

PRE-MEETING AGENDA

**Casper City Council
City Hall, Council Meeting Room
Tuesday, July 16, 2019, 5:30 p.m.**




	Presentation	Allotted	Beginning Time
1.	Distribution of July 2, 2019 Executive Session Minutes		
2.	Agenda Review	5 min	5:30
3.	Parade Ordinance Revisions	5 min	5:35
4.	Special Event Guide & Policy Revisions	5 min	5:40
5.	Mobile Food Vendor Exemptions	5 min	5:45
6.	Council Vacancy Interview Questions	5 min	5:50
7.	Response to Verizon Concerns	5 min	5:55
	Approximate Ending Time		6:00

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July 10, 2019

MEMO TO: Casper City Council
J. Carter Napier, City Manager 7.7. for JCN

FROM: John Henley, City Attorney 

SUBJECT: Amendments to Chapter 10.72 – Articles - Parades

Meeting Type & Date:
Council Pre-meeting
July 23, 2019

Action Type
Move Forward for Approval

Recommendation
That Council review the proposed amendments to Casper Municipal Code Chapter 10.72 – Article I. - Parades.

Summary
Questions about the process to obtain a parade permit and comply with the Special Events Planning Guide and Policy resulted in proposed amendments to the Casper Municipal Code.

It is hoped that due to the significant discussion surrounding this concern, that the Council will consider amendments to the Ordinance at this point.

In addition, there is an additional request to Council regarding amendments to the Special Events Planning Guide and Policy will also be made to address, particularly, the new TIPS training requirement, as well as making some technical and fee changes.

It seems that both the proposed changes to Municipal Code Chapter 10.72 in the Code, as well as proposed changes to the Special Events Planning Guide and Policy should be considered together.

Financial Considerations
No financial considerations

Attachment
Proposed Ordinance

Oversight/Project Responsibility
John Henley, City Attorney
Fleur D. Tremel, City Clerk
Carla Mills-Laatsch, Licensing Specialist

47 3. A governmental agency acting within the scope of its functions.

48
49 (Prior code § 24-126)

50
51 10.72.030 – Permit—Application—Filing period.

- 52
- 53 A. A person seeking issuance of a parade permit shall file an application
54 ~~pursuant to the Special Events Planning Guide and Policy of the City of~~
55 ~~Casper. with the chief of police on forms provided by such officer.~~
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- 57
- 58 B. An application for a parade permit shall be filed ~~with the chief of police not~~
59 ~~less than five days or more than ten days before the date on which it is~~
60 ~~proposed to conduct the parade. pursuant to Casper's Special Events~~
61 ~~Planning Guide and Policy.~~
62
- 63 C. The application for a parade permit shall set forth the following information:
- 64 1. The name, address and telephone number of the person seeking to
65 conduct such parade;
 - 66
 - 67 2. If the parade is proposed to be conducted for, on behalf of, or by an
68 organization, the name, address and telephone number of the
69 headquarters of the organization and of the authorized and
70 responsible heads of such organization;
 - 71
 - 72 3. The name, address and telephone number of the person who will be
73 the parade chairman and who will be responsible for its conduct;
 - 74
 - 75 4. The date when the parade is to be conducted;
 - 76
 - 77 5. The route to be traveled, the starting point and the termination point;
 - 78
 - 79 6. The approximate number of persons who, and animals and vehicles
80 which, will constitute such parade, the type of animals and
81 description of the vehicles;
 - 82
 - 83 7. The hours when such parade will start and terminate.
 - 84
 - 85 8. A statement as to whether the parade will occupy all or only a
86 portion of the width of the streets proposed to be traversed;
 - 87
 - 88 9. The location by streets of any assembly areas for such parade;
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 - 90 10. The time at which units of the parade will begin to assemble at any
91 such assembly area or areas;
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11. The interval of space to be maintained between units of such parade;
 12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
 13. Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.
- D. The chief of police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than ~~five~~ days the minimum number of days before the date such parade is proposed to be conducted., pursuant to the City of Casper's Special Events Planning Guide and Policy.
- E. There shall be no fee for the issuance of parade permit., but the fees and charges to help pay for staff time and overtime and the requirements for insurance, as set forth in Casper's Special Event Planning Guide and Policy shall be collected and obtained as required therein.

116 (Prior code § 24-127)

117
118 10.72.040 – Permit—Contents.

119
120 Each parade permit shall state the following information:

- 121
122 A. Starting time;
- 123
124 B. Minimum speed;
- 125
126 C. Maximum speed;
- 127
128 D. Maximum interval of space to be maintained between the units of the
- 129
130 parade;
- 131
132 E. The portions of the streets to be traversed that may be occupied by the
- 133
134 parade;
- 135
136 F. The maximum length of the parade in miles or fractions thereof;
- 137
138 G. Such other information as the chief of police shall find necessary to the enforcement of this article.

139 (Prior code § 24-133)

140

141 10.72.050 – Permit—Conditions for issuance.

142

143 I. The chief of police shall issue a permit as provided for under this article when, from a
144 consideration of the application and from such other information as may otherwise be obtained, he
145 finds that:

146

147 A. The conduct of the parade will not substantially interrupt the safe and
148 orderly movement of other traffic contiguous to its route;

149

150 B. The conduct of the parade will not require the diversion of so great a number
151 of police officers of the city to properly police the line of movement and the
152 areas contiguous thereto as to prevent normal police protection to the city;

153

154 C. The conduct of such parade will not require the diversion of so great a
155 number of ambulances to prevent normal ambulance service to portions of
156 the city other than that to be occupied by the proposed line of march and
157 areas contiguous thereto;

158

159 D. The concentration of persons, animals and vehicles at assembly points of
160 the parade will not unduly interfere with proper fire and police protection
161 of, or ambulance service to, areas contiguous to such assembly areas;

162

163 E. The conduct of such parade will not interfere with the movement of fire-
164 fighting equipment in route to a fire;

165

166 F. The conduct of the parade is not reasonably likely to cause a clear and
167 present danger of injury to persons and property;

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169 G. The parade is scheduled to move from its point of origin to its point of
170 termination expeditiously and without unreasonable delays in route;

171

172 H. The parade is not to be held for the sole purpose of advertising any product,
173 goods or event, and is not designed to be held purely for private profit.

174

175 II. The chief of police shall decline to issue a permit as provided for under this article
176 when, from a consideration of the application and from such other
177 information as may otherwise be obtained, he finds:

178

179 A. The application for permit (including any required attachments and
180 submissions) is not fully completed, executed, and any fees or insurance are
181 not paid or obtained.

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183 B. The application for permit contains a material falsehood or
184 misrepresentation.

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C. The applicant is legally incompetent to contract or to sue and be sued.

D. The applicant or the person on whose behalf the application for permit was made has on prior occasions damage City's or private property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City.

E. The use or activity intended by the applicant would conflict with previously planned programs organized or authorized by the City and previously scheduled for the same time and place.

F. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the City property, City employees or of the public.

(Prior code § 24-128)

10.72.060 – Permit—Notice to city and other officials.

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

A. City manager;

~~B. City attorney;~~

~~C.~~ Fire chief;

~~D.~~ Director of the department of public works;

~~E. Postmaster.~~

D. City clerk

(Prior code § 24-132)

10.72.070 – Permit—Notice of rejection.

The chief of police shall act upon the application for a parade permit within ~~two~~ ten ~~business~~ days after the ~~filing thereof notice of applicant~~. If the chief of police disapproves the application, he shall ~~mail~~ e-mail to the applicant, and copy the City Manager, City Attorney and Mayor, within two days after the date upon which the application was filed, a notice of his action, stating the reasons for the denial of the permit.

231 (Prior code § 24-129)

232

233 10.72.080 – Permit—Appeal procedure.

234

235 Any person aggrieved shall have the right to appeal the denial of a parade permit to the city
236 council. The appeal shall be taken within ~~one day~~ three business days after ~~notice~~ the e-mailed
237 notice of disapproval. The appeal must state the grounds therefore and the relief requested and
238 must be e-mailed to the Chief of police, the City Manager, the City Attorney and hand-delivered
239 to the City Clerk. The city council shall act upon the appeal ~~within~~ at the next scheduled regular
240 or work session meeting occurring no less than ~~two~~ three business days after ~~its~~ the City Clerk's
241 receipt of the appeal.

242

243 (Prior code § 24-130)

244

245 10.72.090 – Alternative permit procedure.

246

247 The chief of police, in denying an application for a parade permits, shall be empowered to
248 authorize the conduct of the parade on a date, at a time or over a route different from what named
249 by the applicant. An applicant desiring to accept an alternate permit shall, within two days after
250 notice of the action of the chief of police, file a written notice of acceptance within the chief of
251 police. An alternate parade permit shall conform to the requirements of, and shall have the effect
252 of, a parade permit under this article.

253

254 (Prior code § 24-131)

255

256 10.72.100 – Permit—Compliance with regulations—Possession during parade.

257

258 A. A permittee under this article shall comply with all permit directions and
259 conditions and with all applicable laws, the current Special Event Planning
260 Guide and Policy generated conditions and ordinances.

261

262 B. The parade chairman or other person heading or leading such activity shall
263 carry the parade permit upon his person during the conduct of the parade.

264

265 (Prior code § 24-134)

266

267 10.72.110 – Permit—Revocation conditions.

268

269 The chief of police shall have the authority to revoke a parade permit issued under this
270 article upon violation of the standards for issuance as set forth in this article or for violation of the
271 conditions as set forth pursuant to the Special Events Planning Guide or Policy.

272

273 (Prior code § 24-135)

274

275 10.72.120 – Parking restrictions on parade route—Signs.

276

277 The chief of police shall have the authority, when reasonably necessary, to prohibit or
278 restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a
279 parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person
280 to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking
281 on a street unposted in violation of this article.

282
283 (Prior code § 24-125(c))

284
285 10.72.130 – Driving through parades prohibited.

286
287 No driver of a vehicle, streetcar or trackless trolley shall drive between the vehicles or
288 persons comprising a parade when such vehicles or persons are in motion and are conspicuously
289 designated as a parade.

290
291 (Prior code § 24-125 (b))

292
293 10.72.140 – Obstruction and interference prohibited.

294
295 No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or
296 parade assembly or with any person, vehicle or animal participating or used in a parade.

297
298 (Prior code § 24-125(a))

299
300 PASSED on 1st reading the ____ day of ____, 2019

301
302 PASSED on 2nd reading the ____ day of ____, 2019

303
304 PASSED, APPROVED, AND ADOPTED on third and final reading the ____ day
305 of ____, 2019.

306
307
308 APPROVED AS TO FORM:

309
310
311 _____

312
313 ATTEST:

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315
316 _____

317 Fleur D. Tremel
318 City Clerk

CITY OF CASPER, WYOMING
A Municipal Corporation

Charles Powell
Mayor

July 11, 2019

MEMO TO: J. Carter Napier, City Manager *JCN*

FROM: Fleur Tremel, Assistant to the City Manager/City Clerk *FT*
Carla Mills-Laatsch, Licensing Specialist *CM*

SUBJECT: Rescinding Resolution No. 18-259 and Authorizing a new Resolution for the Event Policy Guide as Revised.

Meeting Type & Date

Pre-Meeting

July 16, 2019

Action type

Move Forward for Approval

Recommendation

That Council review changes and suggest any others to be made to the Special Event Guide, or the Event Policy Guide.

Summary

Council passed Resolution 18-259 and the Special Event Guide in December of 2018 and set application fees. Staff has made several revisions to the Event Policy Guide. Some of these were for clarity, but most were to simplify the process, by reducing the time frame needed to turn in an application, as well as lowering the fees for smaller events. Additionally, Staff changed the classifications of event on the event impact chart, as Staff believes this will alleviate the burden on smaller events to apply for a Special Event Permit.

Staff also made changes as requested by other entities and Council. For instance, the Casper-Natrona County Health Department asked that we add in language to direct citizens to their department when they planned to have food at a public event, and for help with emergency preparedness planning. Finally, Staff inserted language to inform event holders of the TIPS training now required by the liquor ordinance. All of the changes to the guide have been redlined for Council's consideration.

Financial Considerations

There will be a minimal loss of revenue from the reduction of fees.

Oversight/Project Responsibility

Carla Mills-Laatsch, Licensing Specialist

Attachments

Event Policy Guide Redlined

2019



CITY OF CASPER SPECIAL EVENTS PLANNING GUIDE AND POLICY

Version ~~46~~18

City of Casper
Special Event Planning Guide and Policy

City of Casper
**Special Event
Planning Guide and Policy**

Dear Customer:

Welcome to Casper! We are excited that you have chosen Casper as your event location. This Special Event Planning Guide and Policy (Guide and Policy) provides the information, policies, process, procedures, resources, and permits for you to apply for a Special Event Authorization. This guide will help you determine which permit(s) you may require.

The City of Casper's Licensing Specialist will be your point of contact throughout the process; please feel free to contact the Licensing Specialist at any time. The success of your event relies heavily upon you providing complete, thorough, and detailed information. The following contact information is provided for your assistance as you complete the application:

- **City of Casper Website:** www.casperwy.gov
- **City of Casper Special Event Application:**
www.casperwy.gov/SpecialEventPlanning
 - [www.casperwy.gov/business/licenses and permits/special events liquor permits](http://www.casperwy.gov/business/licenses_and_permits/special_events_liquor_permits)
- **Licensing Specialist:**
Carla Mills-Laatsch
camills@casperwy.gov
(307) 235-7568

We look forward to working with you to ensure that your Special Event is fun, safe, and successful.

Purpose and Definitions

PURPOSE

In an effort to treat all persons and groups uniformly, the City has established regulations concerning the use of streets, sidewalks, greenways, and other public facilities and thoroughfares in the City for all organized special events with the purpose of protecting the health and public safety of citizens; limiting the inconvenience to residents, businesses, places of worship and learning, and other regular users of these facilities; establishing a straightforward and accountable process for customers; and enabling public agencies to manage these events in a cost-effective and well-coordinated way.

DEFINITIONS

➤ Special Event

A *special event* is generally defined as an organized activity that occurs outdoors on City property. ~~More specifically, in order to meet the criteria of this policy, a Special Event~~Outdoor City Property is defined as:

- ~~Occurs on City property, but not on property that is already under lease to another entity. “City property” includes any~~Any City owned park, trail, street, parking lot, alley, lawn, ~~sports field,~~ or similar outdoor place. Property is “already under lease” to another entity if that other entity has day to day control of the property.

If your event ~~meets the criteria of~~is an outdoor event that occurs on City property and meets the requirements listed on page 4 of this guide, then your event is a Special Event. ~~If it is not a Special Event~~your event is NOT outdoors on City property, then this Guide does not apply to you, but please be aware that some activities still might need special permits from the City of Casper.

➤ Extra Municipal Services

The term *Extra Municipal Service* refers to any reasonably required service above and beyond the normal services provided by the City government on a non-event day. Examples of Extra Municipal Services may include police services, traffic control, dedicated EMS presence, delivery and collection of extra trash containers, site preparation at City parks and facilities, and other such services. Since the City must pay a cost to provide these services, the Customer will be asked to pay the City for any Extra Municipal Services provided.

A Price List for Extra Municipal Services is available if extra services are requested or necessary.

➤ Special Event Application, and Special Event Authorization

In general, the Customer requests the right to hold an event by filling out a Special Event Application. The Special Event Application is then used to create a Special Event Authorization and any other permits which may be necessary.

The *Special Event Application* is a form that each Customer must submit in order to receive permission to hold their event, though certain very small events are exempt from this requirement.

The *Special Event Authorization* is a document that is issued to the Customer. It describes the event in general terms, it lays out restrictions and requirements in regards to the execution of the event, and it serves as evidence that the Special Event has been authorized.

➤ **ALCOHOL SERVICE PERMIT(S)– (Not applicable to all events)**

If the event will involve the possession or consumption of alcoholic beverages, then the event organizer must apply for the proper permits. Please be aware that having alcohol at an event may result in additional insurance and security requirements. If your event is outdoors in any open space, or certain structures in the City you must obtain an open container permit. If there are multiple open container permits adjacent to one another then the open container permit will extend to events which are next to each other. Catering permits may be applied for by a Retail Liquor License holder only. Malt Beverage permits can be applied for by any individual or organization; rented facilities will require a lease or an agreement showing that alcoholic beverages are allowed on the premises.

[As of August 5, 2019 all employees, and agents of any business operating with a City of Casper issued liquor license \(including catering and malt beverage permits\) who are engaged in the selling or serving of alcoholic or malt beverages shall successfully complete an alcohol server training program as approved by W.S. 12-2-402. Please see the State of Wyoming Liquor Division's website at <http://liquor.wyoming.gov/> for a list of approved training. This includes all volunteers.](#)

Large Events or high impact events may apply for a waiver from the open container restrictions. A letter requesting the waiver must be given to the City Manager or his designee with the requested area and event.

[All events involving food must contact Natrona County Health Department at 307-235-9340](#)

Event Impact Classifications

The City categorizes special events into one of three classifications. Events that are large and/or complicated will be classified as “High Impact” events. Smaller or less complicated events will be classified as “moderate” or “low” impact events.

This classification affects when the application is due, because City staff will need more time to prepare for a large or complicated event, and it affects the amount of the application fee.

Important Note: During the review process, the City has the right to change the classification of your special event if it has been deemed to meet different criteria.

EVENT IMPACT CHART

How to Use This Chart: Events that match the criteria of more than one classification will be assigned to the more restrictive level (for example: if an event meets criteria of both Low Impact and Moderate Impact events, the event will be classified as having a Moderate Impact). ~~Also, please remember that this chart is only applicable to “Special Events.” A “Special Event” is an activity that occurs outdoors and which occurs on City property.~~

Event Characteristics	CATEGORY
Anticipated attendance at the event will exceed 2,500 people and or event is expected to require more than \$1,000 worth of Extra Municipal Services	HIGH Impact Event Application Fee \$50
Anticipated attendance at the event exceeds 300 people and will require Extra Municipal Services or cause an impediment/ <u>require a</u> closure to a Public Right of Way, <u>and/or alcohol will be consumed or sold.</u> (i.e., street, sidewalk, trail, or similar thoroughfare) or anticipated attendance at the event exceeds 100 people and will involve the consumption, selling, or serving of alcohol).	MODERATE Impact Event Application fee \$4030
Anticipated attendance at the event is less <u>more</u> than 100 people but the event will require Extra Municipal Services or cause an impediment/ <u>require a</u> closure to a Public Right of Way, <u>and/or alcohol will be consumed or sold.</u> (i.e., street, sidewalk, trail, alley, or similar thoroughfare), or anticipated attendance at the event is more than 50 people and the event will involve the serving or consumption of alcohol.	LOW Impact Event Application fee \$3015
Anticipated attendance is less than 100 people, there will be no impediment to a Public Right of Way (i.e., street, sidewalk, trail, or similar thoroughfare), no Extra Municipal Services will be needed from the City (see page 2), and no alcohol will be consumed at the event.	Negligible Impact – No event application needed
Anticipated attendance is less than 50 <u>100</u> people, there will be no <u>minimal</u> impediment to a Public Right of Way (i.e., street, sidewalk, trail, or similar thoroughfare), and no <u>or minimal</u> Extra Municipal Services will be needed from the City (see page 2).	Negligible Impact – No event application needed <u>Not Considered Special Event</u>

APPLICATION DEADLINES

Event applications must be submitted according to the deadlines for each specific event type as outlined below, and will be accepted no more than one (1) year prior to the date of the event. If the Licensing Specialist believes that an expedited review is possible, then the Licensing Specialist shall accept a late application provided that it is accompanied by a late fee in addition to the regular application fee. The City does not guarantee that any event will be fully reviewed if it is submitted after the deadline.

- High Impact Events

Applications for High Impact events must be received at least ~~35 business days~~ One Month prior to the proposed date of the event.

- Moderate Impact Events

Applications for Moderate Impact events must be received at least ~~25 business~~ 20 days prior to the proposed date of the event.

- Low Impact Events

Applications for Low Impact events must be received at least ~~10 business days~~ prior to the proposed date of the event.

<u>Schedule of Late Fees</u>	
Application Submitted 1 – 14 days late	\$25
Application Submitted 15 – 30 days late	\$75

APPLICATION, AUTHORIZATION, and PERMITTING PROCESS

An application is not considered complete until the application form and the non-refundable application fee have been received. The review process will determine whether the event is to be authorized, it will identify which associated permits will be required, and it will help to determine if any Extra Municipal Services from the City will be required (for a definition of “Extra Municipal Service,” see page 2).

As the City begins processing the application, the Licensing Specialist will contact the Customer with updates and requests to facilitate the approval process. Please be aware that the City may deny any type of event if it is deemed not to be in the best interest of the City or if the event will create an undue burden on a particular geographic area, to include abutting residents or businesses.

Following a thorough review, the Licensing Specialist, with input ~~and~~the recommendations from the affected City departments, will make an application ruling consisting of one of the following:

- Approved, No Conditions. Special Event Authorization and any corresponding Permit(s) approved and issued as requested without conditions;
- Approved, Subject to Conditions. Special Events Authorization and any Permit(s) approved and issued subject to certain conditions deemed reasonable and necessary;
- Denied. Special Event Authorization ~~denied~~_{[FT1][CM2]}.

APPLICATION PROCESS OVERVIEW

➤ **Step 1: Filling out the Application**

~~• Customer fills out the Special Event Application, including any required permits.~~

- Every Special Event Application will need to be accompanied by, at a minimum:
 1. Application
 2. Recurring Events Schedule (if applicable)
 3. Application Fee (and Late Fees, if applicable)
 4. Site Plan/Route Map
 5. Public Notification Plan
 6. Restroom Plan
 7. Waste Management Plan
 8. Emergency Action Plan

[a. Please contact the Natrona County Health department at 307-235-9340 for guidelines.](#)

➤ **Step 2: Submitting the Application**

- Customer delivers the completed application to the Licensing Specialist, along with the Application Fee.

- Licensing Specialist goes through a preliminary review of the Special Event Application for completeness and clarity. The Licensing Specialist may request revisions or additions from the Customer; if this is the case, then the revisions will be required before the processing of the application can begin.

➤ **Step 3: Reviewing the Special Event Application**

- Licensing Specialist, or designee will provide receipt of application within 5 business days of submittal.
- Licensing Specialist sends the application materials to applicable City departments for their review.
- Regarding the issuance of Permits: Officials from various City departments will review permit forms and work with Licensing Specialist to obtain more information from the customer or to request modifications to the application when necessary. Certain types of permits can be approved or denied in advance of the event, but other permits cannot be issued until the site has been inspected and/or other final arrangements have been made by the Customer. Additionally, an event with recurring dates may require multiple permits; however, this will all be covered under one application.
- Regarding the provision of Extra Municipal Services: Officials from the various City Departments that might need to provide Extra Municipal Services will determine the scope of the Extra Municipal Services needed. From there, these officials will determine if the Extra Municipal Services are available, and if so, what the cost would be to provide those services and will provide documentation detailing these services.

➤ **Step 4: Public Notification**

- Public Notification Plan: The Customer will develop a Public Notification Plan. The Licensing Specialist will approve a plan that addresses the needs of the public. [This may include a 2nd notice being sent out to the public if first notification was more than 2 months prior to the event.](#)
- Customer executes the approved Public Notification Plan. Any feedback received by the Customer will be forwarded on to the Licensing Specialist. All feedback will be compiled and reviewed by City Staff and conditions may be placed upon the Event Authorization.

➤ **Step 5: Pulling it All Together**

- Licensing Specialist compiles all prepared documentation and permits and calculates the total fee to provide all permits and Extra Municipal Services. This compiled packet of information is summarized in the Event Authorization document.
 - *Important:* The Event Authorization may include special restrictions or requirements on the event so as to limit negative impacts on area residents or businesses, or to provide for greater public safety.
- High Impact events will also require review and approval by the City Manager.

➤ **Step 6: Timing of Authorization**

- The City of Casper's goal is to promote events in Casper and to authorize all applications. However, in order to ensure permit authorization, the City may require various changes to your event.

- Therefore, authorization timeline will depend on many factors such as event size, whether more information is needed, and whether any changes will be required.

➤ **Step 7: Issuance of the Special Event Authorization**

- Customer pays the calculated fee for permits.
- Customer provides the Licensing Specialist with certificates of insurance.
- Customer signs the Event Authorization.

➤ **Step 8: After the Authorization, but Prior to the Event**

- Customer follows the payment plan in regards to Extra Municipal Services. Depending on the services needed, this might entail paying for all or a portion of the services prior to the event. Vendor list must be submitted to the Licensing Specialist two weeks before the event date.

➤ **Step 9: Day of the Event**

A copy of the Special Event Authorization and all event permits are on site and will be produced for inspection upon the request of any City official.

➤ **Step 10: After the Event**

If applicable, Licensing Specialist sends invoices to the Customer for uncovered services and damages. Payments are due thirty (30) days after issuance.

APPLICATION CONDITIONS and DENIALS

An authorization may be denied, or conditions placed thereon, based upon considerations of the health, safety, and welfare of the community, and of the anticipated costs of holding such an event. Prior experience of the applicant in holding any event, or in holding the Special Event which is the subject of the application, will be considered and may impact the issuance of Special Event authorizations and/or permits.

Additionally, the City may base its denial decision on one or more of the following grounds:

- The application is not complete;
- Required forms and/or documents were not submitted;
- The application fee and/or permit fee(s) have not been paid;
- Required insurance has not been obtained;
- Goods or services will be sold at the event but the applicant has not produced any sales tax permits for itself or vendors for the event;
- The Customer cannot or will not pay the cost for any determined Extra Municipal Services;
- The application and/or its supporting forms contain a material falsehood or misrepresentation;
- It is reasonably believed that the event would cause undo harm or inconvenience to the participants, community or the surrounding neighborhood.

- The Customer and/or its organizational leaders have on prior occasions made material misrepresentations regarding the nature or scope of any event or activity previously authorized, permitted, or requested;
- The Customer and/or its organizational leaders violated the terms of a prior authorizations or permits issued to or on behalf of the applicant and/or its officers;
- The Customer is not legally competent to sign a contract or to be held responsible for its actions;
- The Customer has, on prior occasions, been required to pay for Extra Municipal Services or damages to City property and has not paid in full for such expenses or damages;
- City resources that would be necessary for the proper and safe conduct of the event are unlikely to be available at the time of the event.
- The special event use or activities intended by the Customer would conflict with previously planned events and programs which have been organized by others either through the use of City facilities or the unavailability of sufficient City resources for the proposed event;

The City reserves the right to revoke a previously issued Event Authorization if any violation of law is reasonably believed to have occurred in conjunction with this event or the preparation for said event, or if the Customer is reasonably believed to have violated any City rule or policy in regards to his or her preparation for this event, and/or if the Customer has failed to meet his or her obligations as described under the Event Authorization and/or the associated documents therewith.

FEES

-
- *Application Fees* and *Late Fees* (if applicable) are due upon the submission of the Event Application. This fee is non-refundable, and the application will not be reviewed until the application fee has been received. Payment of the application fee does not guarantee event approval; however, Customers will have the option to modify dates, locations, and other aspects of the event in order to win approval.
 - The Licensing Specialist will attempt to assess the Event Impact Level for each event when the application is submitted. The Event Impact Level is used to calculate the application fee, and it will be used to determine whether the Event Application was submitted on time. If the application was submitted late (see page 11), then appropriate late fees will apply. Like Application Fees, late fees must be paid before the Application will be processed.

Event Type	Application Fee
❖ High Impact Event	❖ \$50
❖ Moderate Impact Event	❖ \$40 30
❖ Low Impact Event	❖ \$30 15

- It can be the case that a new classification will be assigned during application review, and this reclassification might affect the fees that would be due from the Customer.
- Payment of *Permit Fees* is due after the event application has been reviewed. The Event Authorization will not be issued until all Permit Fees have been paid.
- Payment for *Extra Municipal Services* is due upon invoice. The Customer shall be liable for and shall pay to the City the actual cost of all Extra Municipal Services provided by the City. Typical Extra Municipal Services include contracted police officers, dedicated EMT staffing, delivery and collection of trash containers, site preparation at City parks and facilities, and other such services.
- *Determining the Types, Amounts, and Costs of Extra Municipal Services*

Prior to any approval of a Special Event Authorization, the City Departments potentially affected by the proposed Special Event shall review the application and report their respective findings to the Customer and to the Licensing Specialist. These findings may indicate that Extra Municipal Services are needed.

If Extra Municipal Services are needed, officials from the impacted City Department will communicate this fact to the Customer, along with a cost estimate for the Extra Municipal Services to be provided. This communication will occur before the Event Authorization is issued.

➤ Refund Policy

There is no reimbursement or refund of application fees or late fees except and unless the reimbursement would be due to a reclassification of the event from one Impact Level to another. Fees may be transferable toward future event applications and permits if the event is cancelled due to inclement weather or other emergency situations, at the discretion of the City Clerk.

PUBLIC NOTIFICATION PLAN

In an effort to improve communications and to keep citizens, businesses, and other establishments fully informed of all events that will potentially impact their area, the City requires all Customers to notify the affected public about their upcoming event. Notification requirements are done at the expense of the Customer. The Customer will need to submit a Public Notification Plan along with their application.

➤ Identifying Affected Parties

Customers must notify all reasonably affected community members, including residents, businesses, schools, and places of worship about the event, associated road closures, and other impacts. Additionally, any establishment that will be blocked, detoured, or heavily inconvenienced must be notified. Neighborhood Partnerships and Homeowner Associations must also be notified, when applicable. Reasonably affected means if any disruption to a normal commute, accessibility to homes and businesses as well as loud noises must be notified of the closure.

➤ Notification Timeline

The following table outlines the number of calendar days in advance of the event that public notification must be made. Please note that the dates on this chart are the dates upon which the notification has been *completed* (i.e., the dates by which all notifications have been received by all affected parties):

Event Type	Notification Deadline
High Impact	30 Days
Moderate Impact	15 Days
Low Impact	5 Days

The Customer and the Licensing Specialist will keep records of any concerns or objections received about the event. The Customer will share any objections with the Licensing Specialist. Any concerns received will be reviewed, and they will be taken as a factor in the review of the application.

An event authorization will not be issued until the notification has occurred and objections, if any, have been reviewed.

➤ Notification Components

Information to include on all notifications is listed below:

1. Name of Event
2. Name of sponsoring organization (if applicable)
3. Date(s) of event, and for each day, the time it will begin and the time it will end
4. Description of associated road closures (if applicable) the times that these road closures will be in effect
5. Description of the event and the noise impacts of the event, such as music or fireworks, and their timeframe
6. Name and contact information of Customer (including phone number and email address)
7. Website associated with event (if applicable)

➤ Approved Notification Methods

A Public Notification Plan will typically include a mix of the following public notification methods:

- Option 1: Mailed Postcards.

Customers may mail standardized postcards to the affected community members. The goal of the postcard requirement is to build a notification pattern that is consistent, highly visible, and recognizable to the public.

- Option 2: Individual Communication.

The Customer may individually contact affected community members in person, over the phone, or via email. If this notification method is used, then a log of these interactions must be kept, and upon completion of this activity, the log must be submitted to the Licensing Specialist.

- Option 3: Apartment or Business Complex Notification.

The Customer may coordinate with property managers to alert all tenants of a large complex via the preferred communication method of the complex. Proof of this alternate form of notification must be submitted to the Licensing Specialist.

The Customer may utilize a combination of the above methods for notification, or may submit a suggested alternative method. For reoccurring events please provide a notification plan that takes its recurring nature into account.

The City of Casper encourages Customers to use additional notification means such as social and broadcast media, local calendars, and press releases as a way to supplement any notification already called for in the events guide.

INSURANCE REQUIREMENTS and INDEMNIFICATION

~~In order to receive an Event Authorization for an Any Special~~ event that will occur on City property ~~and 100 or people will attend, require~~ the Customer ~~will need~~ to provide the City with a certificate of insurance, and the certificate will need to list the City of Casper ~~as an additionally,~~ its employees, agents, officers, officials and volunteers as additional insured party. The required elements of the insurance policy will vary depending on the activities that your event will entail.

➤ Comprehensive General Liability -- (Required for all events)

The Customer will need to provide Insurance Services Office Form CG 00 01 covering comprehensive general liability (CGL) on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$250,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

This CGL policy must specifically include the City of Casper as an additionally insured party. It is common for organizations such as non-profit and for-profit corporations to carry a comprehensive general liability insurance policy for that organization’s general activities, and it might be the case that events are already covered by that policy. If this is the case, then the Customer may want to contact their insurance provider to arrange for the issuance of a certificate of insurance that specifically lists the City of Casper as an additionally insured party.

Please use this as the wording on the certificate of insurance: *City of Casper, its employee, agents, officers, officials, and volunteers as additional insureds.*

➤ Indemnification – (Required for all events)

As a condition of Event Authorization, the Customer will need to indemnify the City of Casper, including its officers, officials, employees, agents, and contractors. An indemnification clause will be included in the Event Authorization.

➤ Third Party Insurance for High Risk Activities – (Not applicable to all events)

Certain kinds of safety sensitive activities will need to be specifically covered by the insurance policy. These activities are commonly excluded from standard CGL policies. Safety sensitive activities include, but are not limited to activities such as:

- Inflatables (such as bouncy houses)
- Amusement houses (such as fun houses or haunted houses)
- Carnival-style rides
- Fireworks and pyrotechnics
- Bonfires and open flames

If the event will feature this sort of activity, then the Customer will be required to provide the City with a certificate of insurance that specifically includes coverage for that activity. The City of Casper reserves the right to require additional insurance for events based on the specific activities that will occur as a part of that event.

Coverage of this sort should be on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. The certificate of insurance may be held by the Customer or by the vendor that is specifically managing this portion of the event, but in either case, the certificate must include the City of Casper as an additionally insured party.

➤ Liquor Liability - (Not applicable to all events)

If the responsible organization will be supplying alcoholic beverages, then the general liability insurance must specifically include host liquor liability coverage. If the responsible organization is using a caterer or other vendor to supply alcohol, then that vendor must have liquor liability coverage in addition to the Customer’s host liquor liability coverage. If the responsible party intends to *sell* alcohol, then either the responsible party or the vendor providing the alcohol for sale must have a valid liquor sales license, and the vendor’s liquor liability coverage will need to specifically include coverage for the sale of alcohol. The limits for each of these coverages shall be no less than \$1,000,000.

➤ Automobile Liability - (Not applicable to all events)

If the event will involve motorized transportation (such as shuttle bussing, or valet parking) then the Customer will need to have automotive insurance. If the vehicles are owned by the host organization, then the Customer will need to provide Insurance Services Office Form Number CA 0001 covering Code 1 (any auto). If the vehicles are not owned by the host organization, then the Customer will need to provide Insurance Services Office Form Number CA 0001 covering Code 8 (hired) and Code 9 (non-owned). All auto coverage must have a limit of no less than \$1,000,000 per accident for bodily injury and property damage, and all auto coverage will need to list the City of Casper as an additionally insured party.

In Closing...

Again, thank you for choosing Casper to hold your event. Please contact the Licensing Specialist throughout the process with any questions you may have. We look forward to helping you conduct a safe, successful, and fun event!

|

July 10, 2019

MEMO TO: Casper City Council
J. Carter Napier, City Manager

FROM: John Henley, City Attorney *JH*

SUBJECT: Chapter 8.04 – Businesses Affecting Public Health

Meeting Type & Date:

Pre-Meeting
July 16, 2019

Action Type

Establish August 6, 2019 as the Public Hearing and 1st Reading of the proposed Ordinance Amending Chapter 8.04 – Businesses Affecting Public Health of the Casper Municipal Code.

Recommendation

That Council, by minute action, establish August 6, 2019 as the public hearing date for proposed amendments to Casper Municipal Code Chapter 8.04, specifically, Sections 8.04.010, 8.04.020 and 8.04.060.

Summary

Recently, staff met with the Casper-Natrona County Health Department and learned that the state has similar requirements for mobile food vendors with respect to health inspections, as well as permitting the operation of temporary food establishments.

In order to avoid duplication, it is recommended that the Casper Municipal Code, be modified to remove from the definition of businesses affecting the public health, mobile food vehicles and their operators. In addition, the Casper-Natrona County Health Department advised staff that it does not feel it has the authority, nor, in many instances, would know what type of inspection to conduct regarding some of the listed businesses; conversely, the Health Department does inspect “body art and permanent cosmetic establishments” and “bed and breakfasts”, which are added to the Ordinance. The proposed amendments are set forth below:

“8.04.010 – Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

...

B. “Businesses affecting the public health” means any business, other than mobile food vehicles and their operators, within the city furnishing to the public any food and drink,

lodging, ~~laundry or dry cleaning service, septic tank cleaning service, amusements, public baths, massage treatments, body art and permanent cosmetic establishments,~~ supervision and care of children ~~or the aged, restroom facilities~~ and all like services or business, whether such services or businesses are on or off the premises.”

In addition, it is suggested that Casper Municipal Code 8.04.020 which addresses temporary food establishment and fees for licensing, be amended to remove temporary food establishments and the licensing fee for such food establishments from the Code section. The Code would be amended to read:

“8.04.020 – License—Fee.

A. Every business affecting the public health shall, before beginning business, apply to the city for a license, and, after the business and premises are inspected, and approved by the health officer and payment of the proper fee, such license shall be issued. The license fee shall be:

~~1. Ten dollars for public showers, laundries, dry cleaning establishments, places for the care of the aged, and temporary food establishments. For the purpose of this subsection, temporary food establishments are defined as those operating at a fixed location for a period of time not exceeding fourteen consecutive days and in conjunction with a single event or celebration;”~~

21. Seventy-five dollars for swimming pools, food manufacturers, food distributors, food processors, groceries, bakeries, meat markets and delicatessens; provided, however, that groceries or supermarkets shall be charged a base license fee of seventy-five dollars, plus twenty-five dollars each for meat markets, bakeries and delicatessens;

32. Twenty-five dollars for ~~mobile home parks,~~ campground facilities, motels, hotels, bed and breakfasts and body art and permanent cosmetic establishments; ~~and roominghouses;~~

43. Fifty dollars for child day-care facilities;

~~5. One hundred twenty-five dollars for septic tank cleaning services;~~

~~6. Deleted.~~

74. One hundred dollars for bars. If a bar provides food, an additional license fee of twenty-five dollars is required.

85. One hundred dollars for restaurants. If a restaurant provides alcoholic liquor or malt beverages, an additional license fee of twenty-five dollars is

required.

~~9. One hundred dollars for fountains.~~

~~106.~~ No license fee shall be required for food service facilities on any parochial, private, or public school property.

...

8.04.060 – Employee health conditions.

Every person in contact directly or indirectly with the public while employed by or operating a business affecting the public health and mobile food vendor employees shall be in good health while so engaged. Any such person shall be deemed to be in “good health” when he or she is not suffering from a contagious disease or is not a carrier of a disease that is communicable in form.

Because the Health Department would inspect mobile food vendors and temporary mobile food vendors, regardless of the provisions cited above in the City Code, it appears that, should the Council choose, Council could repeal the City Code requiring City mandated inspection.

It is our understanding, that the City-County Health Department will include in its procedures references to appropriate fire inspections and electrical inspections, so mobile food vehicles and their vendors operate safely.

Financial Considerations

There may be slightly less revenue from licensing fees, but given the minimal fees of \$10.00 (temporary mobile food vendors), or \$75.00 (mobile food vendors), the impact will be minimal.

Attachments

Proposed Amendment

Oversight/Project Responsibility

Fleur D. Tremel, City Clerk

Carla Mills-Laatsch, Licensing Specialist

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8.04
OF THE CASPER MUNICIPAL CODE

WHEREAS, the current Casper Municipal Code regarding businesses affecting the public health requires an update to prevent duplication of effort and to promote efficiency.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 8.04 of the Casper Municipal Code, specifically, Code Sections 8.04.010, 8.04.020 and 8.04.060, are hereby amended as follows:

Paragraph B of Section 8.04.010 shall be amended to read:

B. "Businesses affecting the public health" means any business other than mobile food vehicles and their operators, within the city furnishing to the public any food and drink, lodging, ~~laundry or dry cleaning service, septic tank cleaning service, amusements, public baths, massage treatments body art and permanent cosmetic establishments~~, supervision and care of children ~~or the aged, restroom facilities~~ and all like services or business, whether such services or businesses are on or off the premises."

Section 8.04.020 of the Casper Municipal Code, Paragraph A.1. is amended to read:

A. Every business affecting the public health shall, before beginning business, apply to the city for a license, and, after the business and premises are inspected and approved by the health officer and payment of the proper fee, such license shall be issued. The license fee shall be:

- ~~1. Ten dollars for public showers, laundries, dry cleaning establishments, places for the care of the aged, and temporary food establishments. For the purpose of this subsection, temporary food establishments are defined as those operating at a fixed location for a period of time not exceeding fourteen consecutive days and in conjunction with a single event or celebration.~~
21. Seventy-five dollars for swimming pools, food manufacturers, food distributors, food processors, groceries, bakeries, meat markets and delicatessens; provide, however, that groceries or supermarkets shall be charged a base license fee of seventy-five dollars, plus twenty-five dollars each for meat markets, bakeries and delicatessens;
32. Twenty-five dollars for ~~mobile home parks~~, campground facilities, motels, hotels, bed and breakfasts and body art and permanent cosmetic establishments; ~~and roominghouses~~;

- 43. Fifty dollars for child day-care facilities;
- ~~5. One hundred twenty-five dollars for septic tank cleaning services;~~
- ~~6. Deleted.~~
- 74. One hundred dollars for bars. If a bar provides food, an additional license fee of twenty-five dollars is required;
- 85. One hundred dollars for restaurants. If a restaurant provides alcoholic liquor or malt beverages, an additional license fee of twenty-five dollars is required;
- ~~9. One hundred dollars for fountains;~~
- 106. No license fee shall be required for food service facilities on any parochial, private or public school property.

8.04.060 – Employee health conditions.

Every person in contact directly or indirectly with the public while employed by or operating a business affecting the public health and mobile food vendor employees shall be in good health while so engaged. Any such person shall be deemed to be in “good health” when he or she is not suffering from a contagious disease or is not a carrier of a disease that is communicable in form.

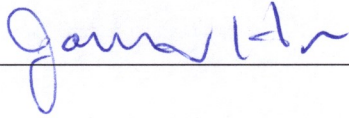
This Ordinance shall be effective _____, 2019.

PASSED on 1st reading the ____ day of _____, 2019

PASSED on 2nd reading the ____ day of _____, 2019

PASSED, APPROVED, AND ADOPTED on third and final reading the _____ day of _____, 2019.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Charles Powell
Mayor



Ward III City Council Seat Interviews

City Hall Council Chambers
Monday, August 5, 2019, 4:30 p.m.



Thank you for your interest in the open Ward III City Council seat. Interviews for the open Ward III Council seat will be held Monday, August 5, 2019, during a Special Council Meeting beginning at 4:30 p.m. in the Council Chambers at City Hall, 200 North David Street. Each candidate will have **10 minutes** to address the following five questions. Please plan your responses accordingly.

- 1. Tell us about yourself.**
- 2. Explain why you want to serve on the City Council.**
- 3. Describe your qualifications and how they will benefit the city of Casper.**
- 4. Are you willing to run for re-election in 2020?**
- 5. Tell us about your availability to serve the time commitments of Council meetings and board meetings throughout the week/month.**

Regular Council Meetings are held every 1st & 3rd Tuesday of the month beginning at 5:30 p.m., and Council Work Sessions are held every 2nd & 4th Tuesday of the month beginning at 4:30 p.m. Councilmembers are also assigned up to four (4) boards/committees that meet monthly. Additionally, strategic planning sessions and special/executive meetings are scheduled as needed.

July 12, 2019

MEMO TO: J. Carter Napier, City Manager

FROM: John Henley, City Attorney 
Wallace Trembath, Deputy City Attorney 

SUBJECT: An Ordinance Amending Section 17.12.124 of the Casper Municipal Code
Pertaining to Wireless Communication Facilities

Meeting Type & Date

Council Pre-Meeting on July 16, 2019

Action type

Move forward for approval

Recommendation

That Council, review the proposed changes to Section 17.12.124 of the Casper Municipal Code pertaining to wireless communication facilities.

Summary

Last year Council passed Ordinance Numbers 2-18 and 7-18 pertaining to wireless communication facilities, which were codified in Section 17.12.124 of the Casper Municipal Code. On September 27, 2018, the FCC released a *Declaratory Ruling and Third Report and Order* (“Order”) that limited state and local management of wireless communication facilities and imposed other timeline requirements on cities. The FCC continues to make new rules and regulations that tighten timelines for approval.

Section 17.12.124 of the Casper Municipal Code needs to be updated to reflect the FCC’s changes, and to assist City staff with meeting FCC-imposed timeliness. The City of Casper Planning and Zoning Commission reviewed the proposed changes at its June 20, 2019, meeting, and recommended approval.

On July 2, 2019, the City received a letter from Melissa K. Reagan of Sherman & Howard as legal counsel for Verizon Wireless about the proposed ordinance amendment. The letter was sent to the Casper City Council by email, and asked the City to consider the concerns of Verizon Wireless. Ms. Reagan is currently out of the country. Contact was made with Mark Williams, another attorney at Sherman & Howard, who is covering Ms. Reagan’s cases while she is away. We had a good preliminary discussion, and suggest amending the proposed ordinance, implementing some of the suggested changes from Sherman & Howard’s letter into the proposed ordinance, while declining others as follows:

- 1. Section F.7. Notice. Since Casper Municipal Code Section 17.12.150(F) already covers notice provisions for administrative review, no change is necessary.
- 2. Section F.19 – Location of Wireless Communication Facilities. No change was made to the distance a wireless communication facility is required to be located away from public utilities. Public utilities are generally located in the middle of the street, and there is adequate room to maintain ten feet of separation.
- 3. Section H. - Setback Requirements. Language was added to require small wireless facilities to follow the City’s setback requirements for rights-of-way.
- 4. Section J. 4 – RF Emission Compliance Report. The language was changed to require an applicant to provide a letter certifying that all wireless communication facilities meet the federal standards for RF emissions, along with a copy of the FCC license.
- 5. Section V – Collocation Applications for other than Small Wireless Facilities. The language was changed to add “eligible facilities” in the section title because they have a different timeframe than other collocations.
- 6. Section E.1. – Permitted Use. Prior to the third reading of the ordinance, we anticipate having language to amend the proposed ordinance that will allow small wireless facilities in the Old Yellowstone District, while preserving aesthetic concerns of the City.

The new language drafted to implement the accepted recommendations is highlighted in yellow in Sections 33.01, 38.01 and Section 54 V of the revised, proposed ordinance.

Financial Considerations

None

Oversight/Project Responsibility

Not Applicable

Attachments

An ordinance amending Section 17.12.124 of the Casper Municipal Code
Letter from Sherman & Howard to the City of Casper dated July 2, 2019

SHERMAN & HOWARD

633 Seventeenth Street, Suite 3000, Denver, CO 80202-3622
Telephone: 303.297.2900 Fax: 303.298.0940 www.shermanhoward.com

Melissa K. Reagan
Sherman & Howard L.L.C.
Direct Dial Number: 303.299.8310
E-mail: mreagan@shermanhoward.com

July 2, 2019

VIA E-MAIL

City of Casper
City Council
200 N. David
Casper, WY 82601

Re: Ordinance Amending Section 17.12.124 of the Casper Municipal Code re
Wireless Communications Facilities

Dear City Council Members:

We serve as counsel to Verizon Wireless. We appreciate the opportunity to participate in the City of Casper's ("Casper" or "City") amendment of its Municipal Code— Section 17.12.124 – Wireless Communications Facilities ("Code"). As the process moves along, we will strive to be transparent in presenting our position and describing the reasoning behind any concerns we raise. Verizon Wireless appreciated the opportunity to recently meet with City staff to discuss small wireless facilities, the City's recommended requirements, and the proposed amendments to its Code. Verizon Wireless wishes to work with the County to enact regulations that which conform to state and federal law, and are reasonable for implementation, and which are fair to all stakeholders. Verizon Wireless believes that such results can be accomplished.

This letter includes Verizon Wireless's comments to the proposed Code for the City Council's consideration at the City Council meeting. We request the opportunity to discuss these matters with you and the City staff, in tandem with Verizon Wireless's proposed MLA.

A. Verizon Wireless's Comments to Current Draft of Casper's Code

Verizon Wireless respectfully requests the City Council consider the following comments to the current draft of proposed Code attached to the City Council's July 2, 2019 Agenda.

1. Section F.7 – Notice.

Section F.7 of the Code states that any approval by administrative review shall require notice as required by the code. However, there are no notice requirements for administrative

review in the Code. Section 17.12.240 addresses the notice requirements for CUP. Does the City intend to add a notice provision for administrative reviews? Verizon Wireless would like the opportunity to review and comment on the notice procedures.

2. Section F.19 – Location of Wireless Communications Facilities.

This is an existing provision in the code that states a wireless communications facility shall not be within 10 feet of a public utility (e.g. water and sewer lines). Verizon Wireless respectfully requests that this be modified to five feet as ten feet may cause siting issues in the public right-of-way and effectively prohibit deployment.

3. Section H - Setback Requirements.

The setback requirements do not exempt small wireless facilities in the right-of-way. Verizon Wireless respectfully requests the City amend this language to exempt the setback requirements for small wireless facilities in the right-of-way or that small wireless facilities shall follow the City's setback requirements for ROW.

4. Section J.4 – RF Emissions Compliance Report.

Verizon Wireless requests this provision be removed or amended with the alternative language provided below. Wireless providers are not required to provide this information to local jurisdictions in support of their applications. Under 47 U.S.C. Sec. 332(c)(7), there may be no regulation of RF emissions when wireless facilities comply with FCC regulations. The FCC has promulgated specific regulations on the levels that facilities must comply with. The FCC's jurisdiction in this regard is plenary and preempts this regulation. Local jurisdictions cannot deny applications for wireless facilities if they comply with RF emissions standards as set by the FCC. A wireless provider will not receive a license for its facility from the FCC unless it meets these standards.

Alternatively, the City may consider requesting a copy of the wireless provider's FCC license at the time the license is issued (a license is not issued until after zoning approval). The FCC license will demonstrate the wireless communications facility is in compliance with FCC Regulations regarding RF Emissions. Further, additional alternative language may be:

Applicants for WCFs shall submit a letter certifying that all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions. The owner or operator of an approved WCF shall also provide the City with the FCC license for the WCF at the time the license is issued for the facility.

5. Section V – Collocation Applications for other than Small Wireless Facilities.

Verizon Wireless requests that the title be changed to “Collocation Applications for other than Small Wireless Facilities and Eligible Facilities Requests.” Eligible Facilities Requests include collocations, and they have a different time frame for review than regular collocation applications.

6. Section E.1 – Permitted Use

Verizon Wireless respectfully requests the opportunity to work with the City to adopt a provision that allows for the deployment of small wireless facilities in the Old Yellowstone District (OYD) through a streamline administrative review process. Verizon Wireless understands the City’s sensitivity concerning aesthetics in the OYD and the City’s separate code provisions regarding the OYD. Verizon Wireless also is aware the City has and continues to spend a considerable amount of time and money regarding the redevelopment of the OYD. Because of the proposed redevelopment and the high traffic area, the deployment of wireless services in this area is critical to Verizon Wireless’s network and providing seamless coverage and capacity. Verizon Wireless would like to work with the City on adopting code provisions that address the City’s aesthetic concerns while deploying wireless technology as part of the redevelopment in a streamline administrative manner that achieves the goal of these facilities being a permitted use by right and will also meet the shot clock requirements. In adopting these code provisions, Verizon Wireless would work to adopt language that allows for specific oversight through the administrative process to address the City’s aesthetic concerns. Verizon Wireless proposes that it work with City staff on proposed language prior to the second reading of the ordinance.

Again, Verizon Wireless appreciates the opportunity to comment on Casper’s proposed wireless facilities section of its Code. Verizon Wireless wishes to work with the City to enact regulations that conform to state and federal law, are reasonable for implementation, and which are fair to all stakeholders. Verizon Wireless believes that such results can be accomplished. We would appreciate the opportunity to further discuss these matters directly with the City in an appropriate forum. Thank you.

Sincerely,



Melissa K. Reagan

Encl.

c: Ms. Debbie Essert (via email)
Mr. Mark W. Williams, Esq. (via email)
Mr. Christian H. Hendrickson, Esq. (via email)

City of Casper
City Council
July 2, 2019
Page 4

ORDINANCE NO. 21-19

AN ORDINANCE AMENDING SECTION 17.12.124 OF
THE CASPER MUNICIPAL CODE PERTAINING TO
WIRELESS COMMUNICATION FACILITIES.

WHEREAS, on March 20, 2018, Council passed Ordinance No. 2-18 pertaining to wireless communication facilities, which was codified as Section 17.12.124 of the Casper Municipal Code; and,

WHEREAS, on July 3, 2018, Council passed Ordinance No. 7-18 pertaining to wireless communication facilities, which implemented recommendations from the Planning and Zoning Commission; and,

WHEREAS, on September 27, 2018, the FCC released a *Declaratory Ruling and Third Report and Order* ("Order") that limited state and local management of wireless communication facilities and imposed other timeline requirements on cities; and,

WHEREAS, the FCC continues to promulgate new rules and regulations that tighten timelines for approval; and,

WHEREAS, Section 17.12.124 of the Casper Municipal Code needs to be updated to reflect the FCC's changes, and to assist City staff with meeting FCC-imposed timeliness; and,

WHEREAS, the City of Casper Planning and Zoning Commission reviewed the proposed changes at its June 20, 2019, meeting, and recommends approval.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

Section 1:

The definition of "Distributed antenna system" under Section B is changed as follows:

"Distributed antenna system" or "DAS" means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

Section 2:

That the definition of "Macrocell" under Section B is changed as follows:

"Macro cell" means an antenna or antennas mounted on or in a tower, ground-based mast, rooftops and other or structures, at a height that provides a clear view over coverage to the surrounding buildings and terrain area.

Section 3:

That the definition of "Small cells" under Section B is changed as follows:

"Small cells" and "small wireless facilities" mean compact wireless equipment that contain their own transceiver equipment and function like cells in a wireless network but provide a smaller coverage area than traditional ~~macrocells~~ macro cells and also add additional capacity and meet the following criteria: (1) the facilities -- (i) are mounted on structures fifty feet or less in height including their antennas, or (ii) are mounted on structures no more than ten percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than fifty feet or by more than ten percent, whichever is greater; (2) each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; (3) all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight cubic feet in volume; (4) the facilities do not require antenna structure registration under federal law; (5) the facilities are not located on Tribal land as defined under federal law; and (6) the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under federal law.

Section 4:

The definition of "Stealth design" under Section B is changed as follows:

"Stealth design" means technology a design that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending into the surrounding environment. Examples of stealth design include but are not limited to facilities disguised as trees (monopines), flagpoles, utility and light poles, bell towers, clock towers, ball field lights and architecturally screened roof-mounted antennas.

Section 5:

Under Section B, Subsection (1), the definition of "Substantial Change" is hereby changed as follows:

- (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the original tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 U.S.C. [Section](#) 1455(a));

Section 6:

The definition of "Transmission equipment" under Section B is changed as follows:

"Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supplies. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Section 7:

The definition of "Wireless Communication Facilities" under Section B is changed as follows:

"Wireless Communication Facilities" or "WCF" means a ~~staffed or an~~ unstaffed facility ~~or location~~ or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small ~~cell technologies~~ wireless facilities.

Section 8:

Section D. 4. is changed to read as follows:

4. All non-pre-engineered and non-prefabricated towers, radio and television aerials or antennas, dishes capable of receiving electronic transmission from satellites or other sources, including the substructure, shall be ~~designed~~ ~~approved~~ by a licensed professional engineer, registered in the state.

Section 9:

Section E. 1. is changed to read as follows:

1. Distributed antenna systems and small cells are allowed in all zones by right (unless they involve the installation of a pole ~~or tower~~ ~~or building that exceeds the height limitation of the underlying zoning district~~) and except for the FC or OYD zones, as long as all other requirements of the zoning district are met along with stealth requirements, regardless of the siting preferences listed in subsection I herein, provided the applicant also complies with all federal laws (such as the Americans with Disabilities Act) and state laws and requirements.

Section 10:

Section E. 2. is changed to read as follows:

2. Distributed antenna systems and small cells in all zones are subject to approval by administrative review unless their installation requires the construction of a new pole or tower or building that exceeds the height limitation of the underlying zoning district. A conditional use permit shall not be required for stealth replacement utility support structures, so long as they are substantially similar in height and design.

Section 11:

Section F. 1. is changed to read as follows:

1. Inventory of Existing Sites. Each applicant for a macro cell macrocell tower shall provide to the community development department an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one-half mile of the border thereof, including specific information about the location, height, and design of each tower or antenna. The community development department may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the city; provided, however, that the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

Section 12:

Section F. 2. is changed to read as follows:

2. Color. The antenna array shall be placed and colored to blend into the architectural detail and coloring of the host structure. Support T towers shall be painted a color that best allows it them to blend into the surroundings. The use of grays, blues, greens, dark bronze, browns or other site specific colors may be appropriate; however, each case will be evaluated individually.

Section 13:

Section F. 7. is changed to read as follows:

7. Notice. For purposes of this section, any approval by administrative review, conditional use permit or appeal of a conditional use shall require notice as required by this Code.

Section 14:

Section F. 15. is changed to read as follows:

15. Accessory Equipment. In residential zones, all accessory equipment located at the base of a WCF shall be located or placed (at the applicant's choice) in an existing building, underground, or in an equipment shelter cabinet that is (a) designed to blend in with existing surroundings, using architecturally compatible construction

and colors; and (b) be located so as to be unobtrusive as possible consistent with the proper functioning of the WCF.

Section 15:

Section F. 17 e. i. is changed to read as follows:

- i. Equipment shelters and cabinets and other on the ground ancillary equipment (outside of the public right-of-way) shall be screened with landscaping as required for the zone in which they are located or with another design acceptable to the community development department. Alternatively, where technically feasible, the applicant shall incorporate the cabinet and other equipment into the base of a new pole (for example, for a small cell) provided there is adequate space in the right-of-way and that ADA sidewalk accessibility requirements can be met. All provisions of the ADA, including, but not limited to, clear space requirements, shall be met by the applicant.

Section 16:

Section F. 17 e. ii. is changed to read as follows:

- ii. The ground level view of macro cell towers shall be mitigated by additional landscaping provisions as established through the conditional use permit process. The use of large trees from the approved urban forestry list of recommended species or native conifers is required at the spacing specified for the specific trees chosen. Alternatively, a landscaping plan may be submitted with the conditional use permit and, if approved, shall take precedence over the foregoing requirement.

Section 17:

Section F. 17. e. iii. is changed to read as follows:

- iii. A site-obscuring fence (for example, solid or slatted wood, faux wood, vinyl, masonry or a combination thereof) no less than six feet in height from the finished grade shall be constructed around each macro cell tower and around related support or guy anchors. Access shall only be through a locked gate. Any fence shall comply with the other design guidelines of this code.

Section 18:

Sections F. 20. is changed to read as follows:

20. Sites and Application Appointments. Each application may include up to ten sites in the city. An in-person appointment with city staff is required encouraged at the outset of the process for an application for multiple sites.

Section 19:

Sections G.'s title is changed to read as follows:

Sharing of Support Towers and Collocation of Facilities.

Section 20:

Section G. 1. is changed to read as follows:

1. It is the policy of the city to minimize the number of macrocell macro cell and wireless communication support towers and to encourage the collocation of antenna arrays of more than one wireless communication service provider on a single support tower, provided that additional Building Code regulations may apply.

Section 21:

Section G. 2. is changed to read as follows:

2. No new macrocell macro cell wireless communication support tower may be constructed within one-half mile of an existing macrocell macro cell support tower, unless it can be demonstrated to the satisfaction of the community development director or the designee thereof that the existing macrocell macro cell support tower is not available or feasible for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant. Factors to be considered by the community development director or the designee thereof in determining whether applicant has made this demonstration include those listed below in subsection 4.

Section 22:

Section G. 3. is changed to read as follows:

3. The shared use of towers is encouraged. Applications for macrocells macro cells and towers which will, immediately upon completion, operate with more than one user may reduce setback requirements from adjacent nonresidential property. The setback from adjacent nonresidential property may be reduced by twenty-five percent when two users enter into a binding agreement prior to the issuance of the building permit. The setback from adjacent nonresidential property may be reduced by up to fifty percent when three or more users enter into a binding agreement prior to the issuance of the building permit. A binding agreement for the purposes of this subsection is one signed by all parties using the tower and by the affected landowners. This signed agreement will commit the users to occupy the tower immediately upon its completion. Notwithstanding the foregoing, fall zones shall be at least one foot for every foot of tower height subject to the breakpoint provisions herein.

Section 23:

Section G. 4. is changed to read as follows:

4. Factors Considered in Granting Conditional Use Permits for ~~Macrocells~~ Macro cell Towers. In addition to any standards for consideration of conditional use permit applications pursuant to this Code, the applicant must provide wet stamped plans for ~~macrocell~~ macro cell towers, and the planning and zoning commission or city council (as appropriate under Section 17.12.240(C)) shall consider the following factors in determining whether to issue a conditional use permit.

Section 24:

Section G. 4. b. is changed to read as follows:

- b. Proximity of the ~~macrocell~~ macro cell tower to residential structures and residential district boundaries.

Section 25:

Section G. 4. j. is changed to read as follows:

- j. ~~A determination by the FCC that~~ A determination by the FCC that the applicant's proposed antennas would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

Section 26:

Section G. 5. is changed to read as follows:

5. Site Plan. In districts where towers are allowed, applicants are required to submit and be granted an approval for a site plan before a building permit will be issued. The standards set forth in the tower regulations summary of this section will be used to determine tower requirements and whether approval shall be granted or denied. Towers of one hundred ~~twenty-one thirty~~ feet or more require that site plan approval be granted by ~~the city council, following recommendation from~~ the planning and zoning commission. ~~Both the city council and~~ The planning and zoning commission may consider reductions to the setback requirements for such towers as a part of the site plan approval.

Section 27:

Section G. 6. is changed to read as follows:

6. All towers that provide commercial wireless telecommunication service are required to submit a site plan to the city for approval. In addition to the standard site plan requirements (listed in this Title 17), the following information must be supplied with the site plan or building permit application:

Section 28:

Section G. 6. g. is changed to read as follows:

- g. Site plans must show the locations for at least two equipment buildings or cabinets, even if the tower is proposed for a single user;

Section 29:

Section G. 6. h. is changed to read as follows:

- h. For macro cell towers that are fifty feet or greater in height above the ground, a visual study depicting the zone within a three-mile radius, where any portion of the proposed tower could be seen (scaled vicinity maps);

Section 30:

Section G. 7. is changed to read as follows:

- 7. Placement Provisions—Towers. Towers shall be located only in those areas described in Table 1, provided that macro cell towers that are proposed to be located in a residential zone or within two hundred feet of a residential zone or in the downtown area shall be subject to the siting priorities set forth for preferred macro cell tower locations in subsection I.

Section 31:

That Table 1 (Tower Regulations Summary) and the abbreviation definitions immediately following Section 17.12.124, Section 8 (g) are hereby replaced with the following:

**TABLE 1
TOWER REGULATIONS SUMMARY**

Zone	Permitted Height	Plan Com Approval	CC Approval	On Top of Buildings
R1-R6	50'	<u>CUPNA</u>	NA	NP
PH	<u>130'</u>	<u>Greater than 130'-51'-120'</u>	<u>121' and NA</u>	10 percent of building ht.
<u>RPUD</u>	In accordance with PUD Guidelines	In accordance with PUD Guidelines	NA	10 percent of building ht.
<u>CPUD</u>	<u>50'</u>	<u>51'-100'</u>	<u>NA</u>	<u>10 percent of building ht.</u>
C1	50'	51-100'	NA	10 percent of building ht.

C2	50' 130'	Greater than 130' 51' - 100'	NA	10 percent of building ht.
C3	50' 130'	Greater than 130' 51' - 120'	NA	10 percent of building ht.
C4	50' 130'	Greater than 130' 51' - 120'	NA	10 percent of building ht.
M1	100' 130'	Greater than 130' 101' - 120'	121' NA	10 percent of building ht.
M2	100' 130'	Greater than 130' 101' - 120'	121' NA	10 percent of building ht.
AG	50' 130'	Greater than 130'	NA	10 percent of building ht.
FC	NP	NP	NP	NP
ED	50' 130'	51'-150' Greater than 130'	NA	10 percent of building ht.
HM	50'	NA	N/A	10 PERCENT OF BUILDIG HT.
OB	50'	NA	N/A	10 PERCENT OF BUILDIG HT.
OLD YELLOWSTONE DISTRICT	SEE CASPER MUNICIPAL CODE ("CMC") SECTION 17.94.030 A. (25)	SEE CMC CHAPTER 17.94	SEE CASPER MUNICIPAL CODE CHAPTER 17.94	NP: SEE CASPER MUNICIPAL CODE CHAPTER 17.94

Deleted: CUP

Deleted: CUP

NP = Not permitted (prohibited)

NA = Not applicable

RPUD = Residential PUD

CPUD = Commercial PUD

PERMITTED HEIGHT = Permitted with site plan approval from the community development director.

PLAN COM APPROVAL = Permitted with site plan approval from the Planning and Zoning Commission.

CC APPROVAL = Permitted with site plan approval from the Planning and Zoning Commission and the City Council.

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Section 32:

That Section G. 8, is changed to read as follows:

8. Macro cell towers used for the purpose of providing commercial wireless telecommunication services are permitted uses in all districts, except in the downtown area (OYDSPC), FC districts, residential districts (R1-R6), planned unit developments (PUD), and the agricultural district (AG). However, a conditional use permit may be granted for Small cells providing commercial wireless telecommunication services in residential districts (R1-R6), planned unit developments (PUD), and the agricultural district (AG) are permitted uses if the pole or tower does not exceed the height limitation of the underlying zoning district. Additionally, towers which are placed on buildings must conform to the other requirements of this section.

Section 33:

That Section H. 4, is changed to read as follows:

4. All equipment shelters, cabinets, or other on the ground ancillary equipment shall meet the setback requirements of the zone in which they are located.

Section 33.01

That Section H.5 shall be added as follows:

5. Small wireless facilities located in City rights-of-way shall follow the City's setback requirements for rights-of-way.

Section 34:

That Section I, is changed to read as follows:

- I. Preferred Macro cell Tower Locations. All new macro cell towers proposed to be located in a residential zone or within two hundred feet of a residential zone or in the downtown area are permitted only after application of the following siting priorities, ordered from most-preferred (1) to least-preferred (7):
 1. City-owned or operated property and facilities not in the downtown or residential zones and not including right-of-way;
 2. Industrial zones;
 3. Commercial zones;
 4. Other non-residential zones;
 5. City rights-of-way in residential zones;
 6. Parcels of land in residential zones;
 7. Designated historic structures, downtown and neighborhoods with additional protection.

The applicant for a [macro cell](#) tower located in a residential zone or within two hundred feet of a residential zone or in the downtown area shall address these preferences in an alternative sites analysis prepared pursuant to subsection J below.

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Section 35:

That Section J. 1. a. is changed to read as follows:

- a. For macro cell towers in a residential zone or within two hundred feet of a residential zone or in the downtown area, the applicant must address the city's preferred macro cell tower locations with a detailed explanation justifying why a site of higher priority was not selected. The city's macro cell tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three higher ranked, alternative sites considered that are in the geographic range of the service objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.

Section 36:

That Section J. 1. c. is changed to read as follows:

- c. For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives, the applicant will provide: (a) a description of its objective, whether it be to address a deficiency in coverage or capacity; (b) detailed maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

Section 37:

That Section J. 3. e. i. is changed to read as follows:

- e. Additional Information Required. Applicants for a conditional use permit for a macrocell tower shall also submit the following information:

Section 38:

That Section J. 3. e. vii. is changed to read as follows:

- vii. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality city.

Section 38.01

That Section J.4 is changed to read as follows:

4. Radio Frequency (RF) Emissions Compliance. An Applicants for wireless communication facilities shall submit a letter certifying that all wireless communication facilities that are the subject of the application shall comply with federal standards for

RF emissions. The owner or operator of an approved wireless communications facility shall also provide the City with the FCC license for the wireless communication facility at the time the license is issued for the facility.

Section 39:

That Section J. 5. c. is changed to read as follows:

- c. An initial payment of a registration fee (for other than small wireless facilities) which shall be in addition to any other fee paid by the owner or operator of the tower or facility, for all towers or facilities located within the city, shall be required and shall be submitted to the community development department at the time of submission of the documentation, as required in 5.1.a. and 2.b. of this subsection.

Section 40:

That Section K. 4. c. i., ii. and iii. are changed to read as follows:

- c. The applicant demonstrates the following:
 - i. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building; The development standard materially limits or inhibits the ability of the applicant to compete in a fair and balanced legal and regulatory environment;
 - ii. The gap situation can only be filled addressed through an exception to one or more of the standards in this section; and
 - iii. The exception is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this section's standards to the greatest extent possible.

Section 41:

That Section K. 4. d. is deleted in its entirety.

d. For a new tower proposed to be located in a residential zone or within two hundred feet of a residential zone or in the downtown area, unless the proposal qualifies as a preferred location on city owned or operated property or facilities, the applicant must also demonstrate that the manner in which it proposes to fill the significant gap in coverage, capacity, or technologies of the service network is the least intrusive on the values that this section seeks to protect.

Section 42:

That Section L. is changed to read as follows:

- L. Removal of Abandoned Towers. Towers which are not used for a period of six months or more shall be removed by the owner within ninety days from the date of written notification by the city. To assure the removal of towers, which have not been maintained or have been abandoned, a performance bond, cash, letter of credit, or other approved security shall be submitted for each tower. The amount of the bond, cash, letter of credit, or other approved security shall be based on an estimate provided by a contractor licensed in the state, who shall estimate the cost of removing the tower. This estimation shall be provided in writing and submitted with the application. There will be a ten percent contingency fee added to the contractor's estimate. In the event the owner shall fail to remove any tower which has not been maintained or has been abandoned, as provided in this subsection, the city shall have the right to enter the premises and remove such tower without further notice to owner, in which event, all removal costs shall be charged against the bond or security and the owner until satisfied.

Section 43:

That Section O. is changed to read as follows:

- O. Independent Consultant and RF Legal and Technical Review. Although the city intends for city staff to review applications to the extent feasible, the city may retain the services of an independent consultant and RF expert attorney and technical expert of its choice to provide evaluation of permit applications for WCFs, when they are subject to conditional use permits or administrative review. The third party expert consultant shall have recognized training in the field of telecommunications or radio frequency engineering wireless communication facilities. The consultant's and RF expert's consultants' review may include, but is not limited to: (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and, (d) whether the proposed WCF complies with the applicable approval criteria set forth in this section. The applicant shall pay the cost for any independent consultant fees through a deposit, estimated by the city, within ten days of the city's request. When the city requests such payment, the application shall be deemed incomplete for purposes of application processing timelines until the deposit is received. In the event that such costs and fees do not exceed the deposit amount, the city shall refund any unused portion within thirty days after the final permit is released or, if no final permit is released, within thirty days after the city receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the city within thirty days and before the permit is issued.

Section 44:

That Section R. is changed to read as follows:

- R. Indemnification. Each permit issued for a WCF located on city property shall be deemed to have as a condition of the permit a requirement that the applicant, [wireless infrastructure provider and wireless service provider](#), indemnify and hold harmless the city and its council, officers, agents, employees, volunteers, and contractors from any and all liability, damages, or charges (including attorneys' fees and expenses) arising out of claims, suits, demands, [actions](#) or causes of action as a result of the permit process, a granted permit, construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of the WCF.

Section 45:

That Section S. 1. is changed to read as follows:

S. Eligible Facilities Request.

1. Purpose. This section implements Section 6409(a) of the Spectrum Act (47 U.S.C. Section 1455(a)), as interpreted by the FCC in its Report and Order No. 14-153 and [regulated by 47 C.F.R. § 1.40001 Declaratory Ruling and Third Report and Order released September 27, 2018](#), which require a state or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

Section 46:

That Section S. 2. b. is changed to read as follows:

- b. Review. Upon receipt of an application for an eligible facilities request pursuant to this subsection, the community development director or the designee thereof, shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.

Section 47:

That Section S. 2. c. is changed to read as follows:

- c. Timeframe for Review. Within sixty days of the date on which an applicant submits an application seeking approval of an eligible facilities request under this subsection, the city shall review and act upon the application, subject to the tolling provisions below.

Section 48:

That Section S. 2. d. is changed to read as follows:

- d. Tolling of the Timeframe for Review. The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application

is incomplete. ~~The timeframe for review is not tolled by a moratorium on the review of applications.~~

Section 49:

That Section S. 2. d. iii. is changed to read as follows:

- iii. Following a supplemental submission, the city will have ten days to notify the applicant if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

Section 50:

That Section S. 2. e. is changed to read as follows:

- e. Failure to Act. In the event the city fails to approve or deny a complete application under this subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted provided the applicant notifies the city in writing after the review period has expired. Provided, However, the request is still subject to subSection XZ (Standard Conditions of Approval).

Section 51:

That Section S. 2. f. is added as follows:

- f. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

Section 52:

That Section S. 3. is changed as follows:

3. ~~Compliance Obligations Due To~~ After Invalidation. In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any Section 6409(a) approval(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409(a) approvals or the City grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the city may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409(a) approval when it has obtained the applicable

permit(s) or submitted an application for such permit(s) before the one-year period ends.

Section 53:

That Section S. 4. is changed as follows:

4. City's Standing Reserved. The city's grant or grant by operation of law of a Section 6409(a) approval does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) approval.

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Section 54:

That Sections T. through X. are deleted in their entirety and replaced with Sections T. through AA. as follows:

T. Small Wireless Facilities - Collocation on Existing Structures.

1. Purpose. This section implements a shot clock that is contained in the FCC's Declaratory Ruling and Third Report and Order released September 27, 2018, regarding the collocation of small wireless facilities on existing structures.

2. Application Review.

- a. Application: The city shall prepare and make publicly available an application form, which form shall be used by the applicant.
- b. Review: Upon submission of an application for collocation of small wireless facilities on an existing structure pursuant to this section, the city shall, within sixty days (subject to resetting of the shot clock and the tolling provisions set forth below), review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.
- c. Tolling of the Timeframe for Review: The sixty-day review period begins to run when the application is filed. The city shall notify the applicant within ten days as to whether the application is incomplete. Upon resubmission by the applicant, a new sixty-day shot clock commences, and the city has ten days to notify the applicant again of an incomplete application. The shot clock may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines upon a resubmission that the application is incomplete.
 - i. The timeframe is tolled in the case of subsequent notices pursuant to the procedures identified in this section. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- d. Failure to Act: In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for resetting the shot clock once or any tolling), the applicant may pursue judicial relief.
- e. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

U. Small Wireless Facilities - New Construction (New Builds).

1. Purpose. This section implements a shot clock that is contained in the FCC's Declaratory Ruling and Third Report and Order released September 27, 2018, regarding the construction of small wireless facilities on a new structure.

2. Application Review.

- a. Application: The city shall prepare and make publicly available an application form, which form shall be used by the applicant.
 - b. Review: Upon submission of an application for the construction of small wireless facilities on a new structure pursuant to this section, the city shall, within ninety days (subject to resetting of the shot clock and the tolling provisions set forth below), review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.
 - c. Tolling of the Timeframe for Review: The ninety-day review period begins to run when the application is filed. The city shall notify the applicant within ten days as to whether the application is incomplete. Upon resubmission by the applicant, a new ninety-day shot clock commences, and the city has ten days to notify the applicant again of an incomplete application. The shot clock may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines upon a resubmission that the application is incomplete.
 - i. The timeframe is tolled in the case of subsequent notices pursuant to the procedures identified in this section. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
 - d. Failure to Act: In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for resetting the shot clock once or any tolling), the applicant may pursue judicial relief.
 - e. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).
- V. Collocation Applications for other than Small Wireless Facilities and Eligible Facilities.
- 1. Purpose. This section implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153 and Declaratory Ruling and Third Report and Order released September 27, 2018.
 - 2. Application Review.
 - a. Application. The city shall prepare and make publicly available an application form.
 - b. Review. Upon receipt of an application for a collocation request pursuant to this section, the city shall review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.
 - c. Timeframe for Review. Within ninety days of the date on which an applicant submits an application seeking approval of a collocation request under this

section, the city shall review and act upon the application, subject to the tolling provisions below.

- d. Tolling of the Timeframe for Review. The ninety-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.
 - i. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.
 - iii. Following a supplemental submission, the city will notify the applicant within ten days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- e. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for any tolling), the applicant may pursue judicial relief.
- f. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

W. New Site or Tower Applications.

1. Purpose. This Section also implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as amended, as interpreted by the FCC in its Report and Order No. 14-153 and Declaratory Ruling and Third Report and Order released September 27, 2018.
2. Application Review.
 - a. Application. The city shall prepare and make publicly available an application form.
 - b. Review. Upon receipt of an application for a request for a new site or tower pursuant to this section, the city shall review such application, make its final decision to approve or deny the application, and advise the applicant in writing of its final decision.
 - c. Timeframe for Review. Within one hundred fifty days of the date on which an applicant submits an application seeking approval of a request for a new site or tower under this section, the city shall review and act upon the application, subject to the tolling provisions below.

- d. Tolling of the Timeframe for Review. The one hundred fifty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the city and the applicant, or in cases where the city determines that the application is incomplete.
 - i. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within thirty days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.
 - iii. Following a supplemental submission, the city will notify the applicant within ten days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- e. Failure to Act. In the event the city fails to approve or deny a complete application under this section within the timeframe for review (accounting for any tolling), the applicant may pursue judicial relief.
- f. Change in Federal or State Law: If any of the timeframes in this section are subsequently changed by federal or state law, then this section shall be automatically amended to comport with the new timeframe(s).

X. Fees. In connection with the filing of an application, the applicant shall pay all applicable fees, according to a city resolution.

Y. Laws, Rules and Regulations. This section shall be subject to all applicable laws, rules and regulations.

Z. Standard Conditions of Approval.

1. Applicability. In addition to all other conditions adopted by the city, all permits, whether approved by the city or deemed approved by the operation of law, shall be automatically subject to the conditions in this section. The city shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this section.

2. Permit Term. A permit will automatically expire one year and one day from its issuance if construction has not been completed. Any other permits or approvals issued in connection with any collocation, modification or other change to a wireless facility,

which includes, without limitation, any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.

AA. Severability. The various parts, sentences, paragraphs and clauses of this section are hereby declared to be severable. If any part, sentence, paragraph or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

PASSED on 1st reading the 2nd day of July, 2019.

PASSED on 2nd reading the _____ day of _____, 2019.

PASSED, APPROVED, AND ADOPTED on third and final reading the _____ day of _____, 2019.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur D. Tremel
City Clerk

Charles Powell
Mayor