

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE AMENDING SECTION 8.60.080, NON-COMPLIANT VEHICLES AS A NUISANCE, OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING, DECLARING OVERSIZED VEHICLES AS A NUISANCE, PROVIDING FOR THEIR REGULATION, CLARIFYING PROVISIONS AND MAKING CONFORMING AMENDMENTS."

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

Section 1. That Section 8.40.110, of Chapter 8.40, and Sections 8.60.020 and 8.60.080 of Chapter 8.60, of Title 8, Sections 10.52.020 and 10.52.200 of Chapter 10.52, of Title 10, and Section 13.24.150 of Chapter 13.24, of Title 13, of the City of Cheyenne, Wyoming, are hereby amended to read:

**8.40.110 - Food stands, pushcarts, mobile food trucks, and mobile food units—~~Restrictions—~~
~~Operation~~; operations and restrictions.**

A. Food stands and pushcarts may operate:

1. Upon a public sidewalk or public non-right-of-way space with written consent of the immediately adjacent business owner, if any, who may be affected by the proposed sales site, and upon private property, with consent of the private property owner;
2. Within a city-owned recreational park, only after application and approval by the city clerk; and
3. Upon a closed street, only after application and approval by the city clerk and in conjunction with a special community event, activity, or celebration, if the street has been approved for closure by the police chief, risk manager, and traffic engineer.;

B. Food stands and pushcarts may not operate:

1. Upon a public sidewalk in such a manner that impedes or interferes with free movement of vehicular, bicycle, or pedestrian traffic or visually obstructs the safe movement of vehicular, bicycle, or pedestrian traffic; or
2. In any on-street parking space in the public right-of-way, unless such street is closed pursuant to application and approval of a special community event, activity, or celebration.

C. Food stands, pushcarts, mobile food trucks, and mobile food units may not operate within:

1. One hundred (100) feet of the primary entrance of a restaurant, measured from the center of the primary entrance(s) of the restaurant by the most direct pedestrian path, without written consent of the restaurant owner(s);
2. Fifteen (15) feet of a fire hydrant;
3. Ten (10) feet of any crosswalk, whether at an intersection of public rights-of-way or at a mid-block crossing;
4. Ten (10) feet of any curb loading signed area;
5. Ten (10) feet of any public transportation stop;
6. Five feet of any handicapped parking place or access ramp; or
7. Any public alley.

D. Food stands, pushcarts, mobile food trucks, and mobile food units may not:

1. Operate, store, leave unattended, or park such unit upon the public right-of-way after 3:00 A.M. and before 5:00 A.M., except:
 - a. As otherwise permitted by the city clerk and chief of police; or
 - b. As necessary for the owner of such vehicle to park within the right-of-way outside his or her residence or principal office during non-operational hours, except for oversized vehicles as provided by Section 8.60.080(B) of the city code.
2. Leave any such unit unattended in the public right-of-way during operations;
3. Sell or distribute directly to any person situated in a motor vehicle if such sale or distribution may impede or interfere with free movement of vehicular, bicycle, or pedestrian traffic;
4. Operate in diagonal parking spaces, unless such street is closed pursuant to application and approval of a special community event, activity, or celebration; or
5. Operate within or upon any area or lot zoned pursuant to the city's Unified Development Code as AR, RR, LR, MR, HR, NR-1, NR-2, NR-3, or any lot zoned NB, CB, CBD, MUR, MUB, or MUE, that is used as a residential lot, except if operated upon private property strictly in service of a private, special event and not in service of the general public.

E. Mobile food trucks and mobile food units must abide with the stopping, standing, and parking requirements as set forth in Title 10 of city code.

- F. The interior kitchen length of any mobile food trucks and mobile food units shall be no longer than eighteen and one-half (18.5) feet long if the vendor serves from the public right-of-way onto a public sidewalk. This limitation shall not apply to vendors serving the public from private property.
- G. Mobile food trucks or mobile food units may not park upon any public right-of-way for the purpose of selling food in such a manner or under such conditions as to impede or interfere with free movement of vehicular, bicycle, or pedestrian traffic or visually obstruct the safe movement of vehicular, bicycle, or pedestrian traffic.
- H. Mobile food trucks or mobile food units may utilize parking places parallel to the public sidewalk to serve customers thereon consistent with the signed time limitations.
- I. The city traffic engineer or their designee is hereby authorized to issue special purpose monthly on-street parking permits allowing mobile food trucks or mobile food units to utilize parking places parallel to the public sidewalk in the service of customers.
 - 1. Such permit will allow the mobile food truck or mobile food unit to remain parked in a single parking place within downtown Cheyenne in excess of the signed two-hour limitation.
 - 2. Applications for special purpose monthly on-street food truck 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 month.
 - 4. Permits may be revoked by the police department parking administration manager for the following reasons:
 - a. Nonpayment for two (2) billing cycles; or
 - b. Unlawful use of the permit.
 - 5. For purposes of this section, "downtown" shall mean the rectangular area within and including the following streets: 15th-15th Street to 28th-28th Street and House Avenue to Bent Avenue.

8.60.020 - Definitions.

- ~~A. The following definitions shall apply in the interpretation and enforcement of~~ As used in this chapter:
 - 1. "Abate" or "abatement" means action taken to remove or alleviate a nuisance, including, but not limited to, demolition, removal, repair, boarding or securing of property.

2. "Board of adjustment" means the board created pursuant to Section 2.84.070 of the ~~Cheyenne~~ city code. The board shall hear appeals under Section 8.60.142 of this chapter;:-
3. "Code enforcement officer" means an employee of the city who enforces the city code;:-
4. "Notice to abate" means a written notice prepared by the nuisance officer to provide notice of the nuisance and the steps deemed necessary to abate the nuisance;:-
5. "Nuisance" means any use or nonuse of property, ~~real or personal, which~~ that produces to others a material injury, annoyance, inconvenience or discomfort, and which endangers life or health, or gives offense to the senses of persons with normal or average sensibilities, and/or ordinary tastes and habits;:-
6. "Nuisance officer" means ~~the~~ a code enforcement officer, ~~one or more a~~ peace officers, ~~pursuant to officer under~~ Chapters 2.20 and 2.28 of the city code; or a community service ~~officers, pursuant to officer under~~ Chapter 2.29 of the city code, within the Cheyenne police department who ~~are~~ is authorized to enforce the provisions of this chapter;:-
7. "Occupant" means any person occupying the property;:-
8. "Oversized vehicle" shall mean any vehicle or any combination of vehicles which exceeds twenty-five (25) feet in length, seven (7) feet in width or eight (8) feet in height, exclusive of projecting lights and other devices allowed by title 31, chapter 5, article 9 of Wyoming statutes. "Oversized vehicle" shall not include any tractor unit subject to Section 10.52.020 of the Cheyenne city code;
9. "Owner" means the record owner of the property as indicated in the files of the county clerk and ex officio registrar of deeds for Laramie County or the files of the Laramie County assessor;:-
10. "Property" means any real or personal property within the city that ~~is the regulated by this chapter and the~~ subject of a notice to abate issued by the nuisance officer;:- and
11. "Vehicle" means any device, in, upon, or by which a person or property may be transported or drawn upon a public street, alley or highway, including house trailers and transportable homes that are not installed on a permanent foundation and not taxable as real property.

8.60.080 - Non-compliant and oversized vehicles as a nuisance.

~~A. Vehicles Defined. "Vehicle" means every device, in, upon, or by which any person or property is or may be transported or drawn upon a public street, alley or highway, including house trailers and transportable homes not installed on a permanent foundation and not taxable as real property.~~

~~B. A. Non-compliant Vehicles Defined. Vehicle~~ A vehicle that is found to be in any of one (1) or more of the following conditions shall be deemed noncompliant and constitute a "non-compliant vehicle": nuisance:

1. A vehicle with any of its tires (which could under normal operating conditions be in contact with the road) missing or deflated for more than seven calendar days;
2. A vehicle which is totally or partially suspended above the ground by jacks, blocks or other devices for more than seven calendar days, except for a vehicle undergoing active repair;
3. A vehicle which does not display a current license plate, tag or valid temporary permit for more than seven calendar days, except those in possession of licensed dealers for the purpose of sale at the place licensed for the sale; or
4. A vehicle on which any component of the vehicle has been removed or is inoperable so as to render the vehicle inoperable and such vehicle remains in substantially the same condition for more than seven calendar days; ~~and~~

~~C. Non-compliant Vehicles a Nuisance. Any non-compliant vehicle within the city is a nuisance.~~

B. In addition to the vehicle nuisance provisions provided under subsection (A) of this section, no oversized vehicle shall be parked along any public roadway of the city of Cheyenne, and any oversized vehicle found parked along a public roadway shall constitute a nuisance and be subject to abatement as provided in this chapter. Notwithstanding this prohibition, an oversized vehicle may be parked on a public roadway:

1. For not more than seventy-two (72) hours for the purpose of loading, unloading, winterizing or de-winterizing the vehicle; or
2. If the vehicle operates as a mobile food truck and otherwise complies with the requirements imposed under title 8, chapter 8.40, of the city code.

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~~ 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 (2) 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.~~ 7:30 A.M. to 8:30 A.M. and 11:30 A.M. to 1:30 P.M. and 4:30 P.M. to 5:30 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;:- or
 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 (5) feet of a public or private driveway, provided that the vehicle or trailer does not constitute an oversized vehicle as regulated by Section 8.60.080(B) of the city code, 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; ~~or~~
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 (\$5.00) 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.

10.52.200 - Recreational ~~vehicle, trailer defined~~ Parking vehicles and trailers; 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.
- 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. The authority to park a recreational vehicle or trailer provided under this subsection shall not apply to any recreational vehicle or trailer that constitutes an oversized vehicle as provided under Section 8.60.080(B) of the city code.

13.24.150 - Flood hazard reduction; ~~Specific~~ specific standards.

- A. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 13.24.060, 13.24.110(B)(8) or 13.24.160(C) of this chapter, the following provisions are required:
1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in Section 13.24.130(A)(1) of this chapter is satisfied.
 2. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated one (1) foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the floodplain administrator.
 3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 4. Manufactured Homes.

- a. All manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this section (this subsection, Manufactured Homes) shall be elevated so that:
 - i. The lowest floor of the manufactured home is one (1) foot above the base flood elevation; or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. Recreational Vehicles. ~~Require~~ Unless otherwise prohibited as an oversized vehicle under Section 8.60.080(B) of the city code, require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either:
- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of Section 13.24.120(A)(1) of this chapter, and the elevation and anchoring requirements for "manufactured homes" of this section (this subsection, Manufactured Homes). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Section 2. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 3. This ordinance shall be in full force and effect upon approval and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

PATRICK COLLINS, MAYOR

(SEAL)

ATTEST:

KRISTINA F. JONES, CITY CLERK

Published: _____
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