

Street Parking and Roadway Cuts

12.1 Definitions. For the purposes of this rule.

- a. “Street” defined. Street shall be defined as in W.S. Sec. 31-5-102(xlix) as follows:

“Street or highway” means the entire width between the boundary lines of every publicly maintained or if not publicly maintained, dedicated to public use when any part thereof is open to the use of the public for purposes of vehicular traffic.

- b. “Roadway” defined. Roadway shall be defined as follows:

"Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the, berm or shoulder.

12.2 Street Parking Prohibited. In order to maintain the streets in a safe manner for vehicular travel, street parking is prohibited at all times, except by permit. Violations of this rule shall be punishable as provided by applicable state law and/or county ordinance.

12.3 Street Parking Permits. Permits may be issued for street parking by the District as follows:

a. By permission for undue hardship for a maximum of 24 hours with prior written or verbal approval from any Director, with all parking to be off the paved portion of the street and/or on one side of the street if practicable;

b. By permit issued to a landowner by the Directors prior to the commencement of construction project. In the case of such a permit, the Directors shall have the right to set the terms for such permit as may be necessary to ensure safe travel on the streets. In no event shall the permit allow parking on both sides of any street. The permit shall allow a maximum number of vehicles at any time, a maximum number of hours of continuous parking per vehicle and a maximum number of days for the permit to be in effect until it expires. A \$50.00 administrative fee shall be charged for any permit issued hereunder.

c. The terms and conditions of a permit issued pursuant to Section (b) above shall be as follows:

i. The District shall require a cash deposit of no less than \$2,500.00 to be paid by the landowner prior to the issuance of any parking permit pursuant to Section (b) hereof. The deposit shall be applied to any and all violations of the permit, as well as any towing and impoundments made necessary because of any breach of the terms of the permit. The landowner shall keep said deposit of \$2,500.00 current and paid up within ten days of the payment of any violation or other charges. Failure to keep the permit deposit current may result in immediate revocation.

ii. The landowner must agree that the sum of \$50.00 shall be deducted from said deposit for each instance of breach of a permit condition.

iii. The landowner must also agree that any vehicles breaching the permit conditions may be towed and stored and any charges therefore may be deducted from the permit deposit. The landowner must agree to hold the District harmless for any liability or damages from enforcement of this section.

iv. The landowner must also agree that no heavy vehicles or equipment will be parked on the road or the road shoulder as part of this permit. Single axle loads shall not exceed 14,000 lbs., and tandem axle loads shall not exceed 20,000 lbs. Equipment with tractor treads is not allowed on the roads at any time. Any damage to the road or road shoulder that results from construction vehicles must be repaired by the landowner. The landowner must agree that, in the event that the road is not repaired to the satisfaction of the District, any charges for road repair may be deducted from the permit deposit.

v. The landowner to whom the permit has been issued shall receive written notice of any breaches by certified mail at the address designated in the permit issued. In the event that the landowner does not contest said breach in writing delivered to the District office within ten (10) days of the mailing of the notice, the sums set forth in subsection (ii) above, together with any costs of towing or impoundment shall be withdrawn from the permit deposit.

vi. Nothing contained herein shall prohibit enforcement of parking violations pursuant to any applicable covenants, state law or county ordinance on any breach of permit conditions.

12.4 Street or Roadway Cuts. Prior to commencing construction on any land within the District, the landowner, or any utility provider (if a utility provider serving more than one property), must secure a fee permit to make any street or roadway excavation or cuts (hereinafter “cuts”) that may be required in the construction. The purpose of the fee for the permit is to ensure that the streets and roadways are reasonably passable to traffic during construction and to ensure adequate maintenance of the roadways within the District. The requirement may be waived if the Board of Directors determines there will be no roadway or street cuts made during the construction.

A landowner or utility provider being issued a permit, the “Permittee”, hereunder shall be required to post a cash deposit equal to 125% of the estimated surface reclamation cost but not less than \$5,000, or other adequate surety such as a bond or letter of credit to ensure adherence to the District’s requirements for cuts and performance of reclamation of streets and roadways. In addition, a nonrefundable \$50.00 administrative fee shall be charged. The deposit hereunder shall be held in an interest bearing account, with interest to be accrued to the benefit of the landowner.

As a condition of the issuance of the permit, the Permittee shall agree as follows:

a. One lane of traffic shall be kept passable for vehicular traffic and emergency vehicles at all times. **ABSOLUTELY NO CUTS MAY BE MADE ACROSS BOTH LANES OF TRAFFIC.** In the event a cut shall require closure of both lanes of traffic, the Permittee shall receive specific written permission in advance from the District which shall be conditioned upon the presence and use of a device necessary to provide full vehicular access across the cut with interruptions of no longer than five minutes each and for emergency vehicle access across the cut at all times. The landowner must also agree to indemnify and hold the District harmless for any liability from such a cut.

b. The Permittee must agree that the sum of \$2,500.00 shall be deducted from said deposit for each instance of breach of a permit condition. A breach shall be defined as any one incident in which traffic is interrupted for more than five minutes or emergency vehicle access is made impossible.

c. All cuts shall be reclaimed to the District engineer's standards no more than thirty days after construction is completed. After inspection of the original reclamation by the District, the deposit shall be reduced to one half of the initial deposit but not less than \$2,500.00 if the reclamation appears to be to the District's standards. The remaining deposit may be held for a period to ensure that the reclamation is stable, but in no event shall this period exceed two years. In the event reclamation is not adequate to the District engineer's standards, and additional work is necessary, the landowner shall make adequate arrangements for the performance of reclamation work. In the event the District must perform the work because of a breach of this provision, any sums necessary to reclaim the street or roadway to the District engineer's standards shall be deducted from the remaining deposit.

d. The Permittee shall receive written notice of any breach of permit by certified mail at the address designated in the permit issued. In the event that the Permittee does not contest said breach in writing delivered to the District office within ten (10) days of the mailing of the notice, the sums set forth in subsections (ii) and (iii) above shall be drawn from the permit deposit.

e. Nothing herein shall prevent the collection of damages by the District due to a breach by the Permittee of the permit issued hereunder in excess of the amounts set forth herein in the event the same are inadequate to compensate for damages from any breach. The Permittee shall agree to pay any amounts by which damages exceed the deposit required under the permit, as well as costs of collecting the same, including legal costs and attorney's fees.

12.5 Street Maintenance Obstructions. In order to maintain the streets and roadways in a safe manner for vehicular travel and to maintain driver sight distance, construction or installation of obstructions within 15 feet of the roadway is prohibited at all times. Violations of this rule shall be punishable as provided by applicable state law and/or county ordinance.

a. After the effective date of adoption of these Rules and Regulations no fence, hedge, retaining wall, or berm shall be erected or maintained within 15 feet of the roadway.

b. After the effective date of adoption of these Rules and Regulations no tree,

bush, rock, or improvement higher than 3 feet shall be planted, placed or maintained within 15 feet of the roadway.

c. Teton Village Improvement and Service District will not be responsible for damage to vegetation, obstructions or improvements within 15 feet of the roadway.

12.6 Variance: To grant variances from the terms in Rule 12:

a. A variance may be granted where it can be shown that strict compliance with the requirements herein contained would result in hardships to the applicant because of topography, lot shape, physical formations, ground condition, existing nearby structures, and other such not self-inflicted condition and when the variance is not injurious to the operation, maintenance and use of the street and roadway.

b. Variances shall be no more than a minimum easing of the requirements contained herein.

c. In granting variances the Teton Village Improvement and Service District may require such conditions as will in its judgment, secure substantially the objectives of the rules or requirements so affected.

12.7 Hearing of Contested Permit Breaches. In the event the landowner, Permittee or any other person contests that a breach of permit issued pursuant to Section 12.3, 12.4, 12.5 or 12.6 has occurred, then an administrative hearing shall be held before the Board of Directors as soon as practicable but in no event more than thirty days from the date of the occurrence. Any applicable provisions of the Wyoming Administrative Procedures Act, §16-3-101 et. seq. shall apply