

ORDINANCE NO. 2023-01

**AN ORDINANCE OF THE TOWN OF WRIGHT, WYOMING, AMENDING
TITLE 7, CHAPTER 2 OF THE WRIGHT TOWN CODE HAVING TO DO
WITH SNOW REMOVAL, ESTABLISHING SNOW EMERGENCY LEVELS,
AND PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE**

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF WRIGHT, WYOMING THAT:

Ordinance Section 1: The following provisions of the Wright Town Code are hereby amended as follows:

Title 7, Chapter 2 of the Wright Town Code has provided:

**CHAPTER 2
SNOW REMOVAL**

SECTION:

7-2-1: Definitions

7-2-2: Designation Of Snow Emergency

7-2-3: Effective Period Of Snow Emergency

7-2-4: Snow Emergency Routes

7-2-5: Emergency Snow Route Procedures

7-2-6: Parking Restrictions On Nonsnow Emergency Routes

7-2-7: Snow Route Signing

7-2-8: Removal Of Parked Vehicles

7-2-9: Penalties

7-2-10: Schedule A, Emergency Snow Removal Routes

7-2-1: DEFINITIONS:

The following terms shall have their defined meanings and their regularly understood meanings for the purposes of this chapter:

OWNER: The legal owner or one of the legal owners of the vehicle. The owner also includes any person who is operating or last operated, drove, or parked the vehicle.

VEHICLE: Includes all licensed and unlicensed automobiles, pickups, trucks, tractors, recreational vehicles, campers, trailers, snowmobiles or any other apparatus parked or stored upon any public street.

7-2-2: DESIGNATION OF SNOW EMERGENCY:

A. Conditions For Declaring Snow Emergency:

1. Accumulation Of Two Inches Of Snow: A snow emergency shall be declared when the mayor or public works superintendent or his designee finds there is an accumulation of two inches (2") of snow with one of the following conditions:

a. Additional snow actually falling or anticipated as forecast by the national weather service in the next forty eight (48) hour period.

b. Winds actually blowing or gusting or anticipated to do so by the national weather service with a velocity of twenty five (25) miles per hour or more in the next forty eight (48) hour period.

2. Weather Conditions Jeopardize Public Safety: If, in the opinion of the mayor and the public works superintendent or his designee, weather conditions will jeopardize public safety, a snow emergency may be declared at any time.

A. Beginning Of Period: The provisions of this chapter shall be in effect two (2) hours after a public announcement is made by two (2) or more radio or television stations in the city of Gillette, Wyoming. However, if the declaration is made between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M., the provisions of this chapter shall not be in effect until seven o'clock (7:00) A.M.

B. End Of Period: Provisions shall no longer be in effect when the mayor or the public works superintendent or his designee deems such procedures are no longer necessary and makes a public announcement, or as to a given street when the street has been plowed and snow is no longer accumulating either by falling or by blowing.

7-2-4: SNOW EMERGENCY ROUTES:

Those streets and parts of streets described in section 7-2-10 of this chapter are hereby declared to be snow emergency routes for the purpose of this chapter. Such schedule A is on file in the offices of the clerk-treasurer, public works superintendent and the police department and may be amended from time to time by the town council by resolution.

7-2-5: EMERGENCY SNOW ROUTE PROCEDURES:

A. Clearing Of Routes: Designated snow routes will be the first streets cleared in any snow storm.

B. Parking:

1. Prohibited: While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision by law.

2. Interference With Or Restriction Of Traffic Flow: While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of any other street so as to allow the vehicle to interfere with or restrict the free vehicular traffic flow on the street.

C. Measures Taken By Mayor, Public Works Superintendent Or His Designee: When a snow emergency is declared by the mayor, public works superintendent or his designee the following measures will be taken:

1. Removal Of Vehicles In Violation: Any vehicle in violation of this chapter may be removed or caused to be removed by a law enforcement officer or town employee designated to do so by the mayor. Removal or towing may be done by town personnel or by commercial towing contractors, consistent with the provision of section 7-2-8 of this chapter.

2. Owner Responsibility: The owner of a vehicle shall be fully responsible for determining existing weather conditions and for complying with emergency snow route procedures and any other procedures of this chapter. A vehicle owner shall have the duty to remove his vehicle immediately from any emergency snow route.

7-2-6: PARKING RESTRICTIONS ON NONSNOW EMERGENCY ROUTES:

In addition to the restrictions set forth in sections 7-2-2 through 7-2-5 of this chapter, from October 1 until May 1 of each year, parking on nonsnow emergency routes shall be limited to the odd numbered sides of the street on odd numbered days and even numbered sides of the street on even numbered days to facilitate clearing the streets of snow. For purposes of this chapter, days shall be considered to be a twenty four (24) hour period beginning at ten o'clock (10:00) A.M., and the day's number shall be the day of the month on which the twenty four (24) hour period begins.

7-2-7: SNOW ROUTE SIGNING:

Signs shall be erected as soon as practicable and maintained along all snow routes indicating the status of these streets.

7-2-8: REMOVAL OF PARKED VEHICLES:

A. Owner's Duty To Remove: It shall be the duty of all persons owning vehicles parked or stored upon any public street to remove such vehicle from the street immediately when it becomes

town, the superintendent or his designee shall be and is hereby empowered to give a written warning or a citation for violation of this chapter. The superintendent's designate shall be any town employee who is responsible for snow plowing, sanding or removal efforts of the town. The owner shall have the duty to remove the vehicle so as to comply with this chapter.

C. Unable To Contact Owner: In the event town personnel cannot contact the owner of the vehicle, then the town personnel shall place a warning or citation upon the vehicle in a secure and visible place. In this event, the owner shall have the same duty to remove the vehicle as set forth in other sections of this chapter, and the town personnel shall have the same authority to remove vehicle as otherwise set forth in this chapter.

D. Failure To Remove: If the owner does not remove the vehicle within fourteen (14) hours after the beginning of a snow storm, the owner may be issued a citation.

E. Removal By Town; Notice Of Removal: Whenever an officer or town official removes or has removed a vehicle from a street as authorized in this chapter and the officer or official knows or is able to ascertain the name and address of the owner thereof, such officer or official shall immediately give or cause to be given notice, in writing, to such owner/operator of the fact of such removal and the reasons therefor and of the place to which such vehicle has been moved. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

F. Unable To Ascertain Ownership: Whenever an officer or official removes or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any reason is unable to give notice to the owner as herein before provided, and, in the event the vehicle is not returned to the owner within a period of three (3) days from its removal, then and in that event, the officer or official shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the removed vehicle is stored. The notice shall state the reasons for such removal, and the name of the garage or place where the vehicle is stored.

G. Redemption Of Vehicle; Fees: No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to the town official, officer, or town clerk-treasurer evidence of his identity and right to possession of the vehicle and shall sign a receipt for its return. The owner of such vehicle shall show to the town official, officer, or town clerk-treasurer evidence that he or she has paid to any private towing company the fees for towing such vehicle. The owner of such vehicle shall also show to the town official, officer, or town clerk-treasurer evidence that he or she has paid the proprietor of any public garage to which the vehicle was towed the fees charged by the garage proprietor. A reasonable fee for towing, storing, or garaging a vehicle shall be charged by the town, in the event the town tows, stores or garages a vehicle. These fees must be paid prior to the owner receiving any vehicle. These fees shall not be credited toward any fine to be paid by the person violating this chapter.

H. Record Of Vehicles Removed: It shall be the duty of the town official, officer, or town clerk-treasurer to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and the last operator, if known, its final disposition, and the parking violation involved.

I. Supplemental Provisions: This section shall be supplemental to any other provisions of law granting town officials, officers, or the town clerk-treasurer authority to remove a vehicle.

J. Prima Facie Evidence: In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this chapter, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this chapter, together with proof that the defendant named in the complaint was at the time the registered owner or the operator of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this chapter.

K. Responsibility For Damages: The town shall not be responsible for any damage to any vehicle towed and/or stored as a result of a violation of this chapter.

2. Any violation of this chapter, other than provided in subsection A of this section, shall be a misdemeanor and any person convicted of a violation thereof shall be fined a minimum of:

- First violation \$ 50.00
- Second violation 150.00
- Third and following violations 250.00

B. Forfeiture Of Bond: A person cited for violation of this chapter may forfeit bond or pay the fine prior to the person's arraignment on the citation in lieu of appearing in court.

C. Costs Of Removal: Persons cited for violations of this chapter shall also be responsible for the costs of removal, provided the conditions of announcement of section 7-2-3 of this chapter have been met.

7-2-10: SCHEDULE A, EMERGENCY SNOW REMOVAL ROUTES:

- Hay Creek Road
- Wright Boulevard
- Bison Avenue
- Ranchero
- Reno Drive
- Latigo Drive
- Sagebluff Drive

From and after adoption of this Ordinance, Title 7, Chapter 2 of the Wright Town Code is amended and shall hereafter provide:

**CHAPTER 2
SNOW REMOVAL**

SECTION:

- 7-2-1: Definitions**
- 7-2-2: Designation Of Level I, II, or III Snow Emergency**
- 7-2-3: Effective Period Of Snow Emergency**
- 7-2-4: Snow Emergency Routes**
- 7-2-5: Emergency Snow Route Procedures**
- 7-2-6: Parking Restrictions On Non-Snow Emergency Routes**
- 7-2-7: Snow Route Signing**
- 7-2-8: Removal Of Parked Vehicles**
- 7-2-9: Interference With Snow Removal Operations**
- 7-2-10: Penalties**

7-2-1: DEFINITIONS:

The following terms shall have their defined meanings and their regularly understood meanings for the purposes of this chapter:

OWNER: The legal owner or one of the legal owners of the vehicle. The owner also includes any person who is operating or last operated, drove, or parked the vehicle.

VEHICLE: Includes all licensed and unlicensed automobiles, pickups, trucks, tractors, recreational vehicles, campers, trailers, snowmobiles or any other apparatus parked or stored upon any public street.

7-2-2: DESIGNATION OF LEVEL I, II, OR III SNOW EMERGENCY:

A. Conditions For Declaring Level I, II, or III Snow Emergency:

1. Accumulation Of Two Inches Of Snow: A Level I, II, or III snow emergency shall be declared when the mayor or public works superintendent or his designee finds there is an accumulation of two inches (2") of snow with one, or both, of the following conditions:
 - a. Additional snow actually falling or anticipated as forecast by the national weather service

1. LEVEL I: A Level I snow emergency does not restrict travel; however, citizens should expect adverse road conditions, including but not limited to, icy roads, reduced visibility, and blowing and drifting snow. No person shall park or allow to remain parked any vehicle on any portion of a snow emergency route. During a Level I snow emergency all Town facilities remain open for business.

2. LEVEL II: A Level II snow emergency advises against non-emergency travel in the Town of Wright. Citizens driving during a Level II snow emergency may encounter roads which are impassable; and will likely interfere with snow and storm damage removal as well as emergency services. No person shall park or allow to remain parked any vehicle on any street. Town facilities may be closed at the discretion of the Mayor and or the Public Works Director during a Level II snow emergency. Although Town facilities may be closed, it is the responsibility of each citizen to determine whether their employer is open for business.

3. Level III: A Level III snow emergency results in the closing of streets to vehicular traffic and forbidding non-emergency driving. In the event of such a declaration, it shall be unlawful for anyone to drive on the streets of the town except in an emergency. No person shall park or allow to remain parked any vehicle on any street. All Town facilities are closed for business during a Level III snow emergency.

7-2-3: EFFECTIVE PERIOD OF LEVEL I, II, OR III SNOW EMERGENCY:

A. Beginning Of Period: The provisions of this chapter shall be in effect two (2) hours after a public announcement is posted on the town's website or by town personnel on at least one social media platform. However, if the declaration is made between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M., the provisions of this chapter shall not be in effect until seven o'clock (7:00) A.M.

B. End Of Period: Provisions shall no longer be in effect when the mayor or the public works superintendent or his designee deems such procedures are no longer necessary and makes a public announcement, or as to a given street when the street has been plowed and snow is no longer accumulating either by falling or by blowing.

7-2-4: SNOW EMERGENCY ROUTES:

The following streets are hereby declared to be snow emergency routes for the purpose of this chapter:

Hay Creek Road
Wright Boulevard
Bison Avenue
Ranchero
Reno Drive
Latigo Drive
Sagebluff Drive

7-2-5: EMERGENCY SNOW ROUTE PROCEDURES:

A. Clearing Of Routes: Designated snow routes will be the first streets cleared in any snow storm.

B. Parking:

1. Prohibited: While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

2. Interference With Or Restriction Of Traffic Flow: While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of any other street so as to allow the vehicle to interfere with or restrict the free vehicular traffic flow on the street.

C. Measures Taken By Mayor, Public Works Superintendent Or His Designee: When a Level I, II, or III snow emergency is declared by the mayor, public works superintendent or his designee the following measures will be taken:

other procedures of this chapter. A vehicle owner shall have the duty to remove his vehicle immediately from any emergency snow route.

7-2-6: PARKING RESTRICTIONS ON NON-SNOW EMERGENCY ROUTES:

In addition to the restrictions set forth in sections 7-2-2 through 7-2-5 of this chapter, from October 1 until May 1 of each year, parking on non-snow emergency routes shall be limited to the odd numbered sides of the street on odd numbered days and even numbered sides of the street on even numbered days to facilitate clearing the streets of snow. For purposes of this chapter, days shall be considered to be a twenty-four (24) hour period beginning at ten o'clock (10:00) A.M., and the day's number shall be the day of the month on which the twenty-four (24) hour period begins. In the event of a Level II or Level III snow emergency, the provisions of section 7-2-2(B)(2) and (3) shall control, and no parking on the street will be allowed during such snow emergencies.

7-2-7: SNOW ROUTE SIGNING:

Signs shall be erected as soon as practicable and maintained along all snow routes indicating the status of these streets.

7-2-8: REMOVAL OF PARKED VEHICLES:

A. Owner's Duty To Remove: It shall be the duty of all persons owning vehicles parked or stored upon any public street to remove such vehicle from the street immediately when it becomes evident that snow plowing or removal operations may isolate, cover, or otherwise restrict the movement of such vehicle or when the vehicle(s) parked upon the town street hinders the snow plowing and/or snow removal efforts of the town, or when such vehicle restricts the free vehicular traffic flow on the streets.

B. Written Warning; Citation: Whenever the town public works superintendent or his designate finds there is an accumulation of snow or ice sufficient that a level I, II, or III snow emergency is declared or that the parking or storage of a vehicle hinders the snow plowing, sanding or removal efforts of the town, the superintendent or his designee shall be and is hereby empowered to give a written warning or a citation for violation of this chapter. The superintendent's designate may be any town employee who is responsible for snow plowing, sanding or removal efforts of the town, and may also be the town's Enforcement Officer, or any law enforcement officer. The owner shall have the duty to remove the vehicle so as to comply with this chapter.

C. Unable To Contact Owner: In the event town personnel cannot contact the owner of the vehicle, then the town personnel shall place a warning or citation upon the vehicle in a secure and visible place. In this event, the owner shall have the same duty to remove the vehicle as set forth in other sections of this chapter, and the town personnel shall have the same authority to remove the vehicle as is otherwise set forth in this chapter.

D. Failure To Remove: If the owner does not remove the vehicle within fourteen (14) hours after the beginning of a snow storm, the owner may be issued a citation.

E. Removal By Town; Notice Of Removal: Whenever an officer or town official removes or has removed a vehicle from a street as is authorized in this chapter and the officer or official knows or is able to ascertain the name and address of the owner thereof, such officer or official shall immediately give or cause to be given notice, in writing, to such owner/operator of the fact of such removal and the reasons therefor and of the place to which such vehicle has been moved. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

F. Unable To Ascertain Ownership: Whenever an officer or official removes or has removed a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any reason is unable to give notice to the owner as herein before provided, and, in the event the vehicle is not returned to the owner within a period of three (3) days from its removal, then and in that event, the officer or official shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the removed vehicle is stored. The notice shall state the reasons for such removal, and the name of the

company the fees for towing such vehicle. The owner of such vehicle shall also show to the town official, officer, or town clerk-treasurer evidence that he or she has paid the proprietor of any public garage to which the vehicle was towed the fees charged by the garage proprietor. A reasonable fee for towing, storing, or garaging a vehicle shall be charged by the town, in the event the town tows, stores or garages a vehicle. These fees must be paid prior to the owner receiving any vehicle. These fees shall not be credited toward any fine to be paid by the person violating this chapter.

H. Record Of Vehicles Removed: It shall be the duty of the town official, officer, or town clerk-treasurer to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and the last operator, if known, its final disposition, and the parking violation involved.

I. Supplemental Provisions: This section shall be supplemental to any other provisions of law granting town officials, officers, or the town clerk-treasurer authority to remove a vehicle.

J. Prima Facie Evidence: In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this chapter, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this chapter, together with proof that the defendant named in the complaint was at the time the registered owner or the operator of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this chapter.

K. Responsibility For Damages: The town shall not be responsible for any damage to any vehicle towed and/or stored as a result of a violation of this chapter.

7-2-9: INTERFERENCE WITH SNOW REMOVAL OPERATIONS:

When any individuals are engaged in, or any vehicles or equipment being used by or on behalf of the Town is engaged in snow removal activities on any street, whether or not a snow emergency has been declared, and are stopped, or are moving at less than the posted speed limit on or within three (3) feet of a roadway, the driver of every other vehicle shall slow down and yield the right of way to such snow removal vehicle or equipment, and shall come to a complete stop at a safe distance away if appropriate under the circumstances. Under no circumstances shall any person interfere with or harass Town personnel or private contractors who are engaged in such snow removal activities. Under no circumstances shall any other driver attempt to pass or go around vehicles or equipment engaged in snow removal activities, unless directed to do so by the operators of such vehicles and equipment, or by a law enforcement officer.

7-2-10: PENALTIES:

A. Misdemeanor:

1. A violation of subsection 7-2-2(B) or of section 7-2-9 of this chapter shall be a misdemeanor, and any person convicted of such a violation shall be fined in an amount not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00).

2. Any violation of this chapter, other than as provided in subsection (A)(1) of this section, shall be a misdemeanor and any person convicted of a violation thereof shall be fined a minimum of:

- | | |
|--|--|
| First violation within any twelve-month period: | \$50.00 |
| Second violation within any twelve-month period: | \$150.00 |
| Third and following violations within any twelve-month period: | not less than \$250.00 nor more than \$750.00. |

B. Forfeiture Of Bond: A person cited for violation of this chapter may forfeit bond or pay the fine prior to the person's arraignment on the citation in lieu of appearing in court; provided, however, the person issuing the citation may make it "Must Appear," in which case the person cited must appear in Court on the citation.

C. Costs Of Removal of Vehicles: Persons cited for violations of this chapter shall, in addition to any fine, also be responsible for the costs of removal of any vehicle, provided the conditions of announcement of section 7-2-3 of this chapter have been met.

PASSED, APPROVED, AND ADOPTED THIS 27th DAY OF March, 2023.

Town of Wright, a municipal corporation

Ralph Kingan, Mayor

ATTEST:

Barbara Craig, Town Clerk

First Reading, February 13, 2023

Second Reading, February 27, 2023

Third Reading, March 27, 2023