

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE CREATING SECTION 12.04.240, MOBILE STORAGE CONTAINERS ON PUBLIC RIGHT-OF-WAY; PERMIT REQUIRED, OF CHAPTER 12.04, STREETS, SIDEWALKS AND DRIVEWAYS GENERALLY, OF TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING, AND MAKING A CONFORMING AMENDMENT AS SPECIFIED."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That Section 12.04.240, Mobile Storage Containers on Public Right-Of-Way; Permits Required, of Chapter 12.04, Streets, Sidewalks and Driveways Generally, of Title 12, Streets, Sidewalks and Public Places, of the Cheyenne City Code are hereby created to read as follows:

12.04.240 - Mobile storage containers on public right-of-way; permit required.

- A. An encroachment permit shall be required for any mobile storage container that will occupy any part of the street or will otherwise be placed on the public right-of-way. No mobile storage container shall occupy any part of the sidewalk located within the public right of way.
- B. Any person wanting to place a mobile storage container on the right-of-way shall apply to the city engineer for an encroachment permit no later than ten (10) business days prior to the placement of the mobile storage container at a particular location. The permit application shall identify the proposed location of the mobile storage container to be placed on the public right-of-way, the name and contact information for the property owner or tenant who will use the container, the name and contact information of the business through which the mobile storage container will be obtained and any other information specified by the city engineer. The permit shall be displayed on the exterior of the mobile storage container at all times.
- C. In addition to the information required to be submitted under subsection (B) of this section, a permit applicant shall submit adequate proof of liability insurance for the placement of the mobile storage container. Liability coverage under the insurance shall be in an amount determined by the city engineer and the insurance shall be maintained during the entirety of the time the mobile storage container is to be placed on the public right-of-way.
- D. An initial mobile storage container encroachment permit shall not require the payment of any permit fee but upon approval by the city engineer of the permit application shall authorize the placement of the mobile storage container for a period of not more than ninety (90) days. An encroachment permit under this section may be renewed not more than two (2) times for any specified location and for no more than a combined total of one hundred

eighty (180) days in any consecutive twelve (12) month period. An encroachment permit under this section may be renewed as follows:

1. A first permit renewal shall require payment of a one hundred and fifty dollars (\$150.00) permit renewal fee, which upon approval by the city engineer and payment shall authorize the continued placement of the mobile storage container for an additional period of sixty (60) days; and
 2. A second permit renewal shall require payment of a seven hundred fifty dollars (\$750.00) permit renewal fee, which upon approval by the city engineer and payment shall authorize the continued placement of the mobile storage container for an additional period of thirty (30) days.
- E. No mobile storage container that is or will be placed in a residentially zoned area shall be delivered or removed for transport between the hours of 7:00 p.m. and 6:00 a.m.
- F. The vertical stacking of two (2) or more mobile storage containers and stacking of any other materials on top of a portable storage container is prohibited.
- G. The city engineer, in his or her discretion, may approve, conditionally approve or deny any mobile storage container encroachment permit application. All mobile storage container encroachment permits are revocable at the discretion of the city engineer. If in the judgement of the city engineer, the public interest or convenience will be served by removal or relocation of a mobile storage container from the public right-of-way, the city engineer shall modify, condition or revoke the encroachment permit accordingly. Any permit revoked under this subsection shall entitle the former permit holder to a pro rata refund based on the remaining number of days of the permit but for the revocation by the city engineer.
- H. Notwithstanding the one hundred eighty (180) day limitation imposed under subsection (D) of this section and for good cause shown, the city engineer may grant a permittee waiver, authorizing additional time during which the permittee's mobile storage container may be placed on the public right-of-way. Any waiver granted under this subsection shall not exceed sixty (60) days and shall be evidenced through the issuance of a permit waiver which shall be displayed in accordance with subsection (A) of this section.
- I. Any person found in violation of this section shall be guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). Each day of a continuing violation shall constitute a separate offense.
- J. As used in this section, "mobile storage container" means a moveable container that is temporarily placed on the public right-of-way adjacent to a property and is used or intended to be used by the property owner or tenant for short-term storage of items, including but not limited to clothing, equipment, materials, merchandise or household or office fixtures

or furnishings. For the purposes of this section, "mobile storage container" shall include roll off dumpsters.

Section 2. That Section 12.04.080, Construction and repair—Permits required—Fees—Exception, of Chapter 12.04, Streets, Sidewalks and Driveways Generally, of Title 12, Streets, Sidewalks and Public Places, of the Cheyenne City Code are hereby amended to read as follows:

12.04.080 - Construction and repair; ~~Permits~~ permits required; ~~Fees~~ fees; ~~Exception~~ exception.

A. No person may construct, remove or repair any sidewalk, curb and gutter, driveway, roadway or street, or perform any other work within the public right-of-way without first obtaining a right-of-way encroachment permit. Right-of-way encroachment permit and plan review fees for work in the public right-of-way shall be based on the valuation of the work and paid in accordance with the schedule of permit fees contained in Section 15.08.030. If the work to be done ~~in~~ within the right-of-way is in conjunction with a building permit, a separate right-of-way encroachment permit is required.

B. This section shall not apply to the placement of mobile storage containers under Section 12.04.240 of the city code.

~~B.~~ C. Exception. None, unless waived specifically by the city engineer.

Section 3. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 4. That this ordinance shall be in full force and effect upon approval and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

PATRICK COLLINS, MAYOR

(SEAL)

ATTEST:

KRISTINA F. JONES, CITY CLERK

Published: _____
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