

RULES AND REGULATIONS OF THE  
TETON VILLAGE IMPROVEMENT AND SERVICE DISTRICT

The Board of Directors of the Teton Village Improvement and Service District adopt the following rules and regulations.

*Please note that Numbers in parentheses are references to the Wyoming Statutes Annotated, 1977 Republished Edition, and are for reference purposes only.*

Rule 1

Definitions

1.1 "Assessed Value" means the assessed value of real property, and improvements and personal property thereon, within the District as determined from the last assessment roll of Teton County, Wyoming. (W.S. Sec. 18-12-102)

1.2 "Board" means the Board of Directors of the Teton Village Improvement and Service District. (W.S. Sec. 18-12-102)

1.3 "Charge" means fees, tolls, rates and rentals. (W.S. Sec. 18-12-102)

1.4 "Director" means a member of the Board of Directors of the Teton Village Improvement and Service District.

1.5 "District" means the Teton Village Improvement and Service District. (W.S. Sec. 18-12-102)

1.6 "Elector," "qualified voter" or "voter" means every citizen of the United States who:

- a. is a bona fide resident of Wyoming,
- b. has registered to vote and will be at least eighteen (W.S. Sec. 18) years of age on the day of  
the election at which he may offer to vote,
- c. is mentally competent,
- d. has not been convicted of a felony for which his civil rights have not been restored, and who
- e. either is a resident of the District or is an owner of land in the District. (W.S. Sec. 18-12-102; 22-1-102)

1.7 "Expenses" means all expenses of hearings, bond elections, expenses incurred by members of the Board of Directors in connection with the performance of their duties, engineering, accounting and legal expenses, costs and expenses incurred in connection with repair, maintenance, replacement and operation of improvements provided by the District, insurance premiums, salaries of agents and employees of the District, and other expenses incurred by the Board of Directors in carrying out the powers of the District.

1.8 "Improvement" means and includes buildings, structures and all facilities of a public nature intended for public use, including but not limited to streets, sidewalks, curbs, gutters, alleys and other public ways, parks, recreational facilities, water, sewage, solid waste disposal and other sanitary facilities and systems, and with respect to the foregoing, such additional facilities or improvements as relate or contribute to the full public use and enjoyment thereof. (W.S. Sec. 18-12-102)

1.9 "Landowner" or "property owner" means the person holding record fee title to real property or a person obligated to pay general property taxes under a contract to purchase real property. (W.S. Sec. 18-12-102)

1.10 "Resident" means a person who has a place of fixed habitation within the District and who, whenever absent, has the intention of returning. (22-1-102 (p))

1.11 "Road" or "street" means any graded and improved vehicular way now or hereinafter located or constructed within or upon a portion of real property within the District which has been dedicated to the public pursuant to the laws of the State of Wyoming. (31-5-102(a) (xlix); 34-12-103)

1.12 "Service" means the operation and maintenance of improvements and any other service authorized by the Improvement and Service District Act, W.S. 18-12-101 et. seq., subject to the limitations set forth in the Teton County Commissioners' "Resolution to Create, Form and Establish the Teton Village Improvement and Service District" dated July 16, 1985. (W.S. Sec. 18-12-102)

## Rule 2

### Charges for Services and Administration

2.1 Charges for Services and Administration Generally. The Directors shall charge each landowner for the costs of services provided by the District and for the costs of administering the District. The Directors may charge other users of District improvements for the use of such services. (W.S. Sec. 18-12-112(a) (vii))

2.2 Charges for Road Services. The Directors shall charge each landowner for road services provided by the District on the basis of assessed value of said landowners' property in the District, flat fee, direct cost, frontage, zone or other equitable basis, or any combination of said methods as the Directors shall determine from time to time by resolution. The cost of road services shall include the cost of removing snow and ice from roads in the District, the cost of repairing any road in the District, and the cost of any other service provided by the District to maintain roads in the District in a manner safe for vehicular and pedestrian travel.

2.3 Manner of Payment. Charges for services provided by the District may be levied on a monthly, quarterly, semi-annual or annual basis as the Directors shall determine from time to time by resolution.

2.4 Administration Expenses. The expenses of administering the District shall include, but not be limited to, all expenses for professional services, actual and necessary expenses of the Directors and Officers incurred in connection with the performance of their duties, the cost of any liability or other insurance for the District, its officers and employees and the salaries or wages of any employees of the District.

2.5 Taxes for Services. The District may issue bonds pursuant to Rule 6 for the financing of services for the benefit of the residents of the District. The principal and interest on said bonds shall be paid by a tax levy at the same time as the levy of taxes for county purposes, which tax levy shall be made by the Teton County Commissioners. (W.S. Sec. 18-12-120; 18-12-134)

2.6 Collection of Delinquent Charges for Services. The Board of Directors shall take prompt action to collect any delinquent charges for services. The delinquent property owner shall also be liable for all of the District's costs of the collection, including interest and a reasonable attorney's fee. The Directors shall have the power to place a lien upon landowners' property in the District to collect delinquent charges for services.

2.7 Charges for Non-budgeted Services and Administrative Expenses. The Board may charge landowners for the cost of services and expenses in excess of the amount approved in the budget pursuant to Rule 4.2 if the Directors in their sole discretion deem it necessary to protect the health and welfare of the residents in the District and the value of their property the District, provided, however, that said charges shall not exceed one and one half percent (1.5%) of the assessed value of property in the District for any fiscal year.

### Rule 3

#### Assessments for Improvements

3.1 Improvements Generally. Expenses for improvement provided by the District shall be assessed against the property in the District upon a frontage, zone or other equitable basis, including assessed value of property in the District, in accordance with the benefits accruing from the particular expense items. (W.S. Sec. 18-12-112(a) (vi))

3.2 Assessments for Improvements Benefiting Specific Property. When an improvement proposed by the Board will benefit specific property in the District to a greater extent than other property, the improvement may be financed with an assessment against the property specially benefited upon a frontage, zone or other equitable basis, in accordance with benefits. (W. S. Sec. 18-12-115)

3.3 Road Improvements. Expenses for improvements for roads in the District shall be assessed against property in the District on the basis of such properties' assessed value.

3.4 Determination of Annual Assessments. The Board shall establish an annual assessment against property in the District based on the amount approved in the budget for improvements as set forth in Rule 4.2, taking into account the amount of any principal, interest and reserve funds coming due that year from any outstanding or budgeted bond issues for services and improvements. The amount of the annual assessments against each property in the District shall be delivered to the Teton County Assessor's office by the Treasurer of the District on or before the date when the Teton County Assessor's office requires such information.

3.5 Collection of Assessments. Assessments for improvements in the District shall be levied and collected by the Teton County Assessor, made monthly to the Treasurer of the District and paid into the depository of the District to the credit of the District. All assessments levied pursuant to these Rules and Regulations and the Improvement and Service District Act, together with interest thereon and penalties for default in payment thereof, and the cost of collecting the same, constitute, until paid, a perpetual lien on and against the property taxed, and such lien shall be administered as and on a parity with the tax lien of other general taxes. (W.S. Sec. 18-12-119).

#### Rule 4

##### Budget for Improvements and Services

4.1 Budget. The total amount of charged assessments required to be raised for District improvements and services shall be determined at least annually in accordance with the applicable procedures proscribed by the Wyoming Statutes.

4.2 Approval of Budget. The budget shall be approved in accordance with applicable Wyoming Statutes.

#### Rule 5

##### Special Assessments For Improvements

5.1 Resolution of Intent. The Board may declare by resolution their intent to order improvements to be paid for by special assessment for any improvement not provided for in the annual budget. The resolution shall specify:

- a. the nature of the improvement proposed;
- b. the extent of the District to be improved;
- c. the probable cost per unit of measurement as shown by estimates of a qualified engineer;
- d. the time in which the cost will be payable; and

e. the time when a resolution authorizing improvements will be considered. (W.S. Sec. 18-12-116)

5.2 Notice of Resolution. The Board of Directors shall request the Teton County Clerk to give notice, by advertisement once in a newspaper of general circulation in Teton County, to the owners of the property to be assessed, said notice to provide:

a. the information set forth in Rule 5.1;

b. that maps, estimates and schedules showing the approximate amounts to be assessed and all resolutions and proceedings are on file and may be seen or examined at the office of the Teton County Clerk or other designated place; and

c. that all objections and complaints concerning the proposed improvements by owners of property subject to assessment will be heard and considered by the Board before final action, under the provisions of the Wyoming Administrative Procedure Act. (W.S. Sec. 18-12-117)

In addition to the published notice provided for in this Rule 5.2, the Directors shall notify all property owners of any proposed special assessment by written notice mailed to each property owner in the District at least ten (10) days in advance of the hearing date.

5.3 Objections to Special Assessments. All objections and complaints to a proposed special assessment must be submitted in writing to the Secretary of the Board of Directors on or before the date the matter is heard by the Board. The complaints and objections must be signed by the property owner and must state the reason for the complaint or objection. Any complaints or objections not conforming with this rule will not be considered by the Board and will not be deemed an objection to the improvement.

5.4 Defeat of Proposed Special Assessment. If objections to the improvement proposed to be financed by special assessments for the improvement are made by owners or agents representing property subject to thirty (30) percent or more of the projected dollar assessments for the improvement, the proposed improvement may not be considered within one (1) year thereafter. (W.S. Sec. 18-12-117(d))

5.5 Proposals for Special Assessments by Property Owners. Owners of particular property within the District may request that the Directors consider a specific improvement for such property which will be paid for by special assessment, provided that such property owners shall be obligated to pay the total cost of any engineering estimates, surveying, legal costs, or other directly related costs incurred in determining feasibility of the improvement.

5.6 Hearing on Resolution of Intent to Provide for Special Assessment. The hearing on the resolution of intent to provide for special assessment shall be conducted as follows:

a. The hearing before the Board of Directors shall be recorded either stenographically or electronically. The oral proceedings or any part thereof shall be transcribed on request of landowners upon payment of the cost thereof.

b. Only landowners subject to assessment will be heard at the hearing. Any owner shall have the right to be accompanied, represented and advised by counsel.

c. A member of the Board of Directors shall be selected by the Board of Directors to preside at the hearing and shall have the power to:

i. administer oaths and affirmations;

ii. rule upon offers of proof and receipt of relevant evidence;

iii. regulate the course of the hearing;

iv. hold conferences for settlement or simplification of issues; and

v. dispose of procedural requests or similar matters;

d. Hearings shall be conducted in accordance with the following order of procedure:

i. The presiding officer shall announce that the hearing is opened and read the published notice of resolution;

ii. The presiding officer shall then call for written complaints and objections to the improvement to be filed with the Board;

iii. The presiding officer shall then allow those landowners filing written complaints and objections (contestants) to make opening statements;

iv. The presiding officer shall then allow those landowners in favor of the proposed Resolution (respondents) to make an opening statement;

v. The evidence of contestants will be heard;

vi. The evidence of the respondents will be heard;

vii. The Board of Directors may call and interrogate witnesses and take official notice of any material fact not appearing in evidence in the record which among the traditional matters of judicial notice;

- viii. The contestants may offer rebuttal evidence;
  - ix. The presiding officer, in his discretion, may allow evidence to be offered out of order.
  - x. Closing arguments will be made in the following sequence:
    - First - contestant
    - Second - respondent
    - Third - contestant in rebuttal
  - xi. The presiding officer may recess the hearing as required and may limit the time for opening statements and closing arguments;
  - xii. After all interested landowners have been offered an opportunity to be heard, the presiding officer shall excuse all witnesses and declare the evidence closed. The evidence of the case may be reopened at a later date, for good cause shown, by order of the examiner upon motion of any party to the proceeding; and
  - xiii. The presiding officer may declare that the matter is taken under advisement by the Board and that the decision of the Board of Directors will be announced at a later date. A written decision of the Board of Directors shall, in any event, be made within ten (10) days after the conclusion of the hearing.
- e. No testimony will be received from a witness except under oath or affirmation. (16-3-107)

5.7 Informal Disposition of Hearing. Informal disposition may be made of any hearing by stipulation of affected parties. (16-3-107(n)).

## Rule 6

### Bonds

6.1 Resolution for Submission of Bond Proposition to Voters. By resolution the Board of Directors may submit to the qualified voters of the District, at any election held for that purpose, the proposition of issuing bonds to provide funds for the acquisition, construction, improving or financing of improvements as well as performing services for the benefit of the residents of the District, including any or all expenses incidental thereto or connected therewith. (W.S. Sec. 18-12-120)

6.2 Contents of Resolution. The resolution shall:

- a. State the purpose for which the bonds are proposed to be issued;
- b. State the estimated amount of money to be raised by the bond issue;
- c. State the principal amount of the bonds;
- d. State the maximum rate of interest on the bonds and whether the interest will be payable annually or semiannually;
- e. Fix the date of the election;
- f. Fix the manner of holding the election;
- g. State the denomination of each bond, which shall not be less than one thousand dollars (\$1,000.00); and which shall exceed twenty-five (25) years from the date of the bond or the date of any series of the bonds. (W.S. Sec. 18-12-121)

6.3 Notice of Bond Election. The Board shall give the property owners thirty (30) days written notice of the bond election which notice shall include the following information:

- a. The information set forth in Rule 5.2;
- b. A statement by the Board of the need for the issuance of the bonds and the purposes for which the proceeds of the bonds shall be devoted;
- c. A statement of the exterior boundaries of the District; and
- d. A general description of the proposed improvement or service to be provided by the District. (W.S. Sec. 18-12-121(b))

The Notice of Bond Election shall also be published in a newspaper in Teton County at least twenty (20) days, but not more than thirty (30) days, before the date set for the election. (W.S. Sec. 18-12-122(c))



6.4 Election Procedures. The election procedures shall be as follows:

a. The bond election ballot shall specify the name of the District, the total amount of the proposed bond issue, the maximum interest rate payable thereon, the term of years over which the bonds shall be repaid, and a brief description of the improvements to be acquired or constructed and the services to be rendered with the proceeds thereof. The question to be submitted on the ballot after such description shall be as follows:

For Issuance of Bonds \_\_\_\_\_  
Against Issuance of Bonds \_\_\_\_\_

(W.S. Sec. 18-12-122(b));

b. The Directors may divide the District into subdivisions for the purpose of such election or may adopt the election districts or precincts established for general or other elections;

c. It shall not be necessary to keep the polls open at any election more than five (5) consecutive hours at any time between the hours of 9:00 a.m. and 7:00 p.m. on the day of the election (W.S. Sec. 18-12-122 (f)(iii));

d. The returns of any election shall be canvassed and the results thereof declared by the Board within five (5) days following the date of the election at a regular or special meeting; and

e. Except as otherwise provided in W.S. 18-22-122, bond elections shall be called by the Board and held in accordance with these Rules and Regulations and the election procedures set forth in W.S. 22-21-101 through 22-21-112.

6.5 Approval of Bond Proposition. Any bond proposition shall be defeated unless approved by at least fifty-one percent (51%) of the voters in the District casting ballots in the election.

Rule 7

Limitation on Indebtedness Without Approval of Electors

No debt in excess of the taxes for the current year shall, in any manner, be created by the District, unless the proposition to create such debt shall have been submitted to a vote of the electors of the District and approved by a majority of the electors. (Art. 16 Section 4, Wyo. Constitution)

## Rule 8

### Election of Directors

8.1 Term of Office. The initial Board of Directors shall consist of three (3) Directors. One shall serve for three (3) years, one for four (4) years and one for five (5) years after formation of the District. (W.S. Sec. 18-12-113)

8.2 Time of Election. Each year, commencing with August 26, 1988, (or the first day thereafter if a Saturday, Sunday or legal holiday) an election shall be held to elect a director to fill the vacancy resulting from the expiration of the term of the director whose term expires at that time. (W.S. Sec. 18-12-113)

8.3 Notice of Election. The Board shall call an election for a Director by publishing a Notice of Election in a newspaper of general circulation in Teton County at least twenty (20) days prior to the election. The Notice shall list the electors nominated to be a Director and shall include a description of the boundaries of the District and the time, date and polling place or places for the election. (W.S. Sec. 18-12-122(d))

8.4 Nominations for Directors. Not later than thirty (3) days before any election of a Director, written nominations may be filed with the Secretary of the District. The nominations shall be signed by not less than three (3) electors, shall designate the name of each nominee and the term for which nominated, if there are more than one (1), and shall recite that the subscribers to the nomination and the nominee or nominees designated therein are electors of the District. No written nominations shall designate a qualified person as a candidate for more than one (1) vacancy, nor shall designate more than one nominee for any vacancy. No elector shall nominate more than one (1) person for any vacancy. If a nominee does not withdraw his name before the first publication of the Notice of Election, his name shall be placed on the ballot. (W.S. Sec. 18-12-122(e))

8.5 Vacancies. A vacancy occurring on the Board during the term of an original Director or his successor shall be filled by appointment by the remaining Directors for the unexpired portion of the term until the next election. (W.S. Sec. 18-12-113)

## Rule 9

### Board of Directors and Officers Required to Execute Bonds

9.1 Bonds; Oaths of Office Required. All Directors and Officers, within thirty (30) days after the commencement of the term for which they were elected or appointed, shall take, subscribe and file an oath of office and execute and file their official bonds to the District to insure the honest and faithful performance of their official duties, in the penal amounts specified and according to the following rules.

9.2 Directors. Directors shall each have a bond approved by the Directors of one thousand dollars (\$1,000.00).

9.3 Treasurer. The Treasurer shall have a bond in an amount approved by the Directors, but in no event less than five thousand dollars (\$5,000.00), with an approved corporate surety company or at least three (3) sufficient sureties. The bond of the Treasurer shall be conditioned upon the terms set forth in W.S. 38-2-104. (38-2-101; 18-3-102)

9.4 Secretary. The Secretary shall have a bond approved by the Directors of one thousand dollars (\$1,000.00).

9.5 Employees. The Directors may require any District employee who received District revenue to execute a bond with the District in the penal sum of one and one half (1.5) times the amount of revenue received.

9.6 Sureties. Sureties of official bonds shall be residents of Wyoming; provided however, that any surety or guaranty company, duly qualified to act as a surety or guarantor in Wyoming, upon executing such bonds shall be accepted in lieu of resident sureties. Sureties shall have a net worth of twice the amount secured by the bond and each shall sign an affidavit, which will be endorsed on the bond, of his net worth. (38-2-102; 18-2-102).

9.7 Form of Bond. The bond for any Director or Officer having custody of monies shall be conditioned that such Officer or Director shall faithfully perform all of the duties of his office as prescribed by law, and that he will safely keep all monies which may come into his hands by virtue of his office, that he will promptly pay over to the person or persons legally authorized to receive the same all such monies in the manner provided by law, and that he will deliver over to his successor in office all monies held by him as such Officer or Director. (38-1-101; 38-2-104).

## Rule 10

### Contracts for Public Improvements and Services

10.1 Three Bids for Contracts Over Fifteen Thousand Dollars. The Directors shall solicit and attempt to secure at least three (3) bids for all contracts for any type of public improvement or service, the cost of which exceeds fifteen thousand dollars (\$15,000.00), except contracts for professional services.

10.2 Advertisement of Bids for Contracts for Improvements and Services Exceeding Ten Thousand Dollars. All contracts for any type of public improvement or service, excluding contracts for professional services, shall be advertised for bid if the cost exceeds thirty-five thousand dollars (\$35,000.00). The advertisement shall be published on two (2) different occasions, at least seven (7) days apart, in a newspaper having general circulation in the District. The published notice shall state the place, date and time when persons may obtain complete specifications of work to be performed. The right to reject any and all bids is reserved in all bid advertisements. (15-1-113).

10.3 Plans and Specifications. Before advertising for bid any contract required to be advertised, the Directors shall have detailed plans and specifications prepared together with an estimate of the probable cost and a form of the proposed contract.

10.4 Bid Bond. The Directors may require all bidders to accompany each bid with a bid bond with sufficient surety, or a certified check, cashier's check or bank draft upon some reputable bank payable to the District for at least five percent (5%) of the total amount of the bid. The bond, check or bank draft shall be forfeited as liquidated damages, if the bidder, upon the letting of the contract to him, fails to enter into the contract within thirty (30) days after it is presented to him for that purpose or fails to proceed with the performance of the contract.

10.5 Letting Contract. Any contract required to be let for bid shall be let to the lowest bidder who shall be determined qualified and responsible in the sole discretion of the Directors, subject to the preference for Wyoming bidders set forth in Rule 10.6. The Directors may reject all bids submitted if they find that none of them would serve the public interest. Every contract shall be executed by the Chairman of the District or in his absence or disability another presiding Officer of the District and the Secretary of the District. (15-1-113) Any contract for improvements or services shall require that the contractor hold the District and the Directors harmless and indemnify the District and the Directors against any loss, claim or damage of any kind resulting from the contractor's performance of work pursuant to the contract.

10.6 Preference for Wyoming Bidders, Workers and Materials. Contracts for services and improvements shall be let to a Wyoming resident making the lowest responsible bid if the Wyoming resident's bid is not more than five percent (5%) higher than that of the lowest responsible nonresident bidder (16-6-102). For purposes of this Rule 10.6, "resident" means (1) any person who has been a bona fide resident of Wyoming for one year prior to bidding upon the contract; (2) a partnership or association, each member of which has been a bona fide resident of Wyoming for one year or more immediately prior to bidding upon the contract; or (3) a corporation which has been organized under the laws of Wyoming and has been in existence in Wyoming for one year or more immediately prior to bidding upon the contract and which has its principal office and place of business in Wyoming (16-6-101). Every contract for improvements and services in the District shall contain a provision requiring that Wyoming labor be used except other laborers may be used when Wyoming laborers are not available for the employment from within Wyoming or are not qualified to perform the work involved (16-6-203). Contracts for improvements and services shall provide that Wyoming materials and products of equal quality and desirability shall have preference to materials or products produced outside Wyoming (16-6-104).

10.7 Performance Bond and Payment Bond. The successful bidder for all contracts exceeding one hundred fifty thousand dollars (\$150,000.00) shall give the District a bond in the penal sum of equal to 100% of the contract, from a surety or guaranty company qualified to act as surety or guarantor in the State. The successful bidder for all contracts between one hundred fifty thousand dollars (\$150,000.00) and thirty-five thousand dollars (\$35,000.00) shall give the District a bond in the penal sum of equal to the amount of the bid, with two (2) sureties for the faithful performance of the contract. The sureties shall be Wyoming residents, who own

property in Wyoming amounting in the aggregate to double the amount of the bond upon which they are sureties. Any surety or guaranty company qualified to act as surety or guarantor in the state, upon executing individual bonds, shall be accepted in lieu of the sureties. (15-1-113; 16-6-112).

10.8 Progress Payments. No progress payment may be made on any contract for improvements exceeding ten thousand dollars (\$10,000.00) until an engineer, architect or other appropriate person retained by the District has furnished the estimate, together with a certificate that the amount of work estimated to have been done conforms in all material respects with the requirements of the contract.

10.9 Final Payments. Before any contractor or his representative receives a final payment on any contract required to be bid, the Directors shall publish in a newspaper of general circulation in the District, at least forty (40) days prior to the final payment, a notice to the effect that the District has accepted the work as substantially complete according to the plans and specifications and rules set forth in the contract between the District and the contractor, and that the contractor is entitled to final settlement therefore. The notice shall be published once a week for two (2) consecutive weeks and shall state that upon the 41st day (and the notice shall specify the exact date) after the first publication of the notice that the District shall pay to the contractor the full amount due under the contract. (16-6-116)

## Rule 11

### Amendments to the Rules and Regulations

11.1 Amendments. The Directors may amend these Rules and Regulations upon the affirmative vote of two-thirds (2/3) of the Directors; provided, however, that no such amendment shall be effective if two-thirds (2/3) of the property owners or two-thirds (2/3) of the electors object to such amendment in writing prior to the date of adoption of the amendment in accordance with the procedure set forth in Rule 11.2. Any amendment defeated by the property owners or by the electors as set forth in Rule 11 shall not be reintroduced for consideration by the Directors for a period of one (1) year. No amendment shall be effective if contrary to law.

11.2 Procedure for Adopting Amendments. Prior to the Director's adoption of an amendment to the Rules and Regulations the Directors shall give at least forty-five (45) days notice by publication in a newspaper of general circulation in the District of the intended amendment. The notice shall:

- a. Include the time when, the place where and the manner in which interested persons may present their view on the intended amendment;
- b. Afford all interested persons the opportunity to submit their arguments in writing;

c. Give an opportunity for an oral hearing if requested by twenty-five (25) or more persons, or by a governmental subdivision, or by an association having not less than twenty-five (25) members;

d. Indicate that the Board shall mail notice of its intended action to all persons requesting advance notice of its amendments within twenty (20) days of the date proposed for adoption of the amendment. (16-3-103(a)).

## Rule 12

### Street Parking, Construction Impacting Streets, 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 current and paid up within 30 days 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. Tracked equipment with metal tracks in contact with pavement are 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 Construction Impact Permit. Permits may be issued by the District for construction vehicles exceeding American Association of State Highway Transportation Officials (AASHTO) HS 15-44 rating, for tracked construction equipment, or for construction equipment/vehicles that may damage or obstruct vehicle traffic on the streets as follows:

a. By permit issued to a landowner by the Directors prior to the commencement of landowner's 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 and the repair and maintenance of the streets. In no event shall the permit allow closing the street to vehicle traffic.

The permit may allow a maximum number of vehicles at any time, specific hours of operation and a maximum number of days for the permit to be in effect until it expires. The landowner shall be required to post a cash deposit equal to 125% of the estimated surface reclamation cost but not less than \$20,000, or other adequate surety such as a bond or letter of credit to ensure adherence to the District's requirements for 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.

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

i. One lane of traffic shall be kept passable for vehicular traffic and emergency vehicles at all times. **CONSTRUCTION ACTIVITY SHALL NOT BLOCK BOTH LANES OF TRAFFIC.** In the event construction activity shall require temporary 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 traffic control facilities and personnel necessary to provide full vehicular access with interruptions of no longer than five minutes each direction and for emergency vehicle access at all times. The landowner must also agree to indemnify and hold the District harmless for any liability from construction vehicles on streets and roadways.

ii. 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.

iii. All road damage shall be reclaimed to the District engineer's standards prior to the end of the permit period but 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 \$10,000.00 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.

c. 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.



d. 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 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 direction 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.

12.6 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.

12.7 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.

12.8 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

## Rule 13

### Hazardous Road Condition Restrictions

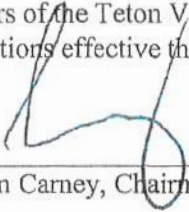
13.1 Scope of the "District Chain Law." When the District or its authorized representative determines that travel is sufficiently hazardous due to snow, ice or other conditions, travel on District roads may be restricted to only those motor vehicles utilizing adequate snow tires or tire chains, motor vehicles that are all-wheel drive vehicles or necessary emergency vehicles as defined in W.S. §31-5-102(a)(ii), including snow plows.

The District or its authorized representative may further restrict travel in extremely hazardous conditions to use only by necessary emergency vehicles as defined in W.S. §31-5-102(a)(ii), including snow plows, and those vehicles utilizing tire chains or to all-wheel drive vehicles utilizing adequate snow tires with a mud and snow or all-weather rating from the manufacturer having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing driving conditions.

13.2 Signage to Notify Restrictions are Effective / In Force. The prohibition or restriction of use shall be effective when signs, including temporary or electronic signs, giving notice thereof are erected upon that portion of the roadway, and it shall be unlawful to proceed in violation of the notice. The operator of a commercial vehicle shall affix tire chains to at least two (2) of the drive wheels of the vehicle at opposite ends of the same drive axle when the vehicle is required to utilize tire chains.

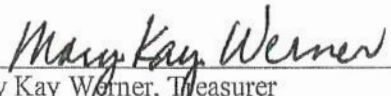
13.3 Violation of Restrictions. Vehicles operating in violation of this restriction may be towed or otherwise removed from the road at the expense of the owner or operator of the vehicle.

IN WITNESS WHEREOF, the Directors of the Teton Village Improvement and Service District have adopted these Rules and Regulations effective the 10th day of November, 2020.



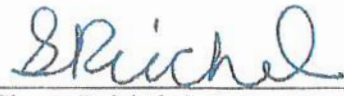
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Tim Carney, Chairman



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Mary Kay Werner, Treasurer



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Shawn Reichel, Secretary

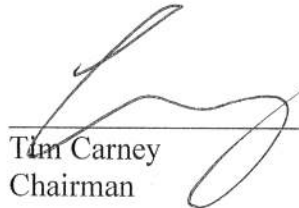
RESOLUTION  
OF  
RULES AND REGULATIONS  
OF THE  
TETON VILLAGE IMPROVEMENT AND SERVICE DISTRICT  
County of Teton  
Wyoming

I certify that the attached is a true and correct copy of the Regulations of the Teton Village Improvement and Service District relating to water and sewer use amended in accordance with Wyoming Statute 41-10-113 (a)(xxi). These are the amended Regulations.

Prior to amendment, these Regulations were considered at a public meeting, held on the 11<sup>th</sup> day of August, 2020, and were available for public inspection more than forty-five (45) days before adoption by the Board of Directors.

The effective date of the attached Regulations is the date of filing with the County Clerk of Teton County, Wyoming.

Executed and dated this 11<sup>th</sup> day of August, 2020.

  
\_\_\_\_\_  
Tim Carney  
Chairman

ATTEST:

  
\_\_\_\_\_  
Shawn Reichel  
Secretary