

CHAPTER ELEVEN  
MOTOR VEHICLES AND TRAFFIC  
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Article I. In General.

§11-1. Uniform Act Regulating Traffic on Highways Adopted.

(a) The following sections of the Uniform Act regulation Traffic on Highways, W.S § 31-5-101 through § 31-5-1214, .Lexis Nexis 2003 , are hereby adopted under the authority of § 15-1-119, W. S. Lexis Nexis 2003 , and are incorporated herein by this reference as a part of this section as fully as if completely set out herein:

- (1) §§ 31-5-101 to 31-5-232, inclusive;
- (2) §§ 31-5-301 to 31-5-970, inclusive;
- (3) §§ 31-5-1101 to 31-5-1214, inclusive;
- (4) §§ 31-5-1301 to 31-5-1402, inclusive. (ord. 3350, 12-6-2004)

(b) The following section of Wyoming Statutes, Title 31, Motor Vehicles (1989 & Supp. 1993), is hereby adopted under the authority of Wyo. Const. art. XIII, § 1(b)(d).

(1) §§ 31-4-103: Failure to maintain liability coverage; penalties; exceptions.(Ord. 435, § 1, 4-4-60; Ord. 819, §3, 4-19-76; Ord. 952, § 1, 8-7-78 ; Ord. 1577, 2-4-84 ; Ord. 1923, 3/21/94)

§11-2. Driving, etc., vehicles while under the influence of alcohol or controlled substances prohibited; evidence; suspension.

(a) It is unlawful and punishable as provided in sub-section (d) of this section for any person who is under the influence of intoxicating liquor, to a degree which renders him incapable of safely driving a motor vehicle, to drive any vehicle within this city.

(b) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time

alleged as shown by chemical analysis of the person's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

(1) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor.

(2) If there was at the time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor to a degree which renders him incapable of safely driving a motor vehicle.

(3) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor, to a degree which renders him incapable of safely driving a motor vehicle.

(4) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood.

(5) The foregoing provisions of subsection (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

(c) It is unlawful and punishable as provided in sub-section (d) of this section for any person who is under the influence of alcohol or any controlled substance, to a degree which renders him incapable of safely driving a vehicle, to drive a vehicle within this city. The fact that any person charged with violation of this substance is or has been entitled to use such controlled substance under the laws of this state shall not constitute a defense against any charge of violating this subsection.

(d) Every person convicted of violating this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars. On a second or subsequent conviction, he shall be punished by imprisonment for not more

than sixty days or, in the discretion of the court, a fine of not more than two hundred dollars.

§11-3. Placement of official signs and devices.

(a) The City Administrator or his designated representative is hereby authorized to determine the need for traffic control signs and devices in this municipality and designate their location and he shall cause to be erected the appropriate sign or device. Any sign or device placed or replaced by the City Administrator or his designated representative shall be subject to review by the City Council.

(b) The driver of any vehicle shall obey the instructions of any such sign or device in accordance with the provisions of this article, unless otherwise directed by a traffic or police officer, subject to the exceptions granted emergency position at the time of the passage of this section are similarly effective.

(c) By way of example, but not by way of limitation, such signs or devices will include: stop or yield signs; signs requiring clearance for snow removal; center lines, lane lines, and other pavement markings; pedestrian control signals; signs specifying truck routes; signs limiting weights on certain streets. (Ord. 715, § 1, 9-4-73; Ord. 861, § 2, 12-6-76.)

## Article II. Operation of Vehicles Generally

§11-4. Speed limits.

(a) Where no special hazard exists that requires lower speed, no person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

(b) In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care; the speed of any vehicle not in excess of the limits specified in this section or established as

hereinafter authorized shall be lawful, but any speed in excess of the limits specified shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(1) twenty (20) miles per hour when passing a school building, or the grounds thereof, or a school crossing, during school recess or while children are going to or leaving school during opening or closing hours, and providing that the presence of such school building, grounds thereof, or school crossing is indicated plainly by signs or signals;

(2) twenty-five (25) miles per hour in any residential or urban district; or

(3) the speed limits of the City of Gillette may be increased or decreased by posting or by conforming with Wyoming Statutes § 31-5-303 (LexisNexis 2003) as amended, on any street or State Highway within the municipal boundaries. (Ord. 434, § 1, 4-4-60; Ord. 633, § 1, 9-29-70; Ord. 790, §1, 7-21-75 ; Ord. 3361, 4-4-2005)

#### §11-5. Riding or driving on sidewalks.

It shall be unlawful for any person to ride or drive a horse, motorcycle, coasting sled, motor vehicle of any kind, horse drawn vehicle or any other vehicle upon or over any sidewalk within the city, except in crossing a sidewalk into a business place, filling station, parking lots or other places where it is necessary to drive across a sidewalk. (C.O. 1948, § 214.)

#### §11-6. Crossing Center Line and U-turns prohibited on Gillette Avenue; Failure to Maintain a Proper Lookout.

(a) No person shall drive any motor vehicle across the center line of Gillette Avenue to a parking space on Gillette Avenue between 1st street and 7th street. Crossing the center line to make a left turn into or from an alley, private road, driveway or parking lot is not prohibited. U-turns are prohibited on Gillette Avenue between 1st street and 7th street. (Ord. 1742 12-4-89; Ord. 1873 1/19/93.)

(b) Every person driving a motor vehicle within the city limits of Gillette shall observe and watch the roadway, traffic in the area, and other surrounding circumstances as is reasonable and prudent for the operation of that motor vehicle, having due regard for the speed of the vehicles, traffic upon and condition of the roadway. (Ord. 1754, 6-18-90; Ord. 1873 1/19/93.)

§11-7. Evading traffic control device prohibited.

No person driving a motor vehicle shall leave the confines or the boundaries of a public street or thoroughfare at any intersection or elsewhere to evade a traffic control device. (Ord. 700, 7-2-73.)

§11-8. Speed or acceleration contest or exhibition on highway.

(a) Approval required; aiding or abetting. No person shall engage in any motor vehicle speed or acceleration contest or exhibition of speed or acceleration on any street or alley without approval of such use by the governing body in charge of such streets or alleys. No person shall aid or abet in any such motor vehicle speed acceleration contest or exhibition on any street or alley without approval of such use by the governing body in charge of such street or alley.

(b) Obstruction or barricades on highways. No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest upon a street or alley, in any manner obstruct or place or assist in placing any barricade or obstruction upon any street or alley without approval of such use by the governing body in charge of such street or alley. (Ord. 708, § 1, 9-4-73.)

### Article III. Stopping, Standing and Parking Generally.

§11-9. Unauthorized parking on private property prohibited.

(a) It is unlawful to park or drive any motor vehicle upon private property without the permission of the owner or lessee of such property.

(b) Any person convicted of a violation of this section shall be fined in an amount not to exceed two hundred dollars (\$200.00). (Ord. 431, § 1, 2-1-60; Ord. 699, 7-2-73, Ord. 861, § 3, 12-6-76; Ord. 915, § 1, 1-2-78.)

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

(A) Definitions.

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

(1) The “Administrator” is the City Administrator, or, in his absence, his duly designated and acting representative.

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

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

(4) “Snow Routes” are those streets marked as such in accordance with the provisions of the Ordinance.

(5) “Snow Emergency” means an accumulation of at least four inches of snow accompanied by more snow actually falling or anticipated and forecast to fall in the immediate future on the basis of a forecast by the U. S. Weather Bureau or other weather service, which weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited for snow plowing and other purposes.

(6) “Snow Emergency Declaration” means an announcement according to the provisions of this ordinance that a Snow Emergency has occurred and the City Administrator finds that it is reasonably necessary to protect the public from the dangers of traveling on City Streets during such conditions by invoking emergency restrictions.

(B) Snow Emergency

(1) Declarations of the Administrator

The Administrator shall publicly announce each Snow Emergency by means of notification to every radio station, newspaper, and other public media as appropriate in the City as soon as possible. Each announcement shall describe the action taken by the Administrator in such detail as shall be possible.-The Administrator shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section. The Snow Emergency declaration may include such emergency measures and restrictions as are reasonably necessary to protect the public during the Snow Emergency including but not limited to the closing of streets to vehicular traffic and forbidding non emergency driving.

(2) Termination of Snow Emergency by the Administrator.

Whenever the Administrator shall find that the conditions which give rise to a Snow Emergency pursuant to this Ordinance no longer exist, he may declare the Snow Emergency terminated by notifying the same media utilized to inform the public of the emergency.

(3) Provisions Temporarily Effective To Take Precedence.

Any provision of the Ordinance which becomes effective by declaration of the Administrator shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel or authorized emergency vehicles, or emergency traffic directions by a police officer. Once in effect, any prohibition under this section shall remain in effect until terminated and no person shall park or drive any motor vehicle in violation of the terms of a Snow Emergency Declaration.

(C) Snow Routes.

(1) No Parking on Snow Routes; When

Whenever there is an accumulation of four inches of snow accompanied by more snow actually falling or anticipated and forecast to fall in the immediate future on the basis of a forecast by the U. S. Weather Bureau or other weather service, which weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on City streets be prohibited for snow plowing and other purposes, a parking prohibition on the Snow Route shall be in effect and no person shall park or allow to remain parked any vehicle on any portion of a Snow Emergency Route. When a parking prohibition goes into effect, the City shall request local radio, TV or cable stations broadcast announcements that all vehicles should be moved off of the snow route within 4 hours.

(2) Signs to Mark Snow Routes.

On each street designated by the Ordinance as a Snow Route, special signs shall be posted with the wording “Snow Emergency Route. No Parking when snow depth exceeds 4 inches.”. These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street and highway.

(3) Snow Routes Designated.

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

- 1) 6th Street/ Burma Road - 4-J Road to 4th Avenue
- 2) 4th Street - Rohan to Gurley
- 3) Boxelder - 4-J to Highway 59
- 4) Gurley Avenue - 12th to 4th
- 5) 4-J – 2nd to 8th
- 6) Brooks - 2nd to Warlow
- 7) 9th - Butler Spaeth to U. S. 59
- 8) Foothills Blvd. - U.S. 14-16 to Echeta Road
- 9) Rohan - 2nd to 8th
- 10) 4th Avenue - Burma to Highway 14-16
- 11) 7th Street - U.S. 59 to 4-J Road (Ord. 3194, 12-18-01)

(4) Parking after Snow removal.

Once in effect, a prohibition under this section shall remain in effect until the Snow Route has been plowed and the snow is no longer accumulating. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a Snow 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.

(5) Notification of Owners.

Whenever a snowfall occurs and the parking prohibition of this section occurs between the hours of 7:00 A.M. and 10:00 P.M. the police whenever practicable, shall attempt to telephone the owners of vehicles parked on Snow Routes when their identity can be determined, to direct them to relocate their vehicles prior to their removal. When the snowfall occurs between the hours of 10:00 P.M AND 7:00 A.M. notification and removal of vehicles shall begin at 7:00 A.M.

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

(a) Members of the police department are hereby authorized to remove or have removed a vehicle from a street to the nearest garage or other place of safety (including another place on a street), or to a facility designated or maintained by the police department, or otherwise maintained by the City, when:

(i) The vehicle is parked on a part of a Snow Route on which a parking prohibition is in effect.

(ii) The vehicle is parked in violation of any parking Ordinance or provision of law and is interfering or about to interfere with snow removal operations, or is parked or abandoned in violation of a Snow Emergency Declaration.

(b) Whenever an officer removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall, as soon as practicable give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. 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.

(c) Whenever an officer 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 the 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, then and in that event the officer 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 removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

(d) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the police department evidence of his identity and right to possession of the vehicle and shall sign a receipt for its return.

(e) It shall be the duty of the police department 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 last operator, if known, its final disposition, and the parking violation involved.

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

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

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 ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this ordinance, together with proof that the defendant named in the complaint was at the time registered

owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this Ordinance.

(D) Penalties.

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

(E) Separability.

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

§11-11. Towing and Impoundment of Motor Vehicles; Generally.

(a) Members of the Gillette Police Department are hereby authorized to remove or to cause the removal of any motor vehicle from a City street to the nearest garage, fenced lot, or other place of safety whether publicly or privately maintained and operated, when such motor vehicle is parked, abandoned, or otherwise located on a City Street under any of the following circumstances;

1. When the vehicle is parked in violation of any section of the Gillette City Code or in violation of any Wyoming Statute; or

2. When the motor vehicle is left unattended upon any street or alley and its location constitutes an obstruction to the normal movement of traffic including for purposes of illustration, but not limitation, the use of alleys by utility vehicles including City garbage trucks; or

3. When a vehicle upon a street or alley is obstructing the normal movement of traffic and its operator refuses to move after being directed to do so by a member of the Gillette Police Department; or

4. When there exists any other cause or state of affairs authorized by law permitting the towing and impoundment of motor vehicles.

(b) Whenever a vehicle is towed pursuant to the terms of this ordinance, notification shall be given according to the terms of § 11-10-(h)-(2)(3) and (5).

(c) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person with the right of immediate possession of any towed or impounded motor vehicle may recover it from the place where it has been placed or impounded, he shall pay all reasonable and necessary charges arising from the impoundment of his vehicle and shall present evidence of his identity and right to possession of the vehicle before it may be returned to him. Fees for vehicles towed to a public or private location shall be paid directly to the company providing the towing service. Storage fees at a private or public storage facility will be paid directly to the operator of the facility and will be the responsibility of the individual accepting custody of the vehicle. The City Administrator shall set daily storage fees for vehicles stored at the City impound facility. (Ord. 1431, 4-4-83)

§11-12. Parking Regulations; Generally.

(a) No motor vehicles may be parked between 2:30 A.M. and 6:30 A.M. on any Tuesday or Friday on the east side of Gillette Avenue between First and Seventh Street nor may any motor vehicles be parked between 2:30 A.M. and 6:30 A.M. on any Monday or Thursday on the west side of Gillette Avenue between First and Seventh Streets.

(b) It shall be unlawful for any person to park any motor vehicle or any other vehicle of any type within the City limits when such vehicle was transporting, carrying, or loaded with nitroglycerin, black powder, dynamite or any other explosive of a same or similar nature.

(c) No vehicle shall park or be parked within fifteen feet of any water hydrant within the City. (Ord. 3261, 2/18/2003)

(d) It shall be unlawful for any person to park any automobile or other motor driven vehicles upon the public street within the City unless such vehicles are properly and legally licensed.

(e) It shall be unlawful for any person to park any farm machinery or industrial equipment or trailers upon the public streets and parkways within the City for more than twenty-four (24) hours.

(f) No person shall park a vehicle along a roadway or street within the City for the purpose of greasing, painting or repairing such vehicles unless repairs are necessitated by an emergency.

(g) Except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or other official traffic control device, no person shall park a motor vehicles, within twenty feet of an intersection, or in front of a public or private driveway. (Ord. 1431, 4-4-83)

§11-13. Seasonal Vehicle Parking.

During the summer months, from May 1st through September 30th, no vehicle shall be considered abandoned for the purposes of W. S. Section 31-12-101 through Section 31-13-114 unless it has been left unattended for 72 hours after a notice of intent to impound has been placed on it. (Ord. 1632 9-15-86)

§11-14. Alley Parking.

(a) It shall be unlawful for any person to park any motor vehicle within an alley unless it is parked so as to leave at least ten (10) feet of the alley width open for traffic. Commercial delivery vehicles, may block alleys only during actual loading or unloading activities. It shall be unlawful for any person to park any motor vehicle including commercial delivery vehicles as described above, so that it blocks any driveway onto abutting property.

(b) Any person violating this section shall be fined not more than one hundred dollars for each separate offense. (Repealed, Ord. 1431, 4-4-83; Ord. 1558, 9-17-84; (Ord. 3261, 2/18/2003)

§11-15. Handicapped Parking Spaces.

(a) No person shall park a motor vehicle in a parking lot space, or along a City street if the parking space is marked and posted for handicapped parking in accordance with State Law, and if the motor vehicle does not display a handicapped vehicle identification sticker issued by the Department of Revenue and Taxation of the State of Wyoming or otherwise in accordance with State Law. Handicapped parking spaces shall be marked with signs containing the international handicapped symbol, a picture of a wheel chair. An individual wishing to acquire a handicapped vehicle identification sticker must apply to the State Department of Revenue and Taxation on forms prepared by the department which are available at the office of the City Clerk.

(b) Anyone parking a motor vehicle in violation of this section shall, upon conviction, pay a fine of not less than \$25.00, nor more than \$200.00, exclusive of court costs.(Ord.2026, 1-16-96)

§11-16. Parking by Residential Permit.

A. No person shall park a vehicle upon any City Street within a Residential Permit Area, as described below in section B, between the hours of 7 A.M. and 5 P.M., Monday through Friday, unless the vehicle displays a Residential Parking Sticker attached to the inside of the vehicle's front windshield on the lower left corner on the driver's side. A Residential Permit Area shall be marked and officially posted with appropriate signs.

B. The Residential Permit Area includes:

1. Both sides of 12th street from Gurley Avenue to Highway 59 and both sides of Gurley Avenue from 9th street to 12th street.

2. Both sides of Warren Avenue between 4<sup>th</sup> street and 5<sup>th</sup> street.

C. All persons residing within the Residential Permit Area shall be issued a Residential Parking Sticker upon request from the Clerk or Deputy Clerk of the Municipal Court upon presentation of evidence, such as receipt of City utility service, to show that the person resides in a residence on a street within the Residential Permit Area. All persons issued a Residential Parking Sticker may receive extra Residential Parking Stickers which may be placed on vehicles belonging to their guests and which will permit those cars to be parked within the Residential Permit Area. Residential Parking Stickers for guests shall be furnished by the City attached to card board or other suitable backing material and equipped with a string so that the Sticker may be hung from the inside rear view mirror or placed on the front dash area so as to be visible from the outside of the vehicle.

D. Anyone parking a vehicle in violation of this section shall, upon conviction, pay a fine of \$5.00, exclusive of court costs. (Ord. 1867, 11/16/92 ; Ord. 3360, 4/4/2005)

§11-17. Repealed (Ord. 2058, 6-17-96)

§11-18. Repealed (Ord. 2058, 6-17-96)

§11-19. Repealed (Ord. 2058, 6-17-96)

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§11-24. Repealed (Ord. 2058, 6-17-96)

§11-25. Overtime parking fines.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or operated or controlled by him to be -parked in violation of any sign or other legal notice legally erected pursuant to City Ordinances which limit the amount of time that vehicles can be parked in the area that it controls. The registered owner shall be rebuttably presumed to be the operator of the motor vehicle for purposes of this ordinance and to have caused his motor vehicle to be parked in violation of this ordinance, which presumption may be rebutted and overcome by evidence to show that an individual other than the registered owner parked the motor vehicle in violation of this ordinance. Failure to abide with the terms of this section of the Gillette City Code, shall result in a fine in the amount of \$2.00. If the motor vehicle is still parked at the same location (30) minutes after issuance of a traffic ticket for overtime parking, its registered owner or operator shall be subject to an additional ticket and an additional fine of \$5.00 for “extended overtime” parking. Each successive 30 minute period after issuance of the

first “extended overtime” parking ticket shall constitute a separate offense of extended overtime parking, for which a motor vehicle’s registered owner or operator may be additionally cited and fined in the amount of \$5.00.

The failure to pay any parking ticket within twenty-four (24) hours of its issuance, is a separate and distinct offense and if the registered owner or operator is convicted of the underlying parking violation, the registered owner or operator shall be fined, upon conviction of not paying a parking ticket within twenty-four hours, in the amount of \$10.00. (Ord. 399, § 10, 5-18-53; Ord. 956, § 1, 8-7-78, Ord. 1332, 5-3-82; Ord. 1464, 7-5-83; Ord. 3073, 5-17-99)

§11-26. City parking lots.

(a) No vehicle shall be parked or allowed to remain in any parking lot operated by the Gillette Parking Authority unless the owner or operator thereof has a current and valid lease for the purpose of parking the said vehicle. The Gillette Parking Authority shall designate the conditions under which parking space leases may be obtained.

(b) The Chief of Police, and his designate is authorized to remove and tow away, or have removed and towed away by a commercial towing service, any car or other vehicle parked in violation of § 11-26 (a).

(c) Cars or other vehicles towed away shall be stored in a safe place and shall be restored to the owner or operator of such car upon payment of a fine in the amount of \$10.00 plus reasonable towing charges, both of which amounts are returnable to the owner or operator upon a negative determination of his guilt of violating this ordinance. (Ord. 957, § 1, 8-7-78.)

Article IV. Bicycles.

§11-27. "Bicycle" defined.

A bicycle, as mentioned in this article, shall mean a device having two tandem wheels of a diameter not less than ten inches and propelled by human power. (Ord. 400, §1. 11-2-53.)

§11-28. Registration.

The Police Department shall issue, upon written application a registration decal or other consecutively numbered receipt evidencing registration, to the owner of the specific bicycle owned by him. The Police Department shall maintain records of all registered bicycles, including the registration number, date of registration, name and address of the owner and serial number of the registered bicycle. The original owner may receive a replacement registration decal or receipt if he can show sufficient evidence to the Police Department that the original was lost, stolen or destroyed.

(Ord. 400, §2, 11-2-53; Ord. 861, §10, 12-6-76; Ord. 1513, 2-20-84; Ord. 1732, 8/7/89; Ord.2059, 6-17-96)

§11-29. Alteration of Registration and Bicycle Serial Numbers Prohibited.

It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any registration decal or receipt issued pursuant to this chapter. It is also unlawful for any person to willfully and maliciously remove, destroy, mutilate or alter any bicycle frame serial numbers. (Ord. 400, §2, 11-2-53; Ord. 861, §11, 12-6-76; Ord. 1513, 2-2-84.)

§11-30. Bicycle Operation Regulations.

A. TRAFFIC REGULATION APPLICABILITY.

Every person riding a bicycle upon a street, alley, public highway, roadway or bicycle path or lane shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Gillette City Code, except as to those provisions which by their nature can have no application.

B. RESTRICTIONS.

1. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. CLINGING TO VEHICLES.

No person while riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicles upon any highway, lane, alley, street or bicycle path within the City.

D. RIDING ON ROADWAY - RESTRICTED TO RIGHT SIDE.

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction. The provision of this section shall not apply when the bicyclist is executing a left hand turn.

E. RIDING ON ROADWAY - NOT MORE THAN TWO ABREAST.

Persons riding bicycles upon a roadway and bicycle paths or lanes shall not ride more than two abreast.

F. RIDING ON ROADWAYS - RESTRICTED WHEN PATH OR LANE PROVIDED.

Whenever a usable and marked path or lane for bicycles has been provided adjacent to a roadway bicycle riders shall use such path or lanes and shall not use the roadway except as necessary to turn at an intersection or into a private road or driveway or as necessary to leave the bicycle path or land to avoid debris or other hazardous conditions. No person operating a bicycle shall leave the bicycle path or lane until movement can be made with reasonable safety and then only after giving an appropriate signal in the event any motor vehicle may be affected by the movement.

G. CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one (1) hand upon the handle bars. (Ord. 400, §3, 11-2-53.; Ord. 1513, 2-20-84.)

§11-31. Motor Vehicles - Restricted From Paths or Lanes Right of Way Determination.

Operators of motor vehicles shall not drive within such bicycle paths or lanes except as necessary to enter a parking space or execute a turn across such bicycle paths or lanes, or to yield to an authorized emergency vehicle. When executing a turning movement to the right, the operator of a motor vehicle shall yield the right-of-way to any

bicyclist riding within the bicycle path or lane and who is so close to the motor vehicle as to constitute an immediate hazard, but said operator of a motor vehicle, having so yielded and having given a signal when and as required by law, may make such turning movement to the right, and the bicyclist approaching the motor vehicle shall yield the right-of-way to the motor vehicle making the turning movement to the right. (Ord. 400, §4, 11-2-53; Ord. 1513, 2-20-84.)

§11-32. Parking bicycles.

The operator of a bicycle shall park such bicycle upon the roadway at the curb, upon a sidewalk in a rack to support the bicycle or against a building, except windows or glass doors thereof, in such a manner to afford the least obstruction to pedestrian or vehicular traffic. (Ord. 400, §5, 11-2-53; Ord. 861, §13, 12-6-76.)

§11-33. Equipment required and prohibited.

Every bicycle, operated upon a street or public place during the period one hour after sunset to one hour before sunrise and at any other time when there is not sufficient light under normal atmospheric conditions to render clearly discernible persons and vehicles on the street or public place at a distance of five hundred feet ahead, shall be equipped with a lighted lamp on the front thereof and shall also be equipped with a red reflector or lamp on the rear of such bicycle, exhibiting or reflecting a red light visible, under like conditions, from a distance of at least five hundred feet to the rear of such bicycle. Such a reflector lamp on the rear shall be of a diameter of at least one and one-half inches. Every bicycle shall also be equipped with brakes in good condition. All whistles or sirens are prohibited. All mechanical parts of the bicycle shall be in good working condition. (Ord. 400, §6, 11-2-53.)

§11-34. Entering or Emerging From Alley or Driveway.

The operator of a bicycle emerging from an alleyway, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across an alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.(Ord. 400, §8, 11-2-53; Ord. 1513, 2-20-84.)

§11-35. Penalties for Violation.

Any complaint charging a violation of §11-28 of the Gillette City Code shall be dismissed if before the time of trial the person charged complies with that section. Any person convicted of any violation of §11-27, or §11-29 through §11-34, or §11-36 may be fined a maximum of \$200.00 plus court costs. (Ord. 400, §8, 11-2-53; Ord. 861, §14, 12-6-76; Ord. 1513, 2-20-84.)

§11-36. Operation on sidewalks in C-2 Zones prohibited.

It is unlawful for any person to operate any bicycle, skateboard or roller skates on any sidewalk in any area of the City which is zoned C-2, Central Business District. A skateboard is a single platform, mounted on wheels, which is propelled solely by human power and which has no mechanism or other device with which to steer or to control the movement or direction of the platform. Roller skates are platforms mounted on wheels which are attached to the feet of the operator, which are propelled solely by human power and which have no mechanism or other device with which to steer or to control their movement or direction.

Any person violating this section shall be subject to a fine of not more than \$200.00, exclusive of court costs. (Ord. 1147, 10-20-80.)

Article V. Snowmobiles

§11-37. Operation Only in Emergencies.

No snowmobile shall be operated within the incorporated limits of the City except with permission and in the event of an emergency. The presence of an emergency shall be determined by the City Administrator. Permission may be granted only by the City Administrator. (Ord. 532, §2, 4-9-68; Ord. 553, 12-2-68; Ord. 861, §16, 12-6-76.)

§11-38. Valid driver's or chauffeur's license prerequisite to operation.

No snowmobile shall be operated until the driver thereof shall have in his possession a valid driver's or chauffeur's license issued under the Motor Vehicle Law of the state. (Ord. 608, §3, 1-13-70.)

§11-39. Required equipment.

Every snowmobile shall be at all times equipped with a muffler in good working order and in constant operation to prevent excessive and unusual noise and annoying smoke.

Every snowmobile shall be equipped with brakes adequate to control the movement of and to stop and hold such snowmobile. (Ord. 608, §§ 4, 5, 1-13-70.)

§11-40. Emergency operation.

All snowmobiles, when authorized to operate in time of emergency, shall exhibit a red flag or cloth not less than twelve inches square and hung or suspended five feet above ground level so that the entire area thereof is visible from all directions while on any roadway. (Ord. 608, §6, 1-13-70.)

§11-41. Unlawful and unsafe operation.

It shall be a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any roadway any snowmobile or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such equipment in proper condition and adjustment as required by this Article or which is equipped in any manner in violation hereof. (Ord. 608, §7, 1-13-70.)

§11-42. Subject to inspection and test for safety and legal operation.

The City Police and members of the State Highway Patrol and county officials, may at any time upon reasonable cause to believe that a snowmobile is unsafe or not equipped as required by this article, or that its equipment is not in proper adjustment or repair, require the driver of such snowmobile to stop and submit such snowmobile to an inspection and test with reference thereto as may be appropriate. No person shall operate any snowmobile after receiving notice with reference thereto as provided, except as may be necessary to return such snowmobile to the residence or place of business of the owner or driver to a garage, until such snowmobile and its equipment have been placed in

proper repair and adjustment and otherwise made to conform to the requirements of this article. (Ord. 608, §8, 1-13-70.)

§11-43. Operator subject to all rules of the road pertaining to vehicles.

Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicles. All ordinances of the City pertaining to the operation of vehicles, to the extent that the same are not in conflict herewith shall be applicable to the operation of snowmobiles and are adopted by reference and made a part hereof,, the same as is set forth fully herein. (Ord. 608, §9, 1-13-70.)

§11-44. Towing by rope or flexible coupling; coupling of sleighs and cutters.

No snowmobile shall pull any skier, sled or other combination vehicle by rope or flexible coupling, all sleighs or cutter shall be safely and securely affixed to the snowmobile by direct coupling, sold tongue or triangular shaped tow bar not to exceed forty inches in length, being securely affixed to two points on the sleigh or cutter with one flexible joint at the center of the snowmobile. (Ord. 608, § 10, 1-13-70.)

§11-45. Penalty.

Any person who shall violate one or more of the provisions of this article shall be subject to a fine not to exceed two hundred dollars. (Ord. 608, § 11, 1-13-70.)

§11-46. Adult School Crossing Guards.

A. To maintain the orderly movement of pedestrian and vehicular traffic consistent with the safety of children attending school in the City of Gillette, the Campbell County School District may employ adults, hereinafter known as Adult School Crossing Guards. Adult School Crossing Guards shall be authorized flagmen and shall have the authority of flagmen when in the course of their duties.

B. Adult School Crossing Guards shall wear a distinctive vest, arm band or other clothing clearly different from uniforms worn by Peace Officers, so that they can be easily recognized by the public. They may carry stop paddles with "STOP" on one or both sides for the purpose of signaling traffic to stop.

C. The Campbell County School District is responsible for the selection, employment, training and supervision of Adult School Crossing Guards.

D. Adult School Crossing Guards are authorized to stop traffic at locations where cross walks are painted upon City Streets to permit school children to cross those same streets.

E. No person shall willfully fail or refuse to comply with any lawful order or direction of any Adult School Crossing Guards, issued pursuant to the terms of this ordinance.

F. The Campbell County School District may authorize Student patrols to assist Adult Crossing Guards, and is responsible for the selection, employment, training and supervision of students for participation in Student patrols. Student patrols may be used to direct and control children at crossings near schools and to assist Adult Crossing Guards. Members of Student patrols have no authority to stop traffic or to direct vehicular traffic.(Ord. 2024, 1-16-96)

## Article VI. TRUCK ROUTE.

### §11-47. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings as ascribed to them within this section:

- (a) **Deviating Truck** – a truck which leaves and departs from a truck route.
- (b) **Truck** – any commercial motor vehicle that has a gross vehicle weight rating (GVWR) of more than 26,000 lbs, or a gross combined weight rating (GCWR) of 33,000 lbs.
- (c) **Truck Route** – a way over public streets, as designated in this article, over and along which trucks must travel.
- (d) **Gross Vehicle Weight Rating (GVWR)** – the maximum amount of weight allowable as established by the manufacturer for the truck, equipment, payload, fuel and occupants.
- (e) **Gross Vehicle Weight (GVW)** – actual weight of the individual unit, such as a truck or tractor, including all equipment, fuel, and payload drive.

(f) **Gross Combined Weight Rating (GCWR)** – the maximum amount of weight allowable, as established by the manufacturer, for the truck, trailer, equipment, payload, fuel, and occupants.

(g) **Destination Point.** The location where a truck performs its commercial function, such as loading or unloading its contents.

(h) **Trailer**-any vehicle defined as a trailer, semitrailer, pole trailer, or house trailer under Wyoming law at W.S. § 31-5-102. (Ord No. 3161, 8-6-2001)

§11-48. Application of Article Provisions.

The provisions of this article shall apply to the operation of trucks within the City unless such provisions are in conflict with established State or Federal law. (Ord No. 3161, 8-6-2001)

§11-49. Streets designated for truck use.

The following streets within the City limits, are hereby established as truck routes:

(a) **Bypass Routes** – Peripheral routes which shall be used in all instances by trucks serving destination points outside the City limits.

1. Warlow Drive from HWY 14/16 east to corporate limits.
2. All of HWY 14/16 within the corporate limits.
3. All of HWY 59 within the corporate limits.
4. All of Interstate 90 within the corporate limits.

(b) **Intracity Routes** – Truck routes which serve to provide a more direct route to destination points within the City limits.

1. 4-J Road from Southern Drive to Westover Road.
2. Westover Road from 4-J Road to Skyline Drive.
3. Lakeway Road from 4-J Road to HWY 59.
4. Boxelder Road from 4-J Road east to the corporate limits.
5. 1<sup>st</sup> street from Brooks Avenue to HWY 14/16.

6. Burma Avenue from HWY 14/16 to Warlow Drive. (Ord No. 3161, 8-6-2001; Ord. 3314, 5-3-2004)

§11-50. Truck traffic within the City limits.

The operation of trucks over any city street, which is not designated as a truck route, shall be permitted only for the purpose of reaching a point of destination by the shortest route, provided that:

(a) One destination point – All trucks having a single destination point within the city limits shall proceed only over an established truck route, and shall deviate only at the intersection nearest the point of destination. A deviating truck shall return to the truck route by the shortest possible route.

(b) Multiple destination points – All trucks having multiple destination points shall proceed only over established truck routes, and shall deviate only at the intersection nearest the first point of destination. Upon leaving the first destination point, a deviating truck shall return to the nearest truck route in the same direct manner as it arrived, and proceed to other destination points by the shortest direction, and only over streets upon which truck traffic is allowed unless the distance to the next destination is less than the distance to the truck route. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route. (Ord No. 3161, 8-6-2001)

§11-51. Exempt vehicles

This Article shall not prohibit the following from traveling upon any city street:

- (a) Emergency vehicles
- (b) School buses
- (c) City owned vehicles or trucks
- (d) Trucks operating under the direction of a signed detour route. (Ord No. 3161, 8-6-2001)

§11-52. Enforcement

The Chief of Police, or his appointee, shall have the authority to require the driver of any truck operating on the streets of the city, and which he has reason to believe is oversized or otherwise in violation of this Article, to proceed to a stopping place for verification of the truck's GVWR or GCWR, whichever is applicable, for compliance with this Article. (Ord No. 3161, 8-6-2001)

§11-53. Map maintenance authority

The City Engineer shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file at the office of the City Engineer and be available to the public. (Ord No. 3161, 8-6-2001)

§11-54. Truck and Trailer Parking

(a) Neither Trucks nor trailers may be parked on City streets for more than 5 minutes at a time, except while performing their commercial service such as making a delivery or picking up items at a delivery point.

(b) Non commercial trailers may not be parked on a city street for longer than 24 hours. (Ord No. 3161, 8-6-2001)

§11-55. Load Restrictions for Designated Streets or Structures.

No person shall operate any truck upon any street or structure within the City in violation of any sign erected pursuant to §11-3 of the G.C.C. which sets specific weight limits for that street or structure. (Ord No. 3161, 8-6-2001)

§11-56 Jake Brakes Prohibited.

No person shall operate or use any vehicle engine compression brake or "jake brake" within the corporate limits of the City of Gillette. (Ord No. 3161, 8-6-2001)

§11-57. Violation penalty

It is unlawful for any person to operate or cause to be operated any truck within the city in violation of this Article. (Ord No. 3161, 8-6-2001)