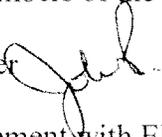


**COUNCIL WORK SESSION**  
Tuesday, March 10, 2015, 4:30 p.m.  
Casper City Hall  
Council Meeting Room

AGENDA

1. EDJPB Agreement
2. Conditional Use Appeal Process
3. Bike & Pedestrian Master Plan
4. CATC One Cent Request: Upgrade Aging Bus Fleet
5. Public Intoxication Ordinance
6. Seat Belt Ordinance
7. Motor Vehicle Operator's License Ordinance
8. Trespass Ordinance
9. Speed Limits
10. Future Agenda Review
11. Executive Session: Property

March 2, 2015

MEMO TO: His Honor, the Mayor, and Members of the City Council  
FROM: John C. Patterson, City Manager   
SUBJECT: Amendment No. 6 to the Agreement with EDJPB

Recommendation:

Approve Amendment No. 6.

Synopsis:

For 28 years the City and the County have had a funding agreement with the Economic Development Joint Powers Board (EDJPB) for economic development assistance. This amendment codifies the verbal agreement to fund this assistance from the 1% increase in the Rocky Mountain Power (RMP) franchise fee.

Background:

Paul Bertoglio sat on the Casper Area Economic Development Alliance (CAEDA) board for years and saw the difficulties resulting from the sunset on city funding every four years. He suggested, and Council adopted, an increase in the franchise fee on electricity with the understanding that the additional \$460,000 (approximately) collected annually would be used for economic development purposes including the funding of CAEDA through the EDJPB.

Amendment No. 6 is an agreement for 10 years of funding for the EDJPB from the franchise fee increase. This gives them 10 years of security in funding.

The balance of the funds collected is segregated in an account to fund other economic development initiatives at the sole discretion of City Council.

**AMENDMENT NO. 6**  
**JOINT POWERS AGREEMENT**  
**CITY OF CASPER-NATRONA COUNTY CASPER AREA**  
**ECONOMIC DEVELOPMENT JOINT POWERS BOARD**

WHEREAS, on February 17, 1987, the City of Casper, Wyoming, a municipal corporation, and Natrona County, a body corporate and political subdivision of the State of Wyoming, entered into a joint powers agreement establishing the City of Casper-Natrona County Casper Area Economic Development Joint Powers Board: and,

WHEREAS, said agreement was approved by the Attorney General for the State of Wyoming on March 31, 1987, and filed with the Secretary of State for the State of Wyoming on March 31, 1987; and,

WHEREAS, on February 20, 1996, Amendment Nos. 1 and 2 to the joint powers agreement were entered into by the City of Casper, Wyoming, a municipal corporation, and Natrona County, a body corporate and political subdivision of the State of Wyoming; and,

WHEREAS, Amendments Nos. 1 and 2 were approved by the Attorney General for the State of Wyoming on April 25, 1998 and filed with the Secretary of State on May 8, 1996; and,

WHEREAS, on August 6, 2002, Amendment No.3 to the joint powers agreement was entered into by the city of Casper, Wyoming a municipal corporation, and Natrona County, a body corporate and political subdivision of the State of Wyoming; and,

WHEREAS, Amendment No. 3 was approved by the Attorney General for the State of Wyoming on August 30, 2002, and filed with the Secretary of State on September 9, 2002; and,

WHEREAS, on March 19, 2009, Amendment No. 4 to the joint powers agreement was entered into by the City of Casper, Wyoming, a municipal corporations, and Natrona County, a body corporate and political subdivision of the State of Wyoming; and,

WHEREAS, Amendment No. 4 was approved by the Attorney General for the State of Wyoming on May 3, 2009, and filed with the Secretary of State on May 14, 2009; and,

WHEREAS, on September 17, 2011, Amendment No. 5 to the joint powers agreement was entered into by the City of Casper, Wyoming, a municipal corporations, and Natrona County, a body corporate and political subdivision of the State of Wyoming; and,

WHEREAS, Amendment No. 5 was approved by the Attorney General of the State of Wyoming on September 17, 2011, and filed with the Secretary of State on September 17, 2011; and,

WHEREAS, it is desirable and appropriate for the parties to enter into this Amendment No. 6 to said Joint Powers Agreement.

NOW, THEREFORE, BE IT HEREBY AGREED, by and between the City of Casper, Wyoming, and the County of Natrona, in the State of Wyoming that the parties' agreement of February 17, 1987, as amended by the Amendment Nos. 1,2,3,4 and 5 be amended to include the following new paragraph at the end of subsection 5.1:

5.1 The City of Casper has earmarked the sum of at least four hundred twelve thousand dollars (\$412,000) beginning in fiscal year 2016 with an escalation of 1% per fiscal year thereafter through fiscal year 2025 from its share of the Rocky Mountain Power Franchise Fee set aside for economic development on the following amortization:

<u>Year</u>	<u>Fiscal Year</u>	<u>Amount</u>
1	2016	\$ 412,000
2	2017	\$ 416,120
3	2018	\$ 420,281
4	2019	\$ 424,484
5	2020	\$ 428,729
6	2021	\$ 433,016
7	2022	\$ 437,346
8	2023	\$ 441,720
9	2024	\$ 446,137
10	2025	\$ 450,598

PROVIDED HOWEVER, the City obligation to fund the 1% escalation each year be limited to the full 1% or maximum amount available to the City from its share of the Rocky Mountain Power Franchise Fee attributable to each fiscal year, but in no case, less than the previous year's sum.

Natrona County has earmarked the transfer of all recapture revenues received from the Elkhorn Rehabilitation Hospital lease and the rail car fees from Bishop Rail Park to the Casper Area Economic Development Joint Powers Board as consideration for JPB providing and administering an Economic Development Plan.

The aforementioned sums have been appropriated by budget resolution to the Casper Area Economic Development Joint Powers Board by the County, and by this amendment, will be appropriated to the Casper Area Economic Development Joint Powers board by the City of Casper.

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
V.H. McDonald  
City Clerk

\_\_\_\_\_  
Charlie Powell  
Mayor

ATTEST:

NATRONA COUNTY, WYOMING

\_\_\_\_\_  
Renea Vitto  
County Clerk

\_\_\_\_\_  
Forrest Chadwick  
Chairman

## **APPROVAL BY THE ATTORNEY GENERAL**

In accordance with Wyoming Statute § 16-1-105(a)(ii), the Wyoming Attorney General has reviewed the Amendment No. 6 to the Joint Powers Agreement for the City of Casper-Natrona County Casper Area Economic Development Joint Powers Board, and determined that the document is compatible with the laws and constitution of the State of Wyoming. The approval of the document by the Attorney General is limited to the terms and conditions of the document itself, and the approval does not extend to any individual project nor the financing of any individual project contemplated under these documents.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Peter K. Michael, Attorney General  
State of Wyoming

March 4, 2015

MEMO TO: His Honor, the Mayor, and Members of the City Council

FROM: John C. Patterson, City Manager

SUBJECT: Conditional Use Appeal Process

Recommendation:

This memo is for informational purposes only. The Planning & Zoning Commissioners will present information to Council regarding the Conditional Use Appeal Process.

March 2, 2015

MEMO TO: John C. Patterson, City Manager  
FROM: Liz Becher, Community Development Director *LB*  
Andrew Nelson, MPO Manager *AN*  
SUBJECT: Bicycle and Pedestrian Master Plan Endorsement

Recommendation:

Staff is seeking Council's authorization to move forward with a resolution to endorse the MPO's 2013 Casper Area Trails, Path, and Bikeway Plan (CATPBP, or "Bike/Ped Master Plan").

Summary:

*Review of the January work session on Bicycle/Pedestrian safety:*

In January 2015, Captain Freel and Andrew Nelson presented plans for Council consideration regarding safety measures and infrastructure improvements needed to enhance bicycle and pedestrian safety. Mr. Nelson referred to the Bike/Ped Master Plan and indicated that while it had been approved at the MPO level, it had not been formally endorsed by the City Council.

As was discussed by Captain Freel, changes in the built environment can change behavior. However, increased education and enforcement for motorists, cyclists, and pedestrians will also help shape behavior. Captain Freel outlined his plans for such programs.

Finally, legislation will help enhance safety. For example, House Bill 85 (HB0085) in the Wyoming Legislature would require three feet of separation between an automobile and a cyclist if the car is overtaking the bicycle. This bill is currently on the General File of the Senate awaiting a second reading.

*Proposed Action:*

Approving the Bike/Ped Master Plan would be a concrete step in implementing recommendations from the Plan into Public Services' annual capital programs. The plan calls for dozens of improvements, from filling sidewalk gaps to restriping streets, and retiming or rephasing signals to constructing new paths, among many others.

Funding estimates (which do not include design or contingency costs) were identified as follows:

Short term improvements:	\$1,118,112
Mid-term improvements:	\$3,504,860
Long term improvements:	\$3,033,307

With formal Council endorsement, the MPO hopes to be more closely involved with Public Services in identifying projects each year for bike/ped improvements, reporting these projects to the Federal Highway Administration, and coordinating applications for Transportation Alternatives Program (TAP) grant to ensure consistency with the Bike/Ped Master Plan.



CATC								
VEHICLE REPLACEMENT								
March-15								
					Scheduled	FTA		
VEHICLE #	Year of Manufacture	Description	Purchased Date	Purchased Price	Federal Percentage	Disposition Date	Current Odometer	Regulation for Retirement
Stand by								
<b>230057</b>	2006	18 passenger Ford Areotech wc lift equ	<b>1/1/2006</b>	\$58,127.00	\$46,501.60	<b>2012</b>	187,517	5 years or 150,00 miles
Stand by								
<b>230058</b>	2006	18 passenger Ford Areotech wc lift equ	<b>1/1/2006</b>	\$58,127.00	\$46,501.60	<b>2012</b>	192,705	5 years or 150,00 miles
<b>230063</b>	2008	18 passenger Ford Areotech wc lift equ	<b>9/10/2008</b>	\$64,385.00	\$51,508.00	<b>2014</b>	229,077	5 years or 150,00 miles
<b>230064</b>	2008	18 passenger Ford Areotech wc lift equ	<b>9/10/2008</b>	\$64,385.00	\$51,508.00	<b>2014</b>	169,854	5 years or 150,00 miles
<b>230065</b>	2009	12 passenger Ford Areotech wc lift equ	<b>11/30/2009</b>	\$54,975.00	\$43,980.00	<b>2014</b>	144,676	5 years or 150,00 miles
<b>230066</b>	2009	12 passenger Ford Areotech wc lift equ	<b>11/30/2009</b>	\$54,975.00	\$43,980.00	<b>2014</b>	146,858	5 years or 150,00 miles
<b>230067</b>	2009	12 passenger E350 Ford Areotech wc lif	<b>11/30/2009</b>	\$54,975.00	\$43,980.00	<b>2014</b>	164,672	5 years or 150,00 miles
230069	2010	12 passenger Ford Turtletop wc lift equ	12/31/2009	\$50,654.00	100%	2016	149,264	5 years or 150,00 miles
				ARRA				
230072	2010	7 passenger Dodge Ameri-Van wc lift	2/16/2010	\$36,985.00	100%	2018	30,245	5 years or 150,00 miles
support vehicle				ARRA				
230073	2010	16 passenger Ford Areotech HYBRID	9/15/2010	\$111,498.00	100%	2016	83,756	5 years or 150,00 miles
		WC Lift Equipped		ARRA				

February 23, 2015

MEMO TO: John Patterson, City Manager

FROM: Jim Wetzel, Chief of Police 

SUBJECT: Ordinance # 5.08.450. "Public intoxication prohibited".

Recommendation:

That Council amend Municipal Ordinance 5.08.450, "Public Intoxication prohibited", to clarify the intent of the ordinance and more accurately describe the prohibited behavior as follows:

PUBLIC INTOXICATION PROHIBITED.

Every person within the limits of the city who is found drunk or in a state of intoxication **IS GUILTY OF A MISDEMEANOR IF THEY ARE FOUND:**

- A. ~~within the city or who is found drunk or in a state of intoxication~~ **UPON ANY CITY STREET, ALLEY, OR THOROUGHFARE, OR IN ANY PUBLIC OR SEMI-PUBLIC PLACE WHERE THE PUBLIC HAS THE LIBERTY TO ENTER AND EXIT, OR IN ANY VEHICLE ON PUBLIC OR SEMI-PUBLIC PROPERTY; OR,**
- B. **SLEEPING IN ANY PUBLIC OR SEMI-PUBLIC PLACE; OR**
- C. **TO BE INTRUDING UPON ANY PRIVATE PREMISES WITHOUT THE CONSENT OF THE OWNER OR OCCUPANT THEREIN; OR,**
- D. ~~in the streets, alleys or other public places within the city, or who is found intruding upon any private premises without the consent of the owner or occupant therefore, or in that condition~~ **TO BE TURBULENT, VIOLENT, MENACING OR DISORDERLY TO SUCH AN EXTENT AS TO JEOPARDIZE PERSONS OR PROPERTY OR TO SUCH AN EXTENT AS TO MENACE THE PUBLIC PEACE AND SAFETY.** ~~annoying and frightening passers-by on streets or sidewalks, or sleeping in that condition in any public place within the city, is guilty of a misdemeanor.~~

Summary:

The proposed ordinance being patterned after the current Casper ordinance and incorporating language adopted from similar ordinances in other jurisdictions more broadly encompasses possible situations which have previously been encountered in the City and provides specific language to more clearly describe prohibited behavior.

An Ordinance containing the amendments as noted in the capitalized, bold additions and strikeouts has been prepared for the Council's consideration.

**ORDINANCE NO. 5.08.450**

**AN ORDINANCE AMENDING SECTION 5.08.450 OF  
THE CASPER MUNICIPAL CODE PERTAINING TO  
PUBLIC INTOXICATION.**

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

Section 1:

Section 5.08.450 of the Casper Municipal Code shall hereby be amended to read as follows:

Section 2:

This ordinance shall become in full force and effect upon passage on third reading and publication.

**PUBLIC INTOXICATION PROHIBITED.**

Every person within the limits of the city who is found drunk or in a state of intoxication **IS GUILTY OF A MISDEMEANOR IF THEY ARE FOUND:**

- A. ~~within the city or who is found drunk or in a state of intoxication~~ **UPON ANY CITY STREET, ALLEY, OR THOROUGHFARE, OR IN ANY PUBLIC OR SEMI-PUBLIC PLACE WHERE THE PUBLIC HAS THE LIBERTY TO ENTER AND EXIT, OR IN ANY VEHICLE ON PUBLIC OR SEMI-PUBLIC PROPERTY; OR,**
- B. **SLEEPING IN ANY PUBLIC OR SEMI-PUBLIC PLACE; OR**
- C. **TO BE INTRUDING UPON ANY PRIVATE PREMISES WITHOUT THE CONSENT OF THE OWNER OR OCCUPANT THEREIN; OR,**
- D. ~~in the streets, alleys or other public places within the city, or who is found intruding upon any private premises without the consent of the owner or occupant therefore, or in that condition~~ **TO BE TURBULENT, VIOLENT, MENACING OR DISORDERLY TO SUCH AN EXTENT AS TO JEOPARDIZE PERSONS OR PROPERTY OR TO SUCH AN EXTENT AS TO MENACE THE PUBLIC PEACE AND SAFETY.** ~~annoying and frightening passers-by on streets or sidewalks, or sleeping in that condition in any public place within the city, is guilty of a misdemeanor.~~

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_ 2015,

PASSED on second reading this \_\_\_\_ day of \_\_\_\_\_ 20105

PASSED, APPROVED AND ADOPTED on third and final reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_

\_\_\_\_\_  
Charlie Powell  
Mayor

\_\_\_\_\_  
V.H. McDonald  
City Clerk



March 3, 2015

MEMO TO: John Patterson, City Manager

FROM: Gary G. Way, Assistant City Attorney

SUBJECT: Ordinance # 10.18.020. "Safety belt usage required when",

Recommendation:

That Council amend Municipal Ordinance 10.18.020, "Safety belt usage required when", to encompass recent amendments to Wyoming State Statutes regarding the use of seat belts and child restraint systems, specifically W.S. § 31-5-1303, as follows:

Safety belt **AND CHILD RESTRAINT SYSTEM** usage required when:

- A. Each driver and passenger of a motor vehicle operated in Casper shall wear, and each driver of a motor vehicle shall require that a passenger under twelve years of age shall wear, a properly adjusted and fastened safety belt when the motor vehicle is in motion on public streets and highways.

**1. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO PERSON SHALL OPERATE A PASSENGER VEHICLE IN THIS CITY UNLESS EACH CHILD WHO IS A PASSENGER IN THAT VEHICLE AND WHO HAS NOT REACHED HIS NINTH BIRTHDAY IS PROPERLY SECURED IN A CHILD SAFETY RESTRAINT SYSTEM IN A SEAT OF THE VEHICLE OTHER THAN THE FRONT SEAT, EXCEPT IF THE VEHICLE IS ONLY EQUIPPED WITH ONE (1) ROW OF SEATS, OR IF ALL SAFETY BELTS IN THE ROWS OF SEATS BEHIND THE FRONT SEAT ARE IN USE BY OTHER CHILD PASSENGERS IN THE VEHICLE, THE CHILD MAY BE PROPERLY SECURED IN A CHILD SAFETY RESTRAINT SYSTEM IN THE FRONT PASSENGER SEAT OF THE VEHICLE, EXCEPT THAT A REAR-FACING INFANT SEAT SHALL NOT BE PLACED IN FRONT OF AN ACTIVE AIRBAG.**

- B. Subsection A of this section does not apply to:

- 1. Any person who has a written statement from a physician that it is not advisable for the person to wear safety belt for physical or medical reasons;
- 2. Any passenger vehicle which is not required to be equipped with safety belts under federal law;

3. A carrier of the United States postal service performing duties as a postal carrier;

4. ~~Any person properly secured in a child safety restraint system in accordance with Wyoming Statutes Sections 31-5-1301 through 31-5-1305; or~~

5.4. Any person occupying a seat in a vehicle in which all operable safety restraints are being used by the driver or passengers and any person occupying a seat in a vehicle originally manufactured without a safety belt;

**5. ANY PERSON RENDERING AID OR ASSISTANCE TO THE CHILD OR HIS PARENT OR GUARDIAN.**

Summary:

In recent years, the State of Wyoming has enacted more comprehensive laws with reference to child restraint systems. The City Ordinance as presently constituted specifically exempts enforcement of these statutes. Additionally, under Wyoming Statute, Section 15-1-119 (a), the City is prohibited from simply adopting by reference the State Statutes referring to seat belt and child restraint systems. By addition of the specific language as included in bold language above, the Municipal Ordinance will encompass the relevant section of the state statute not presently included.

An Ordinance containing the amendments as noted in the capitalized, bold additions to the present ordinance has been prepared for the Council's consideration.

ORDINANCE NO. 10.18.020

AN ORDINANCE AMENDING SECTION 10.18.020 OF  
THE CASPER MUNICIPAL CODE PERTAINING TO  
SAFETY BELT AND CHILD RESTRAINT  
REQUIREMENTS.

WHEREAS, the amendment is necessary to mirror the changes in the language of Wyoming State Statute § 31-5-1303.

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

Section 1:

Section 10.18.020 of the Casper Municipal Code shall hereby be amended to read as follows:

Safety belt **AND CHILD RESTRAINT SYSTEM** usage required when:

- A. Each driver and passenger of a motor vehicle operated in Casper shall wear, and each driver of a motor vehicle shall require that a passenger under twelve years of age shall wear, a properly adjusted and fastened safety belt when the motor vehicle is in motion on public streets and highways.

**1. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, NO PERSON SHALL OPERATE A PASSENGER VEHICLE IN THIS CITY UNLESS EACH CHILD WHO IS A PASSENGER IN THAT VEHICLE AND WHO HAS NOT REACHED HIS NINTH BIRTHDAY IS PROPERLY SECURED IN A CHILD SAFETY RESTRAINT SYSTEM IN A SEAT OF THE VEHICLE OTHER THAN THE FRONT SEAT, EXCEPT IF THE VEHICLE IS ONLY EQUIPPED WITH ONE (1) ROW OF SEATS, OR IF ALL SAFETY BELTS IN THE ROWS OF SEATS BEHIND THE FRONT SEAT ARE IN USE BY OTHER CHILD PASSENGERS IN THE VEHICLE, THE CHILD MAY BE PROPERLY SECURED IN A CHILD SAFETY RESTRAINT SYSTEM IN THE FRONT PASSENGER SEAT OF THE VEHICLE, EXCEPT THAT A REAR-FACING INFANT SEAT SHALL NOT BE PLACED IN FRONT OF AN ACTIVE AIRBAG.**

- B. Subsection A of this section does not apply to:

1. Any person who has a written statement from a physician that it is not advisable for the person to wear safety belt for physical or medical reasons;

2. Any passenger vehicle which is not required to be equipped with safety belts under federal law;

3. A carrier of the United States postal service performing duties as a postal carrier;

~~4. Any person properly secured in a child safety restraint system in accordance with Wyoming Statutes Sections 31-5-1301 through 31-5-1305; or~~

5.4. Any person occupying a seat in a vehicle in which all operable safety restraints are being used by the driver or passengers and any person occupying a seat in a vehicle originally manufactured without a safety belt;

**5. ANY PERSON RENDERING AID OR ASSISTANCE TO THE CHILD OR HIS PARENT OR GUARDIAN.**

Section 2:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_ 2015,

PASSED on second reading this \_\_\_\_ day of \_\_\_\_\_ 2015.

PASSED, APPROVED AND ADOPTED on third and final reading this \_\_\_\_ day of \_\_\_\_\_ 2015,

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Charlie Powell  
Mayor



March, 3, 2015

MEMO TO: John Patterson, City Manager

FROM: Gary G. Way, Assistant City Attorney

SUBJECT: Ordinance # 10.18.030. "Violation and Penalty",

Recommendation:

That Council amend Municipal Ordinance 10.18.030, "Violation and penalty", to conform more closely to Wyoming Statute, § 31-5-1304, Penalty, as follows:

**VIOLATIONS AND PENALTY.**

- A. No violation of this chapter shall;
  - 1. Be counted as a moving violation for the purpose of suspending a driver's license under Wyoming Statutes Section 31-7-129.
  - 2. Be grounds for increasing insurance premiums or made a part of the abstracts kept by the department pursuant to Wyoming Statutes Section 31-5-1214.
- B. No motor vehicle shall be halted solely for a violation of this section. ~~A citation for a moving violation of the motor vehicle laws of this state or city shall be issued prior to issuance of a citation for violating seat belt usage requirements of this section.~~
- C. All citations for violations of the motor vehicle laws of this state and for violations of traffic ordinances or traffic regulations of a local authority shall contain a notation by the issuing officer indicating whether the driver and passengers complied with this section. Compliance with this section shall entitle a licensee to a ten dollar reduction in the fine otherwise imposed by any court having jurisdiction over the alleged offense. The driver who violates this section may be issued a citation and may be subject to a fine of not more than twenty-five dollars. Any passenger who violates this section may be issued a citation and may be subject to a fine of not more than ten dollars.
- D. Evidence of a person's failure to wear a safety belt as required by this section shall not be admissible in any civil action.

Summary:

This amendment brings the Casper Municipal Ordinance in line with the relevant portions of the current Wyoming Statute regarding penalty for this offense. This also provides the officer with the flexibility to apply discretion as to what is appropriate to cite in the given circumstances.

An Ordinance containing the amendment as noted in the strikethrough section to the present ordinance has been prepared for the Council's consideration.

**ORDINANCE NO. 10.18.030**

**AN ORDINANCE AMENDING SECTION 10.18.030 OF  
THE CASPER MUNICIPAL CODE PERTAINING TO  
VIOLATIONS AND PENALTYS RELATING TO THE  
SEAT BELT ORDINANCE.**

WHEREAS, the amendment is necessary to mirror the changes in the language of Wyoming State Statute Section 31-5-1304.

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

Section 1:

Section 10.18.030 of the Casper Municipal Code shall hereby be amended to read as follows:

**VIOLATIONS AND PENALTY.**

- A. No violation of this chapter shall;
  - 1. Be counted as a moving violation for the purpose of suspending a driver's license under Wyoming Statutes Section 31-7-129.
  - 2. Be grounds for increasing insurance premiums or made a part of the abstracts kept by the department pursuant to Wyoming Statutes Section 31-5-1214.
- B. No motor vehicle shall be halted solely for a violation of this section. ~~A citation for a moving violation of the motor vehicle laws of this state or city shall be issued prior to issuance of a citation for violating seat belt usage requirements of this section.~~
- C. All citations for violations of the motor vehicle laws of this state and for violations of traffic ordinances or traffic regulations of a local authority shall contain a notation by the issuing officer indicating whether the driver and passengers complied with this section. Compliance with this section shall entitle a licensee to a ten dollar reduction in the fine otherwise imposed by any court having jurisdiction over the alleged offense. The driver who violates this section may be issued a citation and may be subject to a fine of not more than twenty-five dollars. Any passenger who violates this section may be issued a citation and may be subject to a fine of not more than ten dollars.
- D. Evidence of a person's failure to wear a safety belt as required by this section shall not be admissible in any civil action.

Section 2:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_ 2015,

PASSED on second reading this \_\_\_\_ day of \_\_\_\_\_ 2015.

PASSED, APPROVED AND ADOPTED on third and final reading this \_\_\_\_ day  
of \_\_\_\_\_ 2015,

APPROVED AS TO FORM:

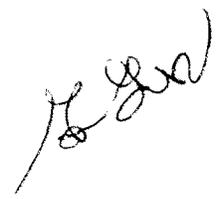
ATTEST:

\_\_\_\_\_

\_\_\_\_\_

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Charlie Powell  
Mayor



February, 23, 2015

MEMO TO: John Patterson, City Manager

FROM: Gary G. Way, Assistant City Attorney

SUBJECT: Ordinance # 10.12.010. "Operator's license or chauffeur's license required when",

Recommendation:

That Council amend Municipal Ordinance 10.12.010, "Operator's license or chauffeur's license required when", to eliminate the reference to a chauffeur's license and more closely reflect other changes in Wyoming Statute, § 31-7-106 and subsequent licensing requirements and classifications as follows:

**LICENSE REQUIRED:**

"It is unlawful for any person to drive, ~~a motor vehicle upon the streets of this city~~ **STEER OR EXERCISE ANY DEGREE OF PHYSICAL CONTROL OF ANY MOTOR VEHICLE OR A VEHICLE BEING TOWED BY A MOTOR VEHICLE UPON THE STREETS OF THIS CITY** unless such person has in his possession a valid operator's license issued or recognized by the State if such operator's license is required of such person under the laws of the state, ~~or chauffeur's license if a chauffeur's license is required.~~ **FOR THE CLASS AND TYPE WITH APPLICABLE ENDORSEMENTS VALID FOR THE MOTOR VEHICLE BEING DRIVEN.**

Summary:

In recent years, the State has eliminated the chauffer's classification of license in favor of adopting the United States universal standards for a Commercial Driver's License, (CDL) to cover drivers of all classes of commercial vehicles. The State has also passed numerous limited privilege classifications of licensing primarily limiting operating privileges of youthful drivers and those having been convicted of various serious driving offenses, i.e. Driving While Under the Influence with a blood alcohol content over .15. The proposed amendment of the city ordinance would provide enforcement authority for City officers to enforce all the violations of the many driver's license classes and types being issued, not only in Wyoming but from other states as well.

An Ordinance containing the amendments as noted in the capitalized, bold additions to the present ordinance has been prepared for the Council's consideration.

ORDINANCE NO. 10.12.010

AN ORDINANCE AMENDING SECTION 10.12.010 OF  
THE CASPER MUNICIPAL CODE PERTAINING TO  
OPERATOR'S LICENSE REQUIREMENTS.

WHEREAS, the amendment is necessary to mirror the changes in the language of State Statute 31-7-106.

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

Section 1:

Section 10.12.010 of the Casper Municipal Code shall hereby be amended to read as follows:

**LICENSE REQUIRED:**

~~“It is unlawful for any person to drive, a motor vehicle upon the streets of this city~~  
**STEER OR EXERCISE ANY DEGREE OF PHYSICAL CONTROL OF ANY  
MOTOR VEHICLE OR A VEHICLE BEING TOWED BY A MOTOR  
VEHICLE UPON THE STREETS OF THIS CITY** unless such person has in his  
possession a valid operator's license issued or recognized by the State ~~if such  
operator's license is required of such person under the laws of the state, or  
chauffeur's license if a chauffeur's license is required.~~ **FOR THE CLASS AND  
TYPE WITH APPLICABLE ENDORSEMENTS VALID FOR THE MOTOR  
VEHICLE BEING DRIVEN.**

Section 2:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_ 2015,

PASSED on second reading this \_\_\_\_ day of \_\_\_\_\_ 2015.

PASSED, APPROVED AND ADOPTED on third and final reading this \_\_\_\_ day  
of \_\_\_\_\_ 2015,

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

CITY OF CASPER, WYOMING  
A Municipal Corporation

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Charlie Powell  
Mayor

February 23, 2015

MEMO TO: John Patterson, City Manager

FROM: Gary G. Way, Assistant City Attorney

SUBJECT: Ordinance # 9.12.030. "Trespassing—Prohibited generally".

Recommendation:

That Council amend Municipal Ordinance 9.12.030, "Trespassing—Prohibited generally", to clarify the intent of the ordinance and more accurately describe the prohibited behavior as follows:

Trespassing—Prohibited generally.

**A. A PERSON IS GUILTY OF TRESPASSING IF HE ENTERS OR REMAINS ON OR IN THE LAND OR PREMISES OF ANOTHER PERSON, KNOWING HE IS NOT AUTHORIZED TO DO SO, OR AFTER BEING NOTIFIED TO DEPART OR TO NOT TRESPASS. NOTICE IS GIVEN BY:**

- (i) PERSONAL COMMUNICATION TO THE PERSON BY THE OWNER OR OCCUPANT, OR HIS AGENT, OR BY A PEACE OFFICER; OR**
- (ii) POSTING OF SIGNS REASONABLY LIKELY TO COME TO THE ATTENTION OF INTRUDERS.**

~~For the purpose of this section a trespasser is defined as any person who, being about to enter unlawfully upon the lands or buildings of another, shall be forbidden to do so by the owner or occupant thereof, or his agent or servant; or who being lawfully or unlawfully upon the lands or buildings of another, shall be notified to depart therefrom by the owner or occupant, or his agent or servant, and shall thereafter enter upon such land, or neglect or refuse to depart therefrom.~~

**B. No person shall be a trespasser within the city.**

Summary:

Under the ordinance as currently constituted, a person may be found guilty only if they have previously been personally advised not to trespass and then refuse to depart or thereafter enter upon such land. The current ordinance fails to cover incidents where persons enter or go upon land where they know they don't have

authority to be without previous notification of the prohibition. An example frequently encountered is where person or persons are caught climbing on the roof's of downtown buildings. With out prior notification of the prohibition, the persons cannot be prosecuted under City ordinance.

An Ordinance containing the amendments as noted in the capitalized, bold additions to the present ordinance which more closely comports to Wyoming State Statute Section 6-3-303 has been prepared for the Council's consideration.

ORDINANCE NO. 9.12.030

AN ORDINANCE AMENDING SECTION 9.12.030 OF  
THE CASPER MUNICIPAL CODE PERTAINING TO  
TRESPASSING.

WHEREAS, the amendment is necessary to clarify and broaden the language of the ordinance to more specifically describe the violation and to more closely comport with the relevant Wyoming Statute, §6-3-303.

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

Section 1:

Section 9.12.030 of the Casper Municipal Code shall hereby be amended to read as follows:

Trespassing—Prohibited ~~generally~~.

**A. A PERSON IS GUILTY OF TRESPASSING IF HE ENTERS OR REMAINS ON OR IN THE LAND OR PREMISES OF ANOTHER PERSON, KNOWING HE IS NOT AUTHORIZED TO DO SO, OR AFTER BEING NOTIFIED TO DEPART OR TO NOT TRESPASS. NOTICE IS GIVEN BY:**

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B. No person shall be a trespasser within the city.

Section 2:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_ 2015,

PASSED on second reading this \_\_\_\_ day of \_\_\_\_\_ 2015

PASSED, APPROVED AND ADOPTED on third and final reading this \_\_\_\_ day  
of \_\_\_\_\_ 2015,

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Charlie Powell  
Mayor

March 10, 2015

MEMO TO: John C. Patterson, City Manager  
FROM: Andrew Beamer, Public Services Director  
SUBJECT: Speed Limits and Speed Zones

Recommendation:

None – for information only.

Summary:

Wyoming State Statutes specify maximum speed limits on roadways, limiting speeds to 30-mph in residential areas and 20-mph in appropriately signed school zones. The City of Casper has adopted the 30-mph speed limit as the default speed limit for all locations unless posted otherwise. Statutes also allow local authorities to establish speed limits in their jurisdiction that differ from the statutes as long as they are consistent with national practices. Underlying all speed limits is the requirement that drivers operate their vehicles at a speed that is reasonable and prudent for conditions.

By municipal code, the speed limit for the core downtown area has been established as 20-mph, as has Columbine between Daffodil and Honeysuckle. Ridgecrest Drive from Mariposa to 25<sup>th</sup> Street, and continuing on 25<sup>th</sup> Street to O'dell Avenue, is identified as a 25-mph zone. The only roadway specifically identified as 40-mph is Bryan Stock Trail from K Street to Amoco Road. The City of Casper has established a speed limit of 15-mph for all alleys.

On occasion, a speed study can be utilized to establish an appropriate speed limit for a specific roadway segment. Taking into consideration roadway geometry and traffic characteristics, crash history, and observed and measured vehicle speeds, a speed limit is generally established at the speed at which 85 percent of traffic is travelling at or below. Studies have shown that establishing the speed at this threshold yields the lowest crash risk. Establishing speeds at this limit also reflect the judgment of the majority of the drivers as to what is reasonable and prudent given traffic and roadway conditions.