

**ORDINANCE #2015-03**

**AN ORDINANCE OF THE TOWN OF BAR NUNN REPEALING AND REPLACING  
IN ITS ENTIRETY, TOWN CODE 5-1-5 LIMITATION OF  
ON STREET PARKING OF RECREATIONAL VEHICLES;  
AND  
PROHIBITING THE PARKING OF RECREATIONAL VEHICLES,  
AS HEREIN DEFINED, UPON THE STREETS OF THE TOWN OF BAR NUNN  
AND ENFORCEMENT PROVISIONS FOR VIOLATION OF THE ORDINANCE**

**WHEREAS**, the Council of the Town of Bar Nunn has been made aware and its individual Council Members have individually witnessed that the site lines from driveways located within the Town, and available parking upon the streets of the Town, and the ability of the Town Maintenance Department to effectively and safely plow the streets are being diminished due to the parking of "Recreational Vehicles" as hereinafter defined, upon the streets of the Town; and

**WHEREAS**, the Council of the Town of Bar Nunn is concerned that the parking of Recreational Vehicles present a danger and inconvenience to residents of the Town; and

**WHEREAS**, the Council of the Town of Bar Nunn, however, recognizes that Recreational Vehicles provide the useful and beneficial purpose, for limited time periods, of housing individuals visiting residences within the Town; and

**WHEREAS**, the Council of the Town of Bar Nunn believes a balancing of the dangers, inconvenience, and benefits of the parking of Recreational Vehicles upon the streets of the Town needs to occur through enactment of an Ordinance, which provides a mechanism for the balancing of the stated interests.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL IN AND FOR THE TOWN OF BAR NUNN, WYOMING, THAT:**

The Council of the Town of Bar Nunn does hereby adopt and enact the following Ordinance:

**A. Definitions**

1. Operator is defined as every individual who operates a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or is in actual physical control of a Recreational Vehicle or Trailer.
2. Parked is defined as the standing of a Recreational Vehicle or Trailer, whether occupied or not, upon a street. Parked does not include stopping temporarily for the purpose of, and while actually engaged in, receiving or discharging

passengers, or loading or unloading merchandise, or in obedience to traffic regulations, signs or signals, or any involuntary stopping of the vehicle by reason of causes beyond the control of the operator.

3. Recreational Vehicle includes the following:
  - i. Any definition of a Recreational Vehicle as set forth in Wyo. Stat. § 31-5-102(a)(xv);
  - ii. Any definition of a House Trailer as set forth in Wyo. Stat. § 31-1-101(a)(xxiii)(A);
  - iii. Any definition of a Motor Home as set forth in Wyo. Stat. § 31-1-101(a)(xv)(D);
  - iv. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, in accordance with ANSI Standards Bulletin No. 119-A;
  - v. A pickup camper, meaning a structure designed to be mounted on a truck chassis, for use as a temporary dwelling for travel, recreation and vacation;
  - vi. A motor home, meaning a portable, temporary dwelling, to be used for travel, recreation and vacation use;
  - vii. A camping trailer, meaning a structure mounted on wheels and designed for travel, recreation or vacation use; or
  - viii. A boat or trailer of any type.
4. Street is defined as any public street, avenue, road, alley, highway, lane, path, or other public place located in the Town of Bar Nunn and established for the use of vehicles.
5. Trailer is defined as set forth in Wyo. Stat. §§ 31-1-101(a)(xxiii), 31-5-102(a)(xxxii), 31-5-102(a)(xlili), and 31-5-102(a)(liv).
6. Vehicle is defined as set forth in Wyo. Stat. § 31-1-101(xx)(vii).

#### **B. General Prohibitions**

1. In addition to those specific prohibitions in Title 5 of the Bar Nunn Ordinances, it shall be unlawful to park a Recreational Vehicle or Trailer at any time within the Town of Bar Nunn as set forth in Wyo. Stat. § 31-5-504.
2. No person shall remove, erase, deface, obliterate or render unusable for the purpose of enforcement of this chapter or the provisions outlined any chalk mark, marker, or other indicator placed on a vehicle or any portion thereof by an authorized representative of the Town of Bar Nunn for the purpose of measuring the passage of time or the movement of a vehicle stopped, standing, or parking on any street, or in any parking lot or structure, or any portion thereof.

#### **C. Street Parking and Street Storage**

1. It shall be unlawful for any owner/operator to permit a Recreational Vehicle or Trailer to remain parked for a continuous period of more than 72 hours on any Town street. Incidental movements of the Recreational Vehicle or Trailer from one location to another shall not exclude a violation of this section shall not be considered in determining the length of time the vehicle has been parked at a particular location and shall not toll the 72 hour limit if both locations are on a Town street.

2. Incidental movements of the Recreational Vehicle or Trailer from one location to another for thirty (30) minutes or less shall exclude a violation of this section, shall not be considered in determining the length of time the vehicle has been parked at a particular location and shall not toll the 72 hour limit.

**D. Enforcement; Removal of Recreational Vehicle and Trailer Authorized and Required**

1. Violation of this section shall constitute a misdemeanor.
2. Whenever any duly appointed law enforcement officer or code enforcement officer authorized to act on behalf of the Town finds a recreational vehicle or trailer upon a street or highway in violation of the provisions of this section, the officer is authorized to require the owner, operator or person in charge or having possession of the Recreational Vehicle or Trailer to move the same to a location within the Town, or if none, to a location outside the Town where storage of Recreational Vehicles or Trailers is authorized.
3. Should the officer be unable to locate the owner, operator or person in charge or having possession of the Recreational Vehicle or Trailer, the officer shall have the Recreational Vehicle or Trailer towed and impounded. Upon such occurrence, the owner, operator or person in charge or having possession of the recreational Vehicle or Trailer shall be responsible for all costs and fees arising from the impounding, moving and storage of the offending Recreational Vehicle or Trailer.
4. When notice has been duly issued, by placing it prominently upon the vehicle where it may be readily detected, to remove such Recreational Vehicle or trailer and if there is a failure to do so within 24 hours thereafter, such vehicle shall be deemed a nuisance and subject to removal by the Town of Bar Nunn, or any other duly authorized agency, and impounded in a place of safe keeping. All costs for towing and storage shall be the responsibility of the vehicle owner and shall be paid in full before such vehicle is released to the owner/operator.
5. Every twenty four (24) hour period that the Recreational Vehicle or Trailer remains unlawfully parked shall constitute a new violation of this section.
6. Any Recreational Vehicle or Trailer towed, impounded and/or stored pursuant to this section may be released upon the payment of the costs and fees associated with the towing, impounding, and/or storage of the Recreational Vehicle or Trailer to the company or individual engaged to impound and/or store the vehicle by the Town of Bar Nunn.
7. Any damage occurring to a Recreational Vehicle or Trailer as the result of the towing, impounding and storage of said Recreational Vehicle or Trailer shall be the sole and separate responsibility/obligation of the owner, operator or person in charge or having possession of the Recreational Vehicle or Trailer. The Town shall bear no responsibility and/or obligation for such damage.

This Ordinance shall be in full force and effect after its approval, passage, and adoption.