

ORDINANCE NO. 1, SERIES 2020

AN ORDINANCE AMENDING CHAPTER 10 SECTION 10.16-PARKING AND ADDING SECTION 10.16.032 OF THE TOWN OF UPTON CODE- PARKING RESTRICTIONS FOR STREET MAINTENANCE TO INCLUDE STREET SWEEPING.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF UPTON, WESTON COUNTY WYOMING:

Section 10.16.032-Parking of the Town Code should be added as follows:

10.16.032: Parking Restrictions for Street Maintenance.

Section One- Definitions:

The following words, terms and phrases, when used in this ordinance shall have the following meanings.

Impeding or Interfering: To delay or prevent (someone or something) by obstructing or hindering them.

Temporarily Park: Parking a vehicle on a public street for a period not to exceed 24 hours.

Livestock trailer: A trailer designed for hauling/transporting livestock.

Bus: A motorized vehicle designed to transport more than 16 persons.

Vehicle: Any motorized or non-motorized vehicle including, but not limited to: cars, pickups, vans motorcycles, all-terrain vehicles (ATV), motorized recreation vehicles, buses, trailers and non-motorized recreational vehicles.

Public Street: The entire width between the boundary lines of every public right-of way.

Commercial trailer: A trailer designed and used by a commercial business.

Trailer: A non-motorized vehicle that can be towed by a motorized vehicle.

Recreational vehicle: A motorized or a non-motorized vehicle which can be driven or towed by a motorized vehicle, which is primarily designed for temporary living accommodations for recreational use.

Storage: Putting something away for use at a later time.

Section Two- Interfering or Impeding street maintenance to include street sweeping prohibited: It shall be a misdemeanor, within the Town of Upton, for the owner of any type of personal property, to park or store said personal property on a public street so as to prevent necessary street sweeping, or maintenance and/or create a hazard to vehicle or pedestrian traffic, determined by a Town official. The owner may temporarily park a car or a pickup on the street so as not to interfere or impede street sweeping or street maintenance. For purposes of this ordinance personal property shall be deemed to include, but not limited to cars or pickups, travel trailers or any type of sleeping device, livestock trailers, buses, motorcycles, all-terrain vehicles, utility trailers, over snow vehicles, recreational vehicles, boats, unlicensed cars or trucks, basketball equipment or any other thing that may not be parked, stored or left on Town streets including inoperable or for sale vehicles.

Section Three- Notification: Tags and verbal notices will used to request the owner to move the vehicle or personal property from the street.

Section Four- Authority of Police to have vehicles removed and/or cite: In the event a vehicle or other personal property is parked or stored on a public street within Upton and is

found to be in violation of Section 2 above, the Upton Police Department, or other duly authorized law enforcement officers, or Town official in their sole discretion, are authorized to the following:

- a) Make every reasonable effort to contact the owner of person using said vehicle or property and require that it be moved in a time frame appropriate to the situation;
- b) If, after being notified to remove a vehicle or property from a public street, the person notified fails to do so, the officer may issue a citation, have it towed or removed for violation of this ordinance, with each day of non-compliance being deemed a separate offense. Each vehicle or piece of property being deemed a separate offense;
- c) If, after being notified, removed, or towed cause the vehicle or property to be impounded. The owner or person in control of any vehicle or property that is removed and impounded, shall be required to pay all towing, removal, storage and impound fees;
- d) If after every reasonable effort to contact the owner or person in control of an illegally parked vehicle or property has failed and the officer believes that a hazard to vehicle or pedestrian traffic is being created by said illegal vehicle or property, the officer may cause the same to be removed and impounded for safe keeping, without notice. The owner or person in control of any vehicle or property that is removed and impounded for safety reasons shall be responsible for all costs associated with the towing, removal, storage and impounding. The officer which causes a vehicle or property to be removed for safety reasons shall continue to make reasonable efforts to notify the owner or person in control as soon as possible.

Section Five-Penalty: Upton Municipal Code Sections 1.24.101 is incorporated herein and made a part hereof.

Section Six- Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Section Seven- Repealing Clause: Any other ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

Passed and Approved on First Reading this 14th day of January, 2020.

Passed and Approved on Second Reading this 11th day of February, 2020.

PASSED, APPROVED AND ADOPTED ON THIRD AND READING THIS 10th DAY OF MARCH, 2020.

Travis Beck, Mayor

ATTEST:

Kelley Millar, Clerk/Treasurer

CERTIFICATE OF PUBLICATION

I, **Kelley Millar**, duly authorized Clerk of the Town of Upton, Wyoming, do hereby certify that a copy of the above Ordinance No. 1, Series 2020 was published in the Weston County Gazette on the 19th day of March, 2020.

**WITNESS MY HAND AND THE OFFICIAL SEAL OF THE TOWN OF UPTON,
WYOMING.**

Kelley Millar, Clerk/Treasurer

SEAL