city has tried to incentivize the turnover of parking spaces in downtown Cheyenne by imposing a two-hour parking time limit for most of the area. This is the same benefit that is given in our parking garages. This seems to have incentivized more downtown employees to spend a significant portion of their day moving their vehicles from one two-hour parking spot to another. This undermines the concept of turnover as it may open up one spot only to fill another. Perhaps if we want to incentivize the use of parking garages over curb parking, we should explore the impacts of charging motorists to park on the street earlier than two hours. As Shoup argues in his book "The High Cost of Free Parking," cities should charge a fair market price for curb parking and use the revenue to fund services such as parking garages to improve their neighborhoods (Shoup, 2005).

Some will argue since curb parking is on public property, it should be considered a public good and, therefore, free. A public good is something that is non-exhaustive and non-excludable. Law enforcement is a public good because when a citizen calls 911, they need to have a police officer respond to their emergency. Staffing can always be an issue, but the resource should never be completely exhausted. Law enforcement is a public service for everyone, not just those who pay for it, which makes it non-excludable (Mikesell, 2018). Only one car can occupy a parking spot at one time, making that parking spot exhaustible. We already have a time limit on curb parking downtown, which illustrates that it can be excludable. With this in mind, it is reasonable to treat curb parking as a commodity, where a fair market price should be paid for its use.

The current technology (Passport) will allow for curbside metering. It is as simple as putting up signs with



a link or QR code to the app and a zone number. The commuter will open the app on their



smartphone, enter the zone and plate numbers, and pay for parking as long as they wish to occupy that zone. It is even possible to have graduated parking where a minimal amount is charged for the first two hours. Then a significantly higher amount is charged following two hours to promote the optimum four turnovers per spot per

business day. Pay stations can be added for individuals who do not have access to smartphones.

According to Ted Miazga, the current pay stations in the parking garages have not been used for over six months, as all the current commuters who use the garage use the phone app. Suppose businesses want to add an incentive for their customers to have validated parking. In that case, they can use QR codes that customers can scan at the point of sale, resulting in an invoice for the parking being sent to the business. Herbert Simon argued that human beings attempt to be rational but only have the capability to take in so much information and can only be rational within certain limits or bounds. This is referred to as bounded rationality. The citizen would then make a satisficing decision or a decision that is good enough based on their bounded rationality (Denhardt et al. 2014). If the downtown commuter is presented with the information that they would receive a small hourly fee to park on the street that increases over time, or two hours of free parking in the garage with reasonable daily and monthly rates, many more commuters and downtown employees will make the satisficing decision to take advantage of the city's parking garages.

Enforcement

In 2018 when CPD inherited the parking program, it came with two full-time employees.

Shortly thereafter, one of the employees retired but was re-hired part-time to fill gaps when



additional enforcement needed to be accomplished. The department currently has one full-time parking CSO and two part-time parking CSOs. The department utilizes two Ford F150 pickups outfitted with license plate readers, computer docking stations, and printers. As the

parking CSO drives the vehicle around the downtown area, the computer will use GPS data to determine the location and type of parking restrictions. The License plate reader (LPR) on the vehicle will record the license plates of vehicles parked on the road and take a photo of the vehicle. This is a version of modern "chalking." If it is a two-hour parking area, the CSO will drive back through the area after two hours has elapsed. If a vehicle that was recorded by the LPR more than two hours prior is re-recorded, an alert will go off on the tablet letting the CSO know a vehicle is in violation of the parking regulations. The LPR will take a second photograph of the vehicle. The CSO will then use an application through Passport to issue the vehicle a ticket for violating the parking regulations. The new ticket-writing process was implemented in March 2020. The time needed to issue a ticket was reduced from approximately five minutes to an average of 150 seconds. The city's parking garages have LPRs for the entrances, which will record vehicles entering to park. If the vehicle has a pass, it will automatically notate that it can park in the garage all day. As the parking CSOs patrol the garages, their LPRs will notify them if

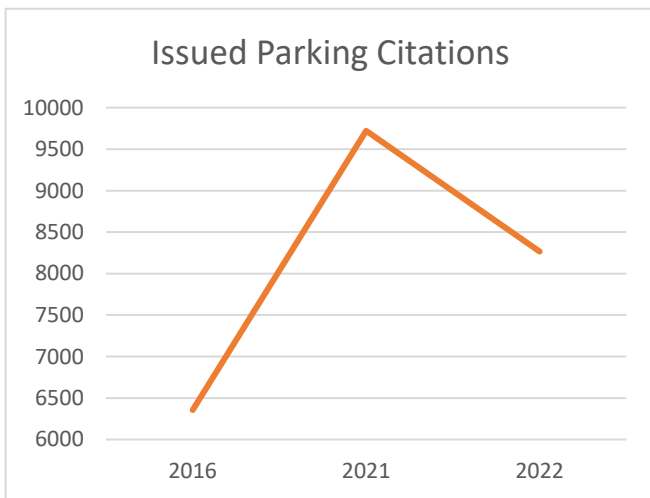
a vehicle has been parked for more than two hours without paying, significantly increasing the efficiency of enforcing parking regulations in the garages.

The goal in enforcement is voluntary compliance with parking regulations. Enforcement goals should never be to raise revenue for the city. One of the most egregious offenses by the City of Ferguson, MO, noted by the Department of Justice following the 2014 and 2015 unrest, was the city's use of the police department as a revenue-generating agency. Multiple communications were discovered from the city finance director to the chief of police requesting additional ticket revenue to make up for other shortfalls (DOJ, 2015). The goals of compliance and revenue generation are in strict opposition to each other. If the city's goal is to increase compliance with parking regulations, the city cannot have a goal of revenue generation in the enforcement of those regulations. If the goal is revenue generation, then the government is hoping for non-compliance, which would raise revenue. Our goal is compliance. We have sworn our parking enforcement personnel in as CSOs with the hope that someday we will experience such a high rate of parking compliance we will be able to use those employees to help with crashes, abandoned motor vehicles, and other duties covered by our CSOs. As highlighted earlier, curb and off-street parking are commodities and, therefore, appropriate vehicles for revenue generation. Enforcement exists to offer consequences to those who may choose to violate the parking ordinances, hopefully resulting in the satisficing decision to follow the parking regulations.

Parking tickets in Cheyenne have also been made a civil violation to avoid any possibility of criminal penalties. The DOJ report on the Ferguson Police Department stated one of the most influential factors in a community losing trust in their police and city government was the over-enforcement of minor infractions. "In 2013 alone, the court issued over 9,000 warrants on cases

stemming in large part from minor violations such as parking infractions, traffic tickets, or housing code violations. Jail time would be considered far too harsh a penalty for the great majority of these code violations, yet Ferguson's municipal court routinely issues warrants for people to be arrested and incarcerated for failing to timely pay related fines and fees" (DOJ, 2015, p. 3). By making parking tickets civil, the city can keep violators out of the criminal justice system for parking violations and handle the offenses civilly.

Prior to 2020, our data on parking citations is challenging to access as they were written through a different system than the current Passport system. The Parking Management



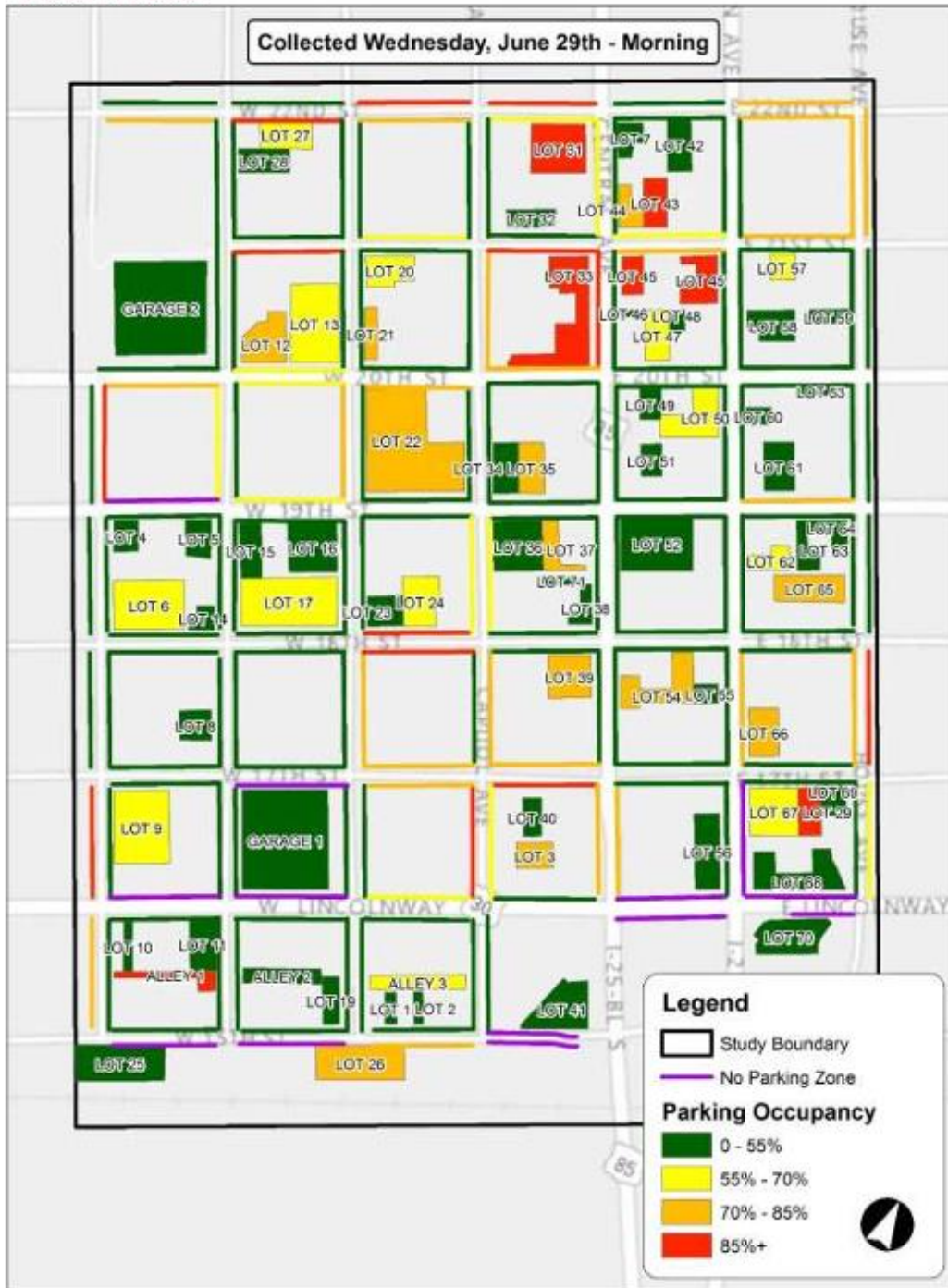
Recommendations memorandum presented to the mayor in 2017 reported that in the previous year (2016), parking enforcement officers wrote 6,365 parking tickets. The report noted there had been inconsistent enforcement based on outdated technology and handwritten tickets. After becoming proficient at using the new technology, CPD issued

9,721 parking tickets in 2021. With only one year of data, it would be difficult to draw a solid causation between the increased issuance of parking tickets and the increased compliance of downtown commuters. Still, in 2022, using the same technology and the same enforcement effort, there were 8,267 parking citations written downtown. The hope is that the reduction in citations resulted from more commuters following parking regulations resulting in higher turnover downtown.

By using the Passport citation issuing software, we can more easily map where citations are issued. Using the theory that areas with higher numbers of tickets have a lower turnover, we

can compare that data to the parking study in 2016 and determine if the same areas that were problems in 2016 remain problems today. Below are the three heat maps provided by Kimley and Horn from the one-day study completed in 2016.

Figure 3. Occupancy Map for Wednesday, June 29, 2016
8:15 AM – 11:00 AM



Occupancy Map for Wednesday, June 29, 2016

11:15 AM – 2:00 PM

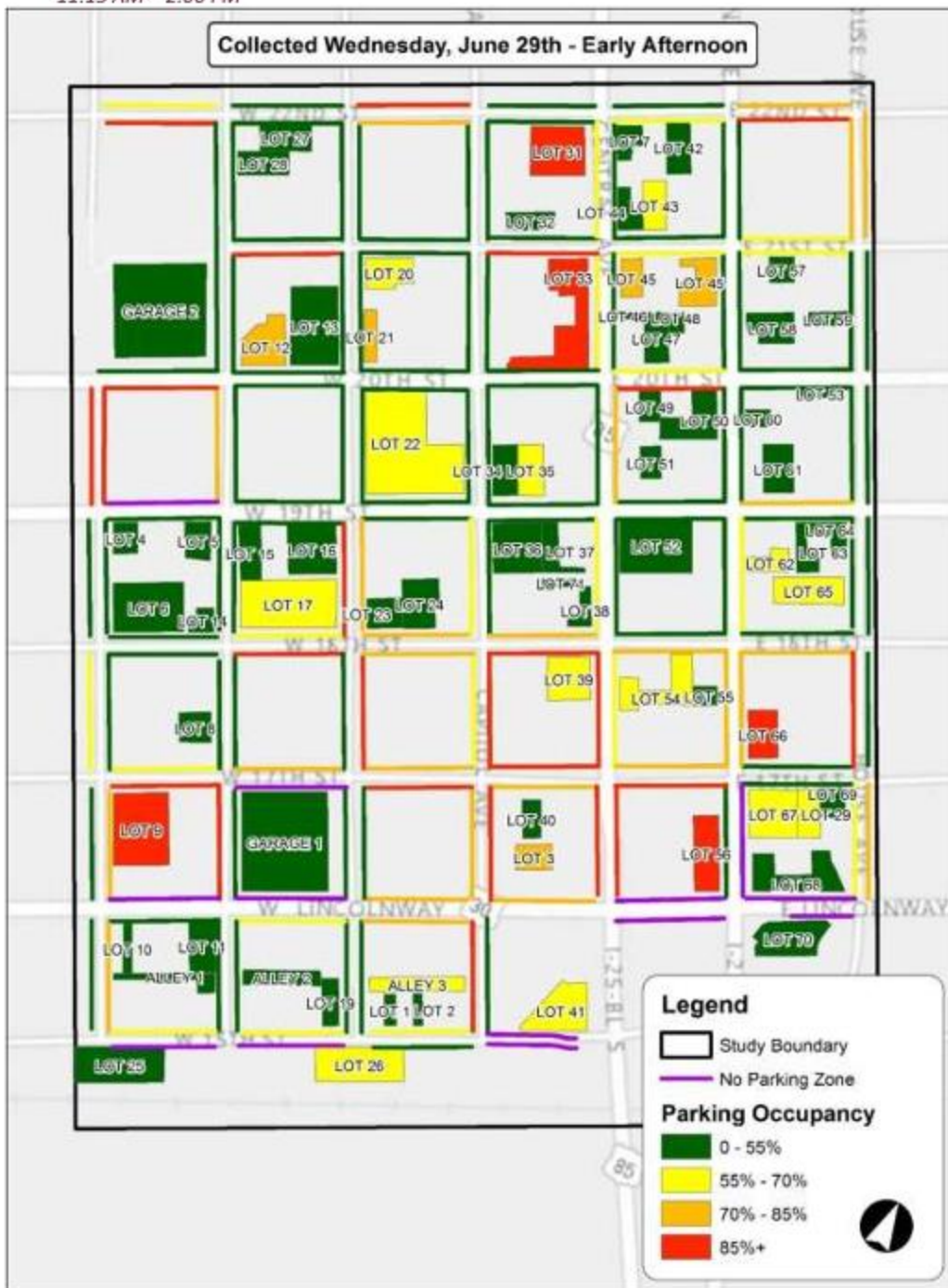
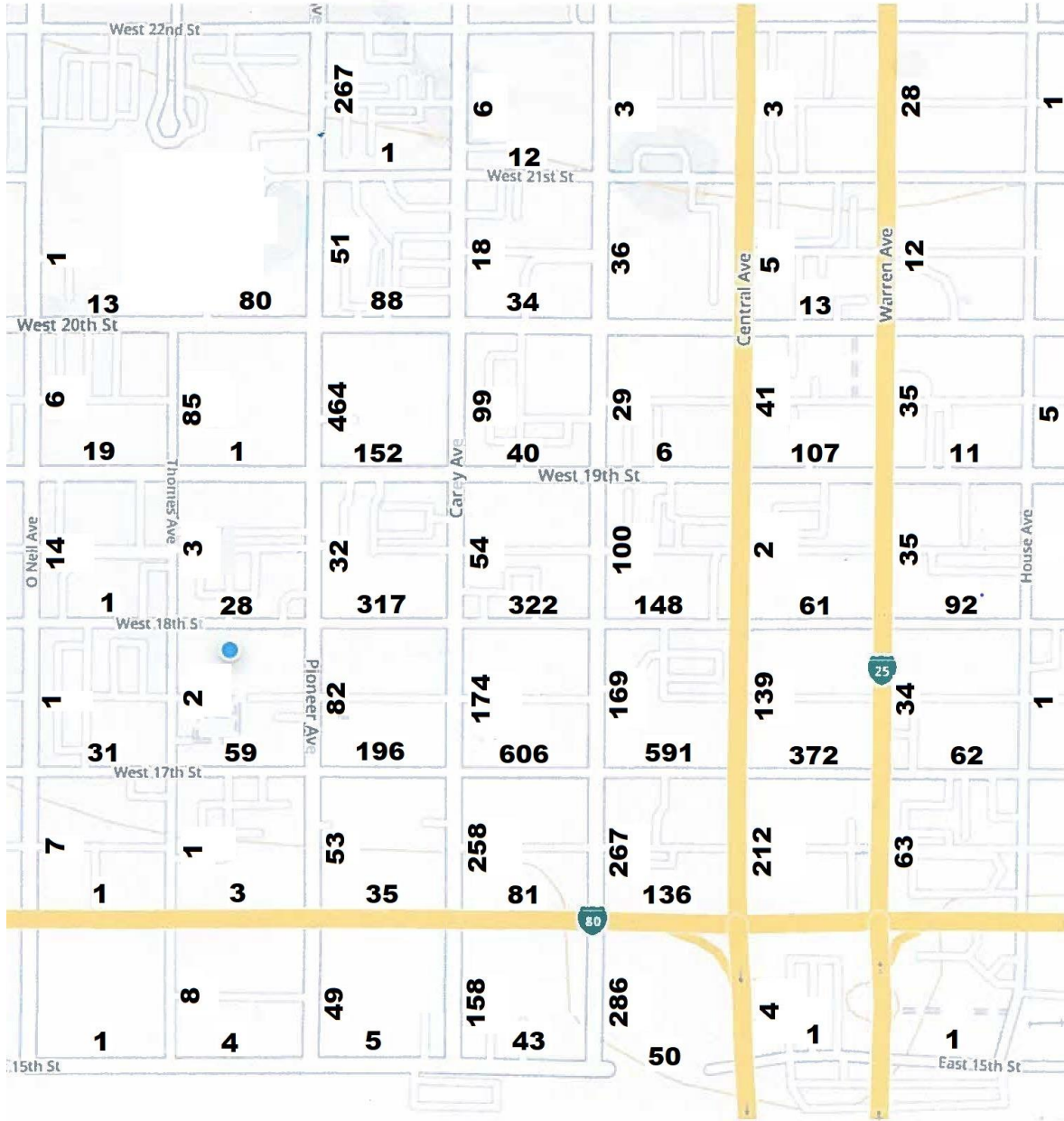


Figure 4. Occupancy Map for Wednesday, June 29, 2016
2:45 PM – 5:00 PM



We are able to look at our tickets by block hundred number. Below is the data from 2021 and 2022 compiled by Parking Administrator Ted Miazga.



seen that in nearly all of those block faces, a red or orange block face can be seen at some point during the day, resulting in more than 70% occupancy. Although the overall number of citations is reducing, it is still clear that, at least in the problem blocks, the current incentive to use alternative parking is insufficient to cause people to change their behavior.

Collection of Parking Fines

Initially, in 2018 the collection of parking fines went to the municipal court as planned. Individuals who wanted to contest parking tickets were placed on the standard judicial docket with the court. In March 2020, after two years of handling parking fine collection and adjudication, these functions were moved to CPD. There were many reasons reported for this change in procedure. The most common reason is the high workload placed on the city court. The governing body changed the city code to allow for this collection. The new process for appeals has proven to be very difficult to implement as it calls for the mayoral appointment of a hearing officer.

The new parking ordinance changes allowed parking citations to be changed from a criminal offense to a civil fine. This change brought the city's parking enforcement in line with the recommendations from the Department of Justice concerning the enforcement of minor violations. Since the fines are civil, they cannot be enforced with criminal activities such as jail or arrest warrants. While this helps ensure best-practice actions within the city government, it does make it more challenging to ensure compliance with the payment of parking violations.

When CPD took over parking ticket collection in March 2020, it was discovered that many individuals had amassed significant debt for unpaid parking tickets. CPD began to establish a process for dealing with individuals who have several unpaid parking tickets and fall

on the "scofflaw list." The department wanted to find a solution to immobilize a suspect vehicle until payment was made. To provide the best customer service possible, the department explored an option that allowed a CSO to immobilize a vehicle and the individual to pay the fines, remove the device, and return the device without having to wait for business hours for a CSO to remove the device. CPD began the Barnacle program. The Barnacle is a device that will attach to a windshield and cannot be removed until the owner calls the dispatch service, pays their fines and is given a code to remove the device. The driver must then return the device to a receptacle in the parking garage, or their credit card will be charged for the device. This improved the efficiency of the disabling process outlined in the city code.

As the impacts of COVID-19 were felt, the department slowed down much of its parking enforcement and collection activities. Unfortunately, the number of unpaid parking tickets continued to grow significantly. At the end of 2021, an outstanding balance on unpaid parking tickets was over \$200,000. As discussed, for some people to change their behavior, there must be some consequences.

In January 2022, the City of Cheyenne announced the beginning of the Barnacle program. Before the implementation period, the city offered an amnesty for

unpaid tickets, where they would not be charged their late charges. This would essentially cut their fines in half. Very few individuals took advantage of this amnesty period. The department started by only disabling vehicles with the highest amount of fines due. Barnacles were placed on windshields, and boots were placed on cars with damaged windshields. CPD tried to work reasonably with individuals owing several thousand dollars and set up payment plans. After six



months of concentrating only on the highest offenders, CSOs began looking for all vehicles eligible for immobilization. City ordinance establishes that when a vehicle owner has three or more default parking tickets, that owner is sent a first-class letter from the parking administrator informing them of their unpaid tickets and entry on the scofflaw list. The owner is given another 15 days to remedy the situation, after which that vehicle may be immobilized. These license plates are entered into the database that the license plate readers access on the parking trucks. When one of the scofflaw plates is scanned by the trucks, the CSO is notified the vehicle needs to be immobilized, and the CSO then takes action to immobilize the vehicle. The number of individuals paying their fines for parking violations has increased since starting the

City of Cheyenne									
Budget Revenue Report									
Account	2015	2016	2017	2018	2019	2020	*2021	2022	**2023
001-00-0000-34-05010 : Parking Fines	\$ 95,683.01	\$ 93,415.08	\$ 77,646.01	\$ 85,548.00	\$ 128,501.21	\$ 128,057.50	\$ 138,555.73	\$ 154,336.25	\$ 104,059.94

immobilization program.

After CPD took over the

parking program in 2018, the amount of tickets paid increased from an average of \$88,073.03(2015-2018) a year to an average of \$137,362.67 (2019-2022). In 2022 CPD immobilized 98 vehicles. As highlighted by best practice and the Department of Justice, it is critically important to clarify that the purpose of enforcement is to gain compliance, not to generate revenue. The data shows between 2021 and 2022, the number of tickets decreased by over 1,000. During that same period, paid tickets increased by more than \$15,000. This strongly represents individuals changing their behavior and paying their tickets at a higher rate based on the possibility of their vehicles being immobilized and having additional fees imposed.

Considerations

It is vitally important that citizens are given due process when subjected to the enforcement of regulations. Currently, suppose an individual disagrees with the parking ticket they receive. In that case, they have to meet with the parking administrator and express their

desire to contest their ticket within 15 days and at the cost of a \$10 court fee. The parking administrator can often examine the data and photos from the parking enforcement vehicle and immediately dismiss those tickets at no additional cost where there is clearly a mistake. The most common example is when a permit is purchased, and the owner incorrectly enters their data into the system, causing the LPR to read their license plate as a different plate resulting in a ticket. In cases of clear violation, the administrator can explain the violation to those wanting to continue to contest their ticket and show them pictures of the violation.

The next step in the code explains that a hearing "may" be adjudicated by an administrative hearing officer licensed to practice law in Wyoming and appointed by the mayor. This is a very cumbersome and costly process for the city to provide. Since CPD has taken over ticket payment collection, the city has hired a second municipal judge. A separation of the issuance of tickets and collection of payment would provide a significant improvement in legitimacy and due process. A small change to the ordinance would be required allowing individuals wishing to contest parking tickets to go to the municipal court within 15 days and request a hearing. As parking violation adjudication is civil in nature, the court should be able to handle these cases with relative ease. The parking administrator can appear with the evidence proving the violation, the citizen receiving the ticket could argue their case, and the judge would serve as the administrative hearing officer deciding on the ticket. Moving the collection of fines away from the police department is also consistent with the Kimley and Horn recommendations. The study highlights that parking offices set up like police departments tend to "unintentionally create a combative environment that can put a parking patrol on edge" (Kimley and Horn 2016, p. 46). Changing the collection of fines to the municipal court would also relieve the parking administrator of many tasks associated with ticket management and allow him more time to

devote to "responsibilities typically included in a more complete parking program" (Kimley and Horn, 2016, p. 59).

The issues of unpaid tickets continue in Cheyenne, with a remaining balance of over \$200,000. Many of the individuals owing the highest amount on the scofflaw list have owed that amount for an extended amount of time. Their license plates have not been scanned in the downtown area for months, indicating those vehicles are no longer parking downtown or have been sold. The CSOs should continue immobilizing vehicles on the scofflaw list as they are found on the street. As these debts are civil in nature, the city has the option to send much of it over to collections, especially older fines that have no recent activity and appear to no longer be in the area.

Conclusion

One of the most concerning aspects of the prior parking program addressed by CPD upon taking it over was inconsistent enforcement. Countless examples were provided to the transition team about special permits granted to individuals based on their status or tickets being dismissed regularly, even with clear violations of parking regulations. These types of practices are concerning as it may appear that the government is creating a special class of citizens. Placing the enforcement branch of parking under the police department made complete sense, as law enforcement is committed to equal protection and equal enforcement under the law. To many of the individuals who had been receiving special treatment, this change caused a significant amount of angst. Over the past five years, CPD has excelled at this measure. It has become clear to downtown parkers that if they violate parking regulations, they will receive a citation no matter who they are. As discussed earlier, this is critical to ensuring the change in behavior that is desired in a parking program. Although the data is very preliminary and a little skewed from

the COVID-19 pandemic, the probability that enforcement efforts by CPD are changing behaviors downtown is very promising.

However, in assessing input from stakeholders downtown, it is evident that there is a strong conflict in goals desired by business owners, employees, and visitors. Many business owners wish to keep the parking in front of their stores open for customers to quickly and conveniently find a parking spot to increase ease of parking. Other business owners want to be able to park their own vehicles and their employees' vehicles in front of their locations for the entirety of their workday. This has caused many downtown workers to engage in a two-hour shuffle, moving their cars every two hours. Their refusal to take advantage of the very affordable parking in the garages is causing congestion in spots in front of other downtown businesses. This conflicts with the most current research on parking that suggests the most significant turnover is created by limiting the amount of time visitors park on the street while increasing the number of employees using off-street options. This conflict of goals causes an increased dissatisfaction with the program and, therefore, with city government in general. Parking has become a great example of the fact that you cannot make everyone happy. While we will never be able to meet every individual stakeholder's goals, it is important that we consider their situations and design our parking program with the best evidence-based practices to provide the best opportunities to drive economic development by bringing customers downtown, creating parking turn over, while gaining voluntary compliance with parking regulations.

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Chapter 10.52 STOPPING, STANDING AND PARKING GENERALLY

10.52.010 Method of parking.

- A. No person shall stand or park a vehicle in the roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the wheels of the vehicle nearest the curbline on the roadway but within twelve (12) inches of the curb or edge of the roadway, except two- or three-wheeled motor vehicles which may park at an angle to the curb and abutting the curb, provided they do not obstruct traffic movement and except as otherwise provided in this title.
- B. Except as provided in subsection (C) of this section, no person shall be permitted to back a motor vehicle into a diagonal parking space within city limits.
- C. A person shall be permitted to back a motor vehicle into a diagonal parking space when the space has been designated by the city traffic engineer as an authorized back-in angle parking space.

(Ord. No. 4461, § 1, 9-12-22; Ord. No. 4296, § 4, 3-9-20; 2001 In-house code § 28-258)

10.52.020 Prohibited in specified places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or other official traffic-control device, no person shall:

- A. Stop, stand or park a vehicle:
 - 1. Which is a tractor unit with ten or more wheels and a fifth wheel, with or without a semi-trailer, upon any street or alley in the city, except when such vehicles are in the process of loading or unloading at the site of origin or delivery of shipments; recreational campers and vans may park for the time limits posted.

Any person found guilty of violating any of the provisions of this chapter may be punished in accordance with the applicable provisions of Chapter 10.16 of the Cheyenne City Code.
 - 2. On the roadway side of any vehicle stopped or parked at the edge or curb of the street, except that commercial delivery vehicles may double park on any street parallel with the curb, with hazard lights flashing, which has two lanes of traffic moving in the same direction, for the express purpose of, and while actually engaged in, loading or unloading; provided, that no truck so parked shall remain double parked for longer than thirty (30) minutes at any one delivery point; also provided, that on the streets between Pioneer and Warren Avenues, and 16th and 25th Streets, inclusive, where these aforementioned streets have two lanes of traffic moving in the same direction, the double parking shall not be permitted between the hours of seven-thirty a.m. to eight-thirty a.m. and eleven-thirty a.m. to one-thirty p.m. and four-thirty p.m. to five-thirty p.m. It shall be a violation of this section to double park at any time if space is available to park directly adjacent to and parallel with the curb when the delivery vehicle stops. All delivery vehicles which have no apparent signs or indications demonstrating the vehicle to be a commercial vehicle must place a sign in a conspicuous place stating that the vehicle is a delivery vehicle and the name of the business for which deliveries are being made.
 - 3. Along or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

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4. On any railroad tracks, nor within fifty (50) feet of any railroad crossing at grade.
- B. Stand or park a vehicle or trailer, whether occupied or not:
1. Within fifteen (15) feet of a fire hydrant.
 2. On a sidewalk or any crosswalk.
 3. Unless otherwise posted, stand or park a motor vehicle or trailer, or any part thereof, within thirty (30) feet of any point formed by the intersection of the curb lines extending from any corner of the intersection which is not constructed as a "bump out." For the purposes of this subsection, "curb line" is defined as the line coincident with the face of the street curb adjacent to the roadway. No motor vehicle, recreational vehicle or trailer may be stopped or parked along or adjacent to the curved portion of a "bump out."
 4. In front of or within five feet of a public or private driveway, an alley, or a ramp to provide access for persons with physical disabilities. Exception: Driver's personal private driveway.
 5. At any place where official signs or yellow painted curbs prohibit standing,
 6. On public property between the curblines and property line unless a permit to so park is first granted in writing by the city engineer with the approval of the chief of police. The city engineer is authorized to require construction of parking slabs, curb cuts or other devices to delineate such parking spaces. Upon approval of the permit, the city engineer shall assess a five dollar fee to the applicant. Once the permit is granted, only operational vehicles, excluding recreational vehicles, shall be allowed to stand or park within the above described property;
- C. Park a vehicle, whether occupied or not:
1. At any place where official signs prohibit parking.

(Ord. No. 4296, § 4, 3-9-20; Ord. No. 3957, § 1, 9-24-12; 2001 In-house code § 28-259)

10.52.030 Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway, as measured from the centerline, for free movement of vehicular traffic.

(Ord. No. 4434, 5-23-22; 2001 In-house code § 28-260)

10.52.040 Parking in alleys.

No person shall park a vehicle within an alley except that commercial delivery vehicles may park for the express purpose of, and actually engaged in, loading or unloading; provided, that no vehicle so parked shall remain parked for longer than thirty (30) minutes or under such conditions as to leave available less than ten (10) feet of the width of the roadway when possible for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(2001 In-house code § 28-261)

10.52.050 Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

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- A. Displaying such vehicle for sale;
 - B. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

(2001 In-house code § 28-262)

10.52.060 Parking adjacent to schools.

- A. The city traffic engineer is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.
- B. When official signs prohibiting parking are erected upon streets as authorized under this chapter, no person shall park a vehicle in any such designated place.

(2001 In-house code § 28-263)

10.52.070 Parking prohibited on narrow streets.

- A. The city traffic engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

(2001 In-house code § 28-264)

10.52.080 Standing or parking on one-way streets.

The city traffic engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

(2001 In-house code § 28-265)

10.52.090 Standing or parking on one-way roadways.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

(2001 In-house code § 28-266)

10.52.100 No stopping, standing or parking near hazardous or congested places.

- A. The city traffic engineer is authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

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(2001 In-house code § 28-267)

10.52.110 Storage of vehicles in public space prohibited.

No owner, manager or employee of any garage, salesroom, shop or other place of business shall permit any vehicle, whether the same is stock in trade or left for safekeeping, repair or storage to be or remain in or upon any alley, street or sidewalk or in any space between the street and the property line adjacent to, in front of or beside any premises in the city.

(2001 In-house code § 28-268)

10.52.120 Reserved.

Editor's note(s)—Ord. No. 4296, § 4, adopted March 9, 2020, repealed § 10.52.120 which pertained to diagonal parking permits and derived from § 28-269 of the 2001 In-house code.

10.52.130 Parking right-of-way.

Any driver wishing to occupy a parking space in the process of being vacated by another vehicle shall stop in the rear of the space being vacated and then pull up to back in after the parking space is unoccupied. Any vehicle following this procedure shall have the right-of-way over any other vehicle attempting to occupy such parking space.

(2001 In-house code § 28-270)

10.52.140 Unauthorized parking on private property.

No operator of a motor vehicle shall permit such vehicle to stand or be parked or be driven upon any private property without the express consent of the owner or lessee of such private property. The police department is authorized to cause any vehicle parked in violation of this section to be removed from such private property at the expense of the registered owner or operator of such vehicle.

(2001 In-house code § 28-271)

10.52.150 Street parking prohibited when streets to be repaired or parade to pass on street.

It shall be prohibited for any car to park on any street within the city if such street is to be repaired or if an authorized parade is to pass on that street. Such street shall be marked for a period of at least three hours prior to the time of repair or parade. Such parked vehicles will be towed after being within the marked area for three hours and after city employees have made every reasonable effort to contact the owner or operator of such vehicle.

(2001 In-house code § 28-272)

10.52.160 Reserved.

Editor's note(s)—Ord. No. 3588, § 1, approved July 12, 2004, repealed § 10.52.160, which pertained to sacking or covering parking meters and derived from 2001 In-house code § 28-274.

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10.52.170 Application of chapter.

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(2001 In-house code § 28-296)

10.52.180 Regulations not exclusive.

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(2001 In-house code § 28-297)

10.52.190 Designating and posting of prohibited parking.

In addition to the general prohibitions stated in this chapter, the city engineer, or his or her designee, is hereby authorized, in accordance with applicable state and federal statutes, rules and regulations, to designate and post prohibitions, limitations, regulations and exceptions thereto, regarding the parking of vehicles, recreational vehicles, and trailers within the city limits of Cheyenne.

(Ord. No. 3957, § 3, 9-24-12)

Editor's note(s)—Ord. No. 3957, § 2, approved September 24, 2012, repealed the former § 10.52.190, and § 3 of Ord. No. 3957 enacted a new § 10.52.190 as set out herein. The former § 10.52.190 pertained to parking prohibited at all times and derived from the 2001 In-house code § 28-298.

10.52.200 Recreational vehicle, trailer—defined—Parking permitted in certain places.

- A. For purposes of this chapter, "recreational vehicle" means any vehicular-type unit that is primarily designed as a temporary living quarters for recreational, camping, or seasonal use; has its own motive power or is mounted on or towed by another vehicle; and is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment.
- B. For the purposes of this chapter, "trailer" means any of the following:
1. Any "semi-trailer" which is designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight or that of its load rests upon or is carried by another vehicle. "Semi-trailer" shall include any camper designed to be carried in or upon a truck or other motor vehicle, and any house trailer, as defined by Wyo. Stat. Ann. Section 31-5-102(a)(xv), if so designed or constructed that some part of its weight or that of its load rests upon or is carried by another vehicle.
 2. Any "trailer" which is designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight or that of its load rests upon or is carried by another vehicle. "Trailer" shall include any camp trailer, tent trailer, or house trailer, as defined by Wyo. Stat. Ann. Section 31-5-102(a)(xv), if so designed or constructed that no part of its weight or that of its load rests upon or is carried by another vehicle.

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- C. In addition to the limitations specified in this chapter, recreational vehicles and trailers may be parked in the street only if the area in which any such vehicle is parked is immediately and entirely adjacent to real property which is owned by or occupied by the owner of the recreational vehicle or trailer.

(Ord. No. 3957, § 4, 9-24-12)

Editor's note(s)—Ord. No. 3957, § 2, approved September 24, 2012, repealed the former § 10.52.200, and § 4 of Ord. No. 3957 enacted a new § 10.52.200 as set out herein. The former § 10.52.200 pertained to parking prohibited during certain hours and derived from the 2001 In-house code § 28-299.

10.52.210 Reserved.

Editor's note(s)—Ord. No. 3957, § 2, approved September 24, 2012, repealed § 10.52.210, which pertained to stopping, standing or parking prohibited during certain hours and derived from the 2001 In-house code § 28-300.

10.52.220 Parking time limited.

When 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.

(2001 In-house code § 28-301)

10.52.230 Downtown construction/maintenance worker parking in an established timed parking zone.

- A. The city traffic engineer or their designee is authorized to issue special purpose monthly on-street parking permits for bona fide downtown construction/maintenance work.
1. Such permit will allow construction/maintenance workers to park in a single parking place in excess of the signed two-hour limitation.
 2. Applications for special purpose monthly on-street downtown construction worker parking permits shall be submitted with the police department parking administration manager.
 3. Permits will be issued at a cost to the applicant of sixty dollars (\$60.00) per vehicle per month.
 4. Permits may be revoked by the police department parking administration manager for the following reasons:
 - a. Nonpayment for two billing cycles; or
 - b. Unlawful use of the permit.
 5. For purposes of this section, "downtown" shall mean the Downtown Development Authority defined district.
 6. Specifically exempt from this section is right-of-way construction activities approved by the city of Cheyenne.

(Ord. No. 4435, § 1, 5-23-22; Ord. No. 4295, § 2, 3-9-20)

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10.16.090 Failure to comply with traffic citation on parked vehicle.

- A. If the fine indicated on the citation has not been paid within fifteen (15) days after the date of the issuance of the citation and the defendant has not requested a hearing, a default judgment shall be entered against the registered owner of the vehicle in the amount of the fine plus a late fee of thirty dollars (\$30.00). The date of payment for this section shall be the date that payment is actually received by the police department parking administration manager.
- B. The police department parking administration manager shall send a mailed notice of the entry of a default judgment for the parking citation to the registered owner of the vehicle within five business days of the entry of the default judgment.

(Ord. No. 4296, § 3, 3-9-20; 2001 In-house code § 28-67)

10.16.100 Presumption in reference to illegal parking.

- A. In any proceeding alleging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the law or regulation, together with proof that the defendant named in the complaint was at the time of parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.
- B. The foregoing presumption applies only when the procedure as prescribed in Sections 10.16.140, 10.16.150, 10.16.080 and 10.16.090 has been followed.

(Ord. No. 4296, § 3, 3-9-20; 2001 In-house code § 28-68)

10.16.120 Disposition of traffic fines and forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title shall be paid into the city treasury.

(2001 In-house code § 28-70)

10.16.140 Request for hearing in parking cases.

The person or persons liable for the parking violation may request a hearing for consideration of the citation by contacting the police department parking administration manager in person, by telephone or mail within fifteen (15) days after the date the citation was issued, payment of court costs of ten dollars (\$10.00), and requesting a hearing to contest the alleged violation. A request for a hearing will be considered received by the city if it is actually received by the police department parking administration manager within fifteen (15) calendar days after the date the citation was issued. A request for a hearing made by telephone will be considered received the day it is made if it is received by a police department employee between the hours of 8:00 a.m. and 5:00 p.m. of any day, except on Saturday, Sunday or a city holiday.

(Ord. No. 4296, § 3, 3-9-20)

(Supp. No. 60, 1-23)

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10.16.150 Parking violation hearings and appeal procedures.

- A. Civil actions to enforce this chapter may be adjudicated by an administrative hearing officer actively licensed to practice law in the State of Wyoming designated by the mayor.
- B. A hearing for a parking violation may be heard by an administrative hearing officer. The administrative hearing officer may make such orders as may be necessary and proper to dispose of such cases, including reduction or increase of fine amounts notwithstanding the schedule of fines set forth by the governing body and this section.
- C. Any defendant who has been issued a parking citation aggrieved by a decision in a parking violation hearing may seek judicial review in the manner provided by the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.
- D. If a defendant, who has been issued a parking citation, fails to request a hearing within fifteen (15) days after the issuance of the citation, the allegations in the citation shall be deemed admitted and the police department parking administration manager shall enter judgment for the city and impose a civil sanction in the amount of the issued citation and any fine increases in accordance with Section 10.16.090 A.
- E. If a defendant, who has requested a hearing in accordance with Section 10.16.140, fails to appear at their scheduled hearing, the police department parking administration manager shall enter judgment for the city and impose a civil sanction in the amount of the issued citation and any fine increases in accordance with Section 10.16.090 A.

(Ord. No. 4296, § 3, 3-9-20)

Chapter 10.68 CRITICAL TRAFFIC AND PARKING AREAS

Sections:

10.68.010 Establishment authorized.

The governing body may, after a public hearing thereon, and after recommendation of the city traffic engineer, and after receiving a written application as specified in Section 10.68.030, designate a critical traffic and parking area consisting of certain streets or parts thereof in a compact and contiguous area. The governing body shall also specify special traffic and parking restrictions within each critical traffic and parking area thus established.

(2001 In-house code § 28-318)

10.68.020 Findings required.

No critical traffic and parking area may be established until after the governing body shall have made the following findings:

- A. That either or both of the following circumstances pertain to the area:
 1. The area is detrimentally impacted by the parking of commuter vehicles during the proposed hours of restriction,
 2. The area is zoned as a residential district and is adjacent to an area zoned as a business, manufacturing, or governmental district and is detrimentally impacted by the parking of vehicles by patrons of businesses or offices located in the said business, manufacturing, or governmental district;
- B. The area does not have sufficient off-street vehicle parking for the use and convenience of the residents thereof in the vicinity of their homes;
- C. Vehicle noise, pollution, or congestion will work unacceptable hardships on the residents of the area if present parking is to continue unregulated;
- D. The health, safety and welfare of residents of the area and the city as a whole and the attractiveness and livability of specific neighborhoods will be promoted by a system of preferential parking enacted under this chapter.

(2001 In-house code § 28-319)

10.68.030 Procedures for establishment.

Upon receipt of written application representing a majority of the dwelling units located within the proposed critical parking and traffic area, the establishment process will be initiated. The request will also indicate the area proposed and the restrictions suggested. The application shall be submitted to the police department parking administration manager, who will then refer the request to the governing body and the city traffic engineer. The city traffic engineer will conduct a traffic and parking survey of the traffic and parking conditions in the area proposed and involve other city departments and independent groups so that the survey addresses the entire

concern. The city traffic engineer will then recommend either the granting or the denial of the designation or the designation with modification as to the area or proposed restrictions.

(Ord. No. 4295, § 3, 3-9-20; Ord. No. 4213, § 1, 12-20-17; 2001 In-house code § 28-320)

10.68.040 Residential parking permits authority.

The establishment of a critical traffic and parking area shall provide for the issuance of residential parking permits subject to the following requirements:

- A. The city traffic engineer shall identify the location and hours and days to be regulated by the residential parking permit procedure.
- B. An application for a permit shall be on a form or electronic method prepared by the city traffic engineer or designee and shall contain the name and address of the owner and/or occupant, make, model, and license number of the vehicle(s) and other such information as is reasonably necessary to enforce the provisions of this section. The application will be submitted to the police department parking administration manager.

This application shall be presented with a valid driver's license and such other information as may be necessary to prove residence within the designated critical traffic and parking area. No person shall furnish false information in an application for a vehicle permit. A false application shall be grounds for revocation of the permit and is punishable pursuant to the Cheyenne City Code.

- C. A nonrefundable permit application fee of ten dollars (\$10.00) shall accompany each application. If a residential critical parking and traffic area is approved, each vehicle within the area may obtain, renew annually, or transfer a permit for a fee of five dollars (\$5.00).
- D. The permit decal shall be placed on the inside of the lower left corner of the vehicle's windshield.
- E. Permits shall be made available on a yearly renewable basis within those areas recommended in the city engineer's report and authorized by the governing body action and issued to the following:
 1. Residents;
 2. An owner, manager, or their designee of a business located within the designated critical traffic and parking area.
- F. Temporary parking permits for bona fide visitors shall be granted to the residents of the critical parking and traffic area. These temporary parking permits for visitors shall be granted in accordance with the intent of these regulations and according to rules promulgated by the city traffic engineer and police department parking administration manager and approved by the governing body, with the exception that no temporary parking permits shall be required for service vehicles or any commuter or nonresidential vehicles parked within a critical traffic and parking area for two hours or less.
- G. The provisions of these regulations shall not abrogate privileges granted to handicapped persons as defined by the Cheyenne City Code or the Wyoming State Statutes.
- H. Such permit shall allow parking in the designated area during the time specified by the governing body action and posted on signs in the designated critical traffic and parking area. A parking permit shall not guarantee or reserve to the holder a parking space within the designated area.

(Ord. No. 4295, § 3, 3-9-20; Ord. No. 4213, § 1, 12-20-17; 2001 In-house code § 28-321)

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10.68.050 Disestablishment or modification.

The governing body may disestablish or modify a critical traffic and parking area after conducting a public hearing and finding that the circumstances that originally prompted the establishment of the area no longer pertain. The governing body may modify the special traffic and parking restrictions in an established area if it determines that a change of circumstances warrants such modification.

(2001 In-house code § 28-322)

10.68.060 Existing areas continued.

All critical traffic and parking areas established shall continue until disestablished or modified.

(2001 In-house code § 28-323)

10.68.070 Signs—Violation prohibited.

- A. The city traffic engineer shall place and maintain appropriate signs indicating the parking restrictions in areas designated as critical traffic and parking areas.
- B. It is unlawful and a person commits an offense under this chapter if he or she parks a vehicle not having a valid permit as set forth herein in such designated critical parking area.

(Ord. No. 4213, § 1, 12-20-17; 2001 In-house code § 28-324)



Cheyenne Police Department Memorandum
Protecting the Legend

To: Mayor Orr
From: Chief Kozak, Carol Intlekofer
Subject: Parking Management Recommendation
Date: 10/2017

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BACKGROUND

The Cheyenne Metropolitan Planning Organization (M.P.O.) funded and contracted Kimley/Horn to complete a parking study for downtown Cheyenne in 2016. The 154-page study provided several recommendations in how the City of Cheyenne should move forward. Some of those recommendations were:

1. *A more comprehensive and strategic program action plan relative to parking and transportation policy – this strategic plan should provide that missing element.*
2. *Enhanced parking management expertise – issuing an RFP to engage a professional parking management firm is recommended as an important initial step to creating a more effective and financially sustainable parking management program.*
3. *Establish parking as a separate “enterprise fund” and dedicate all parking related revenue streams to support the enterprise fund.*
4. *Investment in New Technology – Leveraging new technology will be a critical element in achieving many of the stated goals of this project including:*
 - a. *Enhanced customer friendly programs and services*
 - b. *Improved operational efficiency*
 - c. *Enhanced system financial performance*
 - d. *Improved system data and management*

A thorough review of the entire parking program was completed by a transition team made up of Joan Baker (employee working within the parking program), Steve McDonald (formally supervised the parking program), Carol Intlekofer (City Clerk), Tyler Nelson (I.T.), Dustin Swalla (I.T.), Captain Nathan Buseck (CPD), Lt. Rob Dafoe (CPD), and Ben Rowland (Assistant City Attorney). It should be noted that Joan Baker estimated she spent 90% of her workday performing parking management duties.

ANALYSIS

We have examined the impacts of moving the two parking enforcement employees to the police department, management of the parking permits system and overall parking management within the City of Cheyenne. We have attended several meetings to gain a better understanding of how the overall parking program functions. We have analyzed information, to include enforcement statistics, parking permit contracts, notification

process for non-payment of parking citations, critical parking permit application process, parking structure permit process, etc. The transition team has discovered there are three primary areas of responsibility for managing the City parking program:

1. Parking Permits
2. Parking Enforcement
3. Collection of parking fines

Parking Permits

The current process in applying for and paying for parking permits can be improved upon for our citizens and employees, therefore this needs to be evaluated. The point of emphasis for the evaluation is analyzing the **overall process**. This evaluation is not intended to question the high-quality work and dedication of the City employees who have worked within the parking management system. There are various permits that can be purchased, with the primary type being a permit that authorizes citizens to park in the City-owned parking structures and surface lots. Some of those permits are purchased on a daily, monthly or yearly basis. The process for purchasing these permits varies. Permits may be purchased using cash, credit card, invoice at the City Building and at the City Transit Office (which is only occasionally used). Some permits are purchased via contracts that go through the entire City Council process, with a citizen physically entering the City Building at 2101 O’Neil to start the process. For the surface lots, citizens must go to the City Building to purchase permits.

The following table shows a breakdown of parking permits being managed (as of 9/20/17):

Location	Total Spaces	Agency	Spaces Leased	Projected Permit Revenue
Cox	542	WY. State Bulk Permits	71	\$38,340.00
		State Capitol Project	54	\$29,160.00
		Laramie County Gov.	190	\$13,380.00
		LCSO	20	\$8,100.00 (5 free)
		Indvl. permits as of 9/20	13	\$8,100.00
Spiker	722	DDA	126	\$52,920.00
		Visit Cheyenne	100	\$47,000.00
		Indvl. permits as of 9/20	336	\$181,440.00
East Lot (17 th /Warren)	50	Indvl. permits as of 9/20	8	\$4,320.00

The sale of parking permits has typically created about \$300,000.00 of annual revenue for the City.

There are also parking permits related to critical traffic parking areas (examples: the neighborhood around C.R.M.C.; neighborhood around the State Capitol Complex), residential handicap permits and curb loading/unloading zone permits. Handicap permits are applied for through the City Clerk’s office (former Parking Division staff), forwarded

to the Mayor’s Council for People with Disabilities for recommendation with approval/disapproval by the Mayor. Loading/unloading permits, also submitted to former Parking Division staff, are forwarded to the City Traffic Engineer’s office for review, analysis and approval/denial. Critical traffic and parking areas are designated through an application process (submitted to City Clerk) and requires approval by City Council.

Parking Enforcement

The enforcement process used by the two parking enforcement employees could be greatly improved. This is primarily the result of using a software system to track “overstaying allotted time” that should be used in conjunction with License Plate Reader (LPR) technology. Employees are not currently using LPR technology which significantly reduces efficiency. Employees also struggle to cover all the relevant on-street parking areas along with the City-owned structures and surface lots. Below is a table showing the number of citations written in 2016 and thus far in 2017 (through 8/30/17). We included the number of citations being written within the parking structures/lots to show that enforcement efforts in those specific areas are challenging under the current system.

Year	Total Citations	Citations issued w/in structures/lots	Total fines	Structures/Lots fines
2016	6,365	267 (4.2%)	\$109,600.00	\$4,597.00
2017	3,604 (thru 8/30)	195 (5.4%)	\$54,695.00	\$2,959.00

Collection of Parking Fines

Currently, the fines can be mailed in, dropped off at the city building or dropped into a pay-station located in the City. Under the transition team’s plan, the collection of fines will no longer be conducted in this manner. The collection of fines will be moved exclusively to the Municipal Court. The Municipal Court collects all of the fines generated by CPD officers for violations of City Ordinances. The Municipal Court has also recently created an electronic payment option that allows anyone receiving a citation to pay their fine through a website. This automation should simplify payments of fines for those citizens who happen to receive a parking citation and should increase payment compliance.

ALTERNATIVES

The parking transition team has determined several alternatives to managing this change of structure within the City.

Defer Action – This plan would eliminate Ms. Baker’s position within the former City Parking Division (by moving her to the City Clerk’s office). The entire parking program would move to CPD and create an extreme burden on CPD resources. CPD does not have an employee that has the available time to manage the parking program. This plan does not address any of the recommendations within the parking study or introduce any

new technology, as recommended by the parking study. The collection of parking fines will be moved to the Municipal Court.

The transition team also identified a concern regarding CPD becoming the 'collection agent' of the parking permits portion and the potential negative public perception this may create. The collection of money by police for parking permits could appear as a conflict of interest. Police do not typically collect money from the citizens they police. The purpose of police is public safety, not the collection of revenue.

Option #1 – This plan would eliminate Ms. Baker's position within the former City Parking Division (by moving her to the City Clerk's office). The entire parking program would move to CPD and create an extreme burden on CPD resources. Under this plan, CPD would request the City consider the allowance of creating a full-time Community Service Officer Supervisor position to oversee the parking program. The CSO Supervisor would also supervise the four CSO's and the two parking enforcement employees. The parking permit program generates nearly \$300,000.00 revenue for the City and will need to have supervision to be properly managed. The collection of fines will be moved to the Municipal Court. The impacts of this plan could generate questions on why the police are now determining permit fees for the citizens and collecting permit revenue from the citizens they police.

Option #2 – This plan would follow some of the recommendations within the parking study. The City would leverage new technology and automate the majority of the parking permits system, along with creating automation within the City-owned parking structures and surface lots. The management of the permits would remain, for a 1-year trial period, with the City Clerk's office due to increased efficiency created by automation and moving parking fine collection to the Municipal Court. A review of whether permitting should remain within the City Clerk's office would be conducted approximately 1-year following implementation of the new automated technology system. This time frame will allow for information to be studied relative to where the majority of customers are going to make permit payments (i.e. unmanned pay stations, through web-based/phone app access, or in person) and seek initiation of permit services. The automation would include the placement of stand-alone pay-stations within the parking structures and City lots which citizens can pay-to-park. Citizens can also log in to a web-based system to purchase parking permits (daily, monthly, annual). Citizens can extend their 'allotted time' via a phone app without having to physically return to the lots. The system uses LPR technology to track vehicles entering/exiting the structures/lots (similar to the LPR system that is used on toll roads). Citizens would continue to have two hours of free parking within the lots however, parking enforcement employees would be electronically notified of vehicles who have overstayed their allotted time within the lots. As a result of the improved process, enforcement efficiency would increase which typically impacts up-front payment compliance. This system works seamlessly with permit management (web-based). CPD would oversee the enforcement portion of the parking program and continue to work closely with the City Clerk's office to support parking permit efficiency. This plan would be the least disruptive to citizens because ALL permit questions would continue to be handled by the City Clerk's office.

Option #3 – This plan would follow “Key Finding #2” in the parking study -

Enhanced parking management expertise – issuing an RFP to engage a professional parking management firm is recommended as an important initial step to creating a more effective and financially sustainable parking management program.

Financial Impact

The financial impacts of the options are as follows:

Option #1 - The creation of a full-time CSO Supervisor to provide oversight of the entire parking program would cost the City approximately \$75,000.00 annually (including benefits). Full efficiencies would take time to uncover. There would be a software upgrade to the Innoprise system to manage the permits (estimating \$10,000.00). This system will be a stand-alone permit management system that does not increase enforcement efficiencies or introduce new technology. CPD would also have to train and account for Records/CSO personnel time in accepting payments, completing permit applications, entering permit information into a data-base, permit contract management, forwarding handicap permits along with residential critical parking permit applications and loading zone permits to the City Traffic Engineer’s Office for review. CPD would spend time answering questions regarding parking permits and put financial auditing measures in place due to the large volume of money CPD will be taking in (which has not been done in the recent past). This option leaves citizens with having to physically go to the C.P.S.C. to obtain a permit or pay for a permit to park in any City lot.

Option #2 – This option’s cost estimate is about \$300,000.00 to implement the LPR permit management solution for structures/lots. This allows citizens the ability to obtain their standard parking permits both at the structures/lots or on-line using their license plate information. Citizens can extend their own time or permits simply using a “phone app”, on-line, or via the parking kiosks within each lot. Permit management would become extremely efficient for the different entities using City structures/lots (Laramie County Government, State of Wyoming, future hotels/businesses). This solution also has the potential to generate increased revenue for the City.

Option #3 – The financial implications of this option are difficult to predict. A proposal for a third party to manage the entire City parking system may have a significant up-front cost, but may also have long-term financial benefits to the City. If this option were chosen, the two parking employees may be re-assigned to other portions of the City and there would only be the cost of paying a third-party company to manage the entire system. The City would no longer need to pay employees to manage any part of the system nor purchase any vehicles, hardware, software, etc.

Recommendation

The parking transition team has the following recommendations:

Recommendation #1 -

Option #2 leverages technology to increase customer friendly services, increase revenue, improve operational efficiency and overall data/financial management (which is a recommendation of the parking study). Option #2 is the type of system with a potential to increase enforcement within the structures/lots due to the system making automatic notification that violators are present, which in turn should increase compliance for obtaining daily/monthly permits. Option #2 keeps a separation between the police and the collection of permit revenue. Option #2 puts the City of Cheyenne on a pathway towards becoming a “Smart City.”

The parking transition team also recommends that Option #2 be the first step in a long-term plan for parking management. The parking study consistently recommends creating a long-term parking plan. The recommendation would be that after implementation of Option #2 the City would evaluate an on-street parking meter type plan in the next 3-5 years. This would allow the City time to analyze the pros/cons of Option #2 and allow time for citizens to adjust to the new technology and the updated permit process. The recommendation would be to eliminate on-street time allotments (1-2 hours free would be eliminated) and citizens should pay for the convenience to park directly in front of a specific location. The two hours of free parking would remain in place for using the parking structures/lots. This type of plan would likely generate revenue through on-street parking, but also encourage downtown parking in the structures/lots due to the first two hours continuing to be free.

Recommendation #2 -

Option #1 would be the second-best option. Financially, in the short term, this is the cheapest of the options by only creating a full-time CSO Supervisor position and a small software upgrade. This option does not follow the recommendations of the parking study and does not put a long-term parking plan in place. The City would basically be operating at ‘status quo’ with Option #1, with the only change being that citizens must physically go to the C.P.S.C. for all parking permits. This may create some inefficiency in how handicap permits, critical residential permits and loading zone permits are reviewed due to these being forwarded to the City Building for review at the City Traffic Engineer’s Office and then returned to the C.P.S.C. for collection of money and then issuance to the public. This option has the least impact on overall efficiency for the City and for citizens wanting to purchase permits.

Recommendation #3 – (with the caveat this recommendation may be initiated and evaluated along with any of the above recommendations at any given time)

Option #3 is recommended by the 2016 parking study. This is a philosophical decision and City leadership would have to determine if this would be the best approach to managing parking for our community. Parking management companies would have the expertise and understanding on how to best manage all of the City’s streets, structures

and lots. A third party may have ideas, technology, resources and expertise to generate long-term revenue for the City. This option will take more time to implement, but may be an option the City will want to explore at some point in the future. With this option, there is “no commitment to buy” if an RFP is initiated and the City might gain insights on unrealized revenue and savings by exploring this option. This option will likely take the longest time to fully implement.

CITY PARKING PERMIT, PARKING ENFORCEMENT TRANSITION

Information Sheet, 11-30-17

Provided to PIO Michael Skinner,
PIO Officer Kevin Malatesta

As part of the Mayor's overall plan to restructure various departments within the City, the Parking Transition Team has examined the impacts of moving the two parking enforcement employees to the police department, management of the parking permits system and overall parking management within the City of Cheyenne. We have attended several meetings to gain a better understanding of how the overall parking program functions. We have analyzed information, to include enforcement statistics, parking permit contracts, notification process for non-payment of parking citations, critical parking permit application process, parking structure permit process, etc. The transition team has discovered there are three primary areas of responsibility for managing the City parking program:

1. Parking Permits – currently, City Clerk's Office
2. Parking Enforcement – Special Projects Office (City Clerk's Office)
3. Collection of parking fines – currently, City Clerk's Office

The Cheyenne Metropolitan Planning Organization (M.P.O.) funded and contracted with Kimley/Horn to complete a parking study for downtown Cheyenne in 2016. The study provided several recommendations, which was received by the Governing Body in early 2017. One of the primary recommendations was:

Investment in New Technology – Leveraging new technology will be a critical element in achieving many of the stated goals of this project including:

- a. Enhanced customer friendly programs and services*
- b. Improved operational efficiency*
- c. Enhanced system financial performance*
- d. Improved system data and management*

This plan would follow some of the recommendations within the parking study. The City would leverage new technology and automate the majority of the parking permits system, along with creating automation within the City-owned parking structures and surface lots. The management of the permits would remain, for a 1-year trial period, with the City Clerk's office due to increased efficiency created by automation and moving parking fine collection to the Municipal Court. A review of the permitting process would be conducted approximately 1-year following implementation of the new automated technology system. This time frame will allow for information to be studied relative to where most customers are going to make permit payments (i.e. unmanned pay stations, through web-based/phone app access, or in person) and seek initiation of permit services.

The automation would include the placement of stand-alone pay-stations within the parking structures and City lots which citizens can pay-to-park. Citizens can also log in to a web-based system to purchase parking permits (daily, monthly, annual). Citizens can extend their 'allotted time' via a phone app without having to physically return to the lots. The system uses LPR technology to log vehicles entering/exiting the structures/lots (similar to the LPR system that is used on toll roads). Citizens would continue to have two hours of free parking within the lots however, parking enforcement employees would be electronically notified of vehicles who have

CITY PARKING PERMIT, PARKING ENFORCEMENT TRANSITION

Information Sheet, 11-30-17

Provided to PIO Michael Skinner,
PIO Officer Kevin Malatesta

overstayed their allotted time within the lots. As a result of the improved process, enforcement efficiency would increase which typically impacts up-front payment compliance.

This system works seamlessly with permit management (cloud based). The system would also allow for government entities, downtown businesses and individuals to manage their own parking permits accounts. This would eliminate the need for parking lease contracts to be reviewed by attorneys and submitted before the governing body for approval, thereby shrinking the government 'red tape' for parking permits. For example, if a hotel is built in the downtown area, the hotel can manage a specific number of allowable permits for all the guests just by using LPR technology and the cloud based operating system. The hotel clerk would enter the guest's license plate number into the system, therefore telling the system a specific car has been properly permitted to be in a structure for a specific number of days.

CPD would oversee the enforcement portion of the parking program as part of the Mayor's overall restructuring plan and continue to work closely with the City Clerk's office to support parking permit efficiency. The 2016 Parking Study makes mention of the public's perception of safety in the parking structures and CPD believes this has been addressed ("Operation Change") and has plans to try and continue with extra patrols in the downtown area. As part of this project CPD would utilize mobile LPR technology on the parking enforcement vehicles for greater enforcement city-wide and within the structures. The parking enforcement employees will be moved to an "electronic parking citation" that will be issued to the offender and will then be wirelessly uploaded directly into the Municipal Court system for payment or adjudication.

The Municipal Court provides judicial oversight over all city ordinance violations. The current, outdated, parking ordinances include specific fine amounts for parking violations and need to be updated to allow the Municipal Court to determine those bond amounts. This is necessary to create overall consistency in how bonds are determined for all City ordinances. The following change in City Department responsibilities would be as follows:

- | | |
|----------------------------------|----------------------------|
| 1. Parking Permits – | City Clerk's Office |
| 2. Parking Enforcement – | Cheyenne Police Department |
| 3. Collection of parking fines – | Cheyenne Municipal Court |

This plan takes in to account recommendations from the 2016 Parking Study and harnesses state of the art technology to create greater efficiency for City staff and convenience for citizens. As the City of Cheyenne continues to grow, so must the efficiency in which the City provides services to the community. By following recommendations from the 2016 Parking Study the City can continue to move in the direction of becoming a "Smart City" and provide the highest level of service to its citizens and visitors.



Cheyenne Police Department Memorandum
Protecting the Legend

To: Chief Kozak
From: Captain Nathan Buseck
Subject: Parking Enforcement / Parking Management Transition
Date: 09/14/17

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I have examined the potential impacts of the addition of two parking enforcement employees, management of parking permits and overall parking management within the city of Cheyenne. I have attended several meetings with current parking management employees to gain a better understanding of how the program is operated. I have analyzed information, to include enforcement statistics, parking permit contracts, notification process for non-payment of parking citations, critical parking permit application process, parking structure permit process, etc. While working with this transition team I have discovered there will likely be a considerable impact on the current resources within the Cheyenne Police Department.

The current city employee that manages the parking program is Joan Baker. Ms. Baker estimates that she spends about 90% of each day working on parking management issues. I believe this is likely a direct reflection on the current inefficient process in how the parking system is set up. This is not to say Ms. Baker is incapable, but the overall processes being used can be improved upon by using technology. I will not go over all of the current inefficient processes that exist, but I do need to provide two examples. Currently, anyone wanting to obtain a parking permit for a parking structure must physically go to the city building, fill out a form, deposit \$20.00 for the physical permit that hangs on the mirror, and then make a payment. Then drive to the structure and park, then return the parking permit to the city building at some point to collect their \$20.00 deposit. There is a similar process for businesses and other governmental entities that are wanting to lease large numbers of spaces in the structures, but this process is even more cumbersome because this involves entities signing contracts that must go through legal review and through city council for approval. The 2017 Downtown Strategic Parking Plan recommended, "Identify management strategies and technology that can improve customer convenience, while also controlling operating costs and enhancing program revenues."

The biggest challenge for C.P.D. will be the management of parking permits for the two city owned parking structures and the two city owned surface lots. The permit management system must be streamlined and improved for a C.P.D. employee to take

this on. Past parking structure permits revenue is approximately \$300,000.00 a year. C.P.D. must have an employee assigned to collecting and managing this amount of currency, which will require proper training, oversight, management and auditing.

I have already been in contact with various parking management companies and feel strongly that C.P.D. can find a system that will increase efficiencies at minimal cost, however we must have an employee to manage the system in order for this to succeed. Our current plan is to move the parking enforcement employees under the 'umbrella' of our C.S.O. group. We would swear in the two parking enforcement employees as C.S.O.'s which will give them access to all of our police records and the NCIC database for running registrations (so that electronic parking citations can properly function). C.P.D. currently has three part-time C.S.O.'s that work on the street and one C.S.O. working in the lobby. The two new C.S.O.'s (specializing in parking enforcement) will be cross-trained to also provide C.S.O. services, as needed, and perform C.S.O. duties when poor weather hinders parking enforcement operations. We can also cross-train our current C.S.O.'s in parking enforcement and this would certainly increase enforcement.

I am proposing that we create a full-time C.S.O. supervisor who will supervise the current C.S.O.'s (4) and supervise the additional parking enforcement employees (2) along with the entire parking program, including the \$300,000.00 revenue. The C.S.O. supervisor will address all complaints regarding all C.S.O.'s, parking issues, parking permits and enforcement. They will oversee future hiring of C.S.O.'s. They will also work very closely with the Traffic Unit Sergeant to provide support to the Traffic Unit (special events, parades, escorts, etc). The Traffic Sergeant is currently supervising the entire Traffic Unit and all of the C.S.O.'s. I have articulatable concerns about putting the two parking enforcement positions under the Traffic Unit. I fear the C.P.D. Traffic Unit will be pulled from important traffic enforcement operations that directly impact public safety and tasked with parking enforcement duties.

The cost of adding a C.S.O. Supervisor would be approximately \$75,000.00 a year when benefits are included. This is a similar salary that Ms. Baker currently has. C.S.O.'s now investigate vehicle crashes, issue citations, enforce abandoned vehicle laws, provide VIN inspections, work directly with the Nuisance Control Officer on nuisance issues and provide support to the Traffic Unit. Our C.S.O. program has been extremely successful and they are now taking on more responsibilities than they ever have. If C.P.D. is to be a responsible steward in managing a \$300,000.00 revenue stream, we must be afforded the opportunity to have success in this endeavor. I do have grave concerns about C.P.D. taking on the entire parking enforcement and management system and not being provided funding for an employee to provide oversight.