

## ORDINANCE 2025-1

### AMENDING TITLE 13, SECTION 13-12-1, STREET, RIGHT-OF-WAY AND ALLEY EXCAVATIONS-PERMITS

**WHEREAS**, a provision for street and alley excavation permits is found in the Lander Municipal Code in Title 13, and the governing body of the City of Lander finds an amendment of the provision is necessary;

**NOW THEREFORE**, be it ordained by the Mayor and Council of the City of Lander, in the State of Wyoming, as follows:

**SECTION 1:** AMENDMENT “13-12-1” of the City of Lander Municipal Code is hereby *amended* as follows:

#### 13-12-1      Street, Right-of-Way-~~And~~ Alley Excavations - Permits and Pole Removal

- A. Required. No person, firm, entity or corporation shall make any excavation or dig in ~~any ditch~~ in any paved, oiled, graveled, improved or unimproved right-of-way dedicated for street, ~~or~~ alley or other purposes in the City of Lander unless the person, firm, entity or corporation shall first obtain a permit from the City Building Inspector.
- B. Exceptions. This ordinance shall not be construed to mean that excavation permits are required for the installation of fences ~~and utility poles, or for excavation of any easement~~. Also, permits shall not be required for routine maintenance or repair. However, excavation of, digging in or disturbance of the right-of-way is not considered routine maintenance or repair.
- C. Application for permit. No excavation permit shall be issued by the Building Inspector or his designate unless all information required by the permit has been supplied. The permit shall state the applicant's name, company name/owner and the company/owner's mailing address, the purpose of the permit, the location of the work site and the owner of the land/property for said work. When approved, the Building Inspector and the applicant shall sign said permit. That signature shall constitute a legal permit to excavate and ~~for~~ fill excavation within the public right-of-way.
- D. Notification of utilities. Permittee shall notify all utilities in writing within the area of the proposed excavation. Permittee shall also notify city police and fire department. Said notifications shall be made prior to digging.
- E. Fees shall be in accordance with the City of Lander Fee Schedule.
- F. Emergency excavation. Nothing in this chapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for making emergency repairs outside of ~~the~~ normal working hours; provided, that the person making such excavation shall apply to the Building Inspector for an excavation permit on the first working day after such work is commenced; and further, that the city police, fire, and street departments shall be notified to the extent practicable before the excavation of the intent to excavate and the reason for doing so. Only work necessary to satisfy the need that

constitutes the excavation, as an emergency shall be done before obtaining a permit as outlined in this chapter. A permit fee may be doubled if procedures are not followed.

- G. The City of Lander and city employees not liable: This chapter shall not be construed as imposing upon the City of Lander or any employee thereof any liability or responsibility for and damages to any person injured or property damaged by the performance of any excavation work for which an excavation permit is issued or for an emergency excavation. Nor shall the City of Lander or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authority under this chapter, the issuance of any permit or the approval of any excavation work.
- H. Exemption: The City and its employees while performing their duties shall be exempt from having to obtain a permit.
- I. Pole Abandonment. To the extent a person, company or other entity has or subsequently installs any pole in the right-of-way, and then abandons that pole because it is no longer needed for operation of the pole owner's primary service, the pole owner shall so notify the city in writing and remove such pole within sixty (60) days after abandonment of the pole for its primary use. Such pole removal shall occur even if persons, companies or other entities still have their equipment or facilities attached to the abandoned pole. It is the responsibility of those persons, companies or other entities with any attachment to an abandoned pole to make other suitable arrangements for themselves.
- J. Enforcement. If an owner of an abandoned pole fails to comply within the above time frame, the city may abate the nuisance and remove the abandoned pole at the pole owner's cost and expense including attorneys' fees. Failure of a person, company or other entity to timely remove an abandoned pole within sixty (60) days shall be considered a violation of this chapter. Persons, companies or other entities violating this chapter shall be fined in accordance with the City of Lander Fee Schedule. Each day of a continuing violation of this chapter shall be deemed a separate offense.

**SECTION 2:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** Severability. If any section, subsection, sentence, phrase, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 4:** This Ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

**PUBLIC HEARING** November 12, 2024

**PASSED ON FIRST READING** November 12, 2024

**PASSED ON SECOND READING** November 26, 2024

**PASSED ON THIRD READING** December 10, 2024

PASSED, ADOPTED AND APPROVED by the Mayor and the CITY OF LANDER COUNCIL on the 10th day of December 2024.

THE CITY OF LANDER  
A Municipal Corporation

By: \_\_\_\_\_  
Monte Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Rachelle Fontaine, City Clerk

STATE OF WYOMING     )  
  ) ss.  
COUNTY OF FREMONT   )

CERTIFICATE

I hereby certify that on December 10, 2024, following passage, adoption and approval of Ordinance 2025-1, Monte Richardson, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being December 11, 2024.

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Rachelle Fontaine,  
City Clerk