

## CHAPTER 13

### MOTOR VEHICLES AND TRAFFIC

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## CHAPTER 13

### MOTOR VEHICLES AND TRAFFIC

#### ARTICLE I. IN GENERAL

##### SECTION 13-1. DEFINITIONS.

For purposes of this chapter, except as otherwise provided in this code or other city ordinances, the definitions present in Wyoming Statutes Annotated, (1977, Republished Edition), Title 31, (Section 31-5-102) as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

Curb. The boundaries of a street.

Local Authority or Proper Authority. The city council of the City of Kemmerer, or such other officer, servant, employee or department of the city designated by the city council to administer and enforce the provisions of this chapter.

Official Traffic-Control Devices. All signs, signals, markings and devices not inconsistent with the provisions of this article placed or erected by the city council or by an official with proper authority of the city council for the purpose of regulating, warning or guiding traffic.

Street. The entire width between the boundary lines of every way publicly or privately maintained when any part thereof is open to the use of the public for purposes of vehicular travel; including, but not limited to all ways dedicated as public streets or alleys and those ways upon private property that, although not publicly maintained or dedicated, are commonly used as streets by the owners and occupants of such property and/or the public generally for purposes of vehicular traffic.

Through Street. Every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign or other official traffic-control devices, when such signs or devices are properly erected.

Authorized Emergency Vehicle shall include properly marked municipal street maintenance equipment in addition to those identified in 31-5-102 of the Wyoming State Statutes.

Properly Marked Municipal Street Maintenance Equipment shall mean equipment operated by the City of Kemmerer which displays an amber rotating beacon visible from 50 feet.

**SECTION 13-2. ADOPTION OF CERTAIN PROVISIONS OF THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS; FILING AND AVAILABILITY OF COPIES THEREOF; FORM OF CITATION TO SECTION.**

- (a) For purposes of this chapter, except as otherwise provided in this code or other city ordinances, sections 31-4-103, 31-5-103, 31-5-104, 31-5-107, 31-5-119, 31-5-225, 31-5-1303, 31-5-1402, 31-7-134(a), of Wyoming Statutes Annotated, (1977, Repub. Ed.), Title 31, as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.
- (b) Violations of any of the foregoing provisions shall be cited as "in violation of Section 13-2 (statutory cite)". For example, one cited for "clinging to a vehicle" would be cited for a violation of "Section 13-2 (W.S. 31-5119)." The same rule shall apply to other sections within this chapter where state law has been adopted.
- (c) One copy of all the above-referenced statutes shall be kept on file in the Office of the City Clerk, where it shall be available for inspection by the public during normal city office hours.

**SECTION 13-3. APPLICABILITY OF CHAPTER TO VEHICLES OF STATE, TOWNS, ETC.**

- (a) The provisions of this chapter applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles owned and operated by the United States, this state or any county, city, town or other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.
- (b) Unless specifically made applicable, and with the exception of W.S.S. 31-5-225, 31-5-229 and Section 13-17, the provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon a street but shall apply to such persons and vehicles when traveling to or from such work.
- (c) The driver of an authorized emergency vehicle, in performance of their duty while maintaining the public roadway, may:
  - (i) Park or stand, irrespective of the provisions of this act, as may be necessary for safe operations;
  - (ii) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - (iii) Disregard regulations governing direction of movement or turning in specified directions, as may be necessary for safe operation.

**SECTION 13-4. VIOLATION OF CHAPTER.**

It shall be unlawful; and, unless otherwise declared in this chapter with respect to particular offenses, it shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

**SECTION 13-5. RIGHTS OF OWNERS OF REAL PROPERTY NOT ABRIDGED BY CHAPTER.**

Nothing in this chapter shall be construed to prevent the owner of real property, used by the public for purposes of vehicular travel by permission of the owner and not as matter of right, from prohibiting such use or from requiring other or additional conditions than those specified in this chapter or otherwise regulating such use as may seem best to such owner.

**SECTION 13-6. DEPOSITING LITTER, ETC., ON STREET.**

- (a) No person shall throw or deposit upon any street any rubbish, garbage, litter or waste material of any kind.
- (b) Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious material shall immediately remove such material or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other substance dropped upon the street from such vehicle.

**SECTION 13-7. SPEED OR ACCELERATION CONTEST OR EXHIBITION ON HIGHWAYS.**

- (a) No person shall engage in any motor vehicle speed or acceleration contest or exhibition of speed or acceleration on any highway without the approval of such use by the governing body in charge of said highway. No person shall aid or abet in any such motor vehicle speed or acceleration contest or exhibition on any highway, without approval of such use by the governing body of said highway.
- (b) No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest upon a highway, in any manner obstruct or place or assist in placing any barricade or obstruction upon any highway without approval of such use by the governing body in charge of said highway.
- (c) It shall be unlawful for any person who, with intent to demonstrate the ability of a vehicle to accelerate rapidly, to accelerate any vehicle in such a manner as to cause the drive wheels of that vehicle to break traction with the ground below.

## **ARTICLE II. OPERATION OF VEHICLES GENERALLY**

### **SECTION 13-8. METHOD OF PARKING - GENERALLY.**

- (a) Except in a cul-de-sac or as otherwise provided, all vehicles in all parts of the city stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches (18") of the right-hand curb, provided that upon hillsides or inclines, the front wheels shall be turned into this curb.
- (b) Except as otherwise provided, every vehicle stopped or parked upon a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or as close as practical to the right edge of the right-hand shoulder, or with its left-hand wheels within eighteen (18) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- (c) On the north side of J.C. Penney Drive and the south side of South Main Street vehicles must be parked by bringing the vehicle to a stop at an angle to the curb within the guidelines painted or indicted on the said streets, and with the right front wheels of the vehicle not over six inches (6") from the curb.
- (d) It shall be unlawful to park or stop with the left side to the curb anywhere in the city, except on one-way streets and in a cul-de-sac; provided, however, such left side parking is allowed in any area within the city during the winter months which are generally presumed to be October 1 through April 30 of each year.
- (e) Angle or diagonal parking shall be permitted in cul-de-sacs.
- (f) For purposes of this chapter, except as otherwise provided in this code or other city ordinances, sections 31-5-115, 31-5-201 through 31-5-208, 31-5-210, 31-5-212, 31-5-215, 31-5-217 through 31-5-224, 31-5-226, 31-5-228 through 31-5-232, of Wyoming Statutes Annotated, (1977, Repub. Ed.), Title 31, as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

### **SECTION 13-9. DRIVING TO CONFORM TO EXISTING CONDITIONS.**

It shall be unlawful for any person to drive a vehicle on a street or alley at a speed and in a manner which is unreasonable and imprudent under the conditions and having regard to the actual and potential hazards then existing.



**SECTION 13-10. AUTHORIZED EMERGENCY VEHICLES.**

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
  - (1) Park or stand, irrespective of the provisions of this article.
  - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - (3) Exceed the posted speed limits so long as he does not endanger life or property.
  - (4) Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal, bell, siren or exhaust whistle as may be reasonably necessary and/or when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, and may be equipped with one (1) or more blue, white or amber lights.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
- (d) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of K.M.C. 13-10(c), the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a law enforcement officer.
- (f) When an authorized emergency vehicle making use of any visual signals provided for in K.M.C. 13-10 (c) is parked, the driver of every other vehicle, as soon as it is safe:
  - (1) When driving on a road with two (2) or more lanes traveling in the direction of the emergency vehicle, shall merge into the lane farthest from the emergency vehicle, except when otherwise directed by a law enforcement officer;

- (2) When driving on a two (2) lane road with a posted speed limit greater than thirty (30) miles per hour, shall slow to a speed that is twenty (20) miles per hour less than the posted speed limit, except when otherwise directed by a law enforcement officer.
- (3) When driving on a two (2) lane road with a posted speed limit of thirty (30) miles per hour or less, shall slow to half of the posted speed limit, except when otherwise directed by a law enforcement officer.
- (4) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

#### **SECTION 13-11. DRIVING ON ESTABLISHED ROADWAY.**

No person shall drive a motor vehicle except within or upon the established roadway, unless an emergency so requires or such motor vehicle becomes incapacitated.

#### **SECTION 13-12. OBSTRUCTION OF DRIVER'S VISION.**

- (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.
- (c) It shall be unlawful for any person to operate any motor vehicle within the city when the front windshield, side wings, side windows or either side forward of or adjacent to the position of the operator, or rear window or windows thereof, are obscured by dirt, snow or frost which obstructs clear vision through such windshield or windows.

#### **SECTION 13-13. DRIVING ON LANED ROADWAYS.**

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

- (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

- (b) Upon a roadway which is divided into three (3) lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

**SECTION 13-14. TURNS AND TURNING - GENERALLY.**

No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 13-15 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

**SECTION 13-15. TURNS AND TURNING - AT INTERSECTIONS.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (a) Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) Left Turns on Two-Way Roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (c) Left Turns on other than Two-Way Roadways. At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lawfully available to traffic moving in such direction upon the roadway being entered.
- (d) Markers Indicating Directions. Where the local authorities have placed markers, buttons or signs within or adjacent to intersections indicating a different course from that specified in this section to be traveled by vehicles turning at an intersection, no driver of

a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

**SECTION 13-16. CARELESS DRIVING.**

Every person operating a vehicle or bicycle within the city shall operate the vehicle or bicycle in a careful and prudent manner, having regard for the actual and potential hazards then existing, and shall keep his vehicle or bicycle under control so as not to endanger or collide with any person, structure, thing, vehicle or other conveyance. Failure to observe the requirements of this section shall constitute careless driving.

**SECTION 13-17. DRIVING WHILE UNDER THE INFLUENCE.**

(a) As used in this section:

(1) Alcohol Concentration means:

- (A) The number of grams of alcohol per one hundred (100) milliliters of blood;
- (B) The number of grams of alcohol per two hundred ten (210) liters of breath;  
or
- (C) The number of grams of alcohol per seventy-five (75) milliliters of urine.

(2) Controlled Substance includes:

- (A) Any drug or substance defined by W.S. 35-7-1002(a)(iv);
- (B) Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual's ability to drive safely.

(3) Conviction means as defined in W.S. 31-7-102(a)(iv);

(4) Driver's License means as defined in W.S. 31-7-102(a)(viii), and includes nonresident operating privileges as defined in W.S. 31-7-102(a)(xiii);

(5) Other Law Prohibiting Driving While Under the Influence means a statute of another state, the United State or a territory or district of the United States or an ordinance of a governmental entity of this or another state or of an Indian tribe which prohibits driving while under the influence of intoxicating liquor, alcohol, controlled substances or drugs.

- (b) No person shall drive or have actual physical control of any vehicle within the City of Kemmerer if the person:
  - (1) Has an alcohol concentration as defined in W.S. 31-5-233(b)(i); or
  - (2) To a degree which renders him incapable of safely driving,
    - (A) Is under the influence of alcohol;
    - (B) Is under the influence of a controlled substance; or
    - (C) Is under the influence of a combination of any of the elements named in subparagraphs (A) and (B) of this paragraph.
- (c) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or being in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:
  - (1) If there was at that time an alcohol concentration of five one-hundredths of one percent (0.05%) or less, it shall be presumed that the person was not under the influence of alcohol;
  - (2) If there was at the time an alcohol concentration of more than five one-hundredths of one percent (0.05%) and less than eight one-hundredths of one percent (0.08%), that fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but it may be considered with other competent evidence in determining whether the person was under the influence of alcohol to a degree which renders him incapable of safely driving a motor vehicle.
- (d) Subsection (c) of this ordinance shall not be construed as limiting the introduction of any other competent evidence bearing upon the question or whether the person was under the influence of alcohol, including tests obtained more than three (3) hours after the alleged violation. The fact that any person charged with a violation of subsection (b) of this section is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against a charge under subsection (b) of this section.
- (e) Except as provided in subsection (h) of this ordinance, a person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more seven hundred fifty dollars (\$750.00), or both.

- (f) The court shall forward to the department a copy of the record pertaining to disposition of the arrest or citation.
- (g) Unless the defendant is indigent, the court shall require him as a condition of special treatment under this subsection to pay a reasonable amount for room and board as determined by the chief of police.
- (h) Any person charged under this ordinance shall be prosecuted under this ordinance and not under a reduced charge or dismissed unless the prosecuting attorney in open court moves or files a statement to reduce the charge or dismiss, with supporting facts, stating that there is insufficient evidence to sustain the charge.
- (i) Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with W.S. 31-6-105(a).

#### **SECTION 13-18. SPEED LIMITS - GENERALLY.**

- (a) No person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- (b) Except when a special hazard exists that requires lower speed for compliance with subsection (b)(1), or when different limits are posted as provided in subsection (c) of this section, the limits specified in this section or Section 13-19 shall be the maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.
  - (1) Twenty (20) miles per hour when passing a school building, or the grounds thereof, or a school crossing, during school recess or while children are going to or leaving school during opening or closing hours; provided, that the presence of such school building, ground thereof or school crossing is indicated plainly by signs or signals conforming to the provisions hereof.
  - (2) Twenty-five (25) miles per hour on all city streets except as otherwise posted.
- (c) Maximum speeds differing from those hereinabove set forth may be established upon any part of the city street system by the proper authority and the same shall be effective when posted upon appropriate fixed or variable signs.

#### **SECTION 13-19. SPEED LIMITS - MINIMUM SPEEDS.**

- (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

- (b) Whenever local authorities have determined on the basis of an engineering and traffic investigation that slow speeds on any part of a street consistently impede the normal and reasonable movement of traffic and a minimum speed limit has been established and signs erected, no person shall drive a vehicle at a speed less than such minimum speed, except when necessary for safe operation or in compliance with law.

**SECTION 13-20. DRIVER'S LICENSE REQUIRED.**

No motor vehicle subject to the provisions of this Code shall be driven upon any road, street, highway, or thoroughfare of the city by any person not in possession of a valid operator's license issued by the Wyoming Department of Motor Vehicles or of some other state.

**SECTION 13-21. REQUIRING OR PERMITTING ILLEGAL OPERATION.**

It is unlawful for the owner or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway or street in any manner contrary to law.

**ARTICLE III. TRAFFIC-CONTROL DEVICES**

**SECTION 13-22. ADOPTION OF CERTAIN PROVISIONS OF THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS.**

- (a) For purposes of this chapter, except as otherwise provided in this code or other city ordinances, sections 31-5-402 through 31-5-405, of Wyoming Statutes Annotated, (1977, Repub. Ed.), Title 31, as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

**SECTION 13-23. DISPLAY OF UNAUTHORIZED SIGNS, ADVERTISING ON TRAFFIC SIGNS.**

- (a) Wyoming State Statutes 31-5-406(a), (b), and (c) are hereby adopted by reference.
- (b) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the chief of police is hereby empowered to remove the same or cause it to be removed without notice.

**SECTION 13-24. DEFACING, DESTROYING, ETC., DEVICES.**

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof, or any fire hydrant, or any marker thereon.

**ARTICLE IV. STOPPING, STANDING AND PARKING**

**SECTION 13-25. STOP AND YIELD INTERSECTIONS.**

When stop or yield right-of-way signs are erected as herein provided at or near the entrance to any intersection, every driver of a vehicle shall stop or slow such vehicle at such sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or traffic-control signal.

- (a) Vehicle entering a through highway or stop or yield right-of-way intersection.
  - (1) After the driver of a vehicle has stopped at the entrance to a through highway, such driver shall yield the right-of-way to other vehicles which have entered the intersection from such through highway or which are approaching so closely on such through highway as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on such through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.
  - (2) After the driver of a vehicle has stopped at an intersection where a stop sign is erected at one (1) or more entrances thereto, although not a part of a through highway, such driver shall proceed cautiously, yielding to vehicles not obliged to stop, which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.
  - (3) A driver of a vehicle approaching a yield right-of-way sign shall slow to a speed of not more than ten (10) miles per hour and yield right-of-way to all vehicles approaching from the right or left on the intersecting highway, which are so close as to constitute an immediate hazard.

**SECTION 13-26. PROHIBITED IN SPECIFIED PLACES - GENERALLY.**

- (a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
  - (1) On a sidewalk.



- (2) In front of a public or private driveway.
  - (3) Within an intersection.
  - (4) Upon any bridge or other elevated structure upon a street or within a street tunnel.
  - (5) At any place where official signs or painted curb prohibit stopping, standing or parking.
  - (6) Within fifteen feet (15') of a fire hydrant.
  - (7) Upon the paved or main-traveled part of any street or highway, except when loading or unloading passengers for a period of time not to exceed five (5) minutes.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
  - (c) No person shall stop, stand or park a vehicle in any alley at any time except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, except when loading or unloading freight or passengers for a period of time not to exceed thirty (30) minutes.
  - (d) This section shall not apply to the driver of any vehicle which is disabled in such manner and to the extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, provided, however, warning devices are displayed in compliance with W.S. 31-5-958, and further provided that such vehicle may be moved by the police as provided in subsection (e).
  - (e) Whenever any police officer finds a vehicle standing upon a highway, street or alley in violation of any of the provisions of this section, such officer is authorized to move such vehicle to the nearest garage or other place of safety, or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main-traveled part of such highway, street or alley.
  - (f) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

**SECTION 13-27. PROLONGED PARKING - PROHIBITED.**

It shall be unlawful to park or to fail to move a vehicle, camper or trailer in and on the streets of the City for longer than forty-eight (48) hours. Incidental movements of the vehicle, camper or

trailer or removal of the vehicle, camper or trailer for a period of less than thirty (30) minutes shall not be considered in determining the length of time the vehicle, camper or trailer has been parked at a particular location.

**SECTION 13-28. ADOPTION OF CERTAIN PROVISIONS OF THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS.**

- (a) For purposes of this chapter, except as otherwise provided in this code or other city ordinances, sections 31-5-506, 31-5-507, 31-5-509, and 31-5-510 of Wyoming Statutes Annotated, (1977, Repub. Ed.), Title 31, as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

**SECTION 13-29. RAILROAD CROSSINGS - DESIGNATED DANGEROUS CROSSINGS.**

When local authorities have designated particularly dangerous street grade crossings of railroads and have erected stop signs thereat, the driver of any vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad and shall proceed only upon exercising due care.

**SECTION 13-30. RAILROAD CROSSINGS - CERTAIN VEHICLES REQUIRED TO STOP.**

- (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether empty or carrying school children or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade, any track or tracks of a railroad, shall stop such vehicle within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any such vehicle shall cross only in such gear of the vehicle that there shall be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.
- (b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.
- (c) This section shall not apply at street-railway grade crossings within a business or residence district.

**SECTION 13-31. PARKING ON SNOW REMOVAL ROUTES.**

- (a) The following DEFINITION shall apply in the interpretation and enforcement of this article:
- Snow removal routes are those streets that may be designated from year to year by Resolution of the City Council and by adoption of a snow removal policy.
- (b) Parking on snow removal routes designated for no parking by signage from October 1 to May 1 of each year parking on public streets will be prohibited, pursuant to the provisions of (a) above, at any time there is any accumulation of snow in the street as per City Snow Policy Section 2.0.
- (c) Impounding Vehicles: Any vehicle, camper or trailer parked on any snow removal route in violation of any of the provisions of this article may be impounded, at the suggestion of the Public Works Director or his designee and at the discretion of the Police Department, and no person shall recover any vehicle removed pursuant to this section without first paying the cost of removal and the cost of storage. Any payments required by this section shall not be construed as a penalty so as to preclude prosecution for violation of any of the provisions of this article.
- (d) Evidence with respect to vehicles parked or left in violation of ordinance. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provisions of this ordinance, proof that the particular vehicle described in the complaint was marked or left in violation of a provision of this ordinance, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this ordinance.

**ARTICLE V. SNOWMOBILES**

**SECTION 13-32. DEFINITIONS.**

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

Operate means every person who operates or is in actual physical control of the operation of a snowmobile.

Snowmobile shall be defined as set forth in W.S.§31-5-102(a)(xlv).

Streets shall be defined as set forth in Section 13-1 of the Kemmerer City Code, W.S.§ 31-5-102(a)(XLIX), and is intended that the definition shall be in accordance with W.S.§ 31-5-801(a)(iii) which authorizes a municipality to enact an ordinance allowing the operation of snowmobiles on highways within cities.

Stock means the factory original equipment, or a similar replacement that does not increase the noise or exhaust output of the snowmobile over factory specifications.

**SECTION 13-33. OPERATIONAL REGULATIONS.**

Solely for purposes of ingress and egress from the city it shall be lawful to drive or operate a snowmobile on the streets within the City Of Kemmerer taking the most direct route to and from the designated snowmobile trails, subject to all rules and regulations set forth in this Section, except on Pine Ave from Coral Street on the south end to Cedar Ave on the north end, Central Ave from Antelope Street on the south end to Moose Street on the north end, and Coral Street from Moose Street on the west end to Pine Ave on the east end, provided that these streets may be crossed at established street intersections.

**SECTION 13-34. HOURS OF PERMITTED OPERATION.**

No snowmobile shall be operated within the city of Kemmerer between the hours of eight p.m. and one-half hour before sunrise.

**SECTION 13-35. OPERATORS LICENSE.**

No snowmobile shall be operated within the City unless such person has first obtained and has in his possession a valid Wyoming Class C or Class M drivers license or equivalent from another state.

**SECTION 13-36. STATE REGISTRATION REQUIRED.**

No snowmobile shall be operated without a proper and valid registration for the state issued in accordance with Wyoming Statutes. It is not the intent of this article to in any way limit the state's control of snowmobiles while operated within the city.

**SECTION 13-37. TOWING.**

No snowmobile shall pull any skier, sled, or other combination vehicle by rope, or flexible coupling. All sleighs or cutters shall be safely and securely affixed to the snowmobile, by direct coupling, solid tongue, or triangular shaped tow-bar not to exceed forty inches in length, being securely affixed to two points on the sleigh or cutter, with one flexible joint at the center of the snowmobile.

**SECTION 13-38. REQUIRED EQUIPMENT.**

No snowmobile shall be operated within the City without:

- (a) Brakes that are adequate to control the movement of and to stop and hold such vehicle;

- (b) A stock muffler as defined herein, that is in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke;
- (c) Head and tail lights which shall be illuminated at all times during operation regardless of the time of day and an operable brake light;
- (d) A red or orange flag not less than twelve inches square and hung or suspended five feet above ground level and attached to the rear bumper of the snowmobile. For persons arriving in Kemmerer, said flag shall be required within 48 hours of their arrival in the city;

### **SECTION 13-39. INSPECTIONS.**

The city police, and members of the State Highway Patrol and county officials, may at any time upon reasonable cause to believe that a snowmobile is unsafe or not equipped as required by this chapter, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such snowmobile to an inspection and test with reference thereto as may be appropriate. No person shall operate any snowmobile after receiving notice with reference thereto as above provided except as may be necessary to return such vehicle to the residence or place of business of the owner or driver or to a garage, until the snowmobile and its equipment have been placed in proper repair and adjustment.

### **SECTION 13-40. PROHIBITED OPERATIONS.**

It shall be unlawful for any person to drive or operate any snowmobile within the city in the following manners or circumstances:

- (a) At a rate of speed greater than provided by law for motor vehicles;
- (b) While under the influence of intoxicating liquor or controlled substances;
- (c) In a careless, negligent or reckless manner so as to endanger the person or property of the operator, owner or another, or to cause injury or damage to either;
- (d) Without any of the equipment required in section 13-39;
- (e) While the snowmobile is occupied by more than two persons;
- (f) Contrary to any of the provisions of this chapter;
- (g) Riding abreast of another snowmobile or other than single file;
- (h) While towing or pulling a skier, sled, toboggan or other object, except with solid hitch;

- (i) Upon private property other than that of the snowmobile owner or operator without express permission of the owner.
- (j) While carrying a bow or firearm unless the same is securely encased.
- (k) Leaving or allowing a snowmobile to be or remain unattended on public property, street, highway or other public grounds or places while the motor is running or with keys to start such snowmobile in the ignition switch;
- (l) Without observing all traffic signs, signals, rules, and regulations applying to motor vehicles and failing to yield the right of way to motor vehicles;
- (m) On public sidewalks or on public streets that are not snow covered or snow packed;
- (n) Operate or ride on a snowmobile without wearing a DOT safety approved helmet;
- (o) Operate a snowmobile in any municipal park, playground, or recreation area, except when posted as open to snowmobiles.

**SECTION 13-41. RULES OF THE ROAD - YIELDING TO MOTOR VEHICLES.**

- (a) Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicles and, in addition, shall yield the right-of-way to motor vehicles. All ordinances of the city pertaining to the operation of vehicles, to the extent that the same are not in conflict with this chapter, shall be applicable to the operation of snowmobiles and are adopted by reference and made a part of this chapter.
- (b) All snowmobiles shall come to a complete stop at each and every street intersection or when coming out of an alley or off of private property upon or to cross a street before proceeding.
- (c) The operator of a snowmobile emerging from an alley, driveway, or building shall upon approaching a sidewalk or the sidewalk area yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

**SECTION 13-42. PROPELLER-DRIVEN -- ROAD DAMAGING TRACKS.**

No snowmobile shall be operated within the city of Kemmerer which are propeller-driven or have tracks capable of damaging road surfaces.

**SECTION 13-43. DAMAGE RESPONSIBILITY.**

Any operator who causes damage to the property of another in violation of Section 13-41(c) is responsible for paying to repair the damage.

**SECTION 13-44. VIOLATION - PENALTY.**

Any person who violates any provisions of this chapter is guilty of a misdemeanor and upon conviction, is subject to the general penalty provisions of Section 1-5 of the Kemmerer City Code.

**ARTICLE VI. PEDESTRIANS**

**SECTION 13-45. ADOPTION OF CERTAIN PROVISIONS OF THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS.**

- (a) For purposes of this chapter, except as otherwise provided in this code or other city ordinances, sections 31-5-601 through 31-5-607, of Wyoming Statutes Annotated, (1977, Repub. Ed.), Title 31, as from time to time changed or amended, shall apply to the city, and are hereby adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

**ARTICLE VII. HEAVY TRUCK TRAFFIC**

**SECTION 13-46. LIMITED LOAD STREETS.**

- (a) On any street where the weight of vehicles permitted on such streets is limited by resolution of the city council and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street, except as set forth in subsection (b) and (c) below.
- (b) Vehicles owned and operated by the city and any emergency vehicles are hereby exempt from the provisions of this ordinance.
- (c) The city superintendent of public works or his authorized representative may, upon application and good cause shown, issue a permit in writing authorizing the applicant to operate or move a vehicle exceeding the maximum weight specified herein, and authorizing the movement of the vehicle within a restricted area as determined by the superintendent.

The application for any permit under this section shall specifically describe the applicant, individual or company, the vehicle or load to be operated or moved, and the particular

street to be used and whether the permit is requested for a single trip or for extended period of operation.

The permits shall be issued under the supervision of and under conditions including time, route, equipment and speed determined by the superintendent of public works. Each permit shall contain the following provisions: duration of permit, description of load or loads to be moved, the amount of excess authorized, description of equipment, route to be traveled and required operating procedures. Every permit issued under this ordinance shall be carried with the vehicles or combination of vehicles to which it refers and shall be open to inspection by any authorized agent of the City of Kemmerer.

- (d) A driver of any vehicle, or combination of vehicles upon demand of any police officer having reason to believe that the weight of any vehicle or combination, including load, if any, is unlawful, shall stop and submit the vehicle or combination of vehicles, and any load thereon to a weighing at any state owned or leased scales not to exceed five (5) miles from the declared route of travel, unless the vehicle has been weighed at a port of entry with the same load. The driver shall comply with the directions of the police officer to obtain the total weight or measurement of the load and vehicle.

## **ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT**

### **SECTION 13-47. VIOLATIONS; PENALTIES.**

- (a) It is a misdemeanor punishable as provided in Section 1-5 for any person to violate any of the provisions of this chapter with the following exception:
  - (1) Any person convicted of violating the provisions of Section 13-2 (31-5-225) Fleeing and Eluding, or 13-51 FTA (Failure to Appear in Court), shall be guilty of a misdemeanor and may be punished by a fine of not more than the maximum allowable by law and/or imprisonment for a period up to the maximum allowable by law.

### **SECTION 13-48. ARREST PROCEDURES; APPEARANCE BEFORE JUDGE; WHEN CITATIONS MAY BE ISSUED.**

- (a) A police officer may arrest a person for violations of this chapter without a warrant and detain him until a legal warrant can be obtained when:
  - (1) The violation is being committed in the officer's presence by the person to be arrested; or



- (2) A violation has in fact been committed and the police officer has probable cause for believing that the person to be arrested has committed it and that the person, unless immediately arrested:
- i. Will not be apprehended; or
  - ii. May cause injury to himself or others or damage to property; or
  - iii. May destroy or conceal evidence of the commission of such violation.
- (b) The person charged with the violation may give his written promise to appear in court by signing at least one (1) copy of the written traffic citation prepared by the officer and/or post bail. The officer shall deliver a copy of the citation to the person.
- (c) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

**SECTION 13-49. TRAFFIC CITATIONS: NOTICE TO APPEAR IN COURT; RELEASE UPON WRITTEN PROMISE TO APPEAR; PROCEDURE BEFORE JUDGE OR COURT; ARREST FOR DRIVING UNDER THE INFLUENCE.**

- (a) Whenever a person is halted by a police officer for any violation of this act punishable as a misdemeanor, and is not taken before a judge as required or permitted, the officer shall prepare a written traffic citation containing a notice to appear in court.
- (b) The time specified in the notice to appear must be at least five (5) days after the alleged violation unless the person charged with the violation demands an earlier hearing.
- (c) The place specified in the notice to appear must be before a judge as designated in subsection (g) of this section.
- (d) The person charged with the violation may give his written promise to appear in court by signing at least one (1) copy of the written traffic citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon, the officer shall not take the person into physical custody for the violation.
- (e) Any officer violating any of the provisions of this section is guilty of misconduct in office and is subject to removal from office.
- (f) Except for felonies and those offenses enumerated in W.S. 31-5-1205(a)(i), (ii) and (iii), a police officer at the scene of a traffic accident may issue a written traffic citation

- (g) Whenever any person is taken before a judge or is given a written traffic citation containing a notice to appear before a judge, the judge shall be a judge within the city or county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the alleged violation occurred. For the purpose of this section, the terms "judge" and "court" include judges and courts having jurisdiction of offenses under this act as committing judges and courts and those having jurisdiction of the trials of the offenses.
- (h) Whenever any person is taken into custody by a police officer for the purpose of taking him before a judge or court as authorized or required in this act upon any charge other than a felony or the offenses enumerated in W.S. 31-5-1204(a)(i), (ii), and (iii), and no judge is available at the time of arrest, and there is no bail schedule established by the judge or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the judge or court, the person shall be released from custody upon issuance to him a written traffic citation and his signing a promise to appear as provided in subsection (d) of this section.
- (i) The procedure prescribed by this section is not exclusive to this act, but is applicable in all proceedings arising out of an alleged violation of a statute, ordinance or regulation relating to operation or use of any vehicle or to use of the streets, alleyways or highways.
- (j) If a person is arrested, cited or issued a summons for violation of W.S. 31-5-233 or a municipal D.W.U.I. ordinance which substantially conforms to the provisions of W.S. 31-5-233, he shall surrender possession of his driver's license, whether issued in Wyoming or another jurisdiction, to the arresting or issuing officer. In addition to other requirements of this section and W.S. 31-5-12-4, the officer shall issue a temporary license pursuant to W.S. 31-6102 or 31-7-138 to the person arrested or cited and shall forward the surrendered license to the department.
- (k) Whenever any person is halted by a police officer for any violation of this chapter, he shall be taken without unnecessary delay before the municipal court in any of the following cases:
  - (1) When the person demands an immediate appearance before the court; or
  - (2) When the person is issued a traffic citation and refuses to give his written promise to appear in court or refuses to post bail in accordance with a bail schedule established by the municipal court; and
    - (i) The person does not furnish satisfactory evidence of identity or the officer has reasonable and probable grounds to believe the person will fail to appear in court.

**SECTION 13-50. TRAFFIC CITATIONS - FAILURE TO APPEAR.**

- (a) It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.
- (b) A written promise to appear in court may be complied with by an appearance by counsel.

**SECTION 13-51. TRAFFIC CITATIONS - FORMS.**

- (a) Appropriate forms for traffic citations containing notices to appear which shall be issued in books with citations in triplicate and meeting the requirements of Section 13-53.
- (b) The chief of police or his designee shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual policemen and shall require and retain a receipt for every book so issued.

**SECTION 13-52. TRAFFIC CITATIONS - DISPOSITION; RECORDS.**

- (a) Every policeman upon issuing a traffic citation to an alleged violator of any provision of this chapter shall deposit the original or a copy of such traffic citation with the court with jurisdiction over the alleged offense or its traffic-violations bureau.
- (b) Upon the deposit of the original or a copy of such traffic citation with the court or its traffic-violations bureau, the original or copy of such traffic citation may be disposed or only by trial in such court or other official action by a judge of such court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine to such traffic-violations bureau by the person to whom such traffic citation has been issued by the policeman.
- (c) It shall be unlawful and official misconduct for any policeman or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.
- (d) The chief of police shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.
- (e) The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic-violations bureau in which the original or copy of the traffic citation was deposited.

**SECTION 13-53. TRAFFIC CITATIONS - ILLEGAL CANCELLATION; AUDITS; ANNUAL PUBLICATION.**

- (a) Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in Section 13-53 shall be guilty of a misdemeanor.
- (b) Every record of traffic citations required in Sections 13-52 and 13-53 shall be audited annually by the appropriate fiscal officer of the city.
- (c) Such fiscal officer shall publish or cause to be published an annual summary of all traffic-violation notices issued and the dispositions thereof in at least one (1) local newspaper of general circulation.

**SECTION 13-54. TRAFFIC CITATIONS - WHEN DEEMED LAWFUL COMPLAINT.**

In the event the form of citation provided under Section 13-52 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in such citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

**ARTICLE IX. ACCIDENTS**

**SECTION 13-55. ADOPTION OF CERTAIN PROVISIONS OF THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS.**

- (a) For purposes of this chapter, except as otherwise provided in this code or other city ordinances, sections 31-5-1101 through 31-5-1110, of Wyoming Statutes Annotated, (1977, Repub. Ed.), Title 31, as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

**SECTION 13-56. ACCIDENTS - DUTY UPON STRIKING FIXTURES UPON A HIGHWAY.**

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident within ten (10) days when total property damage is Five Hundred Dollars (\$500.00) or more.

**SECTION 13-57. ACCIDENTS - FILING OF REPORT.**

- (a) The driver of a vehicle involved in an accident, or the owner of the vehicle, shall file with the police department, a report of the accident or a copy of any report required to be filed with the Wyoming State Highway Department. Such report shall be filed within ten (10) days of the accident.
- (b) Reports required to be filed hereunder shall be for the confidential use of the police department and shall be subject to W.S. 31-5-1110.

**ARTICLE XI. REGISTRATION OF MOTOR VEHICLES**

**SECTION 13-58. REGISTRATION - DISPLAYS; ALTERATIONS, BORROWING, ETC.**

- (a) Number plates for motor vehicles shall be conspicuously displayed and securely fastened in such a manner as to be plainly visible, one (1) on motorcycles, trailers and house trailers, and one (1) on the rear of every such motor vehicle registered under the provisions of this act. Such number plates shall be secured to the motor vehicle so as to prevent swinging, and shall, except for motorcycles, be attached in a horizontal position at a minimum height of twelve inches (12") from the ground and shall be maintained free from foreign materials and in a condition to be clearly legible. Any unauthorized alterations of a license plate shall be deemed a mutilation of such license plate and unlawful.
- (b) No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered unless there is attached thereto and displayed thereon a valid registration plate or plates issued therefor by the motor vehicle division or county treasurer for the current registration year except as otherwise expressly permitted by Wyoming Statutory law. No person shall lend to another any license registration number plates, special number plate or permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration number plate, special number plate or permit not issued for such vehicle or not lawfully used thereon under this section. Any violation of this section is a misdemeanor.

**SECTION 13-59. REGISTRATION - NONRESIDENTS; PROVISIONS NOT APPLICABLE TO NONRESIDENTS; EXCEPTIONS; VEHICLES FROM CONTIGUOUS STATES.**

- (a) Every owner of a vehicle shall apply for registration of and license plates for the vehicle when:

- (1) Becoming a resident in the case of a previous non-resident.
  - (2) Immediately upon employment in this state.
  - (3) Not a daily commuter from another jurisdiction which exempts vehicles of daily commuters from Wyoming from registration under a reciprocity agreement.
  - (4) Not a full time student at the University of Wyoming, a Wyoming Community College or a school licensed in this state offering post secondary education.
- (b) Provided, however, that owners of motor vehicles properly registered in states contiguous to Wyoming shall not be required to comply with registration and fee payment provisions of this article, if such contiguous states grant such similar exceptions to Wyoming owners of like vehicles, and such motor vehicles fall within one (1) of the following classifications:
- (1) Wreckers or service cars when towing or hauling other vehicles for emergency repairs.
  - (2) Trucks, or permissible combinations in Wyoming of trucks and trailers, or of truck tractors, and semitrailers, when being used by any farmer or rancher for the transportation of livestock, feed, or unprocessed agricultural products owned and produced by such farmer or rancher from the place of production to market, and of farm or ranch supplies solely intended for the use of such farmer or rancher, and not for sale, when being transported on the return trip.
  - (3) Trucks, the gross unladen weight of which does not exceed three thousand five hundred (3,500) pounds.
  - (4) Trucks, or permissible combinations of trucks and trailers, or truck tractors and semitrailers, when operating into Wyoming.
  - (5) Passenger automobiles while operated by salesmen who make no deliveries.
- (c) Provided further that the owner of motor vehicles properly registered in any other state, and used for the transportation of nonresident seasonally employed agricultural workers, shall not be required to comply with the registration and fee payment provisions of this article unless the owner of said vehicle becomes a resident as defined by W.S. 31-1-101(a)(xxi)(A).

## **ARTICLE XII. TAXICABS**

### **SECTION 13-60. DEFINITION.**

The term "taxicab" as used in this ordinance shall mean and include any vehicle used to carry passengers for hire but not operating on a fixed route.

### **SECTION 13-61. LICENSE REQUIRED; EXCEPTIONS.**

- (a) It shall be unlawful to engage in the business of operating a taxicab in the city without first having secured a license therefor. Applications for such licenses shall be made in writing to the city clerk of the City of Kemmerer, and shall state thereon the name of the applicant, the intended place of business and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given.
- (b) No such license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony; nor shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions.

### **SECTION 13-62. FEE.**

The annual fee, payable in advance, shall be an amount determined by resolution by the city council as the same may from time to time be changed by the city council.

### **SECTION 13-63. VEHICLES.**

- (a) No taxicab shall be operated unless it bears a state license duly issued; and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wiper in good condition. The owner shall provide proof of mechanical inspection by a qualified mechanic and the chief of police shall certify such inspection. The chief of police may inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this section.
- (b) Each taxicab, while operated, shall have on each side, in letters readable from a distance of twenty feet (20'), the name of the licensee operating it. If more than one (1) cab is operated by a licensee each cab shall be designated by a different number, and such number also shall so appear on each side of such cab.

### **SECTION 13-64. DRIVERS; LICENSE REQUIRED.**

No person shall drive a taxicab or be hired or permitted to do so, unless he is duly licensed under state law.

**SECTION 13-65. INSURANCE.**

No taxicab shall be operated unless the applicant shall give verified proof of comprehensive insurance coverage in the minimum amount of One Million Dollars (\$1,000,000.00)

**SECTION 13-66. RATES OF FARE - METERS.**

- (a) The application for the license shall be accompanied by a written schedule of rates which the owner proposes to charge for the taxicab services. Any change in such schedule of rates shall be submitted to the city council thirty (30) days prior to the effective date of such change.
- (b) It shall be unlawful for a passenger to fail or refuse to pay the lawful fare at the termination of a trip.

**SECTION 13-67. LICENSE REVOKED.**

The city council may revoke any taxicab business license for repeated violations of traffic laws or ordinances, or of any ordinance provision regulating the conduct of such business and the conduct of such drivers.

**ARTICLE XIV. MOTOR VEHICLE EQUIPMENT**

**SECTION 13-68. MOTOR VEHICLE EQUIPMENT**

- (a) For purposes of this chapter, except as otherwise provided in this code or other city ordinances, sections 31-5-910, 31-5-912, 31-5-913, 31-5-920, 31-5-953 and 31-5-970, of Wyoming Statutes Annotated (1977, Repub. Ed), Title 31, as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

**SECTION 13-69. MULTIPLE LIGHTS.**

Vehicles shall have a maximum of two illuminated white lights showing forward of the vehicle while operating inside the City limits, except on US Highway 30 Bypass, provided however, that said vehicle may have a maximum of four illuminated white lights showing forward of the vehicle if two of said lights are driving lights that were factory installed and cannot be turned off while the vehicle is in operation.

**SECTION 13-70. DEFINITIONS.**

Off-Road Recreational Vehicles per W.S. § 31-1-101 (k) means:



**Type 1** – Any recreational vehicle primarily designed for off-road use which has an unladen weight of two thousand six hundred (2600) pounds or less;

**Type 2** – Any unlicensed motorcycle which has an unladen weight of six hundred (600) pounds or less and is designed to be ridden off road with the operator astride upon a seat or saddle and travels on two (2) tires; and

**Type 3** – Any multi-wheeled motorized vehicle not required by law to be licensed and is designed for cross-country travel on or over land, sand, snow, ice or other natural terrain and which has an unladen weight of more than nine (950) pounds.

OPERATOR means every person who operates or is in actual physical control of the operation of an off-road recreational vehicle.

### **SECTION 13-71. WYOMING OFF-ROAD VEHICLE TRAIL.**

Off-road recreational vehicles may be operated on the streets, roads and travel routes of the City of Kemmerer which have been designated as a Wyoming Off-Road Vehicle Trail by the governing body of the City of Kemmerer in conjunction with the Wyoming Department of State Parks and Cultural Resources as provided in W.S.31-5-1601 and W.S. 31-2-701 through 31-2-707, subject to compliance with the following requirements:

- (a) The Off-road recreational vehicle's shall display a current State of Wyoming Off-road Recreational (ORV) registration decal;
- (b) The operator must have a valid driver's license, and carry proof of current liability insurance
- (c) Crossings of main-traveled roadways by the Off-road recreational vehicle shall be made at right angles to the roadway or as nearly so as practicable, but in any case yielding the right-of-way to all traffic in the main-traveled roadway;
- (d) When operating at any time from one-half (1/2) hour after sunset to one-half (1/2) before sunrise, the Off-road recreational vehicle shall be equipped with lighted lamps and illuminating devices in accordance with W.S. 31-5-910 through 31-5-940;
- (e) The Off-road recreational vehicle shall be equipped with an adequate braking device that may be operated either by hand or foot.

### **SECTION 13-72. INCIDENTAL OPERATION.**

The occasional, incidental operation of Off-road recreational vehicles for non-recreation purposes shall be permitted on city streets subject to the requirements set forth in subsection B

above. But in addition, wherever practicable, the Off-road Recreational vehicle shall be operated off the main traveled portion of the city street.