

COUNCIL WORK SESSION
Tuesday, February 12, 2013, 4:30 p.m.
Council Chambers
Casper City Hall

AGENDA

1. Downtown Development Authority Project Update
2. Request Received from 12-24 Club
3. ORDINANCE:
 - A. Third Reading:
 1. Consent.
 - a. Amending Ordinance No. 31-12 of the City of Casper, Wyoming, Changing the Series Designation of the \$3,930,000 City of Casper, Wyoming, Taxable Industrial Development Revenue Bond (Parkway Plaza Properties, Inc., Project), and Providing Other Details in Connection Therewith.
4. Smoking in Public Places

Downtown Casper

Downtown Development Authority (DDA)

Presentation to City Council
02/12/2013



DOWNTOWN DEVELOPMENT
— AUTHORITY —

www.downtowncasper.com

Downtown Development Authority
Executive Management Team

Agenda

- DDA
- Targets
- Original City Council Ask
- Project Plan/Update
- Financing
- Next Steps
- Q&A



The DDA

- Founded in 1986
- Governed by Wyoming State Statute 15-9-201
- Political subdivision Casper City Council
- 11 member Board/1 full time staff - Executive Director

The DDA

- Promote the health, safety, prosperity, security, and general welfare of the inhabitants
- Halt or prevent the deterioration of property values or structures and growth of blighted areas
- **Assist the municipality in the development and redevelopment**
- Plan to restore or provide for the continuance of the health of property
- Encourage tourism by initiating special events

The DDA



The DDA

■ Executive Team

- Charles Walsh - Chair, Wolcott Galleria
- Brian Scott - Vice Chair, TownSquareMedia
- Brettnee Tromble - Treasurer, First Interstate Bank
- Brandon Daigle - Secretary, MOA Architecture
- Renee Penton-Jones - Executive Director

■ Board Members

- Charlie Powell - Casper City Council
- Lisa Burrige - Burrige & Associates Realtors
- Louis Taubert - Lou Taubert Ranch Outfitters
- John Johnson - Johnson Restaurant Group
- Sona Rummel - Commissary Mall/Absolute Fitness
- Mike Stepp - Donnell's Candy
- Open - Candidate pending Council Approval
- Bill McDowell - County Commissioners (Ex-Officio)
- Kale Prewitt - City of Casper (Ex-Officio)

Our Targets

■ Short Term

- Initiate DT Public Restroom Analysis
- Initiate the DT Gateway Plan Analysis
- Initiate the DT Way Finding Signage Analysis
- Create cross functional collaboration teams with peers
- Promote adoption of DT Strategic Plan

■ Long Term

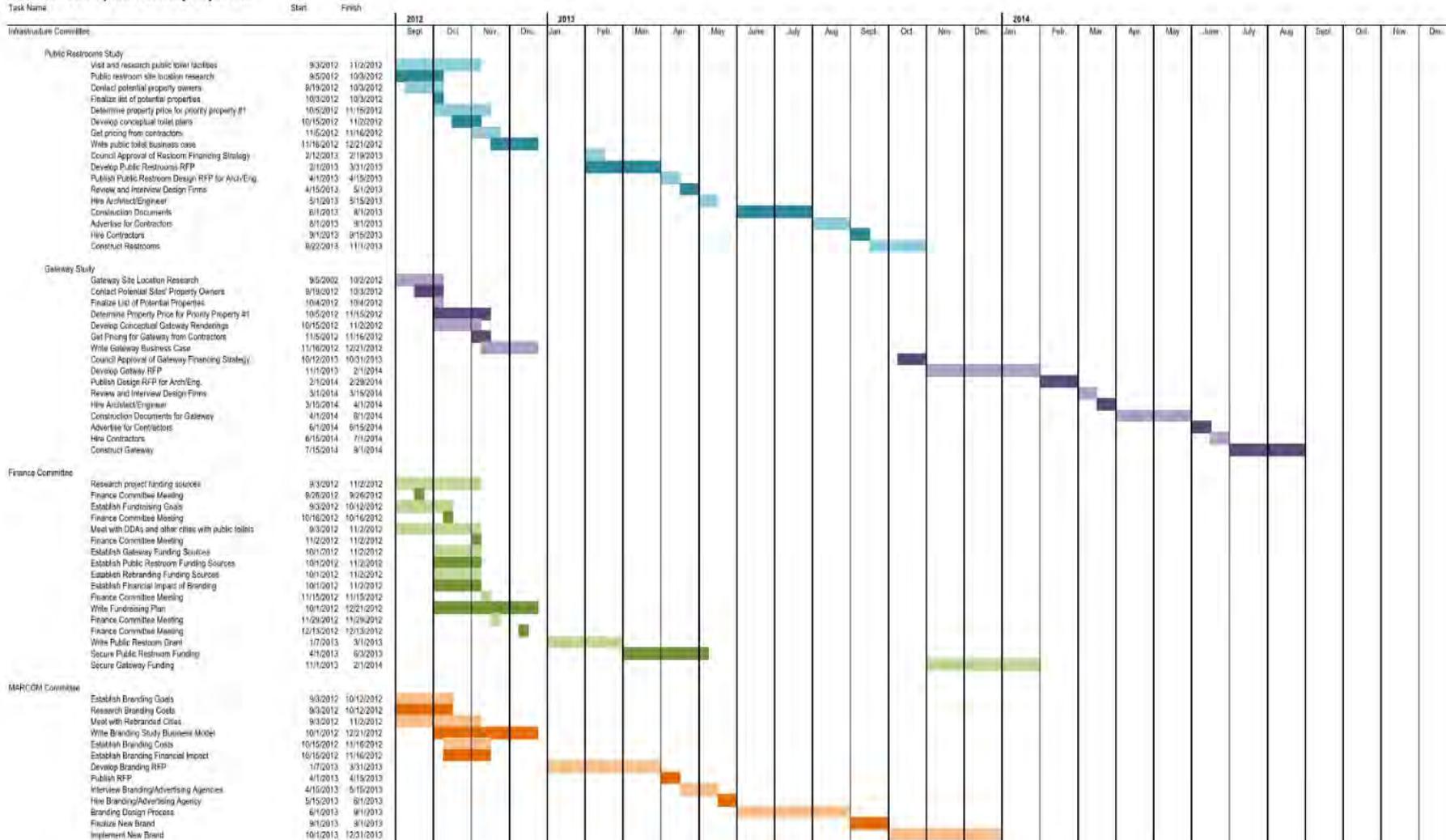
- Execute a strategic branding campaign
- Implement Public Restrooms
- Implement a DT Gateway Plan
- Implement a DT Way Finding Signage
- Define a DT-specific Property Database

Original Ask of the City

- Leverage DDA expertise and experience
- Support more permanent expanded LT Funding
 - Tax Increment Financing
 - Line Item Budget
- Provide Project Funding
 - Analysis
 - Grant Writing
 - Development
- Provided \$52.5K

Project Plan

Downtown Development Authority Project Plan

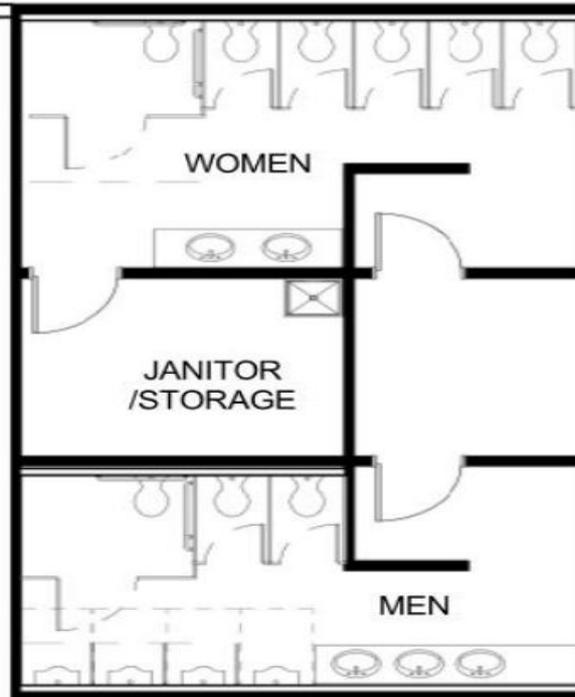


Project Update

- Completed initial analysis of all projects
- Confirmed Public Restroom Location
 - Completed initial Design Concept
 - Identified preliminary cost estimates
 - Identified WBC Matching Grant
 - Validated DDA Constituency Support
 - Confirmed CCOC support
- Selected Wyoming-based Grant Writer

Project Update

SANFORD'S



CENTER STREET

PARKING GARAGE

Financing

- Community Enhancement Grant: Assists communities that want to improve the aesthetic character of quality of life through such activities as landscaping, recreational or convention facilities.
 - Maximum award is \$250,000 with a 50% match.
 - Applicant must be City. Deadline: March 1st
 - Examples:
 - City of Sheridan Downtown Gateway- \$214,622 grant to renovate building to provide public restrooms, office space, community room and visitor information. Awarded 04-7-2011. City leases the building at no charge to the Downtown Sheridan Association.
 - City of Buffalo Crazy Woman Square Revitalization- \$250,000 Community Enhancement grant to install signage, lighting, sculptures, benches.
 - Town of Rancharter Entryway Rehab- \$489,500 Community Enhancement and \$300,000 Community Development Block Grant to enhance downtown entryway with construction of 2,200 sq ft visitor center, parking lot and landscaping. Awarded 01-28-2010.

Financing

Public Restroom Sources / Uses- 50% Match		
Land Acquisition	\$ -	0.0%
Architect /Engineering	\$ 22,000	8.8%
Construction	\$125,000	50.0%
Water/Sewer	\$ 25,000	10.0%
Electric	\$ 22,000	8.8%
Signage	\$ 26,000	10.4%
Contingency	\$ 30,000	12.0%
Total Uses	\$250,000	100.0%
Wy Business Council BRC Grant	\$125,000	50.0%
City Investment	\$125,000	50.0%
		0.0%
Total Sources	\$250,000	100.0%

Next Steps

- Critical Path
 - Confirm City Council Support - 2/12/13
 - Secure Grant Writing Support - 2/13/13
 - Submit Grant Application to WBC by 3/1/2013
- Finalize Specifications
- Confirm WBC Grant
- Solicit three (3) bids
- Initiate Project

Discussion



February 8, 2013

MEMO TO: John C. Patterson, City Manager

FROM: Liz Becher, Community Development Director
Rick Harrah, Public Services Director
David Hough, Special Projects Coordinator

SUBJECT: Funding for a Downtown Public Restroom and Associated Improvements

Recommendation:

That Council, by resolution, authorize submission of a grant application to the Wyoming Business Council, in the amount of \$250,000, for funding of a downtown public restroom at the parking structure, along with other improvements to the structure.

Summary:

At the August 28, 2012, work session, Council approved an encumbrance of \$52,500 to the Downtown Development Authority (DDA) for five different projects or initiatives that reflect concerns and opportunities that have been voiced by downtown merchants, residents, visitors and businesses. The DDA has been working on the projects that were identified in August and has made headway on the branding, wayfinding and gateways efforts. The fourth and fifth initiatives, involving public restrooms and the related grant writing, have been moving more quickly and are at a point where resources are needed to proceed.

Downtown public restrooms have been viewed as a need in the downtown for a number of years. The DDA has determined that a restroom project would qualify for a Wyoming Business Council Business Ready Community grant. They believe the restroom project has a high probability for success and suggests that the City, as the required governmental entity, submit an application for funding to the Council. The estimated cost for a 670 square-foot restroom on the Center Street side of the parking structure, including water, sewer and a dedicated electrical service, is less than \$200,000. The maximum amount of grant support per project is \$250,000. The DDA requests that the City apply for the full amount to cover the cost of the restrooms and certain improvements to the parking structure itself to increase its appeal, its role as a major element of the downtown parking infrastructure, and its value as a City asset. The Business Ready Community Grant is a 50/50 matching grant which would require that the City allocate \$250,000 to the restroom and parking structure improvements. Staff recommends that excess 1% #13 funds be used for the City's match.

The parking structure was constructed in 1980. Repair/replacement work has been done on the concrete and joints (2006, 2009), and the elevators (1997, 2008). The lighting was upgraded in 2002 and security cameras and new ticket holders were added when the Chamber of Commerce took over the management of the parking structure in 2000. The elevators are inspected on a regular basis; however, no assessments have been done on the structure in recent years. Two

different studies on the use and appeal of the parking structure have taken place since 2000. The studies looked at how much the facility is used and what could be done to increase its appeal and usage. Both studies suggest a reworking of the signage to better direct motorists to the entrances; convey information about hours, rates and regulations; and, help the users find their way through the structure. Specific recommendations on the messages, layout and placement of signs were not provided.

The 2000 study recommended upgrading the lighting, which was subsequently done in 2002. The 2009 study did not call for any further work on the lighting, but did identify the painting of the interior of the structure with a highly reflective, white paint as the number one priority. The reflective paint would make the structure appear much brighter and cleaner. It would also make it easier to remove graffiti. Painting both the walls and ceilings would have the greatest impact. There is approximately 45,000 square feet of wall space inside the structure, and 330,000 square feet of ceilings. Using the most highly recommended reflective paint would cost an estimated \$78,750 for the walls and \$577,500 for the ceilings. A product that does not have the same level of protection could be used on the ceiling for two-thirds the cost. Using the less durable paint for the ceiling and graffiti resistant paint on the walls would still cost an estimated \$458,250. Applying the high quality, graffiti resistant paint to just the walls at an estimated cost of \$78,750 may be the best option at this time.

If the Public Services Department Traffic Section were to manufacture the new interior signs, the signage could be upgraded for a relatively low cost. The cost of exterior treatments, including new signage, intended to enhance the appeal and draw more attention to the structure, could vary greatly depending on the desired level of impact. Given that \$500,000 would be available to the restroom and parking structure project if the grant is approved, it is recommended that building the public restroom needed to serve downtown shoppers and visitors be the top priority followed by painting the interior walls and upgrading the signage. Staff recommends that the balance of the funds be dedicated to the design and installation of exterior signs and treatments intended to enhance the look and appeal of the structure.

Staff recommends that Council authorize the submittal of a matching Business Ready Community Grant to the Wyoming Business Council in the amount of \$250,000, and earmark \$250,000 in matching funds for a new public restroom at the parking structure in addition to painting, new signage and exterior enhancements intended to make the structure more inviting and more effective at meeting our downtown parking needs.

A resolution has been prepared for Council's consideration.

Diane Goehring

From: Kendall Hickman [khickman@mcmurry.net]
Sent: Friday, February 08, 2013 5:42 PM
To: Diane Goehring; Kenyne Schlager; Paul Meyer; paulb@tribcsp.com; Craig Hedquist; Stephen Cathey; Keith Goodenough; Bob Hopkins; Charlie Powell; Daniel Sandoval
Subject: Letter of Support, Downtown enhancement
Attachments: Rotaract Club of Casper - Downtown Support Letter.pdf

Dear Madame Mayor, City Council Members and City Manager,

Attached is a letter showing support for Downtown Development from the Rotaract Club of Casper: Young Professionals Network.

Please let me know if you have any questions.

Kendall Hickman

Rotaract Club of Casper: Young Professionals Network
Board of Directors - Secretary
(307) 234-0583 / (307) 251-7665
khickman@mcmurry.net



Rotaract Club of Casper

Young Professionals Network

P.O. Box 40043

Casper, Wyoming 82602

To the Editor:

This letter is to express the Rotaract Club of Casper: Young Professional's Network support for Downtown Casper improvements and development. We have recently learned there is concern that our voices have not been heard in the ongoing planning efforts for our downtown. As an organization, we would like to let the community know that we participated in surveys and public meeting opportunities where we vocalized our hopes for the future of Downtown Casper.

We feel a healthy downtown is the heart of a community and a symbol of the quality of life it offers. Downtowns bring people to the center, together instead of pushing them out, to separate. They represent reinvestment in and reflection on our history in hopes of creating something stronger and better for our future. They create economic development opportunities, increase employment rates, and help to drive visitors and tourism to a community. Vacancies, scattered business mix, poor curb appeal, and a perception of a largely closed downtown after 5 p.m. generally sends the message of a struggling economy.

As a generation born directly before and during the age of technology, we have a desire to be constantly connected and we thrive on interactions with our peers and community members. A flourishing downtown will provide a central place in our community where we can gather to socialize and network with our families, friends, neighbors, colleagues and acquaintances.

Quality of life is one of the best ways to attract and retain young professionals. We are active, educated, and life-focused. A downtown with housing, engaging retail and restaurant options, regular activities, live entertainment, gathering places, and a "second shift," provides a quality of life we desire. Many of us with young families want new and interesting activities to expose our children to and help them develop through access to diverse opportunities within the community.

As young professionals, we are civic minded and maintain a commitment to social responsibility. By reinvesting in our downtown, we support environmental stewardship, economic vitality for our community, and quality of life for its residents. It is our responsibility as citizens to let our leaders know that we want a vibrant community core that will lead to expanding employment and housing options, ensure businesses are thriving and that residents have a variety of opportunities. Bottom line, we want Casper's leaders to hold our interests in mind when making decisions on future investment and partnerships that affect Downtown Casper.

Thank you.

Sincerely,

Rotaract Club of Casper: Young Professionals Network

12-24 Club

*Fellowship & Support for
individuals and families in
all stages of recovery.*

500 S Wolcott, Ste. 200
Casper, WY 82601
Tel: 307.237.8035
www.1224club.org



Mission Statement

"The 12-24 Club is a community resource built around recovery. We strive to provide a safe, anonymous environment to groups and individuals seeking recovery, with an attitude of fellowship."

Fellowship and Support for those in all stages of recovery.

History of the 12-24 Club

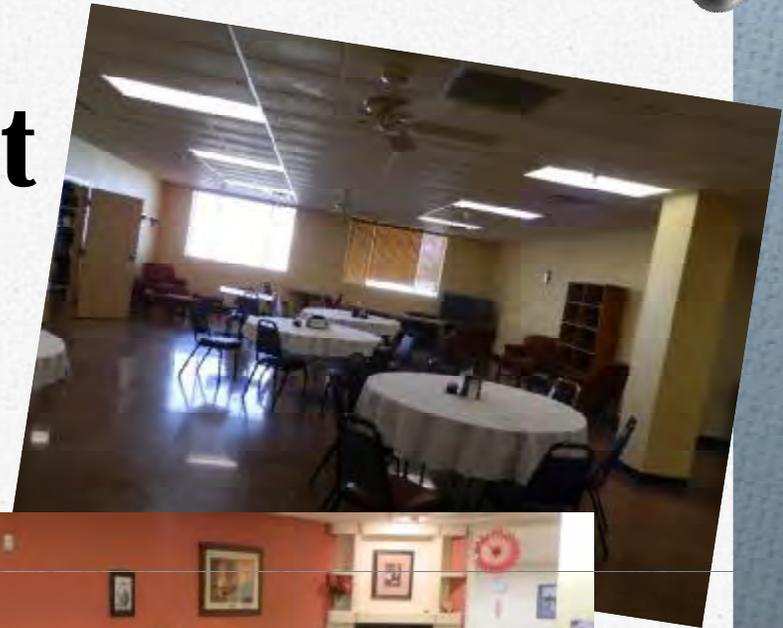
- o Opened doors in 1993
- o Started partnering with the City in 1998 by renting the facility near Park school
- o Began Capital Campaign in 2008
- o Moved into current location March of 2010

"The Club had become a big part of me staying sober." – Jim H.

Historical Growth	1993	2012
Average Daily Attendance	13	84
Weekly Number of Meetings	1	32
Monthly Budget	\$1,000	\$33,096
Employees	2 Volunteers	4 Full time/6 Part time

“The great things the Club provides go mostly unnoticed, they have to be experienced.” – Cory M.

Safe Environment



"She went to the 12-24 Club sometimes two or three times a day. She had found her safe and comfortable place to attend meetings, and she built a new group of friends that were her sober, recovering buddies." – Jolene



Great Food

**Friendly
Staff**



Fellowship and Support for those in all stages of recovery.

Resources



"The Club has made its mark as an irreplaceable supplement in the recovery of many." – Jim H., 2007

New Programs

- o Recovery Resource Room

- o includes books, tapes, DVD's and pamphlets covering all types of recovery and tools to cope

- o Project ReGain

- o will help those in recovery regain self-acceptance, regain self-worth, regain hope, and regain strength through job skills and life skills training

"Casper hadn't had a central place for recovery for many years. The goal was to save lives." – Jim H., 2007

Recovery Resource Center



Fellowship and Support for those in all stages of recovery.

Project ReGain



Fellowship and Support for those in all stages of recovery.

Natrona County Drug Court

- Over 11 years
269 participants have graduated from this program
- There are 62 unique active participants
- Male – 54%
- Female – 46%



Fellowship and Support for those in all stages of recovery.

NCSD: Pro Start Kitchen

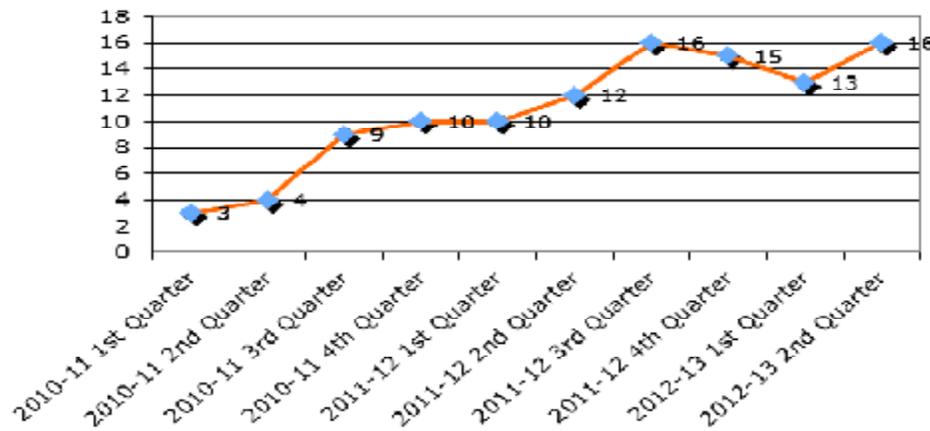


o Culinary arts course offered through the school district





REACH High Enrollment 2010-Present



REACH Enrollment Demographics 2010-Present 41 Students

- Kelly Walsh High School
- Natrona County High School
- Midwest High School
- Roosevelt High School



NOWCAP: Wyoming Family Literacy



Fellowship and Support for those in all stages of recovery.

12-24 Club

*Fellowship & Support for
individuals and families in
all stages of recovery.*

500 S Wolcott, Ste. 200
Casper, WY 82601
Tel: 307.237.8035
www.1224club.org



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 31-12 OF THE CITY OF CASPER, WYOMING; CHANGING THE SERIES DESIGNATION OF THE \$3,930,000 CITY OF CASPER, WYOMING, TAXABLE INDUSTRIAL DEVELOPMENT REVENUE BOND (PARKWAY PLAZA PROPERTIES, INC. PROJECT); AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the City of Casper, Wyoming (the “City”) is a legally and regularly created political subdivision, duly organized and validly existing under the provisions of the constitution and laws of the State of Wyoming (the “State”); and,

WHEREAS, the City is authorized by the Industrial Development Projects Act, Title 15, Chapter 1, Article 7, Wyo. Stat. (the “Act”), to finance one or more projects or parts thereof in order to facilitate and promote the sound economic growth of the State of Wyoming (the “State”), the development of its natural resources and to promote employment opportunities for the citizens of the State by encouraging the expansion of all kinds of business which contribute payrolls and tax base to the State, upon such conditions as the governing body of the City (the “Governing Body”) may deem advisable; and,

WHEREAS, the City is further authorized by the Act to issue its revenue bonds or other obligations for the purpose of defraying the cost of financing any such project; and

WHEREAS, the City adopted Ordinance No. 31-12 (the “Bond Ordinance”) for the purpose of authorizing and issuing its \$3,930,000 Taxable Industrial Development Revenue Bond (Parkway Plaza Properties, Inc. Project), Series 2012 (the “Bond”), for the purpose of financing the purchase of real estate, improvements, furnishings and equipment currently operated as a hotel at 123 West E Street, Casper, Wyoming, the renovation and refurbishment of said facility, and the payment of costs incidental to the authorization, issuance and sale of the Bond, on behalf of Parkway Plaza Properties, Inc., a Wyoming statutory close corporation; and,

WHEREAS, the Bond was to be sold and privately placed with the State of Wyoming, acting by and through the Wyoming State Treasurer; and,

WHEREAS, closing on the transaction did not take place in 2012, but has been rescheduled for 2013; and,

WHEREAS, the Bond Ordinance must be amended in order to affect the change in Series designation of the Bond.

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

Section 1. Amendment to Ordinance No. 31-12.

All Series designations for the Bond contained in Ordinance No. 31-12 shall be changed from 2012 to 2013. The officers and members of the Governing Body are hereby authorized to take such actions and execute and deliver such documents as may be necessary to give effect to this amendment.

Section 2. Ratification and Approval of Prior Action.

All actions heretofore taken by the officers and members of the Governing Body not inconsistent with the provisions of the Bond Ordinance and this Ordinance, relating to the authorization, sale, issuance and delivery of said Bond, are hereby ratified, approved and confirmed.

Section 3. Ordinance Irrepealable.

The Bond Ordinance, as amended by this Ordinance, shall be irrepealable until both the principal of and the interest on said Bond shall be fully paid, satisfied and discharged.

Section 4. Repealer.

All orders, bylaws, resolutions and ordinances, or parts thereof in conflict with this Ordinance, are hereby repealed to the extent that they conflict with this Ordinance.

Section 5. Severability.

Should any part or provision of this Ordinance ever be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining parts and provisions hereof, the intention being that each part or provision of this Ordinance is severable.

Section 6. Recording and Publication.

This Ordinance, after its passage and approval, shall be recorded by the City Clerk in a book kept for that purpose, and said Ordinance shall be published as required by law.

Section 7. Effective Date of Ordinance.

This Ordinance shall be in full force and effect upon its passage and publication.

PASSED on 1st reading the 28th day of January, 2013.

PASSED on 2nd reading the 5th day of February, 2013.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the ____ day of _____, 2013.

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Kenyne Schlager
Mayor

February 8, 2013

MEMO TO: Members of City Council

FROM: Kenyne Schlager, Mayor

SUBJECT: Smoking in Public Places

For your information, attached is the existing municipal code as it relates to smoking in public places. I want us to have a thorough discussion of this document at the February 12, 2013, work session.

If you have questions or concerns, please let me know.

Attachment

Chapter 8.16

SMOKING IN PUBLIC PLACES*

Sections:

8.16.010	Findings.
8.16.020	Definitions.
8.16.030	Application of chapter to city-owned facilities and vehicles.
8.16.040	Prohibition of smoking in public places.
8.16.050	Prohibition of smoking in places of employment.
8.16.060	Distance to be observed from all entryways where smoking is prohibited.
8.16.070	Declaration of establishment as nonsmoking.
8.16.080	Where smoking is not regulated.
8.16.090	Smoking prohibited—Other restrictions applicable.
8.16.100	Posting of signs.
8.16.110	Violation, penalty, and enforcement.
8.16.120	Other applicable laws.

8.16.010 Findings.

A. The governing body of the city of Casper, Wyoming, hereby finds that:

1. Numerous peer reviewed studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.

2. Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, and decreased respiratory function, including broncho-constriction and broncho-spasm.

3. Nonsmokers who are exposed to secondhand smoke at home or work increase their heart disease risk by twenty-five to thirty percent and their lung cancer risk by twenty to thirty percent.

***Editor's note**—Sections 1 and 2 of Ord. No. 17-12, adopted June 19, 2012, repealed and recreated Ch. 8.16 to read as herein set out. Former Ch. 8.16 pertained to the same subject matter, was comprised of §§ 8.16.010—8.16.080, and derived from Ord. 15-94, adopted in 1994; and Ord. 3-88, adopted in 1988.

B. Accordingly, the governing body finds and declares that the purposes of the ordinance codified in this chapter are:

1. To protect the public health, safety, and welfare by prohibiting smoking in public places and places of employment as hereinafter set forth; and

2. To guarantee the right of nonsmokers to breathe smoke-free air in the places delineated herein, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.020 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"Business" means any legal entity including, but not limited to, sole proprietorship, partnership, joint venture, corporation or other business entity whether formed for profit-making or nonprofit purposes, including retail or wholesale establishments where goods or services are sold, as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional or nonprofessional services are delivered.

"City-owned youth athletic facilities" includes, but is not limited to, facilities where youth soccer, baseball, skateboarding and any other youth activities take place, whether the facility is enclosed or not.

"Convention center or facility" means an enclosed area that is designed to hold a convention, trade show, meeting, or seminar where individuals and groups gather to promote and share common interests.

"Employee" means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a nonprofit entity.

"Employer" means a person, business, partnership, association, corporation, trust, nonprofit entity, or a municipal corporation that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling or roof that is enclosed on at least three sides by solid walls or windows which extend from the floor to the ceiling or roof, exclusive of doorways.

"Fire chief" means the chief of the Casper Fire-EMS Department.

"Fire department" means the city of Casper Fire-EMS Department.

"Health care facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions including, but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists with these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards with health care facilities.

"Outdoor patio" means an outdoor area, open to the air at all times, that is either:

1. Enclosed by a roof or other overhead covering and not more than two walls or other side coverings; or
2. Has no roof or other overhead covering at all regardless of the number of walls or other side coverings.

"Performance hall" means any area or facility that is primarily used for the exhibition of any motion picture, stage, drama, lecture, musical recital or other similar performances including, but not limited to, concert halls and theaters.

"Place of employment" means an area under the control of an employer which is intended for occupancy by employees during the course of employment including, but not limited to, work areas, restrooms, conference rooms, meeting rooms, classrooms, waiting areas, offices, stairways, hallways, and employee cafeterias and lounges. A private residence is not a "place of employment" unless it is used as a licensed child care, licensed adult day care, health care or pre-school facility, or any other aforementioned business.

"Private club" means those organizations or entities defined as a "club" in Wyoming Statutes Section 12-1-101(a)(iii), which are not open to the public, and/or a business, organization, or entity in which a membership or the payment of dues or admission fees are required for participation in the activities thereof.

"Public place" means an enclosed area to which the public is invited or in which the public is permitted including, but not limited to, banks, and other financial institutions, publicly funded or owned buildings, school and college buildings, public conveyances, recreational facilities, lounges, taverns and bars, private, educa-

tional facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail or wholesale food production and marketing establishments including grocery stores, supermarket and stores where food items are sold for on-premises or off-premises consumption, service establishments, retail or wholesale stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a licensed child care, licensed adult day care, health care or preschool facility.

"Public transportation" means, but is not limited to, any enclosed mode of public transportation, including a train, passenger bus, school bus or other vehicle used to transport pupils, and taxi; or a vehicle that is owned by, or operated by a business and is open to the public, including tour vehicles, passenger buses or vans regularly used to transport customers. Notwithstanding the foregoing, a private vehicle not open to the public or not used for the transportation of the public during the times of use, including a private passenger vehicle, a private charter or rental of a limousine, bus or van, shall not be considered public transportation.

"Restaurant" means an eating establishment including, but not limited to, coffee shops, cafeterias, and public and private school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises and served elsewhere. The term "restaurant" shall include a bar area within the restaurant.

"Retail or wholesale stores" mean establishments engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. A retail or wholesale sales establishment is usually a place of business and is engaged in activity to attract the general public to make purchases.

"Service establishments" means establishments in which professional or non-professional services are rendered to a person whether or not a sale of goods or merchandise takes place. Examples would include, but not be limited to, establishments rendering plumbing, electrical, mechanical, medical, legal, architectural or other such services.

"Shopping mall" means an enclosed public walkway or hall area that serves to connect retail sale or professional service establishments.

"Smoke" or "smoking" means the inhaling, exhaling, burning or carrying of any lighted tobacco product, weed, plant, nicotine, or other combustible product in a smoking instrument or the placement of smoking instruments containing a lighted tobacco product, weed, plant, nicotine, or other combustible product in an ashtray or other receptacle and allowing smoke or vapor to diffuse into the air. This definition does not include the burning of incense.

"Smoking instrument" means any cigar, cigarette, or a pipe, hookah, water pipe or other device used for the smoking of tobacco.

"Sports arena" means sports pavilions, stadiums, gymnasiums, health spas, swimming pools, roller and ice rinks, bowling alleys, the Casper Events Center, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

"Tavern," "lounge" or "bar" means any establishment open to the public whose primary source of revenue is from the sale of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

"Tobacco shop" means a business that is dedicated to or predominantly for the sale of tobacco products and accessories for such products, in which the sale of other products or services is incidental.

"Youth" means any person who has not attained eighteen years of age.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.030 Application of chapter to city-owned facilities and vehicles.

All enclosed areas, including buildings and vehicles owned, leased or operated by the city of Casper, shall be subject to the provisions of this chapter.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.040 Prohibition of smoking in public places.

A. Smoking shall be prohibited in all enclosed areas of public places within the city of Casper including, but not limited to, the enclosed areas of the following places:

1. Galleries, libraries and museums;
2. Areas available to and customarily used by the general public in businesses and for-profit or nonprofit

entities patronized by the public including, but not limited to, professional offices, banks, laundromats, hotels and motels;

3. Bingo and/or pull tab gaming premises;
4. Convention centers or facilities;
5. Elevators;
6. Taverns, lounges or bars;
7. Health care facilities;
8. Licensed child care, adult day care and pre-school facilities;
9. Lobbies, hallways and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
10. Performance halls;
11. Election polling places;
12. Restaurants;
13. Restrooms, lobbies, reception areas, hallways, and other common-use areas;
14. Retail or wholesale stores;
15. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or governing body of the city of Casper, to the extent the place is subject to the jurisdiction of the city of Casper;
16. Service establishments;
17. Shopping malls;
18. Sports arenas and convention halls, including bowling facilities;
19. Public transportation vehicles;
20. Publicly funded or owned buildings;
21. All city of Casper buildings and facilities, and vehicles leased, owned, or operated by the city;
22. Schools and college buildings; and
23. Private clubs.

B. Smoking shall be prohibited in or on all city-owned youth athletic facilities.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.050 Prohibition of smoking in places of employment.

A. Smoking shall be prohibited in all enclosed areas within places of employment, including, but not limited to, work areas, restrooms, conference rooms, meeting rooms, classrooms, waiting areas, offices, stairways, hallways, and employee cafeterias and lounges.

B. All employers subject to this chapter shall communicate the provisions of this chapter to all existing

employees within thirty days following the effective date of the ordinance codified in this chapter and to all prospective employees on their application for employment.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.060 Distance to be observed from all entryways where smoking is prohibited.

In order to prevent secondhand smoke from entering a public place or place of employment where smoking is prohibited, every person who is smoking shall smoke a distance of at least ten feet from all public entranceways, passageways, operable windows or ventilation systems of any enclosed area where smoking is prohibited.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.070 Declaration of establishment as nonsmoking.

Notwithstanding any other provision of this chapter, an owner, operator, manager, or other person in control of an establishment, facility or outdoor area may declare that entire establishment, facility or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 8.16.100 of this chapter is posted, and such place shall be subject to the provisions of this chapter.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.080 Where smoking is not regulated.

A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of Sections 8.16.040 and 8.16.050 of this chapter:

1. Private residences, except when used as a licensed child care, licensed adult day care, pre-school or health care facilities;
2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms;
3. Outdoor places of employment, except those places covered by the provisions of Section 8.16.060 of this chapter;
4. Private offices, provided that the private office is not open to public, the public is not invited, and the office is not intended for occupancy by employees during the course of their employment;
5. Outside patios; provided, however, the opening of any sliding or folding windows or doors or other

(Casper Supp. No. 47)

windows or doors from any part of the border to an outdoor patio shall be closed to prevent the migration of smoke into the enclosed area. If sliding or folding windows or doors or other windows or doors do not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter;

6. Private or business vehicles, except those used for public transportation or owned, leased, or operated by the city of Casper which shall be subject to the provisions of this chapter;

7. The outside areas of public and private golf courses;

8. The enclosed area of a tobacco shop; provided, however, no one under the age of majority may enter or be employed in a tobacco shop.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.090 Smoking prohibited—Other restrictions applicable.

Smoking shall not be permitted, and smoking areas shall not be designated, in those areas where smoking is prohibited by the fire chief, state statute, ordinances or regulations of the city or other applicable laws. Nothing in this chapter shall be interpreted so as to permit smoking where it is otherwise restricted by law.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.100 Posting of signs.

"No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this chapter, by the owner, operator, manager or other person in control of that place.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.110 Violation, penalty, and enforcement.

A. Violation of this chapter is unlawful, and a person who violates the provisions of this chapter is guilty of a misdemeanor, punishable pursuant to the penalty provisions of Chapter 1.28 of the Casper Municipal Code.

B. A person who owns, manages, operates or otherwise controls a public place or place of employment

and who knowingly fails to comply with the provisions of this chapter after receiving oral or written notice from the city shall be guilty of a misdemeanor as set forth in subsection A of this section.

C. Each separate violation of this chapter shall be considered a separate and distinct violation.

D. Any Casper Police Department law enforcement officer shall be authorized to enforce the provisions of this chapter.

E. If a Casper police officer has probable cause to believe that a violation of this chapter has been committed by a person, he/she may issue the person a citation pursuant to Section 7-2-103 of the Wyoming Statutes.

F. Failure of the owner, manager, operator or employee of a business or establishment to orally inform a person who smokes in an area where smoking is prohibited by the provisions of this chapter shall not constitute a defense for a violation of this chapter.

(Ord. No. 17-12, § 2, 6-19-2012)

8.16.120 Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted.

(Ord. No. 17-12, § 2, 6-19-2012)