

CODE
OF THE CITY OF
MILLS

Published in 2024 by Order of the City Council

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PROOFS

OFFICIALS

of the

CITY OF

MILLS, WYOMING

AT THE TIME OF THIS RECODIFICATION

Leah Juarez
Mayor

Brad Neumiller, President
Sara McCarthy
Cherie Butcher
Tim Sutherland
City Council

Patrick Holscher
City Attorney

Sarah Osborn
City Clerk

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PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Mills, Wyoming.

Source materials used in the preparation of the Code were the 1966 Code, as supplemented through August 7, 2002, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1966 Code, as supplemented, and any subsequent ordinance included herein.

Acknowledgments

This publication was under the direct supervision of Roger D. Merriam, Senior Code Attorney, and Emma J. Cyphers, Editor, of CivicPlus, LLC, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Sarah Osborn, City Clerk, Mr. Patrick Holscher, City Attorney, and Ms. Elizabeth Grill, Assistant City Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

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CHAPTER 1.01. IN GENERAL**Sec. 1.01.010. The Code of the City of Mills.**

This Code is and shall constitute the Code of the City of Mills. The Code shall reflect and constitute the codification of ordinances of Mills.

(Ord. No. 680, § 1.01.010, 8-10-2016; Ord. No. 758, att.(1.01.010), 4-13-2021)

Sec. 1.01.020. How Code designated and cited.

The ordinances embraced in this chapter and the following chapters and sections shall constitute and be designated as the "Code of the City of Mills" and shall be cited as such. In this publication, and other documents, the "Code of the City of Mills" may be referred to as the "Mills Code," "City Code," or "Code."

(Ord. No. 680, § 1.01.020, 8-10-2016; Ord. No. 758, att.(1.01.020), 4-13-2021)

Sec. 1.01.030. Definitions and rules of construction.

In the construction of this Code and ordinances of the City of Mills, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the council or the content clearly requires otherwise.

Administrative official. The term "administrative official" means a board, commission, committee, officer, agent or employee of the city charged by the council with the administration and enforcement of the particular provisions of this Code in which the term "administrative official" is used.

City. The term "city" means the City of Mills, Wyoming.

Code. The term "Code" means the Code of the City of Mills designated in section 1.01.020.

Computation of time. The time within which an act is to be done shall be computed by excluding the day of the event and including the last day of the time period unless the last day is a Saturday, Sunday or a State of Wyoming legal holiday, in such case the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

County. The term "county" means Natrona County in the State of Wyoming, in which the City of Mills is located.

Gender. Words of gender include all genders.

Governing body. The term "governing body" means the elected and serving legislative body of the City of Mills.

In the city; in the corporate limits of the city. The phrase "in the city" or "in the corporate limits of the city" means and includes any and all territory within the corporate limits of the City of Mills, and other territory over which regulatory or police power has been conferred for the City of Mills by general or special act of Natrona County, or the State of Wyoming.

Joint authority. All words giving joint authority to three or more persons shall be construed as giving such authority to a majority of such persons.

Month. The term "month" means the particular calendar month.

Municipality. The term "municipality" means the City of Mills.

Number. Words used in the singular include the plural and words used in the plural include the singular.

Oath. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and, in such cases, the terms "swear" and "sworn" are equivalent to the terms "affirm" and "affirmed."

Owner. The term "owner," when applied to a building or land, includes not only the owner of the whole, but also any part owner, joint owner, tenant in common or joint tenant of the whole or part of such building or land and shall include any agent of such owner, and where such owner is a body corporate, it shall include the managing agent or officers.

Person. The term "person" includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every type of property, except real property, which is defined in this section.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Professional services. The term "professional services" includes every type of licensed or certified profession.

Property. The sole use of the term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements, and hereditaments.

Revision. The "revision" means to correct errors, make changes, and update this Code within existing titles, articles, and sections.

Shall; may. The term "shall" is mandatory, and the term "may" is permissive.

Sidewalk. The term "sidewalk" means any portion of the street between the curblineline and the adjacent property line intended for the use of pedestrians.

State. The term "state" means the State of Wyoming.

State law or state statute. Reference to "state law" means the Wyoming Statutes, as amended. The abbreviation "W.S." means the Wyoming Statutes, as now or hereafter amended.

Street. The term "street" means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, bridges and the approaches and all other public thoroughfares in the city.

Tenant; occupant. The terms "tenant" and "occupant," when applied to a building or land, mean any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written or in writing. The term "written" or "in writing" includes printing, lithographing, or other modes of representing words and letters; provided that in all cases where the written signature of a person is required, the proper handwriting of such person, or his mark, shall be required.

Year. The term "year" means a calendar year, unless defined otherwise.
(Ord. No. 680, § 1.01.030, 8-10-2016; Ord. No. 758, att.(1.01.030), 4-13-2021)

Sec. 1.01.040. Catchlines; headings.

The catchlines of the sections and the headings of titles, articles, sections, and subsections of this Code are intended merely, and only, as catchwords to indicate and give guidance to the contents of the titles, articles, and sections.

(Ord. No. 680, § 1.01.040, 8-10-2016; Ord. No. 758, att.(1.01.040), 4-13-2021)

Sec. 1.01.050. Severability of parts of the Code.

If for any reason any part, section, subsection, sentence, clause or phrase of this Code, or the application to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code. In the event any part, paragraph, clause or section of this Code is declared by a court of competent jurisdiction to be invalid for any reason, it is declared and determined the mayor and council would nevertheless have passed the remainder and the remaining parts shall remain in full force and effect.

(Ord. No. 680, § 1.01.050, 8-10-2016; Ord. No. 758, att.(1.01.050), 4-13-2021)

Sec. 1.01.060. Effect of repealing ordinance.

The repeal of ordinances as provided shall not affect any right which has accrued, and duly imposed, any penalty incurred, nor any action or proceedings as commenced under or by virtue of the ordinance repealed, nor the tenure of office of any person holding office at the time when such ordinances take effect; nor shall the repeal of any ordinances have the effect of reviving any ordinance repealed or superseded; nor shall the repeal of any ordinance have the effect of giving meaning for the purposes of construction of any ordinance repealed or superseded.

(Ord. No. 680, § 1.01.060, 8-10-2016; Ord. No. 758, att.(1.01.060), 4-13-2021)

Sec. 1.01.070. Preserving and recording ordinances.

It shall be the duty of the city clerk to safely preserve the original ordinances and, when passed and approved, to record the same in a book provided for that purpose. The city clerk shall attach a certificate to each ordinance, so recorded, to the effect the same is a true and correct copy of the original ordinance as passed.

(Ord. No. 680, § 1.01.070, 8-10-2016; Ord. No. 758, att.(1.01.070), 4-13-2021)

Sec. 1.01.090. Numbering.

Each ordinance passed by the council shall be systematically identified by a number assigned to such ordinance pursuant to the systematic numbering system used in this Code. The numbering system so adopted shall reflect the sequence of adoption of all the city's ordinances from the implementation of such numbering system and shall assign a particular number to only one ordinance.

(Ord. No. 680, § 1.01.090, 8-10-2016; Ord. No. 758, att.(1.01.090), 4-13-2021)

Sec. 1.01.101. Amendment, repeal, revision, and recodification of Code.

(a) The amendment or repeal of existing provisions of this Code or the insertion of additional provisions in this Code shall be done in the following manner:

- (1) Ordinances amending existing sections shall designate by section number, the sections which are affected and set out in full the new language of each such section;
- (2) Ordinances repealing existing sections shall designate, by section number, the sections which are repealed;
- (3) Ordinances adding sections to this Code shall designate where such sections are to be inserted.

(b) The city clerk shall maintain a list of all affected ordinances and shall proceed as is consistent with section 1.01.070.

(c) The revision, updating, and recodification of ordinances may be published by title only together with a brief summary of the recodification or revision in the manner set out in W.S. 15-1-116, and the actual recodification and revision shall be available to the public at all reasonable hours in the office of the city clerk and in a public location in the city hall.

(d) The council may amend existing schedules, tables or singular costs, expenses, fines or other monies to be collected by resolution, where not contrary to state statute. When such amendment has been made by resolution, those parts of this Code affected shall be deleted from this Code and the following shall be inserted as its replacement:

The schedule, tables, rates, fines, or other designation of costs, expenses, fines or other fees have been deleted from this section. The subject addressed in this section has now been amended by resolution. The resolution may be obtained from the city clerk's office from the official book of resolutions.

(Ord. No. 680, § 1.01.101, 8-10-2016; Ord. No. 758, att.(1.01.101), 4-13-2021)

Sec. 1.01.102. Numbering of sections, articles, or chapters not be given importance.

The sequence of sections, articles or chapters in this Code shall not be deemed to imply any substantive intent to a particular ordinance.

(Ord. No. 680, § 1.01.102, 8-10-2016; Ord. No. 758, att.(1.01.102), 4-13-2021)

Sec. 1.01.103. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1.01.104. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.

(b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any ordinance on the effective date of this Code.

Sec. 1.01.105. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion thereof pertaining to the following not in this Code, which ordinances designated continue in full force and effect to the same extent as if published at length in this Code:

- (1) Describing the corporate limits of the city or annexing or deannexing property.
- (2) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (3) Authorizing or approving any contract, deed, or agreement.
- (4) Making, amending, or approving any appropriation or budget.
- (5) Granting any right or franchise.
- (6) Providing for salaries or other officer or employee benefits.
- (7) Naming or renaming a park or recreational facility.
- (8) Adopting or amending the comprehensive plan or a land development code.
- (9) Dedicating, establishing, naming, renaming, locating, relocating, opening, paving, widening, repairing, vacating or discontinuing any road.
- (10) Establishing the grade, curblineline or width of any road.
- (11) Dedicating, accepting or vacating any plat or subdivision.
- (12) Rezoning specific property or amending the zoning map.
- (13) That is temporary, although general, in effect.
- (14) That is special, although permanent, in effect.
- (15) The purpose of which has been accomplished.

CHAPTER 1.03. PENALTIES AND REMEDIES

Sec. 1.03.010. General penalties; remedies generally; continuing violation.

Where not otherwise specified in this Code, the penalty for violating an ordinance, rule or regulation passed by the city council shall be:

- (1) Any misdemeanor committed in the city shall be punishable by a fine of no more than \$750.00, to which court costs and assessments may be added as set by the municipal court, unless otherwise specifically provided for herein, for each violation.
(Ord. No. 680, § 1.03.010, 8-10-2016; Ord. No. 758, att.(1.03.010), 4-13-2021; Ord. No. 777, 2-8-2022)

Sec. 1.03.020. Action for penalties or fines.

All actions brought to recover any penalty or fine shall be brought in the corporate name of the city.
(Ord. No. 680, § 1.03.020, 8-10-2016; Ord. No. 758, att.(1.03.020), 4-13-2021)

Sec. 1.03.030. Disposition of recoveries.

The recoveries, when collected, shall be paid into the treasury of the city.
(Ord. No. 680, § 1.03.040, 8-10-2016; Ord. No. 758, att.(1.02.030), 4-13-2021)

CHAPTER 1.04. CORPORATE SEAL

Sec. 1.04.010. City seal designed and adopted.

A seal, the impression of which shall be of circular form, bearing the words "City of Mills, Wyoming, Est. 1921" is adopted as the city seal.
(Ord. No. 680, § 1.04.010, 8-10-2016; Ord. No. 758, att.(1.04.010), 4-13-2021)

Sec. 1.04.020. Authentication.

A document possessing the seal as set out in section 1.04.010 shall be prima facie evidence the document is authentic.
(Ord. No. 680, § 1.04.020, 8-10-2016; Ord. No. 758, att.(1.04.020), 4-13-2021)

Sec. 1.04.030. Validating act.

Documents executed by the city requiring the seal of the city and bearing a seal in the form in section 1.04.010 prescribed are validated and ratified, and approved by the city with the same force as if such seal had then been the official seal of the city.
(Ord. No. 680, § 1.04.030, 8-10-2016; Ord. No. 758, att.(1.04.030), 4-13-2021)

Sec. 1.04.040. Custodian.

The clerk of the city shall be the custodian of the corporate seal and shall affix the seal imprint upon all official documents.
(Ord. No. 680, § 1.04.040, 8-10-2016; Ord. No. 758, att.(1.04.040), 4-13-2021)

CHAPTER 1.05. OFFICIAL NEWSPAPER**Sec. 1.05.010. Designated.**

The city designates the city website, courthouse, library, city hall, senior center, and U.S. post office as locations for the postings of official and public notices. The city reserves the right to designate other locations through resolution.

(Ord. No. 680, § 1.05.010, 8-10-2016; Ord. No. 758, att.(1.05.010), 4-13-2021)

CHAPTER 1.06. DEPOSITORY**Sec. 1.06.010. Designated.**

The city shall annually designate such financial institution as authorized by the state to keep and deposit city monies as designated and directed by the council by resolution. The city council may, by resolution, designate additional or alternate depositories for funds of the city.

(Ord. No. 680, § 1.06.010, 8-10-2016; Ord. No. 758, att.(1.06.010), 4-13-2021)

CHAPTER 1.07. SAVINGS PROVISION**Sec. 1.07.010. General provision.**

Should any provision of these ordinances in whole or in part be found to be illegal, the remainder of these ordinances, including their subparts, shall not be affected.

(Ord. No. 758, att.(ch. 1.07), 4-13-2021)

PROOFS

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CHAPTER 2.04. CITY COUNCIL**Sec. 2.04.010. Organization.**

(a) The municipal officers of the city shall consist of a mayor and four councilmen, who shall be a body corporate and politic, and shall constitute the governing body of the city.

(b) Everywhere in the city ordinances, the use of the word "city" shall be deemed to have the same meaning and shall refer to the municipality.

(Ord. No. 752, att.(2.04.010), 3-23-2021; Ord. No. 780, att.(2.04.010), 6-14-2022)

Sec. 2.04.020. Mayor.

The mayor shall preside at meetings of the governing body and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon the mayor by the constitution of the state, statutes, or the provisions of this Code. The mayor shall be recognized as the head of the city government for all ceremonial purposes by the courts for serving civil processes and by the government for the purposes of military law. The mayor shall be the manager of the departments and their personnel and may do so through such designees as the mayor may appoint.

(Ord. No. 752, att.(2.04.020), 3-23-2021; Ord. No. 780, att.(2.04.020), 6-14-2022)

Sec. 2.04.030. Election of president.

(a) At the first meeting of the official year following the election, the governing body shall elect from its membership a president of the council, who shall conduct the meetings in the absence of the mayor and perform such other duties as shall be conferred and imposed upon him by ordinance or statute in the event the mayor is rendered unable to act by reason of absence or disability. The president of council shall, in that capacity, be authorized to sign official documents for the city and checks in the absence of the mayor.

(b) The president of the council shall also serve as the mayor pro tem.

(Ord. No. 752, att.(2.04.030), 3-23-2021; Ord. No. 780, att.(2.04.030), 6-14-2022)

Sec. 2.04.040. Powers and duties.

The corporate authority of the city shall be vested in the council, as the governing body of the city. The governing body shall have and shall exercise the powers, privileges and duties granted and conferred by statute.

(Ord. No. 752, att.(2.04.040), 3-23-2021; Ord. No. 780, att.(2.04.040), 6-14-2022)

Sec. 2.04.050. Power to make regulations, ordinances, and resolutions.

The governing body shall have the power to make and publish ordinances, resolutions, and regulations not inconsistent with the laws of the state for carrying into effect or discharging the powers and duties conferred by statute; to enforce obedience to such ordinances by municipal court fines not exceeding \$750.00; and, where appropriate and provided by ordinance, levy and enforce such civil penalties as provided by ordinance or statute.

(Ord. No. 752, att.(2.04.050), 3-23-2021; Ord. No. 780, att.(2.04.050), 6-14-2022)

Sec. 2.04.060. Appointment of city officials.

(a) The mayor shall appoint a city administrator, city clerk, city treasurer, city judge, chief of police, fire chief, city engineer, city attorney, community development director, and fix their salaries or compensation. The mayor shall also appoint members of the planning and zoning committee, and all members of all other boards and committees created in this Code, who shall not be deemed to be employees of the City of Mills. The city council shall vote to confirm or reject any said appointment, with a majority of the city council being required in order to approve the appointment. Nothing shall preclude those appointed as engineers, judges and attorneys from being contractors, and not employees of the city.

(b) Unless otherwise provided for, all appointments shall be for four-year terms.

(c) The salary or compensation of any city official who is an employee of the city may be changed from year to year. The compensation of appointees to committees and boards, if allowed by law, if any, shall be fixed annually, based upon the city's fiscal year.

(d) Appointed city officials may be discharged, and their employment terminated at any time at the discretion of the mayor subject to the provisions of section h below.

(e) Members of boards and committees may be discharged from their appointment at any time by the mayor or the mayor's designee. Such discharges shall be without recourse or appeal.

(f) All other city positions shall be made by the mayor or the mayor's designee. Said positions may be terminated at any time at the discretion of the mayor or the mayor's designee, subject to the provisions of subsection (h) of this section.

(g) Department heads shall have presumptive authority under this section to act as the mayor's designee to hire and fire, unless presented with a conflict regarding the same, or a specific instruction from the mayor reserving to the mayor this authority in any one particular instance.

(h) All employees, whether a city official as referenced in subsection (a) of this section, or at will employee otherwise employed by the city, shall have a right to a hearing in any instance in which their termination is for wrongful conduct or incompetency, including, but not limited to, that conduct listed at section 2.88.042. This provision shall not apply in instances of workforce reduction, or budget shortfalls or other reason for termination which fall outside of the category of wrongful conduct or incompetency. Where employees who are subject to collective bargaining agreements have a provision in those agreements which governs such a hearing, that agreement shall control where it is inconsistent with these provisions, provided however that such agreements shall be read to be consistent with these provisions where possible.

(i) All rights to a hearing provided for in this section shall be conducted under the provisions of section 2.88.042.

(Ord. No. 752, att.(2.04.060), 3-23-2021; Ord. No. 780, att.(2.04.060), 6-14-2022; Ord. No. 787, § 2.04.060, 3-28-2023; Ord. No. 809, § 2.04.060, 12-12-2023)

Sec. 2.04.070. Power to make laws relating to health and welfare.

In addition to all other powers, the governing body may make any provisions or regulations not in conflict with state law and deemed necessary for the health, safety, or welfare of the city.

(Ord. No. 752, att.(2.04.070(1)), 3-23-2021; Ord. No. 780, att.(2.04.070(1)), 6-14-2022)

Sec. 2.04.080. Filling vacancies in position of councilman.

(a) A vacancy exists in the office of councilman in the event of removal from the city, conviction of a felony, or any other reason specified in W.S. 22-18-101.

(b) If a vacancy occurs, the city council shall appoint an eligible person to the office who shall serve until his successor is elected at the next general municipal election and qualified.

(c) The procedure for appointment to fill a vacancy in the office of councilman shall include:

- (1) Application, in writing, to the city clerk on a form prepared by the city clerk;
- (2) Interviews of applicants, conducted by the city council in executive session, at a regular meeting of the city council or at a special meeting of the city council following notice as required by law;
- (3) Appointment by motion and vote of the city council at a regular meeting of the city council or at a special meeting of the city council following notice as required by law.

(d) The procedure for appointment to fill a vacancy in the office of councilman may include consideration and deliberation of the appointment in executive session, if approved by a majority of the members of the city council present.

(Ord. No. 752, att.(2.04.080), 3-23-2021; Ord. No. 780, att.(2.04.080), 6-14-2022)

Sec. 2.04.085. Conduct of members.

(a) Members of the city's elected governing body shall at all times conduct themselves with the decorum required of the office. No member shall disparage city employees, the council, individual councilmen or the mayor at any time. Members of the governing body shall:

- (1) Attend all council meetings of which they have notice, unless a matter of sufficient importance precludes them from doing so; in which case, they shall provide notice to the city clerk of their anticipated absence as soon as practical. In no case, shall a councilman or the mayor miss more than 25 percent of regular city council work sessions and general sessions in any one year.
- (2) Excuse themselves from matters in which they have a direct financial interest or personal conflict.
- (3) Make reasonable efforts to remain informed of city council business and city official business and matters at all times.
- (4) Accept such appointments as the city council or mayor shall make of individual councilmen.
- (5) Perform those duties ordinarily and customarily incumbent upon a member of the governing body.
- (6) Submit to the same drug testing policies and procedures as city employees, with a positive test indicating illegal or impairing drug use being deemed improper conduct in office.

(b) Should 35 percent of the registered voters in the city sign a petition to have a member of the governing body removed, the council must have a hearing on the same within 30 days of the petition being received and the signatures verified. Any vote to remove the member shall be by unanimous consent. A vote to remove a member under this section shall take effect immediately.

(c) No member of the governing body may be removed through provisions in this section, except through a hearing in which the member has a right to participate and provide testimony and evidence.

(d) At all times, all members of the governing body shall present themselves with the physical attire and grooming appropriate for their station and the circumstances in which they are appearing and in such a manner as to present a professional appearance. The members of the governing body shall, at all times, present themselves in such a manner that sets the standard for the department heads of the city and shall never be less professional than that which is expected of department heads and administrative employees or less professional than expected or anticipated of any member of the community who may present themselves to the governing body. In keeping to this policy, the following items shall be minimum guidelines to which members of the governing body shall adhere:

- (1) Members of the governing body shall not wear clothing items bearing the logos of businesses or organizations, other than the city, while conducting city business, nor shall the members wear clothing items with slogans or phrases, except to the extent that they promote the city and are authorized by the city.
- (2) Members may wear shirts that bear the city's logo.
- (3) Members shall be issued name tags reflecting their positions and shall wear them during official functions unless impractical.
- (4) All clothing must be clean, in good repair, and appropriate for the setting.
- (5) Except when appropriate for an outdoor setting, t-shirts and jerseys shall be discouraged.
- (6) Caps and hats shall not be worn indoors, except in circumstances in which they reflect a religious observance or custom.

To the extent practical and applicable, members of the public shall be encouraged to observe these rules during meetings of the city council during which members of the governing body are expected to observe them.

(f) Should 75 percent of the city council judge that a member of the governing body has failed in to perform in accordance with the provisions set forth in this section, the city council may make such censure of the members as the city council sees fit, including fining said member an amount not in excess of \$750.00. Should the council, by unanimous consent, view an action as warranting removal, the city council may vote to remove a member with the removal taking effect immediately upon the city council so voting.

(Ord. No. 752, att.(2.04.070(2)), 3-23-2021; Ord. No. 780, att.(2.04.070(2)), 6-14-2022)

Sec. 2.04.090. Regular meetings.

Regular meetings of the governing body shall be held at city hall on a date set by the city council by resolution, and subject to modification from time to time by the city council. In the event of a conflict or other need, the mayor may cancel the meeting and call a new time and date as provided by law or choose to not hold any meeting until the next scheduled meeting.

(Ord. No. 752, att.(2.04.090), 3-23-2021; Ord. No. 780, att.(2.04.090), 6-14-2022)

Sec. 2.04.100. Special meetings.

(a) The mayor or any two councilmen shall have power to call special meetings of the city council, the object of which shall be submitted to the council in writing, and the call and object, as well as the disposition thereof, shall be made a matter of record upon the journal

(b) It is the duty of the city clerk to notify the governing body, the public, and post on the website of the city and at the city hall, city police department, city public library and the U.S. Post Office in the city of any special meeting, which notices shall give the time and place of such special meeting and indicate the business to be transacted at such meeting. No other business shall be considered at a special meeting. (Ord. No. 752, att.(2.04.100), 3-23-2021; Ord. No. 780, att.(2.04.100), 6-14-2022)

Sec. 2.04.110. Executive session meetings.

(a) When the nature of the business falls within W.S. 16-4-405, the governing body may, by a majority vote of the members present, go into executive session and exclude the public thereon. Such sessions shall be held:

- (1) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies or other officers of the law on matters posing a threat to the security of public or private property, or a threat to the public's right of access.
- (2) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer. The governing body may exclude from any public or private hearing during the examination of a witness any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions.
- (3) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party.
- (4) On matters of national security.
- (5) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price.
- (6) To consider acceptance of gifts, donations, and bequests.
- (7) To consider or receive any information classified as confidential by law.
- (8) To consider accepting or tendering offers concerning wages, salaries, benefits, and terms of employment during all such negotiations.

(b) No votes shall be conducted or taken during an executive session.
(Ord. No. 752, att.(2.04.110), 3-23-2021; Ord. No. 780, att.(2.04.110), 6-14-2022)

Sec. 2.04.115. Meetings—Electronic or remote participation.

Members may join a meeting by telephone or video but at least one member and the clerk must be present at the physical meeting location, and the meeting must be open to the public, except where otherwise restricted by law.

(Ord. No. 752, att.(2.04.115), 3-23-2021; Ord. No. 780, att.(2.04.115), 6-14-2022)

Sec. 2.04.120. Meetings—Adjourned or recessed.

Adjourned or recessed meetings may be reconvened at such time as the council may determine.

(Ord. No. 752, att.(2.04.120), 3-23-2021; Ord. No. 780, att.(2.04.120), 6-14-2022)

Sec. 2.04.130. Work sessions.

The governing body may hold public study sessions in order to study, discuss or analyze matters which have been, are, or may be subject to the consideration of the governing body. No action, as defined by W.S. 16-4-402, may be taken at a study session. Work sessions shall consist of three work sessions by month on a date set by the city council by resolution and subject to modification from time to time by the city council.

(Ord. No. 752, att.(2.04.130), 3-23-2021; Ord. No. 780, att.(2.04.130), 6-14-2022)

Sec. 2.04.140. Rules of order.

The rules of parliamentary practice contained in Robert's Rules of Order shall guide the conduct of regular and special meetings of the governing body of the city on all matters where the same are applicable and in which the same are not inconsistent with the provisions of state law, in which case the provisions of state law shall prevail.

(Ord. No. 752, att.(2.04.140), 3-23-2021; Ord. No. 780, att.(2.04.140), 6-14-2022)

Sec. 2.04.150. Call to order; quorum.

(a) At the hour appointed for its meeting, the governing body shall be called to order by the presiding officer.

(b) A majority of the governing body constitutes a quorum for the transaction of business at any meeting.

(Ord. No. 752, att.(2.04.150), 3-23-2021; Ord. No. 780, att.(2.04.150), 6-14-2022)

Sec. 2.04.160. Record of proceedings.

(a) The city clerk or designated person shall attend all regular and special meetings of the governing body and make an accurate record of all business transacted at each meeting. The manner in which each member of the governing body votes upon any proposition or upon the passage of any bylaw, resolution or ordinance shall be entered in the minutes. The name of the member making a motion shall also be entered in the minutes.

(b) The minutes of the proceedings shall be open for inspection at any reasonable time.

(c) The governing body shall publish to the city's website the minutes of all its regular and special meetings and the titles of all ordinances passed. The minutes shall include every bill presented to the governing body showing the amount of the bill, the amount allowed, what the bill was for, and by whom claimed. Publication shall be made once.

(Ord. No. 752, att.(2.04.160), 3-23-2021; Ord. No. 780, att.(2.04.160), 6-14-2022)

Sec. 2.04.170. Preservation of order.

The mayor or presiding officer at council meetings shall preserve order, prevent personal reflections, confine members in debate to the question and shall decide who shall be first heard when two members arise at the same time. Any member of the council, when called to order by the presiding officer, shall at once suspend his remarks.

(Ord. No. 752, att.(2.04.170), 3-23-2021; Ord. No. 780, att.(2.04.170), 6-14-2022)

Sec. 2.04.180. Minutes of executive sessions.

Minutes of executive sessions of the city council, as authorized by W.S. 16-4-405, shall be sealed and entered in an official journal of the city in the appropriate fashion, subject to production by appropriate legal process. The minutes of executive sessions shall contain the following:

- (1) A record of the vote approving the executive session, the vote having been taken before discussion of the executive matter.
- (2) The location of the executive session.
- (3) The names of the members of the city council present at the executive session.
- (4) The names of the members of the city council absent from the executive session.
- (5) The time that the executive session was called to order and the time adjourned.
- (6) The topic of the executive session, as described by the appropriate subsection of W.S. 16-4-405, or the appropriate portion thereof.

(Ord. No. 752, att.(2.04.180), 3-23-2021; Ord. No. 780, att.(2.04.180), 6-14-2022)

CHAPTER 2.08. ORDINANCES AND RESOLUTIONS

ARTICLE I. ORDINANCES

Sec. 2.08.010. Requirement for legislation.

All municipal legislation shall be by ordinance, unless provided otherwise by law.

(Ord. No. 752, att.(2.08.010), 3-23-2021; Ord. No. 780, att.(2.08.010), 6-14-2022)

Sec. 2.08.020. Form.

All ordinances shall be in writing and passed pursuant to rules and regulations adopted by the governing body. No ordinance, except one making appropriations or one for the codification or general

revision of ordinances, may contain more than one subject which shall be expressed clearly in the title. Ordinances making appropriations and ordinances relating to codification or general revision of ordinances shall be limited to those respective subjects.

(Ord. No. 752, att.(2.08.020), 3-23-2021; Ord. No. 780, att.(2.08.020), 6-14-2022)

Sec. 2.08.030. Ordaining clause.

The style of all ordinances shall be: "Be it ordained by the city council of the City of Mills, Wyoming"

(Ord. No. 752, att.(2.08.030), 3-23-2021; Ord. No. 780, att.(2.08.030), 6-14-2022)

Sec. 2.08.040. Public reading.

Every ordinance shall be publicly read on three different days. Public reading may be by title only. At least ten days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three-fourths of the elected and qualified members of the council. No franchise may be granted by emergency ordinance.

(Ord. No. 752, att.(2.08.040), 3-23-2021; Ord. No. 780, att.(2.08.040), 6-14-2022)

Sec. 2.08.050. Vote required for passage.

Passage of an ordinance requires the affirmative vote of the majority of the elected members of the council. The passage of an emergency ordinance requires the affirmative vote of three-fourths of the elected and qualified members of the council.

(Ord. No. 752, att.(2.08.050), 3-23-2021; Ord. No. 780, att.(2.08.050), 6-14-2022)

Sec. 2.08.060. Effective date.

Every ordinance before becoming effective shall be published on the city website. An ordinance shall become effective after passage, approval, and publication by the council.

(Ord. No. 752, att.(2.08.060), 3-23-2021; Ord. No. 780, att.(2.08.060), 6-14-2022)

Sec. 2.08.070. Signature; attestation.

Every ordinance shall, within seven days after passage, be signed by all members of the council and attested by the clerk, who shall affix the seal of the city thereto and record the ordinance in the book of ordinances. The attestation of the clerk shall show the ordinance was duly published. The ordinance shall subsequently record with the county clerk in accordance with the applicable provisions of law and procedures of the county clerk.

(Ord. No. 752, att.(2.08.070), 3-23-2021; Ord. No. 780, att.(2.08.070), 6-14-2022)

Sec. 2.08.080. Emergency ordinances.

Emergency ordinances shall become effective upon proclamation of the mayor, and as soon thereafter as is practicable, they shall be published to the city website.

(Ord. No. 752, att.(2.08.080), 3-23-2021; Ord. No. 780, att.(2.08.080), 6-14-2022)

Sec. 2.08.100. Amendment; repeal.

Amendments and repeals of ordinances, or sections thereof, shall be by ordinance. An amending ordinance shall set forth the entire ordinance or section as amended.

(Ord. No. 752, att.(2.08.100), 3-23-2021; Ord. No. 780, att.(2.08.100), 6-14-2022)

Sec. 2.08.110. Charter ordinances.

(a) Except for statutes uniformly applicable to all cities and towns and statutes prescribing limits of indebtedness, the city may by Charter ordinance exempt itself from the effects of all or any part of a statute that otherwise would apply to it.

(b) Such Charter ordinance shall be titled and may provide that the whole or any part of any statute, which would otherwise apply to the city, as specifically designated in the ordinance, shall not apply to the city. Such ordinance may provide other provisions on the same subject.

(c) Passage of a Charter ordinance requires the affirmative vote of two-thirds of the elected members of the council.

(d) Every Charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper. No Charter ordinance shall take effect until the 60th day after its final publication. Referendum procedures may be initiated prior thereto as provided for in Wyo. Const. art. 13, § 1(c).

(e) An approved Charter ordinance, after becoming effective, shall be recorded by the city clerk in a book maintained for that purpose with a certificate of the procedures of adoption. A certified copy of the ordinance shall be filed with the Secretary of State.

(Ord. No. 752, att.(2.08.110), 3-23-2021; Ord. No. 780, att.(2.08.110), 6-14-2022)

ARTICLE II. RESOLUTIONS**Sec. 2.08.120. Proper use.**

A resolution shall be used when the order of the council is of a special or temporary character or an expression or opinion concerning some particular business and is not intended to permanently direct and control matters.

(Ord. No. 752, att.(2.08.120), 3-23-2021; Ord. No. 780, att.(2.08.120), 6-14-2022)

Sec. 2.08.130. Form.

All resolutions shall be in writing and passed pursuant to rules and regulations adopted by the council.

(Ord. No. 752, att.(2.08.130), 3-23-2021; Ord. No. 780, att.(2.08.130), 6-14-2022)

Sec. 2.08.140. Style.

The style of all resolutions shall be: "Be it resolved by the City Council of the City of Mills, Wyoming"

(Ord. No. 752, att.(2.08.140), 3-23-2021; Ord. No. 780, att.(2.08.140), 6-14-2022)

Sec. 2.08.150. Vote required for passage.

Passage of a resolution requires the affirmative vote of the majority of the elected members of the council.

(Ord. No. 752, att.(2.08.150), 3-23-2021; Ord. No. 780, att.(2.08.150), 6-14-2022)

Sec. 2.08.160. Effective date.

A resolution shall become effective after it has been publicly read and approved by the council.

(Ord. No. 752, att.(2.08.160), 3-23-2021; Ord. No. 780, att.(2.08.160), 6-14-2022)

Sec. 2.08.170. Signature and attestation.

After a resolution has been approved, the same shall be signed by every member of the council and attested to by the city clerk, who shall attach the seal of the city thereto and record the resolution in the book of resolutions.

(Ord. No. 752, att.(2.08.170), 3-23-2021; Ord. No. 780, att.(2.08.170), 6-14-2022)

CHAPTER 2.12. CITY ADMINISTRATOR

Sec. 2.12.010. Exemption from state statute.

The city shall not be governed by the provisions of W.S. 15-3-204, 15-1-108, and 15-1-103(a)(xxxvii).
(Ord. No. 752, att.(2.12.010), 3-23-2021; Ord. No. 780, att.(2.12.010), 6-14-2022)

Sec. 2.12.020. Employment; salary.

(a) The council shall retain a city administrator, city attorney and municipal judge, and fix their respective salaries. The city administrator shall be an employee and serve at the pleasure of the mayor. The salary may be changed from year to year, and the city administrator may be discharged and that employment terminated at any time by the mayor, as long as such complies with section 2.04.060. The city administrator may also serve as a department head of any of the various departments of the city while also serving as the city administrator. His salary shall be set by the mayor, taking into account the responsibilities and functions he performs. The salary shall not exceed the appropriations made by the annual budget set by the council.

(b) The city attorney and the municipal judge may be contractors and shall serve at the pleasure of the mayor. Fees for the city attorney and municipal judge shall be as authorized by the city council.

(Ord. No. 752, att.(2.12.020), 3-23-2021; Ord. No. 780, att.(2.12.020), 6-14-2022)

Sec. 2.12.025. Duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the council, and in the mayor's absence, a council president shall act as mayor pro tem;
 - (2) Have superintending control of all officers and affairs of the city;
 - (3) Oversee compliance with the ordinances and laws;
 - (4) Sign commissions and appointments and all bonds, contracts and other obligations required to be signed in the name of the city;
 - (5) Have one vote on all matters coming before the council upon which a vote is taken, except a vote:
 - a. To override a veto;
 - b. To confirm an appointment other than a vote to break a tie vote of the council; and
 - c. Pursuant to a hearing for removal or discharge as provided in W.S. 15-2-102(b)(iv)(C) or 15-3-204(b)(iv)(C).
- (Ord. No. 752, att.(2.12.025), 3-23-2021; Ord. No. 780, att.(2.12.025), 6-14-2022)

Sec. 2.12.040. Expert services.

The mayor may employ experts to perform unusual or special services.

(Ord. No. 752, att.(2.12.040), 3-23-2021; Ord. No. 780, att.(2.12.040), 6-14-2022)

Sec. 2.12.045. Duties of city administrator.

(a) The city administrator shall report to the mayor and shall take all direction from the office of the mayor. The city administrator shall be the conduit of information of the operations of the city to the council. Members of the council shall direct all questions and requests for information or data through the city administrator so he may ensure all of the council receives such information and remains appropriately informed on all relevant issues. The city administrator shall be responsible for the day-to-day administration of the application of the city's budget and authorized spending.

(b) The city administrator, in addition, shall:

- (1) Oversee the operation of the day-to-day administration of the city. The mayor shall provide the city administrator direction and set the policies for the operation and administration of the city. The council shall direct any questions, issues, or concerns regarding the operation and/or administration of the city through the city administrator. The city administrator or his designee shall investigate and provide clear, complete, and unbiased information in response to such questions, issues, or concerns to the entire council to assist the council in making policy decisions for the city. The mayor shall also provide input and recommendations to the council on such requests.
- (2) Attend all meetings of the council and may recommend to the council adoption of such measures as the city administrator deems necessary for the health, safety, and welfare of the community or for the improvement of municipal services.

- (3) Perform all duties imposed on the position consistent with state laws or ordinances.
 - (4) Supervise the enforcement of all laws, ordinances, rules, regulations, policies, and procedures of the city adopted by the council.
 - (5) Be responsible to the mayor for the administration of all departments of the city and supervise the administrative functions of such departments.
 - (6) Prepare and submit to the council reports that are required or that the administrator or council may consider advisable.
 - (7) Keep the council fully advised of the financial status of the city, presenting a monthly report on the financial condition and future needs.
 - (8) Prepare a proposed budget annually, submit it to the mayor and be responsible for its administration after adoption by the council.
 - (9) Perform all duties imposed on the position by ordinances adopted by the council which is not inconsistent with state laws.
 - (10) Prepare annually recommendations to the council on the compensation plan and fringe benefits package for all city positions and shall also make recommendations to the council concerning the personnel manual position descriptions and position classification changes.
- (Ord. No. 752, att.(2.12.045), 3-23-2021; Ord. No. 780, att.(2.12.045), 6-14-2022)

Sec. 2.12.050. Appointment powers.

(a) All employees shall be appointed, suspended, transferred, and removed by the mayor or appointee, subject to the personnel regulations of the city as adopted by the council.

(b) All of the appointees of the mayor shall report to the city administrator for issues concerning the day-to-day operations of the city so he may stay informed on those issues he is to report to the mayor and council.

(c) The city administrator, when acting as the designee of the mayor, may appoint and remove all subordinates, clerks, assistants, laborers, and servants and fix the compensation of those appointed by him within the limits fixed by the council and the law, consistent with the city's ability to pay. Appointment shall be on the basis of merit. He shall seek the advice of the council on personnel matters as he deems necessary.

(Ord. No. 752, att.(2.12.050), 3-23-2021; Ord. No. 780, att.(2.12.050), 6-14-2022)

Sec. 2.12.060. Management of utilities.

(a) The city administrator shall manage any utility owned and operated by the city. Subject to the laws relating to public utilities, the council shall fix all rates and compensation to be paid by consumers of water, sewer, sanitation, or any service furnished by any other public utility owned or operated by the city.

(b) All utilities servicing the city or existing in the city, to include water, sewer, and sanitation, shall be required to have a franchise agreement, irrespective of whether they are providing those services within the city itself and pursuant to the authority granted to municipalities under W.S. 15-1-101 et seq.

(Ord. No. 752, att.(2.12.060), 3-23-2021; Ord. No. 780, att.(2.12.060), 6-14-2022)

CHAPTER 2.16. CITY OFFICES**Sec. 2.16.010. Departments and department heads.**

The administrative services of the city shall be divided into the following departments and offices, and shall be under the control and supervision of a department head who shall have the title indicated:

Office of the city clerk	City clerk
Community development office	Community development director
Finance office	City treasurer
Emergency services office	Director of emergency services
Police department	Chief of police
Fire department	Fire chief
Public works department	Public works director
Municipal court	Chief of police

(Ord. No. 752, att.(2.16.010), 3-23-2021; Ord. No. 780, att.(2.16.010), 6-14-2022)

Sec. 2.16.020. Responsibilities of department and office heads.

(a) Each department and office head shall perform all duties required of his office by state law, the Charter, this Code and ordinances of the city, and such other duties not in conflict therewith as may be required by the city administrator.

(b) The heads of the various administrative departments and offices shall be immediately responsible to the city administrator for the effective administration of their respective departments and all activities assigned thereto. The city administrator may set aside any action taken by a department head and may supersede him in the functions of his office if doing so advances the directives he has been given by the mayor. Two or more departments may be headed by the same individual. In the case of a vacancy in any office or during the absence of any department head, the administrator may designate an interim acting head of the department or may perform, personally, the functions of the office.

(c) Department heads shall be salaried positions.

(Ord. No. 752, att.(2.16.020), 3-23-2021; Ord. No. 780, att.(2.16.020), 6-14-2022)

Sec. 2.16.030. Department authority.

Each department head shall have the authority to appoint and remove, subject to the personnel regulations and the approval of the administrator, all subordinates under him. Each department head may, subject to the approval of the administrator, promulgate rules and regulations for the orderly management of their respective departments. Department heads shall consult with the city administrator and/or mayor before terminating a subordinate in an effort to have peer review to ensure city policies and best employment practices are followed and that the subordinate's rights are not infringed. All department heads are authorized to communicate with the city attorney on personal matters when the need arises. In doing so they shall also inform the mayor and city administrator of such communication, unless doing so would likely create a conflict of interest.

(Ord. No. 752, att.(2.16.030), 3-23-2021; Ord. No. 780, att.(2.16.030), 6-14-2022)

CHAPTER 2.20. OFFICE OF EMERGENCY SERVICES**Sec. 2.20.010. Office established.**

There shall be an office of emergency services which shall contain the police department and the fire department. The purpose of the office of emergency services shall be to coordinate, organize and direct the overall emergency and safety response for the city.

(Ord. No. 752, att.(2.20.010), 3-23-2021; Ord. No. 780, att.(2.20.010), 6-14-2022)

Sec. 2.20.020. Police department established.

There shall be a police department which shall be charged with enforcing the laws and ordinances of the city, the county, the state and the United States, as appropriate, and as authorized for a municipal police department under the laws of the state.

(Ord. No. 752, att.(2.20.030), 3-23-2021; Ord. No. 780, att.(2.20.030), 6-14-2022)

Sec. 2.20.030. Chief of police; duties.

The police department shall be headed by the chief of police who shall be the commanding officer of the police force. He shall have the following responsibilities and powers:

- (1) To direct the police work of the city and be responsible for the enforcement of the law and order throughout the city.
- (2) To prescribe such policies and procedures for the orderly management and general governance of the city police department, as shall be approved by the city council.
- (3) The performance of other related duties as directed by the city administrator or city council.
- (4) The administration of the community service division, consisting of animal control and code enforcement.

(Ord. No. 752, att.(2.20.040), 3-23-2021; Ord. No. 780, att.(2.20.040), 6-14-2022)

Sec. 2.20.040. Powers of police officers.

(a) The chief of police and any sworn officer shall have all the powers granted to peace officers by the laws of the state.

(b) Police officers shall have power to arrest all persons found in the act of violating any law or provision of this Code or law of the state or aiding or abetting in any such violation and shall arrest any person found under circumstances which would warrant a reasonable man in believing that such person had committed a crime.

(c) Police officers shall have the power and authority, and it shall be their duty to serve and execute warrants and other processes for the summoning, apprehension and commitment of any person charged with a violation of any provision of this Code.

(Ord. No. 752, att.(2.20.050), 3-23-2021; Ord. No. 780, att.(2.20.050), 6-14-2022)

Sec. 2.20.050. Fire department established.

There shall be a combination fire department which shall be charged with providing for qualified full-time and paid volunteer firefighters, and such associated emergency service personnel as appropriate and as authorized for a municipality under the laws of the state. At all times, the city fire department shall be organized as a combination fire department featuring both full-time and paid volunteer firefighters. (Ord. No. 752, att.(2.20.060), 3-23-2021; Ord. No. 780, att.(2.20.060), 6-14-2022; Ord. No. 2023-788, § 2.20.060, 3-28-2023)

Sec. 2.20.060. Fire chief—Powers and duties.

The fire department shall be headed by the fire chief who shall be the commanding officer of the fire department. He shall have the following responsibilities and powers:

- (1) The fire chief shall be responsible for the administration and enforcement of the International Fire Code, adopted by the city, all ordinances relating to fire prevention and suppression, and all applicable state statutes, as well as all duties prescribed by state statute.
- (2) The chief of the fire department shall be the administrative officer of the department, subject to the rules and regulations prescribed and the orders and ordinances made from time to time by the council and shall have the following powers and duties:
 - a. To be responsible for all property belonging to the department and all firefighters and fire companies in the service of the department in the proper discharge of their duties.
 - b. To see that the ordinances of the city applicable to the fire department are faithfully observed.
 - c. To have sole command at all fires over all officers and all persons who may be present, and to take all proper measures for the extinguishment of fires, the protection of lives and property, and the preservation of law and order.
 - d. To examine into the condition of the apparatus, buildings and other property belonging to the city and used by the fire department and see that all fire hydrants are in good working order at all times. Under his supervision, all hoses belonging to the department must be tested at least once a year.
 - e. To keep a complete and correct inventory of all property belonging to the department.
 - f. To keep a roll of members showing attendance at all monthly meetings and fires and report the same to the council. The fire chief shall present a monthly written report to the council showing all fires and shall, in addition to showing the fires, show the number of meetings held and, upon request of the council, shall include any other information or data that may be necessary or required.

(Ord. No. 752, att.(2.20.070), 3-23-2021; Ord. No. 780, att.(2.20.070), 6-14-2022; Ord. No. 2023-788, § 2.20.070, 3-28-2023)

Sec. 2.20.070. Fire chief—Emergency powers.

(a) The chief of the fire department, or any assistants in command, may prescribe limits in the vicinity of any fire within which no persons excepting those who reside therein, firefighters and police officers, and those admitted by any order of any officer of the fire department, shall be permitted to come.

(b) The fire chief or any assistant in command shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire or to protect adjoining property.

(c) The fire chief shall have the power to issue appropriate citations in performing their duties under the International Fire Code.

(d) The fire chief shall ensure that adequate fire department personnel and apparatus are available for deployment in the city before allocating such resources to medical transports or mutual aid deployments.

(e) The fire chief shall ensure every member of the city combination fire department displays attitudes and actions that promote the service of paid volunteer city firefighters, and shall dismiss from employment any member of his department who does not promote such attitudes and actions.

(f) The fire chief shall have the power to issue appropriate citations in performing their duties under the International Fire Code.

(g) The fire chief may put in place such fire restrictions and bans as reflect emergency conditions which shall remain in place from his officially announcing and them and distributing them in an appropriate manner to the public, to include releasing them through electronic means by way of the city's electronic websites or fire department websites, until the next regularly scheduled city county meeting shall conclude. When such a fire ban or restrictions are put in place, the fire chief shall inform the mayor and city administrator of having put them in place.

(Ord. No. 752, att.(2.20.080), 3-23-2021; Ord. No. 780, att.(2.20.080), 6-14-2022; Ord. No. 2023-788, § 2.20.080, 3-28-2023; Ord. No. 801, 9-12-2023)

Sec. 2.20.080. Fire chief—Appointment of firefighters.

The fire department shall be composed of the fire chief and such other subordinate officers and firefighters as may be approved by the council. All firefighters shall be appointed by the fire chief. The fire chief shall have the authority to suspend from duty any firefighter for cause. The department shall be a combination fire department, meaning that it shall consist of one full-time chief and paid volunteer fire department personnel at a level otherwise determined or approved by the municipality.

(Ord. No. 752, att.(2.20.090), 3-23-2021; Ord. No. 780, att.(2.20.090), 6-14-2022; Ord. No. 2023-788, § 2.20.090, 3-28-2023)

Sec. 2.20.090. Fire chief—Duties of members.

All members of the fire department shall perform such duties as may be required of them by the fire chief or other authorized officials.

(Ord. No. 752, att.(2.20.110), 3-23-2021; Ord. No. 780, att.(2.20.110), 6-14-2022; Ord. No. 2023-788, § 2.20.110, 3-28-2023)

Sec. 2.20.100. Fire chief—Additional powers and duties.

The fire chief, or his designee, shall:

- (1) Inspect, as often as may be necessary, all buildings and premises for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any other violation of the purpose or provisions of the International Fire Code and of any other law or standard affecting fire safety;
- (2) Investigate promptly the cause, origin and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury or destruction or damage to property and, if it appears that such fire is of suspicious origin, he shall take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion.

(Ord. No. 752, att.(2.20.120), 3-23-2021; Ord. No. 780, att.(2.20.120), 6-14-2022; Ord. No. 2023-788, § 2.20.120, 3-28-2023)

Sec. 2.20.110. Compensation.

The chief of the fire department and the full-time and volunteer firefighters shall receive such pay as may be established from time to time by the council for each fire and department meeting attended, or as set by resolution.

(Ord. No. 752, att.(2.20.130), 3-23-2021; Ord. No. 780, att.(2.20.130), 6-14-2022; Ord. No. 2023-788, § 2.20.130, 3-28-2023)

Sec. 2.20.120. Lost and found property.

(a) The police department will book into the property room, safeguard, and properly dispose of all property which comes into its custody. The department shall strive to maintain property in the same condition as received for possible presentation as evidence in court. Unless property is contraband or must be used as evidence in court, every reasonable effort shall be made to ensure its return to its rightful owner. Property which cannot be returned to its rightful owner shall be disposed of in accordance with the procedure as set forth in subsection (b) of this section.

(b) Lost and found property, other than contraband, turned into the police department shall be disposed of in the following manner:

- (1) If the owner of the property is known, or the name of the owner can be discovered, the owner shall be notified by certified mail, return receipt requested, that the property must be claimed within 30 days of receipt of the letter. The letter will specifically point out that if the property is not claimed within 30 days, and if no extension has been granted by the police department, the property shall be sold at public auction.
- (2) If the identity of the owner is not known and cannot be established, the property shall be held by the police department for a period of not less than 90 days and posted to the city website. If, at the end of 90 days, the property is still unclaimed, the property shall be disposed of as the city sees fit.

(Ord. No. 752, att.(2.20.160), 3-23-2021; Ord. No. 780, att.(2.20.160), 6-14-2022)

Sec. 2.20.130. Disposal of lost and found property.

(a) Notice of sale shall be published on the city's website for at least 90 days. Such notice shall contain a full description of the property to be disposed of and the time, date, and place of such disposal.

(b) The sale of abandoned motor vehicles shall be in accordance with W.S. 31-13-101—31-13-110, inclusive.

(c) Contraband and property having no value shall be destroyed in accordance with departmental procedures.

(d) Proceeds of any sale of property shall be turned into the city treasurer for deposit into the general fund. All expenses incurred in such a sale shall be paid from the general fund.

(e) Auctions shall be conducted by a disinterested party who shall be appointed by the chief of police. In no case shall the auctioneer or member of the auctioneer's family be permitted to bid on items that are to be sold. No auctioneer shall enter into any agreement to have a friend bid on any item with the intent to obtain the item from the friend at a later time. All sales will be recorded to include an item description and amount received. The funds shall be turned over to the city treasurer and a receipt shall be given by the treasurer, which receipt shall be placed in the police department's permanent records with a record and description of the property sold.

(Ord. No. 752, att.(2.20.170), 3-23-2021; Ord. No. 780, att.(2.20.170), 6-14-2022)

CHAPTER 2.32. PUBLIC WORKS DEPARTMENT

Sec. 2.32.010. Functions; responsibilities.

The public works department shall be headed by the public works director who shall have the following responsibilities:

- (1) The maintenance of all streets, the cleaning of improved streets, the removal of snow and the maintenance of alleys;
- (2) The planning, development, maintenance and operation of all parks and cemeteries in the city and the planting of trees throughout the city in any public area;
- (3) The repair, maintenance and inventory control of all municipal equipment and vehicles;
- (4) The performance of other related duties as directed by the city administrator or council.

(Ord. No. 752, att.(2.32.010), 3-23-2021; Ord. No. 780, att.(2.32.010), 6-14-2022)

Sec. 2.32.020. Divisions of public works department.

The public works department shall consist of streets, parks, sanitation, water treatment, water distribution, and sewer.

(Ord. No. 752, att.(2.32.020), 3-23-2021; Ord. No. 780, att.(2.32.020), 6-14-2022)

CHAPTER 2.36. COMMUNITY DEVELOPMENT DEPARTMENT**Sec. 2.36.010. Functions; responsibilities.**

The community development department shall be headed by the community development director. The community development director shall be responsible for:

- (1) The preparation of comprehensive reports or presentations on community development projects to boards and commissions.
 - (2) The review of all preliminary development proposals, site plans and maps, petitions for rezoning, special reviews, conditional use permits, annexation, and subdivision maps.
 - (3) The development and maintenance of the city land use plan and other applicable local laws.
 - (4) The supervision of the building safety division, which shall be headed by the building official.
 - (5) The performance of other related duties as directed by the city administrator or the council.
- (Ord. No. 752, att.(2.36.010), 3-23-2021; Ord. No. 780, att.(2.36.010), 6-14-2022)

Sec. 2.36.020. Divisions of community development department.

The community development department shall consist of economic development, the building division and the planning division.

(Ord. No. 752, att.(2.36.020), 3-23-2021; Ord. No. 780, att.(2.36.020), 6-14-2022)

Sec. 2.36.030. Building official duties and responsibilities.

The building official shall be the designated building inspector and shall have the powers and duties to administer and enforce all provisions of the International Building, Residential, Energy Conservation, Plumbing, Fuel Gas, and Mechanical Codes, the National Electrical Code, the Uniform Code for the Abatement of Dangerous Buildings, the Uniform Code For Building Conservation, the zoning regulations set forth in title 17 and all other building regulations of the city, presently enacted or which may be amended from time to time.

(Ord. No. 752, att.(2.36.020), 3-23-2021; Ord. No. 780, att.(2.36.030), 6-14-2022)

CHAPTER 2.40. FINANCE DEPARTMENT**Sec. 2.40.010. Functions; responsibilities.**

The finance department shall be headed by the city treasurer who shall have the following responsibilities:

- (1) To receive any money derived for the benefit of the city from any and all sources and to credit such money to the proper funds.
- (2) To disburse money for the city only on proper orders signed by the city clerk or the city treasurer and countersigned by the mayor.

- (3) To keep permanent, accurate and complete accounts and records of all receipts, orders, and warrants.
 - (4) To endorse upon or attach to every bond or other evidence issued by the city pursuant to law a certificate that the same is within the lawful debt of the city and is issued pursuant to law.
 - (5) To perform such other duties as may be directed by the city administrator or council or by law.
- (Ord. No. 752, att.(2.40.010), 3-23-2021; Ord. No. 780, att.(2.40.010), 6-14-2022)

CHAPTER 2.44. OFFICE OF THE CITY CLERK

Sec. 2.44.010. Functions; responsibilities.

The office of the city clerk shall be headed by the city clerk who shall have the following responsibilities:

- (1) To attend the meetings of the council and record the minutes thereof, which minutes, after approval, shall be signed by the mayor and attested by the city clerk;
 - (2) To safely keep the corporate seal, papers, records, and books belonging to the city;
 - (3) To preserve consecutive records of all resolutions and ordinances passed by the council;
 - (4) To attest the signature of the mayor and affix the city seal to all resolutions and ordinances passed, all bonds and business licenses issued, and such other documents as may require the same;
 - (5) To attest all orders and warrants upon the city treasurer, keeping an accurate permanent record thereof;
 - (6) To issue business licenses, liquor licenses, cemetery permits and deeds and other permits in accordance with this Code or state statute;
 - (7) To perform other related duties as directed by the city administrator, the council or by law.
- (Ord. No. 752, att.(2.44.010), 3-23-2021; Ord. No. 780, att.(2.44.010), 6-14-2022)

CHAPTER 2.46. CITY ENGINEER

Sec. 2.46.010. Appointment.

A city engineer shall be appointed according to the provisions of section 2.12.050. The city engineer shall be a registered professional engineer licensed to do business in the state. Nothing in these ordinances shall be read to preclude the appointment of a city engineer who is a contractor to the city, rather than a full-time employee of the city. The city engineer shall have the authority to designate an employee subordinate to him to perform tasks under his direction and control.

(Ord. No. 752, att.(2.46.010), 3-23-2021; Ord. No. 780, att.(2.46.010), 6-14-2022)

Sec. 2.46.020. Duties.

The city engineer shall be responsible for:

- (1) The preparation of plans, specifications, contract documents, estimates, reports, inspections, construction supervision, construction surveying and property surveys for all construction, changes, and improvements in the physical properties of the city.
 - (2) The performance or supervision of the survey of all streets, alleys, avenues, public ways and all other such places as shall be required by the council.
 - (3) The review of subdivision public improvement plans with city staff and developers.
 - (4) The approval of engineering plans prepared by other engineers for conformance with city standards.
 - (5) The performance of related duties as directed by the council.
- (Ord. No. 752, att.(2.46.020), 3-23-2021; Ord. No. 780, att.(2.46.020), 6-14-2022)

Sec. 2.46.030. Specialty projects.

The city may, upon the recommendation of the city engineer, city council, and/or the city administrator, request proposals from other engineers, architects or surveyors that possess expertise to perform services for city projects that require expertise outside of the registered abilities and/or expertise of the city engineer.

(Ord. No. 752, att.(2.46.030), 3-23-2021; Ord. No. 780, att.(2.46.030), 6-14-2022)

CHAPTER 2.48. CITY ATTORNEY**Sec. 2.48.010. Appointment.**

The mayor shall appoint a city attorney as provided in section 2.04.060. The city attorney shall be the legal representative of the city and shall advise the council and city officials in matters relating to their official powers and duties. The city attorney shall be an attorney at law admitted to practice in the state. The mayor may appoint such deputy attorneys and assistants as they may deem necessary. Nothing in this title shall be read to preclude the appointment of a city attorney who is a contractor rather than an employee of the city. The city attorney shall have the authority to designate an employee subordinate to him to perform tasks under his direction and control.

(Ord. No. 752, att.(2.48.010), 3-23-2021; Ord. No. 780, att.(2.48.010), 6-14-2022)

Sec. 2.48.020. Duties.

(a) The city attorney or his deputy shall represent the city in legal proceedings, supervise the drafting of all ordinances and the preparation of all legal documents. The attorney or his deputy shall prosecute violations of the provisions of this Code in municipal court. He or his deputy shall attend all council meetings and shall perform all services incident to his position as may be required by law or municipal ordinance.

(b) Nothing shall preclude the city from appointing deputy attorneys who are not full-time employees of the city and who are not employees of the city attorney; provided, however, that they shall remain a deputy of the city attorney in his official capacity.

(Ord. No. 752, att.(2.48.020), 3-23-2021; Ord. No. 780, att.(2.48.020), 6-14-2022)

Sec. 2.48.030. Special counsel.

The council may, on its own motion or upon request of the city attorney, in special cases employ special counsel to represent the city.

(Ord. No. 752, att.(2.48.030), 3-23-2021; Ord. No. 780, att.(2.48.030), 6-14-2022)

CHAPTER 2.52. MUNICIPAL COURT

Sec. 2.52.010. Created and established.

There is created and established in the city a municipal court for the trial of all offenses arising under the ordinances of the city. The office of police justice (municipal judge) is established to preside over the municipal court.

(Ord. No. 752, att.(2.52.010), 3-23-2021; Ord. No. 780, att.(2.52.010), 6-14-2022)

Sec. 2.52.020. Jurisdiction.

(a) The municipal court and the municipal judge presiding therein shall have exclusive jurisdiction to hear and determine all cases arising under this Code and the ordinances of the city for a violation thereof, and no change of venue shall be granted in any case.

(b) The municipal judge shall have jurisdiction to fine, enter judgment, and hear, try, and determine all cases arising under any provision of this Code or the ordinances of the city.

(Ord. No. 752, att.(2.52.020), 3-23-2021; Ord. No. 780, att.(2.52.020), 6-14-2022)

Sec. 2.52.030. Appointment; qualifications.

The municipal judge and alternate municipal judges shall be appointed by the mayor with the consent of the city council, shall be a resident of the county, and meet the criteria set forth for circuit court judges set forth in W.S. 5-9-111 and shall become vacant at that age for mandatory vacancy set by Wyo. Const. art. 5 sec. 5.

(Ord. No. 752, att.(2.52.030), 3-23-2021; Ord. No. 780, att.(2.52.030), 6-14-2022)

Sec. 2.52.040. Term of office; compensation.

The council shall set the salary of the municipal judge. The salary may be changed from year to year and the municipal judge may be discharged and his employment terminated at any time by a majority vote of the council. The regular term of the municipal judge shall be as otherwise set forth in these statutes.

(Ord. No. 752, att.(2.52.040), 3-23-2021; Ord. No. 780, att.(2.52.040), 6-14-2022)

Sec. 2.52.050. Bond.

The municipal judge shall give a bond to the city in the amount set by resolution conditioned for the performance of all his duties in accordance with law and the ordinances of the city and that he will turn over to the parties entitled thereto or as may be prescribed by the ordinances of the city, all monies collected by him by virtue of his office as municipal judge.

(Ord. No. 752, att.(2.52.050), 3-23-2021; Ord. No. 780, att.(2.52.050), 6-14-2022)

Sec. 2.52.060. General court procedure.

The procedure of the municipal court shall, as nearly as possible, conform to that provided by the general laws of the state in courts of the justice of the peace. In addition, the city may, by ordinance, provide such additional rules of procedure as may be found necessary for the proper conduct of the municipal court, provided that the same do not conflict with the general laws of the state and appeals to the district court from the judgments and decisions of the police justice shall be allowed, in all cases, such appeals to be taken in the manner now provided by law for appeals from justices of the peace.

(Ord. No. 752, att.(2.52.060), 3-23-2021; Ord. No. 780, att.(2.52.060), 6-14-2022)

Sec. 2.52.070. Postponement of trial—Recognizance.

Whenever a person charged with a violation of a city ordinance is held to appear for examination or trial before the police justice, the police justice may postpone the trial or the case to a certain day, in which case he may require the defendant to enter into a recognizance, with sufficient sureties, conditioned that he will appear before the police justice at the time and place appointed, then and there, to answer the complaint alleged against him.

(Ord. No. 752, att.(2.52.070), 3-23-2021; Ord. No. 780, att.(2.52.070), 6-14-2022)

Sec. 2.52.080. Postponement of trial—Deposit; breach of recognizance.

When a person is ordered by the police justice to enter into a recognizance, he may, at the discretion of the police justice, be permitted to sign his own recognizance, furnish sureties, or deposit with the police justice or his designee the amount named in the bond, in cash, and should said person so recognized fail to appear and comply with all of the requirements of the bond, the police justice having cognizance of the same shall, if there are no mitigating circumstances, at once declare the bond forfeited and order the cash so deposited to be turned into the general fund of the treasury of the city. If, in the progress of any trial before the police justice, it should appear that the accused ought to be put on trial for an offense not cognizable before the justice, he shall immediately stop all further proceedings before him and proceed as in other cases exclusively cognizable before the district court.

(Ord. No. 752, att.(2.52.080), 3-23-2021; Ord. No. 780, att.(2.52.080), 6-14-2022)

Sec. 2.52.090. Punishment by fine; contempt.

Any person convicted before the police justice shall be punished by such fine as may be provided by ordinance and bond schedule, provided that no such fine shall be greater than \$750.00, as authorized by W.S. 15-1-103(a)(xli). The police justice shall have the same power to punish for contempt as justices of the peace have in like cases.

(Ord. No. 752, att.(2.52.090), 3-23-2021; Ord. No. 777, 2-8-2022; Ord. No. 780, att.(2.52.090), 6-14-2022)

Sec. 2.52.100. Appeals.

Appeals from the judgment or sentence of the police justice may be taken to the district court in the same manner as is now provided by law for appeals from justice courts in criminal cases and shall be dealt with by the courts as criminal cases.

(Ord. No. 752, att.(2.52.100), 3-23-2021; Ord. No. 780, att.(2.52.100), 6-14-2022)

Sec. 2.52.110. Disposition of fines.

All fines and penalties collected, arising from a breach of the ordinances of the city, shall be paid into the city treasury.

(Ord. No. 752, att.(2.52.110), 3-23-2021; Ord. No. 780, att.(2.52.110), 6-14-2022)

Sec. 2.52.120. Monthly reports to council.

The clerk of courts shall make monthly reports, in writing, to the council of all cases which may have come before him, the disposition of the same and all fines collected during the preceding month.

(Ord. No. 752, att.(2.52.120), 3-23-2021; Ord. No. 780, att.(2.52.120), 6-14-2022)

Sec. 2.52.130. Powers and duties.

The clerk of the court shall exercise the powers conferred and perform the duties enjoined upon the clerk by statute, municipal ordinance, the common law and as assigned to the clerk by the mayor or the mayor's designee, and in the performance of the clerk's duties, the clerk shall be under the direction of the mayor or the mayor's designee and city clerk first in the service of the municipal court, and then in the service of the city clerk.

(Ord. No. 752, att.(2.52.130), 3-23-2021; Ord. No. 780, att.(2.52.130), 6-14-2022)

Sec. 2.52.140. Duties designated.

The clerk shall file together and carefully preserve all papers delivered to the clerk for that purpose in every action or proceeding. The clerk shall not permit the papers to be taken from the clerk's office except to be used at a session of the court or upon legal process, and the clerk shall be liable upon the clerk's official bond to a party suffering injury on account of any violation of this section. Upon the order of a judge of competent jurisdiction or of this court, the clerk may transmit by express or registered mail to an attorney of the state appearing in the action or proceeding, who resides in a different county or away from the city, such original files as are not represented by copies in the clerk's office, and the clerk shall take the attorney's receipt for each paper in each case.

(Ord. No. 752, att.(2.52.140), 3-23-2021; Ord. No. 780, att.(2.52.140), 6-14-2022)

Sec. 2.52.150. Endorsement of papers.

The clerk shall endorse upon every paper filed with him the date of the filing thereof, and upon every order for a provisional remedy, and upon every undertaking given under the same, the date of its return to his office.

(Ord. No. 752, att.(2.52.150), 3-23-2021; Ord. No. 780, att.(2.52.150), 6-14-2022)

Sec. 2.52.160. Recordkeeping.

The clerk shall keep the journals, records, books, and papers appertaining to the court, and record its proceedings.

(Ord. No. 752, att.(2.52.160), 3-23-2021; Ord. No. 780, att.(2.52.160), 6-14-2022)

CHAPTER 2.56. BOARDS AND COMMISSIONS**Sec. 2.56.010. Appointment.**

Unless otherwise provided by ordinance, all boards and commissions shall be appointed by the mayor and all such boards and commissions shall be advisory in character, unless otherwise provided. Any vacancy occurring in the membership of any board or commission shall be filled by the mayor by appointment. Councilmen may be members of the board of commissioners.

(Ord. No. 752, att.(2.56.010), 3-23-2021; Ord. No. 780, att.(2.56.010), 6-14-2022)

Sec. 2.56.020. Expenses.

Except as otherwise provided, all members of boards and commissions shall serve with compensation at an amount to be determined by the city council on a per meeting basis but shall be paid necessary expenses incurred in the discharge of their official duties.

(Ord. No. 752, att.(2.56.020), 3-23-2021; Ord. No. 780, att.(2.56.020), 6-14-2022)

Sec. 2.56.030. Selection of chairman; adoption of rules of procedure.

Each board and commission shall provide and choose its own chairman from its membership and shall have powers to make and adopt such rules of procedure and regulations not inconsistent with other provisions of this Code, as may be necessary for the proper conduct of its business and the effective accomplishment of its functions and duties. A copy of such rules of procedure and regulations shall be filed with the city clerk.

(Ord. No. 752, att.(2.56.030), 3-23-2021; Ord. No. 780, att.(2.56.030), 6-14-2022)

Sec. 2.56.040. Continuation and vestment powers of boards and commissions.

The following boards and commissions having been duly created in accordance with this chapter are continued and vested with all powers and duties conferred upon such boards and commissions by statute or municipal ordinance:

- (1) Board of adjustment with the planning and zoning committee sitting in this role;
- (2) Board of appeals with the council plus the city engineer sitting in this role;
- (3) Planning and zoning commission; and
- (4) Other advisory boards as needed.

(Ord. No. 752, att.(2.56.040), 3-23-2021; Ord. No. 780, att.(2.56.040), 6-14-2022)

CHAPTER 2.72. DISASTER AND CIVIL DEFENSE UNIT**Sec. 2.72.010. Established.**

The mayor, all elected officials, and all appointed officers and employees of the city are authorized and directed to join with the board of county commissioners and all other elected officials and appointed officers of the county for the purpose of establishing a city-county disaster and civil defense unit under the provisions of W.S. 19-13-101—19-13-116.

(Ord. No. 752, att.(2.72.010), 3-23-2021; Ord. No. 780, att.(2.72.010), 6-14-2022)

Sec. 2.72.020. Duties of officials.

The mayor and other duly elected officials and the appointed officers of the city are authorized and directed to do and perform every act that may be lawfully required of them by the director of disaster and civil defense for the state under the provisions of W.S. 19-13-101—19-13-116.

(Ord. No. 752, att.(2.72.020), 3-23-2021; Ord. No. 780, att.(2.72.020), 6-14-2022)

CHAPTER 2.76. ELECTION AND TERMS OF MAYOR AND COUNCILMEN**Sec. 2.76.010. Elective offices established; term.**

The elective officers of the city shall be a mayor and four councilmen. The term of office of the mayor and the councilmen shall be four years and until successors are qualified. The mayor shall be elected at large. Pursuant to the provisions found at Wyo. Const. art. 13, § 1, the city shall provide that councilmen shall be elected at large and not by wards or districts, and, therefore, the provisions of W.S. 15-11-103 and 22-23-103 pertaining to wards shall not apply to the city.

(Ord. No. 752, att.(2.76.010), 3-23-2021; Ord. No. 780, att.(2.76.010), 6-14-2022)

Sec. 2.76.020. Coordination of municipal and primary elections.

The city's municipal primary and general elections shall be held at the same time, in the same manner, at the same polling places, and conducted by the same precinct officials, using the same poll lists, as the statewide primary and general elections.

(Ord. No. 752, att.(2.76.020), 3-23-2021; Ord. No. 780, att.(2.76.020), 6-14-2022)

Sec. 2.76.030. Candidates for municipal and primary elections.

All candidates for municipal office shall be nominated at the municipal primary election. Candidates equal to twice the number to be elected to each office who receive the highest number of votes at the primary election are nominated to run for the office at the next general election.

(Ord. No. 752, att.(2.76.030), 3-23-2021; Ord. No. 780, att.(2.76.030), 6-14-2022)

Sec. 2.76.040. Commencement of term.

The term of office of a person elected at the municipal general election commences on the first regularly scheduled city council meeting in January following the general election.

(Ord. No. 752, att.(2.76.040), 3-23-2021; Ord. No. 780, att.(2.76.040), 6-14-2022)

Sec. 2.76.050. Appointment terms; successor sworn in.

A person shall hold their appointment to the city council until their successor is sworn in at the January meeting following the general election.

(Ord. No. 752, att.(2.76.050), 3-23-2021; Ord. No. 780, att.(2.76.050), 6-14-2022)

Sec. 2.76.060. Residency requirements.

All elective municipal officers shall be qualified electors resident in the city.

(Ord. No. 752, att.(2.76.060), 3-23-2021; Ord. No. 780, att.(2.76.060), 6-14-2022)

Sec. 2.76.070. Exemption of certain state statutes.

The city is exempted by the charter ordinance codified in this chapter from the provisions of W.S. 15-5-101 15-11-103, 15-11-202, 22-23-103, 22-23-503, 22-23-602 and 15-3-104. These statutory provisions shall not apply to the city.

(Ord. No. 752, att.(2.76.070), 3-23-2021; Ord. No. 780, att.(2.76.070), 6-14-2022)

CHAPTER 2.80. OATH OF OFFICE AND BONDS**Sec. 2.80.010. Oath of city administrator, department heads and other officials.**

The city administrator, each department head, law enforcement officer and elected official shall, before entering upon the performance of the duties of such office, subscribe an oath to honesty and faithful performance and discharge the duties of such office to the best of his ability.

(Ord. No. 752, att.(2.80.010), 3-23-2021; Ord. No. 780, att.(2.80.010), 6-14-2022)

Sec. 2.80.020. Officer custody of money; bonds.

(a) Each city officer, or clerk of the city, having custody of money belonging to the city shall, before entering upon the performance of his respective duties, be required to furnish a bond in the amount prescribed in this chapter for such office, which bond shall be conditioned upon the following:

- (1) The faithful performance by such officer or clerk of all the duties of his office as prescribed by law;
- (2) The safekeeping of all money which may come into his hands by virtue of his office;
- (3) The prompt payment thereof to those persons who are legally authorized to receive the same in the manner provided by law; and
- (4) The delivery by him to his successor in office of all money then held by him as such officer.

(b) Each of such officers and his sureties, respectively, shall be responsible for the safekeeping and paying over according to law of all funds which shall come into his hands by virtue of his office.

(Ord. No. 752, att.(2.80.020), 3-23-2021; Ord. No. 780, att.(2.80.020), 6-14-2022)

Sec. 2.80.030. Minimum amounts.

- (a) The bonds of the various city officers and clerks shall be in minimum amounts as follows:

City clerk/city treasurer	Set by resolution
Blanket bond all employees	Set by resolution

(b) When approved, such bonds shall be filed in the city clerk's office.

(c) The council may, by resolution, increase the amounts of such bonds, and may also require similar bonds to be furnished by any employee having custody of city funds.

(Ord. No. 752, att.(2.80.030), 3-23-2021; Ord. No. 780, att.(2.80.030), 6-14-2022)

Sec. 2.80.040. Premiums due to surety company.

When the bond of any officer of the city shall be furnished by a surety or guaranty company, the premium due such company for furnishing such bond shall be paid out of the public funds of the city.

(Ord. No. 752, att.(2.80.040), 3-23-2021; Ord. No. 780, att.(2.80.040), 6-14-2022)

Sec. 2.80.050. Sureties; qualifications.

Whenever any bond, recognizance or other obligation is by law, ordinance, rules or regulations of the city required or permitted to be tendered or filed with sureties, and whenever the performance of any act or obligation or the refraining from any act or obligation is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed either by a guaranty or surety company qualified to act as surety or guarantor under the laws of the state.

(Ord. No. 752, att.(2.80.050), 3-23-2021; Ord. No. 780, att.(2.80.050), 6-14-2022)

CHAPTER 2.84. COMPENSATION OF OFFICERS AND EMPLOYEES

Sec. 2.84.010. Salary structure.

The salary structure shall be established by council action during the annual budget process, or at such other times as may be appropriate. No employee shall be assigned to a salary grade or step not in accordance with the salary structure.

(Ord. No. 752, att.(2.84.010), 3-23-2021; Ord. No. 780, att.(2.84.010), 6-14-2022)

Sec. 2.84.030. Compensation for elected officials.

The mayor shall be paid \$2,000.00 per month for the mayor's services. Each councilman shall be paid \$150.00 per actual regular meeting attended. In addition, members of the council shall be reimbursed for expenses incurred in the performance of their official duties.

(Ord. No. 752, att.(2.84.030), 3-23-2021; Ord. No. 780, att.(2.84.030), 6-14-2022)

Sec. 2.84.040. Fringe benefits.

(a) All full-time permanent employees of the city shall be provided employee benefits as may be established by the council by resolution.

(b) The city may, by resolution of the city council, provide benefits to permanent part-time employees.

(c) The city treasurer is authorized to deduct any participating employee's share for the benefits from the employee's paycheck.

(Ord. No. 752, att.(2.84.040), 3-23-2021; Ord. No. 780, att.(2.84.040), 6-14-2022)

CHAPTER 2.88. PERSONNEL RULES AND REGULATIONS

Sec. 2.88.010. Rules and regulations established.

The city administrator shall establish comprehensive rules and regulations providing for the recruitment of employees, terms of employment, disciplinary action, grievance procedures and such other matters relating to personnel management as the city administrator may deem necessary. These rules and regulations shall be compiled in a manual of personnel rules and regulations, which is to be adopted by the council by resolution. Such manual shall be made available to all employees. The manual shall include a pay plan which shall apply to all positions in the city service except elected officials and council-appointed positions. The pay plan shall provide for job descriptions, position classification, performance evaluation, job evaluation and salary structure.

(Ord. No. 752, att.(2.88.010), 3-23-2021; Ord. No. 780, att.(2.88.010), 6-14-2022)

Sec. 2.88.020. Equal employment opportunity policy.

(a) It shall be the policy of the city to provide equal employment opportunity for employment and advancement to all qualified applicants and employees. It shall be the responsibility and duty of all city officials and department heads to carry out the policies, guidelines and corrective measures as set forth in the manual of personnel rules and regulations.

(b) Contractors, subcontractors, and suppliers conducting business with the city shall affirm and subscribe to the fair practices and nondiscrimination policies as set forth by the city.

(Ord. No. 752, att.(2.88.020), 3-23-2021; Ord. No. 780, att.(2.88.020), 6-14-2022)

Sec. 2.88.030. Civil service commission not required.

Under the provisions of Wyo. Const. art. 13, § 1, the city exempts itself from the requirement of having a civil service commission under W.S. 15-5-101 et seq.

(Ord. No. 752, att.(2.88.030), 3-23-2021; Ord. No. 780, att.(2.88.030), 6-14-2022)

Sec. 2.88.040. Representation of city; fundraising.

(a) No city office, city official, city councilman or city employee shall use a personal website, publication, or electronic media in a fashion which purports to represent the city or any of its subdepartments or branches.

(b) No city employee shall appear in a uniform or part of a uniform associated with his office as part of an effort to solicit funds or participation in any matter except as authorized by the city through the city council.

(c) No official symbols or insignia of the city shall be used by any employee in an effort to solicit funds or participation in any matter except as authorized by the city through the city council.

(c) Any funds solicited in violation of this provision shall be deemed to belong to the city and shall be turned over to the city upon the city providing notice to any party violating this section. Upon providing such notice, said party shall account for said funds and their whereabouts within 48 hours of having received notice.

(d) Any fundraising that is in any way related to an employee's employment, an official's position, or a councilman's office with the city shall require said individual to complete an annual financial disclosure form to the city clerk that details expenditures and revenues. This shall include the submission of the same that are associated with political campaigns, fundraising efforts by entities that are associated with the city or its subdivisions or employees. Unions or associations of city employees that represent city employees in any capacity shall likewise submit annually a financial disclosure as set forth in this subsection.

(Ord. No. 752, att.(2.88.040(1)), 3-23-2021; Ord. No. 780, att.(2.88.040(1)), 6-14-2022)

Sec. 2.88.041. Handbook not a contract.

Should the city choose to issue an employee handbook, that handbook shall not be deemed to constitute a contract of employment. The city may elect to change the provisions of said handbook, without notice, at any time. All city employee handbooks issued after the adoption of the ordinance from which this title is derived shall include a notice of this provision.

(Ord. No. 752, att.(2.88.040(2)), 3-23-2021; Ord. No. 780, att.(2.88.040(2)), 6-14-2022)

Sec. 2.88.042. Right to a hearing upon termination.

(a) Any employee of the city, including, but not limited to, appointees under section 2.04.060(a) or hired under section 2.04.060(f) who is terminated from their employment for incompetency, neglect of duty or otherwise for cause, shall have the charges against them be specified and the person removed shall be provided an opportunity for a hearing on the charges under procedures set forth under the Administrative Procedures Act, W.S. 16-3-107 et seq, where applicable, including the right of appeal to the district court. An employee may additionally invoke this provision where the employee asserts that the employee's termination was for incompetency, neglect of duty or otherwise for cause even though not so stated, or where the employee asserts that the termination was otherwise made for an improper reason recognized by law or statute.

(b) In all such hearings, the city council shall act as the hearing panel, except where two or more members shall be conflicted and recused, except as otherwise set forth below, in which case the parties shall agree to the appointment of city department heads in their place or panel members otherwise stipulated to by the parties.

(c) It is further provided for such hearings that:

- (1) The city may elect to appoint a hearing officer, but is not obligated to do so, to preside over the hearing.

- (2) In the event that a council member may not serve due to a conflict and the parties are unable to agree to department heads to take their place within seven days of a hearing being requested, the mayor, or if the mayor is conflicted, the city administrator shall appoint department heads to serve on the panel. Such appointments shall not be subject to objection.

(d) In all such instances in which a right to a hearing has been afforded to an employee appointed under section 2.04.060 by way of a separate contract with said employee, any objections to a council member must be made at the time of objecting to termination and a hearing being requested, provided however that such objections may not have the effect of depriving the ability of the council to obtain at least four members in deliberations. Should such a challenge be made, the council and employee may stipulate to a department head to serve in a challenged council member's place and waive any defenses based upon the same in writing or stipulate to an alternative procedure. Should the parties not be able to stipulate as set forth above, all challenged members shall remain on the panel and the conflicts be deemed waived.

(e) All hearings afforded by contract as referenced in section d above shall be as close to hearings otherwise afforded under this section as practicably possible.

(f) Nothing in the provisions set forth above shall preclude the parties in any such hearing from stipulating to an alternative procedure provided, however, that any such stipulation shall be regarded as waiving any alternative form of hearing.

(Ord. No. 787, § 2.88.040, 3-28-2023; Ord. No. 807, § 2.88.040, 12-12-2023)

CHAPTER 2.90. MISCELLANEOUS PROVISIONS

Sec. 2.90.10. Appeals by contractors.

All appeals of matters by licensed contractors or those seeking to be licensed contractors that relate to their licensure or work performed under their licenses shall be to the city council which shall sit, in that capacity, in place of a board of appeals for the purpose of hearing said appeals.

(Ord. No. 752, att.(2.90.10), 3-23-2021; Ord. No. 780, att.(2.90.10), 6-14-2022)

Sec. 2.90.20. Pay for commissions and boards.

The city council may set, where otherwise not set by state statute, such pay for members of city boards and commissions as it sees fit. Pay, in such instances, shall be set by resolution and shall remain in place until such time as it is altered or rescinded by resolution.

(Ord. No. 752, att.(2.90.20), 3-23-2021; Ord. No. 780, att.(2.90.20), 6-14-2022)

Sec. 2.90.30. Legal advertisements.

The term "newspaper," in so far as it is used by the state statutes requiring publication by municipalities of certain notices and information, is undefined. This section, therefore, sets forth the meaning of the terms "newspaper" and "publish" for the purpose of complying with state statutes by the city and the matters to be considered by the town in regard to the same.

- (1) Whenever possible the city shall take into consideration the circulation of the newspaper when placing notices, with such consideration to consider ultimate circulation, timeliness, and the cost of placing the notice. While cost or circulation need not alone dictate which newspaper is chosen, it shall be a matter that shall be taken into consideration.

- (2) Whenever the term "newspaper" is used by a state statute which requires a municipality to place a notice or publication in the same, the city may:
 - a. Rely on the common understanding of the meaning of the term "newspaper" as it existed at the time of the first state statute to use the same. If this is done, it will require no further act by the city council in order for that understanding to apply.
 - b. Adopt, by resolution, the 21st Century understanding of the term "newspaper" for any particular purpose, which shall mean an electronic publication satisfying the following criteria:
 1. An electronic publication, to include a website which;
 2. Is published or maintained on a daily basis, and which;
 3. Is published for the purpose of distributing information and news in a fashion similar to that of a print newspaper and which;
 4. Includes Natrona County, Wyoming as part of its routine coverage.
 - (3) Whenever the term "publish" is used by a state statute which requires a municipality to publish a notice in a "newspaper," the following shall be presumed to apply:
 - a. The term "publish," in the case of a print newspaper, shall be presumed to mean "printed and distributed," wherever the statute makes reference to a locality, such as within a municipality or county, unless the city establishes a good and sufficient basis for reading the same in another manner, and records the same my way of a resolution.
 - b. The term "publish," in the case of electronic media, shall be presumed to mean electronically issued on a website which meets the definition of the term "newspaper" as set forth above, which can reasonably be determined to be directed towards or read within a municipality or county.
 - (4) In any instance in which the city determines to publish a notice in an electronic newspaper, such as is described in subsection (2)b of this section, it shall publish the same on its website and store a copy of the electronic notice for a period of five years, unless a statute, ordinance or resolution requires a longer time period. Publication of a notice in an electronic newspaper may include an active link to the city's publication on its website, which shall suffice for publication as long as it was specifically done for the purpose of giving notice.
- (Ord. No. 752, att.(2.90.30), 3-23-2021; Ord. No. 780, att.(2.90.30), 6-14-2022; Ord. No. 804, 10-20-2023)

Title 3

REVENUE AND FINANCE

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CHAPTER 3.04. CITY BUDGET**Sec. 3.04.010. Fiscal year; appropriations.**

The fiscal year of the city shall commence on the first day of July of each year and end on the 30th day of June of each year. The council, within the last quarter of each fiscal year, shall pass an annual budget resolution for the next fiscal year in which it may appropriate an amount of money necessary to defray all expenses and liabilities of the city. The resolution shall specify the objects and purposes for which the appropriations are made and the amount appropriated for each object or purpose according to the chart of accounts provided by the state examiner.

(Ord. No. 768, att.(3.04.010), 8-31-2021)

Sec. 3.04.020. Designation of budget officer.

The city administrator is designated as budget officer for the city and shall be responsible for preparing the proposed annual budget.

(Ord. No. 768, att.(3.04.020), 8-31-2021)

Sec. 3.04.030. Departments to furnish estimates.

The principal officer of every department, agency, institution and activity of the city shall, not later than May 1 of every year, furnish in writing to the city administrator a detailed schedule of estimated requirements for meeting proposed expenditures for the ensuing fiscal year.

(Ord. No. 768, att.(3.04.030), 8-31-2021)

Sec. 3.04.040. Contents of the budget.

(a) The budget shall present a complete financial plan for the fiscal year to which it applies. It shall set forth the following:

- (1) All proposed expenditures for the administration, operations, and maintenance of all offices, departments, activities, funds, and institutions of the city.
- (2) All interest and debt redemption charges during the current year.
- (3) Expenditures for capital projects to be undertaken or executed during the current year, including expenditures for local improvements which may be paid for in whole or in part by special assessments or charges.

(b) In addition thereto, the budget shall set forth the balance on hand in all funds, the anticipated collections of delinquent taxes, together with the amount of taxes to be levied to finance the budget.

(Ord. No. 768, att.(3.04.040), 8-31-2021)

Sec. 3.04.050. Budget format.

The annual budget ordinance shall include all revenues and expenses of all funds of the city. The nature and content of the budget shall be as follows:

- (1) Actual revenues and expenditures in the last completed fiscal year;

- (2) Estimated total revenues and expenditures for the current fiscal year;
 - (3) The estimated available revenues and expenditures for the ensuing budget year;
 - (4) A budget message containing an outline of the proposed financial policies for the budget year. The budget message shall also state the reasons for changes from the previous year in appropriation and revenue items and explain any major changes in financial policy;
 - (5) A statement of the bonded indebtedness of the city, if any, showing the debt redemption requirements and debt authorized and unissued;
 - (6) The budget ordinance shall be styled "Budget FY," and shall specify the amount of property taxes necessary to meet the general expenses to the city for the ensuing fiscal year, and the city council shall also appropriate in such ordinance such sums of money as may be deemed necessary to defray the current expenses and liabilities of the city for such year.
- (Ord. No. 768, att.(3.04.050), 8-31-2021)

Sec. 3.04.060. Submittal of budget.

The city administrator shall, on or before May 15, prepare a tentative budget for each fund and file the budget with the council.

(Ord. No. 768, att.(3.04.060), 8-31-2021)

Sec. 3.04.070. Retained earnings; accumulation; expenditures.

(a) The city may accumulate retained earnings in any enterprise or intragovernmental fund or accumulate a fund surplus in any other fund. With respect to the general fund, the accumulated fund balance may be used to meet any legal obligation of the city or to:

- (1) Provide cash to finance expenditures from the beginning of the budget year until general property taxes and other revenues are collected;
- (2) Provide a reserve to meet emergency expenditures.

(b) The city may appropriate funds from estimated revenue in any budget year to a reserve for capital improvements and for depreciation within any capital improvements fund which has been duly established by ordinance. Money in the reserves may be allowed to accumulate from year to year until the accumulated total is sufficient to permit expenditure for the specified purpose. Disbursements from reserves shall be made only by transfer to a revenue account within a capital improvements fund pursuant to an appropriation for the fund.

(c) Expenditures from capital improvement budget accounts shall conform to all requirements of this chapter as it relates to the execution and control of budgets.

(Ord. No. 768, att.(3.04.070), 8-31-2021)

Sec. 3.04.080. Public hearing; notice.

(a) A summary of the tentative budget which is proposed for adoption shall be entered into the minutes, and the council shall provide public notice in accordance with the provisions set out for the same elsewhere in this Code for at least one week before the hearing date.

(b) The budget hearing shall be held not prior to the second Tuesday in June nor later than the third Tuesday in June. Copies of publications of hearings shall be furnished to the director of the state department of audit.

(Ord. No. 768, att.(3.04.080), 8-31-2021)

Sec. 3.04.090. Expenditure limitation.

(a) No officer or employee of the city shall make any expenditure or encumbrance in excess of the total appropriation for any department.

(b) The council shall not make any appropriation in the final budget of any fund in excess of the estimated expendable revenue of the fund for the budget year.

(Ord. No. 768, att.(3.04.090), 8-31-2021)

Sec. 3.04.100. Adoption of final budget.

Within 24 hours of the conclusion of the budget hearing the council shall, by resolution, make the necessary appropriations and adopt the budget, which, subject to future amendment, shall be in effect for the next fiscal year. A copy of the budget, certified by the budget officer, shall be furnished to the county commissioners for the necessary property tax levies. Certified copies of the adopted budget shall be on file in the office of the budget officer for public inspection.

(Ord. No. 768, att.(3.04.100), 8-31-2021)

Sec. 3.04.110. Transfer of unexpended appropriation balance.

At the request of the budget officer or upon its own motion after publication of notice, the council may, by resolution, transfer any unencumbered or unexpended appropriation balance or part thereof from one fund or department to another.

(Ord. No. 768, att.(3.04.110), 8-31-2021)

Sec. 3.04.120. Budget appropriation increase; general fund.

The budget of the general fund may be increased by resolution of the council. The source of the revenue shall be shown whether unappropriated surplus, unanticipated, donations, etc.

(Ord. No. 768, att.(3.04.120), 8-31-2021)

Sec. 3.04.130. Emergency expenditures.

If the council determines an emergency exists and the expenditure of money in excess of the general fund budget is necessary, it may make the expenditures from revenues available as reasonably necessary to meet the emergency.

(Ord. No. 768, att.(3.04.130), 8-31-2021)

Sec. 3.04.140. Appropriations lapse; claims.

All appropriations, excluding appropriations for capital projects, shall lapse following the close of the budget year to the extent they are not expended or encumbered. All claims incurred prior to the close of any fiscal year shall be treated as if properly encumbered.

(Ord. No. 768, att.(3.04.140), 8-31-2021)

Sec. 3.04.150. Special fund; transfer.

If the necessity to maintain any special revenue or assessment fund ceases and there is a balance in the fund, the council shall authorize the transfer of the balance of the fund balance account to the general fund.

(Ord. No. 768, att.(3.04.150), 8-31-2021)

Sec. 3.04.160. Financial statements.

(a) The budget officer shall present to the council the statement and reports provided by subsection (b) of this section.

(b) Appropriate interim financial statements and reports of financial position, operating results and other pertinent information may be prepared to facilitate management control of financial operations and, where necessary or desired, for external reporting purposes as required by the council.

(c) All financial statements made pursuant to this section shall be open for public inspection during regular business hours.

(Ord. No. 768, att.(3.04.160), 8-31-2021)

CHAPTER 3.08. FINANCIAL MANAGEMENT**Sec. 3.08.010. Disbursements; approval; form of warrants.**

(a) Except as otherwise provided, all disbursements shall be made by warrants signed by the city administrator or the city treasurer under the direction of the city administrator and countersigned by the mayor, and no warrant may be drawn in payment of a claim until the claim certified by the city administrator has been allowed by the council. Every warrant shall specify its purpose, the fund against which it is drawn, and shall be made payable to the order of the person in whose favor it is drawn. Any warrant contrary to this section is void and any officer or employee drawing such a warrant is personally responsible for the amount of any payment made on it.

(b) When any warrant is paid, it shall be immediately cancelled and filed in the office of the city treasurer. The orders drawn upon each fund shall be kept separate. The council shall provide for the examination during each annual audit of all cancelled warrants, bonds, and other obligations in the hands of the city administrator.

(Ord. No. 768, att.(3.08.010), 8-31-2021)

Sec. 3.08.020. Signing of checks.

Every check drawn upon a city depository in payment of a warrant shall be signed by the city administrator or city clerk under direction of the city administrator and countersigned by the mayor and state clearly thereon the purpose for which it is drawn.

(Ord. No. 768, att.(3.08.020), 8-31-2021)

Sec. 3.08.030. Funds to be maintained.

(a) The following funds shall be maintained in the treasury, and the council shall determine the amount of annual tax to be levied for their support:

- (1) General fund: Accounts for all financial resources except those required to be accounted for in another fund.
- (2) Debt services funds: Accounts for the accumulation of resources for, and the payment of, general long-term debt principal and interest.
- (3) Capital projects fund: Accounts for financial resources to be used for the acquisition or construction of major capital facilities (other than those financed by proprietary funds, special assessment funds and trust funds).
- (4) Special assessment funds: Accounts for the financing of public improvements or services deemed to benefit the properties against which special assessments are levied.
- (5) Enterprise fund: Accounts for operations that are financed and operated in a manner similar to private business enterprises; or where the council has decided that periodic determination of revenues earned, expenses incurred and/or net income is appropriate for capital maintenance, public policy, management control, accountability or other expenses.
- (6) Trust and agency funds: Accounts for assets held by the city in a trustee capacity or an agent for individuals, private organizations, other governmental units and/or other funds.
- (7) General fixed assets: All fixed assets of the city except those accounted for in proprietary funds or trust funds. These financial resources are not available for expenditure.
- (8) General long-term debt: Records of all unmatured principal of the city's general long-term debt, except those accounted for in proprietary funds, special assessment funds or trust funds.
- (9) Special revenue fund: Records of receipt and disbursement of funds from various special revenue sources.

(b) The council may, from time to time, create additional funds as deemed necessary and as recommended by the city treasurer in order to meet the governmental accounting, auditing and financial reporting standards.

(Ord. No. 768, att.(3.08.030), 8-31-2021)

Sec. 3.08.040. Presentation of claims.

All claims and demands against the city shall be presented to the council in writing, with a full account of the items, and verified by the oath of the claimant or his agent, showing that the claim is correct, reasonable and just. No claim or demand may be audited or allowed unless presented and verified as provided in this section.

(Ord. No. 768, att.(3.08.040), 8-31-2021)

Sec. 3.08.050. Treasurer's accounts.

The treasurer of the city shall keep his accounts so as to show when and from what sources all monies paid to him have been derived, and to whom and when such monies or any part thereof have been paid out. His books, accounts, and vouchers are, at all times, subject to examination by the council or any elector of the city.

(Ord. No. 768, att.(3.08.050), 8-31-2021)

Sec. 3.08.060. Designation and use of depositories.

(a) The council shall biennially designate banks or financial institutions within the city to be depositories of the monies of the city and enter into contracts with such banks. Every entity so designated shall give a surety bond to secure the safekeeping and prompt payment of deposits.

(b) Any such depository may, instead of such bond, furnish, as security for such deposit, collateral security of the same type and nature as are described in W.S. 9-4-805. The securities are to be accompanied by a written assignment vesting the legal title thereto in the city making such deposits, as collateral security that such depository shall and will safely keep and pay over to the city treasurer, on his check, order or demand, all money which may come in the possession of such depository, together with all interest accruing thereon as provided in this chapter.

(c) Such depositories, within 30 days following such designation, shall furnish to the city council a certified copy of the resolution accepting such designation adopted by its board of directors, the resolution to be in substantial compliance with the form of resolution set forth in W.S. 9-4-806.

(Ord. No. 768, att.(3.08.060), 8-31-2021)

Sec. 3.08.070. Audits required.

(a) The council shall cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the city for each fiscal year.

(b) The council shall make available all documents and records required to perform the audit upon request of the independent auditor.

(c) The audits shall be conducted by independent auditors in accordance with generally accepted auditing standards as promulgated by the AICPA in their guidelines for audits for state and local government units. The audits shall be financial and legal compliance audits.

(d) The audits shall be completed not more than six months after the end of the fiscal year being audited.

(Ord. No. 768, att.(3.08.070), 8-31-2021)

Sec. 3.08.080. Contents of audits.

(a) Audit reports shall conform to generally accepted accounting principles.

(b) Copies of the audit reports shall be filed with and preserved by the county clerk and shall be open to inspection by any interested person. Copies of all audits shall also be filed with the state examiner.

(Ord. No. 768, att.(3.08.080), 8-31-2021)

CHAPTER 3.16. DEBT FINANCING

Sec. 3.16.010. Borrowing and issuance of bonds.

(a) The city may borrow money and issue bonds in either coupon or registered form to any amount not exceeding the limitation provided in W.S. 15-7-109 for public improvement purposes enumerated in W.S. 15-7-101. The amount of bonds may be any multiple of \$100.00, as provided in the ordinance authorizing their issuance, and shall bear interest payable annually or semiannually at a rate, at a place and in the manner as the ordinance provides. The bonds may be redeemable before maturity at a time and in a manner as the council may determine, and payable in not more than 30 years after the date of their issuance, or payable serially at times in regular numerical order at annual or other designated intervals in any amounts designated and fixed by the council. However, bonds issued by the city to establish, construct, purchase or extend a system of sewerage may mature and be payable at any time not more than 40 years from their date or the estimated life of the improvement, whichever is shorter.

(b) No bonds may be issued for the purposes provided in W.S. 15-7-101 until the proposition to issue them has been submitted to, and approved by, the qualified electors of the city at a regular or special election which shall be called, conducted, canvassed and returned in the manner provided for municipal bond elections by the general election laws of the state.

(Ord. No. 768, att.(3.16.010), 8-31-2021)

Sec. 3.16.020. Bonds for recreational facilities.

The city may borrow money and issue coupon bonds in any amount which, together with the municipal indebtedness, but not including sewerage, water supply and school bonds, do not exceed four percent of the assessed valuation of the city, to acquire, lease, purchase, equip, construct, develop, improve, or enlarge public recreational facilities. The bonds shall be in the denomination of \$100.00 or multiples thereof, and bear interest semiannually at a rate, at a place and in the manner the council provides. The bonds shall be in a serial form with last maturity not more than 20 years after the date of issue and are redeemable at the option of the city at a time to be designated by the council.

(Ord. No. 768, att.(3.16.020), 8-31-2021)

Sec. 3.16.030. Bonds for fire prevention.

The city may borrow money and issue the coupon bonds in any amount not exceeding, at one time, two percent of the assessed valuation of the city to acquire and purchase supplies, equipment and apparatus for fire prevention and control and to erect, construct or purchase buildings for housing its fire extinguishing equipment and for the use of its fire department in the transaction of its official business. The bonds shall bear interest, payable semiannually, and be of the denomination and payable at a rate, at a place and in the manner the council provides. The bonds shall be redeemable after ten years and payable in not more than 30 years after the time they are issued or payable serially.

(Ord. No. 768, att.(3.16.030), 8-31-2021)

Sec. 3.16.040. Certificate of endorsement; registration book.

(a) The city clerk shall endorse a certificate upon every bond or evidence of debt issued, stating that it is within the lawful debt limit of the city and is issued according to law. He shall sign the certificate in his official character.

(b) The city treasurer shall keep a book in which shall be registered all bonds issued, showing the number of the bond, the date of issue, to whom issued, the amount, date of redemption and payment of interest. The book shall be open to all persons for examination during business hours.

(Ord. No. 768, att.(3.16.040), 8-31-2021)

Sec. 3.16.050. Notice for bids; exception.

(a) After any bonds to be issued for any of the purposes set forth in this chapter, other than special improvement bonds, have been approved by a vote of the people, the council shall give notice by advertisement for three consecutive weeks in a newspaper published in the city, and in any newspaper published in other places as may be deemed expedient. The notice shall state that the city will receive bids for the sale of the bonds and shall give the time and place where bids will be received and opened. No bonds may be sold for less than their par value.

(b) Bonds issued by the city to establish, construct, purchase, or extend a system of sewerage may be sold to the state or the United States at a private sale, without advertisement, for not less than par and accrued interest.

(Ord. No. 768, att.(3.16.050), 8-31-2021)

Sec. 3.16.060. Sinking fund; redemption of bonds.

A tax, to be fixed by ordinance, shall be levied each year to pay the interest on the bonds and to create a sinking fund for their redemption. The money that may be on hand at any time belonging to the sinking fund, until there are bonds redeemable, may be loaned or invested by the council in any public securities of the state, any subdivision thereof, or of the United States, and the interest that accrues shall be added to the sinking fund. Whenever, at any time after ten years from the issue of the bonds, the sum in the sinking fund equals or exceeds \$500.00 and, from time to time thereafter when it accrues, the city treasurer shall publish a notice in a newspaper in the city that he will, 30 days from the date of the notice, redeem the amount of bonds then payable, giving their number and giving preference to the oldest issue.

If, at the expiration of 30 days when the holder of those bonds fails to present them for payment, the interest on them shall cease, but the treasurer shall be ready to redeem them on presentation. A copy of the notice shall be sent to the bank designated as the place of payment of the interest on the bonds.
(Ord. No. 768, att.(3.16.060), 8-31-2021)

Sec. 3.16.070. Cancellation of bonds.

The city treasurer shall, as soon as the coupons of bonds are paid, cause the word "paid" to be cut into them, and when the bonds are paid, cause the word "paid" to be cut in the body of the bond.
(Ord. No. 768, att.(3.16.070), 8-31-2021)

Sec. 3.16.080. Payment of bonds and certificates of indebtedness.

Principal and interest upon bonds and certificates of indebtedness, when due, may be paid by the city treasurer out of the proper funds upon presentation and surrender to the city treasurer of the bond, certificate, or interest coupon. When paid, they shall be cancelled immediately and filed in the office of the city treasurer in the same manner as warrants. The payments shall be made by warrants and conform to the requirements of section 3.08.010.
(Ord. No. 768, att.(3.16.080), 8-31-2021)

Sec. 3.16.090. Limitation of indebtedness; exception.

No debt in excess of the taxes for the current year may be created by the city, except local improvements, as provided by law, unless the proposition to create the debt is submitted to the vote of the people, and approved by them. The city may not create any indebtedness exceeding four percent of the assessed valuation of the taxable property except an additional amount not exceeding four percent of the assessed valuation of the property to build and construct sewerage systems. For the construction, establishing and maintaining of waterworks and supplying water for the use of the city and its inhabitants, the limitation does not apply.
(Ord. No. 768, att.(3.16.090), 8-31-2021)

Sec. 3.16.100. Custody of funds.

The city treasurer is the custodian of all monies arising from the sale of bonds issued pursuant to this chapter. He shall give any additional bond as the council requires for the safekeeping and disbursing of all such funds as required by the council.
(Ord. No. 768, att.(3.16.100), 8-31-2021)

CHAPTER 3.20. IMPROVEMENT DISTRICTS

Sec. 3.20.010. Powers of city.

The city may provide for the making and maintenance of local improvements and levy and collect special assessments on the property specially benefited to pay all or part of the cost of the improvement, as provided in W.S. 15-6-101 et seq. This includes, but is not limited to, the making of local improvements, establishing and changing grades, levy and collection of assessments, and the authorization and

issuance of bonds. No board, agency, bureau or official other than the council of the city may fix, prescribe, modify, supervise or regulate the levy or collection of special assessments or taxes authorized by state statute, except as expressly provided or necessarily implied, nor supervise or regulate the establishment or modification of grades and the acquisition of any improvement authorized.

(Ord. No. 768, att.(3.20.010), 8-31-2021)

Sec. 3.20.020. Proceedings; ordinance or resolution required.

(a) When the city makes local improvements or establishes or alters the grade of any street at the cost and expense, in whole or in part, of property specially benefited thereby, the proceedings shall be as provided in W.S. 15-6-201 et seq.

(b) Any such improvement may be ordered only by ordinance or resolution of the council.
(Ord. No. 768, att.(3.20.020), 8-31-2021)

Sec. 3.20.030. Items of cost to be assessed.

When any authorized local improvement is ordered, the following shall be included in the cost and expense thereof to be assessed against the property specially benefited and included in the district created to pay all or any part thereof:

- (1) The cost of that portion of the improvement included within the limits of any street intersection space or spaces;
- (2) The estimated cost and expense of inspection, tests, materials or work and of all engineering and surveying necessary for the improvement done under the direction of the city engineer;
- (3) Ascertaining the ownership of the lots or parcels of land included in the assessment district;
- (4) Advertising, mailing and publishing of all notices; and
- (5) All accounting and clerical labor, books and blanks expended or used by the city in connection with the improvements.

(Ord. No. 768, att.(3.20.030), 8-31-2021)

Sec. 3.20.040. Property to be included in assessment district.

(a) The assessment district shall include all the property benefited by the improvement, as determined by the council, including municipal and other public property, except that of the U.S. government or any agency, instrumentality or corporation thereof, in the absence of the consent of Congress.

(b) Assessments shall be computed using one of the methods set forth in W.S. 15-6-404.
(Ord. No. 768, att.(3.20.040), 8-31-2021)

Sec. 3.20.050. Assessment roll to be filed.

When an assessment roll for local improvements has been prepared, it shall be filed with the city clerk, who shall certify it and transmit the roll to the city treasurer for collection, following confirmation thereof as set forth in W.S. 15-6-405.

(Ord. No. 768, att.(3.20.050), 8-31-2021)

Sec. 3.20.060. Assessment lien.

The charge on the respective lots, tracts, parcels of land and other property, for the purpose of special assessments, to pay the cost and expense, in whole or in part, of any improvement authorized by the council, shall be a lien upon the property assessed from the time the assessment roll is placed in the hands of the officer authorized by law to collect the assessment. The lien shall be paramount and superior to any other lien or encumbrance whatsoever, created before or after, except a lien for assessments for general taxes.

(Ord. No. 768, att.(3.20.060), 8-31-2021)

Sec. 3.20.070. Time of payment; interest; penalty.

The city shall, in the ordinance confirming the assessment roll, prescribe the time within which the assessment, or installments thereof, shall be paid, and shall provide for the payment and collection of interest thereon, at a rate established by ordinance. Assessments or installments thereof, when delinquent, in addition to interest, shall bear a penalty of not more than five percent, as prescribed by ordinance. Interest and penalty shall be included in, and made a part of, the assessment lien.

(Ord. No. 768, att.(3.20.070), 8-31-2021)

Sec. 3.20.080. Sale of property for delinquency.

If an assessment or any installment thereof is delinquent, the property subject to the delinquent assessment shall be sold by the city for the amount of the delinquent assessment or installment, together with penalty and interest accruing to date of sale, the cost of the sale, the cost of execution and delivery by the city treasurer of certificates of sale to the purchaser, and the cost of execution by the city treasurer of an assessment deed to the person entitled.

(Ord. No. 768, att.(3.20.080), 8-31-2021)

Sec. 3.20.090. Notice of sale.

The city treasurer shall give notice of any sale pursuant to W.S. 5-6-410 in accordance with the ordinances generally regarding providing public notice once a week for three successive weeks. Such notice shall contain a list of all property upon which such assessments are delinquent with the amount of the assessments, interest, penalties, and costs to date of sale, including the cost of advertising such sale, together with the names of the owners of such property, or the words "unknown owners," as the same may appear on the assessment roll, and shall specify the time and place of such sale, and shall state that the property therein described will be sold to satisfy the assessments, interest, penalties and costs due on the same.

(Ord. No. 768, att.(3.20.090), 8-31-2021)

Sec. 3.20.100. Time and place of sale.

All sales pursuant to section 3.20.080 shall be made between the hours of 10:00 a.m. and 4:00 p.m. and shall take place at the front door of the city hall. Such sale shall be continued from day to day, omitting Sundays and legal holidays, until all the property described in the assessment roll, on which any such

assessment or installment is delinquent and unpaid, is sold. All such sales shall be public, and each lot, tract or parcel of land or other property shall be sold separately and in the order in which the same appears upon the assessment roll, commencing at the beginning thereof.

(Ord. No. 768, att.(3.20.100), 8-31-2021)

Sec. 3.20.110. Method of sale; procedure for advertising.

All lots, tracts and parcels of land and other property sold for delinquent and unpaid local assessments shall be sold to the first person at such sale offering to pay the amount due on each such lot, tract, or parcel of land or other property. If there is no bidder for any lot, tract or parcel of land or other property, for a sum sufficient to pay the delinquent and unpaid assessments thereon or installment thereof with interest, penalty and costs, the city treasurer shall strike the same off to the city for the whole amount which he is required to collect for such sale. If any bidder to whom any property is stricken off at such sale does not pay the assessment, interest, penalty and costs before 10:00 a.m. of the day following such sale, such property shall then be resold or, if the assessment sale is closed, be deemed to have been sold to the city and a certificate of such sale shall be issued to the city therefor.

(Ord. No. 768, att.(3.20.110), 8-31-2021)

Sec. 3.20.120. City treasurer to return records to city clerk.

Within 15 days after the completion of the sale pursuant to section 3.20.080 of all property described in the assessment roll and authorized to be sold, the city treasurer shall return to the city clerk a statement indicating his action thereon, and showing all of the property sold by him, to whom and the sum paid therefor.

(Ord. No. 768, att.(3.20.120), 8-31-2021)

Sec. 3.20.130. Certificates for property sold; recording.

After receiving the amount of the assessment, penalty, interest, costs and charges from the sale pursuant to section 3.20.080, the city treasurer shall make out a certificate, dated on the day of sale, stating, when known, the name of the owner as given on the assessment roll, a description of the land or other property sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessments, the names of the streets or other brief designation of the improvements for which the assessment was made, and specifying that the purchaser will be entitled to a deed two years from the date of sale, unless redemption thereof is made. Such certificate shall be signed by the treasurer and shall be delivered to the purchaser, and shall be by such purchaser recorded in the county clerk's office in the county in which the lands or other property is situated within three months from the date thereof. If not recorded within such time, the lien thereof shall be postponed to claims of subsequent purchasers and encumbrancers for value and in good faith who become such while the same is unrecorded.

(Ord. No. 768, att.(3.20.130), 8-31-2021)

Sec. 3.20.140. City clerk to be custodian of certificates sold to city.

The city clerk shall be the custodian of all certificates for property sold in the city, and shall, at any time within two years from the date of such certificate and before redemption of the property therein described, sell and transfer any such certificate to any person who presents to him the receipt, evidencing

payment of the amount for which the property described was stricken off to the city, with interest subsequently accrued to date of such payment. The city clerk may, if so authorized by the council, sell and transfer any such certificates in a similar manner after the expiration of two years from the date of the certificate.

(Ord. No. 768, att.(3.20.140), 8-31-2021)

Sec. 3.20.150. Local improvement funds.

All money collected by the city treasurer upon any assessments levied under and by virtue of W.S. 15-6-101 et seq., shall be kept in a separate fund to be known as "Local Improvement Fund, District No. _____," or by any other appropriate designation approved by the council.

(Ord. No. 768, att.(3.20.150), 8-31-2021)

Sec. 3.20.160. Record of payment or redemption.

When the amount of any assessment, with interest, penalty, costs and charges accrued thereon, is paid to the treasurer before the sale of property, he shall mark it paid, with the date of payment on the assessment roll. When any property sold for any assessments is redeemed, the treasurer shall enter it as such with the date of redemption on the roll. Such records shall be made on the margin of the roll opposite the description of the property.

(Ord. No. 768, att.(3.20.160), 8-31-2021)

Sec. 3.20.170. Liability of city treasurer for proceeds from sale of property.

If the city treasurer receives any money for assessments, giving a receipt therefor, for any property and afterward returns the same as unpaid, or receives the same after making the return, and the property is sold for assessment which has been paid and receipted by himself, his clerk, assistant or deputy, he and his bond are liable to the holder of the certificate given to the purchaser at the sale for the face amount of the certificate and legal interest which shall be demanded within two years from the date of sale and recovered in any court of competent jurisdiction. The city shall in no case be liable to the holder of such certificate.

(Ord. No. 768, att.(3.20.170), 8-31-2021)

Sec. 3.20.180. Property bid in by city.

If any property is bid in or stricken off to the city under any proceeding of this chapter, such property shall be held in trust by the city for the fund of the improvement district for which the assessment was levied, to the extent of the assessment or installment for which the property was sold, with penalty, accrued interest and interest on such installment, to time of the next call for bonds or warrants; provided that the city may, at any time after receiving a deed, pay into such fund the amount of the delinquent assessment for which such property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against such assessment fund, at the rate provided thereon, and thereupon shall take and hold such property discharged of such trust.

(Ord. No. 768, att.(3.20.180), 8-31-2021)

Sec. 3.20.190. Time period for redemption of sold property.

Any property sold as provided in this chapter shall be subject to redemption by the former owner or his grantee, mortgagee, heir or other representative at any time within two years from the date of the sale upon making the payments required and in the manner provided in W.S. 15-6-418.
(Ord. No. 768, att.(3.20.190), 8-31-2021)

Sec. 3.20.200. Sale of property held in trust.

(a) The city, at any time after the period of redemption pursuant to section 3.20.190 has expired and the deeds issued to the city, by virtue of any proceedings under this chapter, may sell any such property at public auction to the highest bidder for cash. No bid shall be accepted for any amount less than the amount set forth in the deed, plus accrued interest to date of sale, computed on the assessment for which the property was sold from the date of the execution of the deed, and all delinquent assessments and taxes against the property, with accrued interest, penalties, costs and other charges. The city shall pay into the fund for which the property was held in trust an amount necessary to fully cancel the assessment for which the property was sold, together with all interest thereon.

(b) Any such sale shall be conducted only after giving notice, describing the property and stating that the city treasurer shall sell the same on the day specified at the front door of the city hall, between the hours of 10:00 a.m. and 4:00 p.m., and continue the sale from day to day or withdraw the property from sale after the first day if the treasurer deems that the interests of the city so require. The notice shall be published at least five times in the official daily newspaper of the city or at least two times in the official weekly newspaper of the city. At least 15 days shall elapse between the date of last publication of such notice and the day the property is sold.
(Ord. No. 768, att.(3.20.200), 8-31-2021)

CHAPTER 3.24. SALE OF CITY PROPERTY**Sec. 3.24.010. General procedures.**

Before the sale of any property of the city of the value of \$500.00 or more, notice of the intended sale, describing the property and the terms of the sale, shall be provided in accordance with the provisions of this Code concerning public notice for at least once each week for four consecutive weeks, calling for sealed bids for purchase of the property. The property shall be sold to the highest responsible bidder, unless the council of the city shall reject all bids. The responsibility of the bidders shall be determined by the council of the city. Notwithstanding the provisions of this section, the city, upon terms determined by the council, without advertising such sale or calling for bids, may sell any property to the state for the use of any agency or instrumentality thereof, or to any agency or instrumentality of the state authorized to hold property in its own name, or to any political subdivision of the state.
(Ord. No. 768, att.(3.24.010), 8-31-2021)

Title 4

RESERVED

PROOFS

PROOFS

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.20. Community Television Systems

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Chapter 5.28. Junk Dealers

- Sec. 5.28.010. Definitions.
- Sec. 5.28.020. License required.

Chapter 5.36. Pawnshops/Secondhand Dealers

- Sec. 5.36.010. Definitions.
- Sec. 5.36.020. License requirements.

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- Sec. 5.36.030. License application; changes of ownership; fees.
- Sec. 5.36.050. Bond.
- Sec. 5.36.060. Revocation conditions; appeals.
- Sec. 5.36.070. Recordkeeping requirements; inspection authority.
- Sec. 5.36.080. Holding time and procedure for pledged goods; hold orders and surrender of property.
- Sec. 5.36.090. Finance charges; advertising and loan terms.
- Sec. 5.36.110. Unlawful pawnbroker/secondhand dealer practices.
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Chapter 5.38. Itinerant Merchants/Unsolicited Salesmen

- Sec. 5.38.010. Definitions.
- Sec. 5.38.020. License required; term; exemptions.
- Sec. 5.38.030. License; application.
- Sec. 5.38.040. Location.
- Sec. 5.38.050. Unlawful acts designated.
- Sec. 5.38.060. Violation; penalty.
- Sec. 5.40.010. Franchise agreements.
- Sec. 5.40.015. Franchise agreements index.

CHAPTER 5.04. GENERAL BUSINESS LICENSE REGULATIONS**Sec. 5.04.010. Application.**

Every person desiring to engage in any business, trade, profession or calling, or maintain a premises which is open to the general public, for which a license is required by this Code, hereinafter to be generically referred to as "business," unless the requirements for procuring the license are specifically set forth, shall fill out, sign and file with the city clerk a petition or application for the license, which shall state:

- (1) The name of the person desiring the license and, in case of a corporation or limited liability company, the name of the president or chairman and, in case of a partnership, the name of each partner;
 - (2) The residence or place of business;
 - (3) The business, calling or profession in which the applicant wishes to engage;
 - (4) The location where such business or calling is to be carried on;
 - (5) The applicant's state sales tax number;
 - (6) Whether such entity is registered as a nonprofit organization or is otherwise exempt from taxation.
 - (7) Such other items of information as the city council may require.
- (Ord. No. 781, att.(5.04.010), 6-14-2022; Ord. No. 806, § 5.04.010, 11-14-2023)

Sec. 5.04.020. License; contents.

Every license issued hereunder shall show upon its face:

- (1) The name of the business to whom issued;
 - (2) The sum paid;
 - (3) The kind of business;
 - (4) The time for which issued;
 - (5) The place where business is to be carried on.
 - (6) If the entity is a nonprofit entity or otherwise exempt from taxation.
- (Ord. No. 781, att.(5.04.020), 6-14-2022; Ord. No. 806, § 5.04.020, 11-14-2023)

Sec. 5.04.030. Issuance conditions.

(a) Except where otherwise provided for by these Ordinances, the purpose of a Business License shall be to assure that business operating in the City of Mills, or premises open to the public, shall have an annual Fire Inspection in the form and manner set forth by the Fire Chief of the City of Mills, provided, however, that additional provisions may apply to businesses set forth in section 5.04.040 below.

(b) The city clerk shall issue and deliver the license to the applicant upon the payment of the fee, as provided, and upon completion of any other legal requirements. The city clerk shall deposit the bond in the event the license requires a bond.

(Ord. No. 781, att.(5.04.030), 6-14-2022; Ord. No. 806, § 5.04.030, 11-14-2023)

Sec. 5.04.040. Licenses required for specific businesses.

Licenses shall be required for the following types of businesses which maintain a permanent physical presence within the city or which are otherwise listed below:

- (1) Junk dealers;
- (2) Pawnshops;
- (3) Itinerant merchants/unsolicited salesmen;
- (4) Secondhand dealers;
- (5) Sale of alcoholic beverages;
- (6) Businesses that maintain a permanent physical presence within the city.

(Ord. No. 781, att.(5.04.040), 6-14-2022; Ord. No. 800, § 5.04.040, 8-8-2023; Ord. No. 806, § 5.04.040, 11-14-2023)

Sec. 5.04.050. Fees.

Fees for the licenses outlined in section 5.04.040 shall be established by resolution of the city council, unless otherwise set forth in these ordinances. Unless otherwise provided for by Resolution of the City Council, nonprofit entities or entities that are otherwise tax exempt shall not be required to pay a fee, provided that they keep their business license current.

(Ord. No. 781, att.(5.04.050), 6-14-2022; Ord. No. 806, § 5.04.050, 11-14-2023)

Sec. 5.04.060. Term.

No license shall be issued for any period of time longer than one year and shall expire one year from date of issuance. No license shall be transferable except upon application to the city council. It shall be within the discretion of the city council to grant or deny any application for transfer. Operators of all businesses licensed hereunder are required to comply with all legal orders of the inspecting officer with regard to sanitation, safety, health and compliance with the provisions of this Code including having an annual fire inspection and providing proof of liability insurance for such business. Any person who shall operate or engage in any business whatsoever within the city, without obtaining a license of such operation as required, after ten days following notification or the expiration of any license issued hereunder, shall be deemed a violator under the terms of this section and shall be fined as provided in section 1.03.010. Each additional day that such business is continued in operation without the required license shall constitute a separate offense. All license fees are due upon receipt of application. Any license fees paid after issuance date for the purpose of renewal shall be doubled. All licenses issued hereunder shall be nontransferable, and not subject to either transfer or assignment of ownership for any cause.

(Ord. No. 781, att.(5.04.060), 6-14-2022)

Sec. 5.04.070. Posting required.

Every license shall be posted in the business in a conspicuous place. It is the duty of the licensee to show the license at any time when requested to do so by a police officer, code enforcement officer, any member of the city council or any city employee charged with the supervision of the business licensed or whose duty it is to collect license fees.

(Ord. No. 781, att.(5.04.070), 6-14-2022)

Sec. 5.04.080. Revocation and suspension; conditions.

All licenses shall be subject to the city ordinances in force at the time of issuance, and to any ordinances subsequently passed by the city council. The city council may revoke or suspend any license granted when it appears that the licensee is violating any city ordinances, state or federal regulations or laws in the transaction of the trade, profession, business, or calling for which the license was granted.

(Ord. No. 781, att.(5.04.080), 6-14-2022)

Sec. 5.04.090. Rights terminated when license revoked.

Upon the revocation of any license and notice to that effect being given such licensee, all rights of the licensee to carry on such business, trade, profession or calling shall immediately cease and terminate, and if such licensee shall continue to further engage in such business, trade, profession or calling, he shall be deemed to be doing so in violation of the provisions of this Code, and shall be subject to the fines and penalties herein provided.

(Ord. No. 781, att.(5.04.090), 6-14-2022)

CHAPTER 5.08. ALCOHOLIC BEVERAGES**Sec. 5.08.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic liquor means any spirituous or fermented fluid, substance or compound other than malt beverage, intended for beverage purposes which contains at least one-half of one percent of alcohol by volume.

Barrel is a unit of liquid measure equal to 31 U.S. gallons.

Brewery means a commercial enterprise at a single location producing more than 50,000 barrels per year of malt beverage.

Building means a roofed and walled structure built or set in place for permanent use.

Club.

(1) The term "club" means any of the following organizations:

- a. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state.
- b. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subsection, the term "American fraternal organization" means an organization actively operating in not less than 36 states or having been in active continuous existence for not less than 20 years, but does not mean a college fraternity.
- c. A hall or building association of a local unit specified in subsections (1)a and b of this definition, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit.
- d. A golf club having more than 50 bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse.
- e. A social club with more than 100 bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of the state and qualified as a tax-exempt organization under the Internal Revenue Service code and having been continuously operating for a period of not less than one year. The club shall have had, during this one-year period, a bona fide membership paying dues of at least \$25.00 per year as recorded by the secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the division, a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and the division a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to W.S. 12-4-301, shall be in good standing by having paid at least one full year in dues.
- f. A political subdivision of the state owning, maintaining, or operating a bona fide golf course together with a clubhouse.

(2) The term "club" does not mean college fraternities or labor unions.

Intoxicating liquor, alcoholic liquor, alcoholic beverage and spirituous liquor. The terms "intoxicating liquor," "alcoholic liquor," "alcoholic beverage" and "spirituous liquor" are synonymous in meaning and definition.

Licensee means a person holding a retail liquor license; limited retail liquor license; resort liquor license; 24-hour malt beverage permit; restaurant liquor license; catering permit; bar and grill liquor

license; malt beverage wholesale license; limited transportation liquor license; manufacturer's license; manufacturer's satellite permit; winery permit; winery satellite permit; out-of-state shipper's license; microbrewery permit; or special malt beverage permit issued under W.S. 12-4-504.

Licensing authority means the city council, with the responsibility to issue, control, and administer a particular license, or staff designee.

Malt beverage means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute thereof, containing at least one-half of one percent of alcohol by volume.

Microbrewery means a commercial enterprise at a single location producing malt beverage in quantities not to exceed 50,000 barrels per year and not less than 50 barrels per year.

Operational means offering alcoholic liquor and/or malt beverages for sale on an ongoing weekly basis to the general public under a license.

Original package means any receptacle or container used or labeled by the manufacturer of the substance containing any alcoholic liquors or malt beverages.

Person means and includes an individual person, partnership, corporation, joint venture, proprietorship, limited liability company and any other entity or organization which is recognized as a person by the law.

Resident means a domiciled resident and citizen of the state for a period of not less than one year who has not claimed residency elsewhere for any purpose within a one-year period immediately preceding the date of application for any license or permit authorized under this chapter.

Restaurant means space in a building maintained, advertised, and held out to the public as a place where individually priced meals are prepared and served primarily for on-premises consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages.

Sell or sale includes offering for sale, trafficking in, bartering, delivering or dispensing, and pouring for value, exchanging for goods, services, or patronage, or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.

Wholesaler means any person except the state liquor division, who sells any alcoholic or malt beverage to a retailer for resale.

Winery means a commercial enterprise manufacturing wine in a single location in the state.
(Ord. No. 781, att.(5.08.010), 6-14-2022)

Sec. 5.08.020. Sales establishments generally.

(a) *Location.* The place in which alcoholic liquors and malt beverages are sold under a liquor license or permit shall be located in the licensed building, at such location upon the premises for which the liquor license or permit is issued as shall be approved by the licensing authority. Alcoholic beverages secured in

the licensed building or dispensing area may be served only in the licensed building and in an immediately adjacent fenced or enclosed area as approved by the licensing authority. This adjacent area shall not be in another building.

(b) *Limitation on items sold.* Only alcoholic liquors and malt beverages, non-alcoholic beverages, food and tobacco may be sold and served in the licensed building.

(c) *Gambling.* No gambling shall be permitted in a licensed building or dispensing area.

(d) *Inspection.* The council which issued the license shall, as often as may be deemed necessary, inspect the licensed building, dispensing area or adjoining area where alcoholic beverages are served to determine whether or not the requirements of this chapter, as amended, and requirements as to sanitation and fire hazards are being complied with.

(e) *Separation of facility for on- and off-premises consumption.* The retail licensee shall maintain a separate area for the sale of alcoholic liquors and malt beverages for off-premises consumption from the area used to serve customers for on-premises consumption. In such case:

- (1) The facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption and shall be designed to comply with the provisions of this Code;
- (2) Except as otherwise restricted, the facilities may be separated by a glass or other suitable partition if they are connected by a doorway to permit persons to pass freely between the two facilities; and
- (3) No additional fee, as described in subsection (a) of this section, shall be assessed against a licensee who separates the licensed building in this manner.

(f) *Age restrictions.*

- (1) Except as provided in this section, no licensee or agent, employee or server thereof shall knowingly permit any person under the age of 21 years to enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment that provides adult entertainment and/or is primarily for on-premises consumption where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages unless:
 - a. The establishment is operating a restaurant with a commercial kitchen where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages.
 - b. The establishment operates a commercial kitchen, persons under the age of 21 years may enter or remain in the licensed building until the hour of 10:00 p.m.
- (2) Limited retail licenses (clubs) are exempt from the age restrictions listed in subsection (f)(1)b of this section. Limited retail license holders may dispense alcoholic or malt beverages from locations outside of their licensed building as approved by the council.
- (3) Establishments that operate primarily for off-premises sales shall maintain a separate area for the sale of alcoholic or malt beverages.

(4) Nothing in this section shall be read to preclude an individual employed by a license holder as a server who is at least 18 years of age from working in a sales establishment.
(Ord. No. 781, att.(5.08.020), 6-14-2022)

Sec. 5.08.030. Sale, etc., to or by persons under the age of 21 years or intoxicated individual.

(a) It is unlawful for any person under the age of 21 years to purchase, sell, possess or solicit the purchase or sale of intoxicating or malt liquors in the city.

(b) It is unlawful for any person to sell, give or deliver intoxicating or malt liquors to any person under the age of 21 years.

(c) It is unlawful for any person under the age of 21 years to enter or remain in an establishment that is primarily for off-premises sales of alcoholic liquor and/or malt beverages unless accompanied by a parent, spouse or legal guardian who is 21 years of age or older.

(d) It is unlawful for any person, regardless of age, to sell, give or otherwise deliver any alcoholic or malt beverage to any intoxicated individual.

(e) Any person who violates this section shall be deemed guilty of a misdemeanor, punishable by a fine of up to \$750.00, up to six months in jail, or both.
(Ord. No. 781, att.(5.08.030), 6-14-2022)

Sec. 5.08.040. Hours of sale.

(a) Except as otherwise restricted by section 5.08.120, all persons licensed under this chapter shall close the licensed building and cease the sale of both alcoholic liquors and malt beverages promptly at the hour of 2:00 a.m. each day, and shall clear the licensed building of all persons other than employees by 2:30 a.m., and shall keep the same closed until 6:00 a.m. each day. Such places may only open the licensed building between the hours of 9:00 a.m. and 12:00 midnight and shall clear the licensed building of all persons other than employees by 10:30 p.m. Holders of restaurant liquor licenses shall operate the dispensing area with the foregoing hours of operation, and additionally shall cease all sales of alcoholic liquors and malt beverages at the time food sales and services cease. Clubs holding special club licenses are exempt from all provisions concerning hours of operation.

(b) The city council shall retain the right and ability to modify hours of operation under this section by Resolution, both for individual events, and in general, as it determines to be appropriate, as long as such hours are otherwise authorized by the laws of the State of Wyoming.
(Ord. No. 781, att.(5.08.040), 6-14-2022; Ord. No. 800, 8-8-2023)

Sec. 5.08.050. Possession or consumption of alcohol in public places or on private property.

(a) It is unlawful for any person to consume any alcoholic liquor or malt beverage or to possess an open container of any alcoholic liquor or malt beverage in or upon any property owned by the city, within the city's jurisdiction, or its public streets, alleys, schools and parks without a duly issued permit.

(b) It is unlawful for any person to drink, consume or exhibit alcoholic liquors or malt beverages in or upon any property owned by any person other than the city, whether such person is in a private vehicle or not, unless such drinking or exhibition is with the express permission of the owner of the property.

(c) The term "open container" means any container of alcoholic liquor or malt beverage that is not:

- (1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed. Notwithstanding this section, a resealed bottle of wine may be transported as provided in W.S. 12-4-410(e);
- (2) In the trunk or any other outside compartment of the vehicle that is not readily accessible to any person in the vehicle while the vehicle is in motion;
- (3) In the unoccupied back of a pickup truck out of reach of the driver even though access is available through a window;
- (4) In an unoccupied rear compartment of a vehicle not equipped with a trunk or other outside compartment and the rear compartment is not readily accessible to the driver and not normally occupied by passengers while the vehicle is in motion; or
- (5) Secured in a cabinet or compartment of a recreational vehicle, and the cabinet or compartment is not readily accessible to the driver while the recreational vehicle is in motion. The alcoholic beverage shall remain secured and shall not be accessed by the driver or any passenger at any time the vehicle is in motion.

(d) Violation of this section is a misdemeanor punishable by a fine of not more than \$750.00 or by imprisonment for not more than six months, or both.

(Ord. No. 781, att.(5.08.050), 6-14-2022)

Sec. 5.08.100. Liquor license or permit required; term; transfer; exception.

(a) It is unlawful for any person to sell, offer for sale, traffic in, barter, deliver for value, exchange for goods, services or patronage, or exchange in any way other than purely gratuitously, any alcoholic or malt beverage in the city without first obtaining a retail liquor license, limited retail (club) license, restaurant license, resort license, bar and grill license, special malt beverage permit, microbrewery permit, winery permit, satellite winery permit, satellite manufacturer's permit, 24-hour catering permit, 24-hour malt beverage permit, or manufacturer's off-premises permit from the licensing authority; provided, however, that this section shall not apply to wholesale sales of malt beverages by persons holding a license therefor issued by the state liquor division.

(b) Each liquor license issued by the licensing authority under this chapter shall be signed by the mayor and attested by the clerk. The following shall be shown in each license:

- (1) The name of the licensee;
- (2) A description of the place in which alcoholic or malt beverages may be sold;
- (3) The date of issuance;
- (4) The amount of the fee; and
- (5) That the fee has been paid.

(c) Each person holding a license or permit under this chapter shall display the license or permit in a conspicuous place at the licensed premises.

(d) A liquor license issued under this chapter shall be a personal privilege, good for one year, unless sooner revoked; provided that the executor or administrator of the estate of any deceased licensee, when such estate consists in whole or in part of the business of selling alcoholic or malt beverages under a license, may exercise the privilege of the deceased licensee under such license until the expiration of the same; and provided further, that in the event of a major loss or damage to the licensed premises by an unforeseen natural cause, the license may be renewed on different premises on the same basis as an original application, except for the payment of the license fee, which renewed license shall expire as of even date as the original license; and provided further, that the owner of such license, or the executor or administrator of the estate of any deceased licensee, by an actual bona fide sale made in good faith, may assign and transfer such license and the assignee or transferee thereof, subject to the condition and approval hereinafter stated, may exercise the privilege of continuing the business authorized by such license, without the payment of any additional license fee, until the expiration, however, that such assignee or transferee shall first make and file a sworn application showing the qualifications of such person, assignee or transferee to take and hold a retail liquor license, and all subject to the approval of the licensing authority.

(e) Except as herein provided, no license shall be transferred or sold, nor shall it be used for any place not described in the license at the time of issuance, nor shall it be subject to attachment, garnishment or execution. No refund of all or any part of any license fee shall be made at any time following the issuance thereof.

(Ord. No. 781, att.(5.08.100), 6-14-2022)

Sec. 5.08.110. Issuance of liquor licenses and permits by category.

Liquor licenses and permits issued by the licensing authority shall be categorized as follows:

- (1) Retail liquor license;
- (2) Limited retail (club) license;
- (3) Restaurant license;
- (4) Bar and grill license;
- (5) Manufacturer's off-premises permit;
- (6) Microbrewery permit;
- (7) Winery permit;
- (8) One-day malt beverage permit;
- (9) One-day open container permit;
- (10) One-day catering permit;
- (11) Special malt beverage permit.

(Ord. No. 781, att.(5.08.110), 6-14-2022)

Sec. 5.08.120. Liquor license requirements; restrictions by category, delivery.

(a) *Restrictions and requirements, generally.* Each applicant for a license must comply with the following restrictions and requirements for the issuance of a license within their respective category:

- (1) *Retail license.* Licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption on-premises, off-premises, or both, but not for resale without the express approval from the liquor division.

- a. *Drive-in areas; requirements.* A drive-in area adjacent to or contiguous to the licensed building may be used by the holder of a retail liquor license from 6:00 a.m. each day and shall cease all sales transactions and close the conduct of all business in the drive-in area promptly at the hour of 12:00 midnight each day, and shall keep the same closed until 6:00 a.m. each day; except, that on Sundays, such places may only open the drive-in area between the hours of 12:00 noon and 10:00 p.m. The licensing authority which issued the retail liquor license shall determine whether traffic conditions or physical circumstances hindering law enforcement should require a decision forbidding or restricting sales and delivery in any drive-in area. Upon approval of the council which issued the retail license, a drive-in area adjacent to or contiguous to the licensed building may be used by the holder of a retail liquor license for taking orders, making delivery of and receiving payment for alcoholic liquor or malt beverages, or other goods as allowed under the following conditions:

1. The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;
2. No part of the area used for orders, delivery and making payment shall be more than 40 feet distant from the licensed building;
3. The area shall be well-lighted and subject to inspection by the council which issued the license at any and all times;
4. No walls or screens may be positioned or situated so as to interfere with observing and checking the part of the area used for orders, delivery and payment;
5. No order shall be accepted from nor delivery made to a person under 21 years of age or a person who is visibly intoxicated, to any extent, in the area;
6. No part of a publicly owned sidewalk, highway, street or alley may be used for taking orders, delivery and payment; and
7. Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package, and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted.

- b. *Shipping of manufactured wine.* A retail liquor licensee may ship not more than a total of 12 cases of manufactured wine directly to any one household in any 12-month period, provided the licensee:

1. Ships the manufactured wine only to individuals who are at least 21 years of age for such individual's personal use and not for resale;

2. Ensures that all shipping containers of manufactured wine shipped pursuant to this subsection are conspicuously labeled with the words: "CONTAINS ALCOHOLIC BEVERAGES. ADULT (OVER 21) SIGNATURE REQUIRED FOR DELIVER;" and
 3. Ensures that all of its shipments within the state are made by a licensed carrier and further ensure that the carriers comply with the requirement to obtain an adult signature.
- (2) *Limited retail (club) license.* The applicant must be a bona fide club as defined by W.S. 12-1-101(a)(iii). At least 51 percent of the membership of a social club as defined by W.S. 12-1-101(a)(iii)(E), shall sign a petition, prescribed by the state liquor division, indicating a desire to secure a special club license. A club holding a special club license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanied guests to ensure that all alcoholic or malt beverages sold are consumed within the building, space or premises.
- (3) *Restaurant license.* Applicants must submit a valid food service permit upon application. The applicant must satisfy the licensing authority that the primary source of revenue from the operation of the restaurant will be derived from food services. The applicant, for renewal, must present a profit and loss statement audited by a recognized public accountant, separated into two categories, food service sales and alcoholic and malt beverage sales, showing a breakdown of gross sales indicating that not less than 60 percent of gross sales from the preceding 12 months of operation was derived from food services. Restaurant licensees shall not sell alcoholic or malt beverages for consumption off the premises. Alcoholic and malt beverages shall be dispensed and prepared for consumption in the licensed building areas approved by the licensing authority. No consumption of alcoholic or malt beverages shall be permitted in the dispensing areas, nor shall any person, other than employees over 18 years of age, be permitted to enter the dispensing areas. All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease. No restaurant liquor licensee shall promote or operate the restaurant as a bar and lounge. A restaurant liquor licensee may permit a patron to remove one unsealed bottle of wine for off-premises consumption, provided that the patron has purchased a full course meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee. Wine which is resealed shall not be deemed an open container.
- (4) *Bar and grill license.* Subject to availability, restaurants, as defined by W.S. 12-1-101(a)(xiv), may be licensed by the licensing authority under a bar and grill liquor license. In addition to the application requirements required by this chapter, the license applicant shall submit a valid food service permit issued by the state upon application. An applicant for a bar and grill liquor license shall satisfy the licensing authority that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic liquor or malt beverages. When renewing a bar and grill liquor license, the licensing authority

shall condition renewal upon a requirement that not less than 60 percent of gross sales from the preceding 12 months' operation of a licensed restaurant shall be derived from food services. Upon application for license renewal, a license holder shall submit an annual report to the licensing authority on the sales of the licensed restaurant. The report shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two categories, food service sales and alcoholic liquor and malt beverage sales. The annual report shall be submitted upon a form approved by the licensing authority. All sales of alcoholic or malt beverages authorized by a bar and grill liquor license shall cease at the time food sales and services cease. Bar and grill liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. Bar and grill liquor licenses shall not be sold, transferred, or assigned by the holder. Bar and grill liquor licenses shall automatically terminate and revert back to the city if the holder of the license ceases to do business.

- (5) *Manufacturer's off-premises permit.* Applicants for a manufacturer's off-premises permit shall complete and submit an application no less than 48 hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee, without public notice or hearing, to any person holding a manufacturer's license. A manufacturer's off-premises permit authorizes the permittee to sell product manufactured at the site identified on the manufacturer's license only for sales at meetings, conventions, private parties, dinners and other similar gatherings to promote their product. No permittee holding a manufacturer's off-premises permit shall sell or permit consumption of any of their manufactured product off the premises described in the permit. A manufacturer's off-premises permit shall be issued for one 24-hour period. No holder of a manufacturer's license shall receive more than 12 manufacturer's off-premises permits in any one calendar year. The cost of such permits shall be \$50.00 per 24-hour period within city limits and \$50.00 for such permits outside city limits, or such amount as the council may set from time to time by resolution.
- (6) *Microbrewery permit.* The licensing authority may issue a microbrewery permit authorizing a permit holder to brew a malt beverage and dispense the brewed malt beverage for on-premises consumption. The licensing authority will follow the provisions of W.S. 12-4-415.
- (7) *Winery permit.* The licensing authority may issue a winery permit authorizing a permit holder to manufacture wine and dispense the manufactured wine for on-premises and limited off-premises personal consumption. The licensing authority will follow the provisions of W.S. 12-4-414.
- (8) *One-day malt beverage permit.* Applicants for a malt beverage permit shall complete and submit an application no less than 48 hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee, without public notice or hearing, to any responsible person, organization, or microbrewery for the on-site sale and consumption of malt liquors only at a picnic, bazaar, fair, rodeo, or similar public gathering. No person or organization holding such permit shall sell any alcoholic liquor except malt liquors, and no microbrewery holding such permit shall sell any other malt liquors other than their own manufactured product on the premises described on the

permit. The permit shall be issued only for the days named therein and it shall not authorize the sale of malt liquors for more than 12 days by any one person or organization in any one calendar year, with the exception of a picnic, bazaar, fair, rodeo, or similar public gathering. The licensing authority may attach rules and regulations and other stipulations they deem appropriate to this permit. The cost of such permit shall be \$50.00 for any responsible individual, organization, or microbrewery or such amount as the council may set from time to time by resolution.

- (9) *One-day open container permit.* A 24-hour open container permit may be granted or denied at the sole discretion of the licensing authority without public notice or hearing. The licensing authority may attach rules and regulations, hours, and such other stipulations as they deem appropriate to such permit. The permit shall be issued only for the days named therein and it shall not authorize open containers for more than 12 days by any one person or organization in any one calendar year. The cost of such permit shall be \$50.00 or such amount as the council may set from time to time by resolution. Nothing in this section shall be construed to substitute the permit granted herein for retail licenses for resale, permits for resale or similar provisions of this Code.
- (10) *One-day catering permit.* Applicants for a catering permit shall complete and submit an application no less than 48 hours prior to the event. Applications will be reviewed by the chief of police or designee and the city clerk or designee. The permit will be issued by the city clerk or designee, without public notice or hearing, to any person holding a retail liquor license. A catering permit shall entitle the holder to sell alcoholic or malt beverages off premises at meetings, conventions, private parties and dinners or similar gatherings not capable of being held within the licensed premises. The permit holder shall abide by all rules and regulations associated with his/her retail liquor license and shall not be permitted to sell or permit consumption of alcoholic or malt beverages off the premises described in the permit. The permit shall be for 24 hours and the hours of sale must conform to section 5.08.040. No retail liquor license holder shall receive more than a total of 24 catering permits for sales at the same premises within the normal term of the retail liquor license, April 1 through March 31 of each year. The cost of such permit shall be \$50.00 for such permits within city limits and \$50.00 for such permits outside city limits, or such amount as the council may set from time to time by resolution.
- (11) *Special malt beverage permit.* The licensing authority may issue a special malt beverage permit to any responsible person or organization for sales of malt beverages at public auditoriums, civic centers, or events centers. The licensing authority shall specify the duration of the permit and where malt beverages may be sold and consumed under the permit. The licensing authority may provide additional rules and regulations dependent upon the event.

(b) *Delivery of alcoholic liquors and malt beverages.* Retail liquor licensees, microbrewery permit holders, winery permit holders, winery satellite permit holders, and manufacturer licensees with a satellite location may deliver or contract to have delivered alcoholic liquors and malt beverages to customers, provided:

- (1) All sales of alcoholic liquors and malt beverages shall take place in the licensed building. Orders of alcoholic liquors and malt beverages may be placed by telephone, online, or through a mobile

application. All deliveries shall be completed during the licensee's remaining operating hours on the same day the alcoholic liquors or malt beverages are removed from the inventory of the licensed premises.

- (2) No order shall be received nor shall any delivery be made to or by a person under the age of 21 years. All deliveries shall require the purchaser to provide to the deliverer a valid government issued identification demonstrating the purchaser is 21 years of age or older.
 - (3) All package sales and deliveries of alcoholic liquors and malt beverages for off-premises consumption shall be sealed. For purposes of this subsection, the term "sealed" means a product enclosed in its original package and unopened, in a plastic bag and heat sealed closed, or in a container that has a breakable seal incorporated in the container cap.
 - (4) Any contract delivery service shall adhere to the requirements of this subsection when delivering alcoholic liquors and malt beverages.
 - (5) Microbrewery permit holders, winery permit holders, winery satellite permit holders, and manufacturer licensees with a satellite location shall only deliver or contract to have delivered their respective manufactured products.
- (Ord. No. 781, att.(5.08.120), 6-14-2022)

Sec. 5.08.130. Fees.

All licensees shall pay in advance for such license and advertising cost the established fees for the liquor licenses and permits that have been set by the council and which are in effect at the time that payment for said fees become due.

(Ord. No. 781, att.(5.08.130), 6-14-2022)

Sec. 5.08.140. Liquor license applications generally.

(a) Any person desiring a liquor license authorized by this Code shall apply to the licensing authority. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the licensing authority. The application shall be filed in the office of the city clerk and shall contain the following provisions:

- (1) The location and a description of the licensed building in which the applicant will sell under the license, if the building is in existence at the time of application; if the building is not in existence, the location and an architect's drawing or suitable plans of the building and premises to be licensed;
- (2) The age and residence, and of each applicant and each partner, if the application is made by more than one individual or by a partnership;
- (3) A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under state law and of any conviction for a violation of state law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten years prior to the filing of the application;

- (4) If the applicant is a corporation:
- The name, age, and residence of each officer, director and stockholder holding, either jointly or severally, ten percent or more of the outstanding and issued capital stock of the corporation; and
 - Whether any officer, director or stockholder with ten percent or more ownership has been convicted of a violation of law as provided in subsection (a)(3) of this section;
- (5) If the applicant is a limited liability company:
- The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent or more of the outstanding ownership of the limited liability company; and
 - If any officer, manager or member with ten percent or more ownership has been convicted of a violation of law as provided in subsection (a)(3) of this section;
- (6) A statement indicating the financial condition and financial stability of the applicant.
- (b) No person or partner shall have any interest, directly or indirectly, in a license or permit unless he or she signs and verifies the application for the license or permit.
- (c) No corporation shall be granted a license unless two or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions are true.
- (d) No limited liability company shall be granted a license or permit unless at least one of the officers, managers, or members signs and verifies the application on behalf of the company and also verifies upon their oath that the statements and provisions contained therein are true.
- (e) Corporate and limited liability company licensees and permittees shall advise the licensing authority within 30 days, in writing, of any change in the information in the application required by subsection (a)(5) or (6) of this section. The licensing authority shall provide the liquor division a copy of the notification of change.
- (f) Any person desiring a liquor permit authorized by this Code shall apply to the licensing authority. The application shall be made upon a form furnished by the licensing authority. The permit application shall be filed in the office of the city clerk and shall contain the following provisions:
- The name, address and contact information of the applicant or the responsible party.
 - The location and description of the event purpose, date and time of event, and the number of attendees and if minors will be present.
 - A detailed explanation of the applicant's security plan, how the applicant will enforce the prohibition of underage access and consumption, the restricted permitted area plan, and the designated driver plan.

(Ord. No. 781, att.(5.08.140), 6-14-2022)

Sec. 5.08.150. Notice of application.

When an application for a license, renewal, or any transfer of location or ownership thereof has been filed in the office of the city clerk under this chapter, it shall be the duty of the clerk to publish, once a week for two consecutive weeks, in a newspaper of general circulation in the city. The city clerk shall also post the notice on the city's official website. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing their application, pay an amount sufficient to cover the cost of publishing notice provided for in this section. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____

Notice is hereby given that on the _____ day of _____, 20_____,
 _____ (name of applicant) filed an application for a _____ license, in the
 office of the Clerk of the City of Mills for the following described building (insert address):

and protests, if any there be, against the issuance of such license will be heard at the hours of
 _____m, on the _____ day of _____, 20_____, in the
 City Hall.

Date _____

Signed _____

(Ord. No. 781, att.(5.08.150), 6-14-2022)

Sec. 5.08.160. Issuance; denial.

(a) Any license or permit authorized under this Code shall not be issued, renewed or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than 30 days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing:

- (1) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;
- (2) The purpose of this chapter shall not be carried out by the issuance, renewal or transfer of the license or permit;
- (3) The number, type and location of existing licenses or premises meet the needs of the vicinity under consideration;
- (4) The desires of the residents of the city will not be set or satisfied by the issuance, renewal or transfer of the license or permit; or
- (5) Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.

(b) When any application is filed with the licensing authority, the city clerk shall immediately forward a copy of the application to the liquor division. Upon approval or denial of an application, the city clerk shall promptly notify the liquor division.

(c) An applicant for a renewal license or permit may appeal to the district court from an adverse decision by the licensing authority. No applicant for a new license shall have a right of appeal from the decision of the licensing authority denying an application.

(Ord. No. 781, att.(5.08.160), 6-14-2022)

Sec. 5.08.170. Restrictions on issuance.

A license authorized by this Code shall not be held by, issued or transferred to:

- (1) Any person who does not own the licensed building or does not holds a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by subsection (4) of this section;
- (2) Any licensee whose building in which alcoholic or malt beverages may be sold is not in existence or operational within one year after a license or permit has been issued;
- (3) A retail liquor license shall not be renewed if the licensee did not, during the previous one-year term of the license, meet the definition of the term "operational;"
- (4) A manufacturer of alcoholic beverages or wholesaler of malt beverages;
- (5) A minor;
- (6) A college fraternity or organization created by one or more college fraternities;
- (7) A chamber of commerce;
- (8) A corporation which is not qualified to do business in the state;
- (9) An individual who is not a resident;
- (10) Any partnership or group of two or more persons, unless each individual interested, directly or indirectly, is a resident.

(Ord. No. 781, att.(5.08.170), 6-14-2022)

Sec. 5.08.180. Revocations/suspension of license or permit, violations, penalties.

(a) If the licensee fails to adhere to the provisions of this chapter or applicable laws of the state, the liquor licensee shall be subject to the provisions herein. To provide for an orderly administration of this chapter and the maintenance of existing liquor licenses or permits, the city establishes a system for suspension and/or revocation of a liquor license or permit. Violations of this chapter by any licensee or employee or agent of a liquor licensee, while acting in the service of the licensee, shall be imputed to the licensee for the purposes of this section.

(b) All liquor licensees, their agents, and employees must conduct the licensed liquor building and/or premises in compliance with provisions of the laws of the state related to liquor and city ordinances related to liquor.

(c) Proof of violation of any provisions of this chapter or applicable laws of the state by a licensee or the licensee's agent or employee is sufficient grounds for suspension or recommendation of revocation of the license and licensees and permittees may be reprimanded or assessed a civil penalty at the discretion of the council, as outlined in subsection (f) of this section.

(d) The council may impose progressive penalties for multiple violations of any laws, city ordinances and rules within the preceding three-year period as specified, unless mitigating circumstances indicate the penalty should be reduced, or aggravating circumstances indicate the penalty should be increased. The council shall consider the licensee's prior violation history, the licensee's good faith effort to prevent a violation, and the existence of written policies governing the licensee's employee conduct as mitigating circumstances before taking an action against a licensee who is not in compliance with the provisions of this chapter.

(e) Violation chart:

<i>Type of Violation</i>	<i>Code</i>
Making a false statement on a liquor license or one-day liquor permit application	W.S. 12-4-102
Failure to notify city of changes in application information for liquor license within 30 days	W.S. 12-4-102(c)
Sale or transfer of liquor license without permission of the city	W.S. 12-4-601(a)
Failure to post liquor license or one-day liquor permit	W.S. 12-5-702(c)
Open after hours; sales or dispensing after hours	W.S. 12-5-101; W.S. 12-5-201(a)
Drive-in area conditions	W.S. 12-5-301
Sale of alcoholic liquor or malt beverage to underage person	W.S. 12-6-101
Unauthorized minors in licensed building or dispensing areas	W.S. 12-5-201(a)
Gambling or other prohibited acts	—
Failing to obtain a limited use permit for sexually oriented events	—
Limited retail liquor license: selling alcoholic liquor or malt beverages to non-members unless they are an accompanied guest of a member	W.S. 12-4-301(c)
Failure to pay sales tax	W.S. 12-7-103
All liquor licenses other than full retail or resort: selling alcoholic liquor or malt beverages for consumption off premises	W.S. 12-4-401; W.S. 12-5-201(e)(h)(j)
Sale to an intoxicated person	W.S. 12-5-301(v)
Manufacturing, rectifying, or sale of alcoholic beverages without a license or permit	W.S. 12-8-102
Furnishing to a minor by allowing an employee under the age of 18 years to serve alcohol to customers	W.S. 12-6-101(a); W.S. 12-6-101(e)
Failing to comply with regulations pertaining to out-of-jurisdiction catered events	—
Failure to maintain operational status	W.S. 12-4-103

(f) Notification of liquor violation.

(1) Municipal court.

- a. Not later than 30 days following disposition of a charge which results in a conviction to a liquor licensee, agent, or employee for a liquor violation in municipal court, the court shall report the following information to the city clerk:
 1. The fact that a licensee, permittee, or employees and/or agents of a licensee or permittee have been convicted of a violation of this Code;
 2. The date of the alleged violation; and
 3. Whether the municipal court disposition has been appealed.
- b. For purposes of this section, a conviction includes a finding of guilt after trial, a plea of guilty, or a plea of nolo contendere.

(2) Notice of violation to liquor licensee. Upon notice to the city clerk of a proof of violation of any one or more violations as outlined in subsection (e) of this section, the city clerk shall notify the liquor licensee of the violation via regular mail to the address of the licensee listed on the licensee's most recent liquor license application to the city. The notice shall include the description of the violation and provide for a reasonable timeframe to mitigate the violation. If the licensee fails to correct the violation within a reasonable timeframe, the clerk shall submit the violation to the council, and the council may hold a hearing as outlined in subsection (f)(4) of this section.

(3) Notice of hearing before council. If the council chooses to hold a hearing regarding violations, all evidence will be admitted and considered prima facie evidence of the liquor licensee's violation. The purpose of the hearing is to allow the liquor licensee the opportunity to offer corrections to the information and action taken by liquor licensee to mitigate the violation, and for the council to determine whether the liquor licensee should face restrictions or suspension of the liquor license. Notice of such violation shall be served by regular mail to the address of the licensee listed on the licensee's most recent liquor license application to the city, and shall include a statement:

- a. That the city received proof of violation and that a fine, suspension and/or revocation of the licensee's license is possible; and
- b. Summarizing the nature and date of the incidents resulting in the violation.

(4) Hearing before council. The hearing before the council shall be conducted under the state Administrative Procedures Act (W.S. 16-3-101 et seq.) and rules as adopted from time to time by the council.

(5) Penalties. Following the hearing described in this section, and based upon the information considered and received at such hearing, the council may:

- a. Issue a written warning and/or require a mitigation plan of the violation by licensee; or
- b. Order a fine and/or suspension of license. The suspension of the liquor license shall remain in effect until the council lifts the suspension, a court of competent jurisdiction lifts the suspension, or the city clerk receives notice from the state that the sales tax liability has

been satisfied. Penalties provided in this section are based on the violations of ordinances outlined in subsection (e) of this section against a liquor licensee within a three-year period beginning each year on the first day of April through the last day of March of the following year. Any convictions of liquor law violations during this period of time involving the same licensed liquor building and/or premises may be used by the council to determine a gross violation and suspension or recommend revocation of a licensee's license. The maximum fine is \$750.00 per occurrence.

- (6) **Revocation.** If it appears to the council that a liquor license should be revoked, the council may authorize the city attorney to prepare and file with the district court a petition to revoke the licensee's license. If a license is revoked, except as provided in W.S. 12-7-201(d) concerning the expiration of a license while a revocation order is under appeal, the liquor licensee of such revoked license shall not be eligible to apply for a new liquor license for a period of 12 months from the date of revocation. In the event a suspension occurs, the clerk shall send by certified mail one copy of the suspension notice to the last known address of the liquor licensee and to the director of the state department of revenue. Additionally, the clerk shall post one copy of the suspension notice on the liquor license or permitted building or premises. Immediately upon the posting of the suspension notice, the sale, offering to sell, distribution, or trafficking of liquor or malt beverages in unlawful. Further, the licensee shall either remove all of the alcoholic liquor and malt beverages from the licensed building and/or premises or secure the alcoholic liquor and malt beverages in a manner approved, in writing, by the chief of police or his designee.
- (7) **Appeal.** Action by the council suspending a liquor license of a licensee shall be subject to review in the district court upon exhaustion of administrative appeals in accordance with the procedural rules heretofore or hereinafter adopted by the state supreme court concerning the review of administrative actions. Filing an appeal, as provided in such rules, stays enforcement of the suspension decision pending final order of the appeal.

(Ord. No. 781, att.(5.08.180), 6-14-2022; Ord. No. 808, 12-12-2023)

Sec. 5.08.190. Disorderly establishments, over-serving and intoxicated agents.

In addition to those provisions set forth above, the city, in keeping with its desire to keep the peace and provide for the welfare of residents and visitors to the city, provides the following concerning liquor license holders who serve alcohol at their establishments:

- (1) It shall be unlawful for an establishment to be habitually disorderly. A habitually disorderly premises shall be defined as an establishment which is routinely is associated with fighting, including but not limited to patrons or employees routinely engaging in armed and unarmed assaults, prostitution, illegal gambling, public intoxication, and other illegal activities. Habitual, for purposes of this ordinance, shall be defined as requiring the response by law enforcement and emergency services more than four times per month over a three-month period.
- (2) It shall additionally be unlawful for an establishment to allow the conduct referenced in section a above, but to ignore or discourage the calling of emergency services or law enforcement when reasonably required.

- (3) It shall be unlawful for any employee during their working hours, or agent of a licensed establishment while engaged in services for the establishment, other than stated herein, to be present on the licensed premises while intoxicated and while acting in any capacity, or purporting to act, as an agent of the licensee or permit holder; an employee or agent for purposes of this section shall not mean or include: a proprietor, a general partnership's partners, a corporation's president, a limited liability company's members or a limited general partner.
 - (4) All employees and agents of any business operating with a city-issued liquor license, who are engaged in the selling (including door person, ID checkers, and bouncers) or serving of alcoholic or malt beverages or the managing thereof, hereinafter "alcohol server staff," shall successfully complete an alcohol server training program as approved by Wyoming Statutes Section 12-2-402, within ninety days of the start of their employment. All alcohol server staff shall complete any additional or further training to maintain their server training certification. Every license holder shall maintain a server training record for all alcohol server staff, including their date of hire, and proof that each has successfully completed the alcohol server training required by this section, and any additional or further training to maintain their server training certification. The city shall furnish an appropriate server training record log to maintain the records required in this section. In addition, every license holder shall keep their server training records available for review by police officials, at any time when the premises is open for business, to ensure compliance with the server training requirements of this section.
 - (5) Violations of this section are subject to a graduated fine schedule, based on a calendar year. For the first violation, a fine of up to one hundred fifty dollars shall be imposed; for violation two a fine of up to two hundred dollars shall be imposed; for violation three a fine of up to two hundred fifty dollars shall be imposed. All violations thereafter in that same calendar year shall result in a fine of two hundred fifty dollars. All violations after the first two in each calendar year shall require a representative of the licensee/permittee to appear at a regular meeting of the city council. After the third violation in a calendar year (the fourth violation and each one thereafter) shall result in a seven-day suspension of the license/permit in question; the suspension may be imposed in either the calendar year of the violations and depending upon the timing of the violations (some may not get to court or be decided during the year of violation) in the subsequent calendar year. No more than one violation per licensee/permittee may be issued per inspection and not more than one failed inspection can be conducted per week per licensee/permittee.
- (Ord. No. 807, § 5.08.190, 12-12-2023)

Sec. 5.08.200. Licensure considerations and administrative fees.

(a) Violations of this Code and/or state statutes may also be factors in the consideration of suspensions, revocations, nonrenewals or conditional renewals of licenses and permits.

(b) In recognition of the fact that license holders who repeatedly violate the provisions of this Code create an undue burden of the city in administering liquor licenses, in addition to any other penalties or remedies, licensees shall be subject to administrative fees of \$1,000.00 for the third violation of this chapter within any consecutive 24-month period, and \$5,000.00 for a fourth or subsequent violation

within a consecutive 24-month period. Any violation relating to the license holder or licensed premises shall apply to this subsection, regardless of whether separate individual employees or agents of the licensee committed the individual violations. The violations need not be of the same section or subsection of this chapter to be counted in this total.

(c) A notice to pay said fee shall be issued by the city clerk to the licensee upon notification by the court of licensee's convictions for the relevant offenses. The time frame for accumulation of the violations shall be the date of violations, not the dates of conviction. If such fee is not paid, or an appeal hearing before council requested in writing to the city clerk and accompanied by a bond in the amount of the fee at issue within ten days of the notice being given by the clerk, the license shall be suspended until such time as the fee is paid to the city clerk. If an appeal hearing is requested, it shall be in council's sole discretion, after hearing all the relevant facts in the matter, whether to suspend part or all of the fee. The hearing shall not be a contested case hearing, and the Wyoming Administrative Procedure Act shall not apply to such hearing.

(Ord. No. 807, § 5.08.200, 12-12-2023)

CHAPTER 5.20. COMMUNITY TELEVISION SYSTEMS

Sec. 5.20.010. Installation permit required.

No television wires or cables shall be constructed in or across public streets, alleys or sidewalks within the city unless a permit for such construction has been issued by the building inspector.

(Ord. No. 781, att.(5.20.010), 6-14-2022)

Sec. 5.20.020. Standards and specifications.

All television wires and cables shall be installed in accordance with the requirements of the National Electrical Code in current use in the city. If amendments to such code are subsequently adopted by the city, then any installation of television wires and cables thereafter shall follow then existing amendments.

(Ord. No. 781, att.(5.20.020), 6-14-2022)

Sec. 5.20.030. Inspection; correction of unsafe conditions.

The building inspector of the city is empowered to inspect or reinspect any television wires or cables crossing public streets, alleys or sidewalks in the city and, if such wires and cables are found to be unsafe or found not to have been installed in accord with the requirements of the National Electrical Code adopted under section 5.20.020, the building inspector shall notify the person owning such wires and cables to correct the condition within a time specified by the building inspector. If the owner of such wires and cables fails to correct such unsafe condition within the time specified by the building inspector, the building inspector may, in this event, remove or cause such wires and cables crossing the city streets, alleys or sidewalks to be removed at the cost of the owner thereof. Failure of the owner of such wires or cables to correct such violations of this chapter within the time specified by the building inspector shall constitute a violation of this chapter.

(Ord. No. 781, att.(5.20.030), 6-14-2022)

CHAPTER 5.28. JUNK DEALERS**Sec. 5.28.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk means waste or junked, dismantled or wrecked automobiles or parts thereof, old or scrap copper, brass, metal, wire, rope, rags, batteries, tires, paper, trash, clothing, rubber, debris, iron, steel, household recyclables, and any other old or scrapped ferrous or nonferrous material, which in general may or may not be turned into some other use.

Junkyard means a place in excess of 200 square feet where junk is bought, sold, exchanged, baled, packed, disassembled, handled or stored, including auto-wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel material and equipment; but not including places where such uses are conducted entirely within a completely enclosed building.

(Ord. No. 781, att.(5.28.010), 6-14-2022)

Sec. 5.28.020. License required.

Every person engaged in the business of dealing in junk within the city shall obtain a license under the provisions of section 5.04.010 and pay a fee, which shall be established by resolution of the city council.

(Ord. No. 781, att.(5.28.020), 6-14-2022)

CHAPTER 5.36. PAWNSHOPS/SECONDHAND DEALERS**Sec. 5.36.010. Definitions.**

For the purposes of this chapter, the terms "pawnbroker" and "secondhand dealer" shall pertain to those businesses subject to W.S. 33-6-106.

(Ord. No. 781, att.(5.36.010), 6-14-2022)

Sec. 5.36.020. License requirements.

(a) It is unlawful for any person at any time to engage in the business of pawnbroker/secondhand dealer within the city without first having obtained a license to engage in such business in accordance with the terms of this chapter. All locations where the business is to be conducted within the city shall be specified in the license.

(b) Any out-of-city/state secondhand dealers who are conducting business on a temporary basis must obtain licensing documents and must follow the same regulations as local secondhand dealers.

(c) Unless a person has first obtained a license from the administrator of the state uniform consumer credit code, authorizing him to engage in the business of making supervised loans, he/she shall not be eligible to hold a pawnbroker license.

(Ord. No. 781, att.(5.36.020), 6-14-2022)

Sec. 5.36.030. License application; changes of ownership; fees.

Any person desiring to engage in the business of a pawnbroker/secondhand dealer shall file with the city clerk an application for a license, under the provisions of section 5.04.010, and pay a license fee as established by resolution of the city council. Any change of ownership shall require a new license application and license.

(Ord. No. 781, att.(5.36.030), 6-14-2022)

Sec. 5.36.050. Bond.

Prior to issuance of any license under this chapter, the applicant shall furnish the city clerk with a bond in the amount of \$1,000.00, which shall be conditioned upon the applicant's observance of the provisions of this Code applicable to the applicant, and upon payment of all damages that may accrue to any person by reason of any fraud or misconduct in managing such business.

(Ord. No. 781, att.(5.36.050), 6-14-2022)

Sec. 5.36.060. Revocation conditions; appeals.

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this chapter three or more times in any 12-month period shall, after a hearing conducted before the city council or its designated hearing examiner at which such violations or failures are established by a preponderance of the evidence, have his/her license revoked and shall forfeit his/her bond. The decision of the city council may be appealed to the seventh judicial district court in the same manner as the decision of an agency may appeal under the state Administrative Procedures Act.

(Ord. No. 781, att.(5.36.060), 6-14-2022)

Sec. 5.36.070. Recordkeeping requirements; inspection authority.

(a) Every person licensed as a pawnbroker/secondhand dealer shall be required to have a computer with an internet connection along with a printer. Software for the computer must be capable of accessing the internet and running or accessing city-approved pawn-tracking software and websites. The printer must be able to print city-authorized forms.

(b) Every person licensed as a pawnbroker/secondhand dealer shall keep at each location specified in the license a record of the name of each person pawning/selling property, the date and time of the transaction, the number of the property identification ticket for each transaction and the completed and signed declaration of ownership form. Such information shall be kept in a substantial, well-organized notebook. Computer entries shall be printed and must be uploaded into the city-approved computer site daily, and the printed form is to be signed by the seller and placed into the book. All entries shall be made within 24 hours of the transaction. If the computer or printer is disabled, a city-approved temporary handwritten form may be used until the information can be placed into the computer system. Once entered into the computer and printed, the temporary ticket shall be attached to the computer-printed copy and placed into the book. All entries shall be made either in ink or indelible pen, and no entry shall be erased, obliterated, deleted, altered or defaced. The book herein shall be kept in a clean and legible condition.

(c) All books and records required to be kept in subsection (b) of this section shall be kept in accordance with accepted accounting practices and such records shall be preserved and shall be available for inspection for a period of four years from the date of the original transaction, or two years from the final entry made thereon, whichever is later.

(d) Every person licensed as a pawnbroker/secondhand dealer shall make available for inspection the book mentioned in subsection (b) of this section when requested to do so by law enforcement or other officer of the city and permit such officer to make a copy thereof, and shall also exhibit any personal property, bonds, notes or other securities that may be left with such licensed person for the inspection of any said officer when requested to do so.

(e) In addition to the requirement in subsection (b) of this section, every pawnbroker/secondhand dealer shall, within 24 hours of the time the transaction takes place, record the details of the transaction in the computer or upon a property identification ticket, if the computer is disabled, which shall contain the following:

- (1) An accurate, detailed description of all pledged, purchased or traded goods at the location, particularly describing any identifying marks, including, but not limited to, any and all trade-marks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks or characteristics that may be on such property, bonds, notes or other securities, and photographed. If the transaction is less than \$5.00, the item is not required to be documented. Large quantities (over 20) of similar items shall have the total number of items documented and only ten specifically identified. Jewelry descriptions shall require color, metal type and grade or quality, setting style and description, stone type, color, clarity, size, cut, number and approximate weight, damage, inscriptions and any other information reasonably and commonly used in the description of jewelry.
- (2) A record of the type of identification being used along with any identification numbers from the identification form along with name, current residence and accurate description of each person pledging goods. Such description shall include, as to each person, their approximate height and weight, hair and eye color, race and sex, date of birth and telephone number.
- (3) A record of the amount for which the property is pledged or purchased.
- (4) A record of the date upon which the pledge expires.

(f) In addition to the information required in subsection (e) of this section, the pawnbroker/secondhand dealer shall, at the time of making the pawn transaction, outright purchase or trade, must obtain a written declaration of ownership from the customer stating:

- (1) Whether the property that is the subject of the transaction is solely owned by the customer and, if not solely owned by the customer, the customer shall attach a power of attorney from all co-owners of the property authorizing the customer to sell or otherwise dispose of the property;
- (2) How long the customer has owned the property;
- (3) Whether the customer or someone else found the property; and

- (4) If the property was found, the details of the finding.

The pawnbroker/secondhand dealer shall require the customer to sign his or her name, in the presence of the pawnbroker/secondhand dealer, on the declaration of ownership and in the register to be kept under this chapter. Each such declaration shall be signed by the pawnbroker/secondhand dealer at the time of the transaction. The customer shall be given a copy of the receipt for the pawn transaction, outright purchase or trade.

(g) All pawnbrokers/secondhand dealers are required to keep the computer and printer in operating condition and keep on hand sufficient supplies for printing the property identification tickets. Such property identification tickets shall be available to any law enforcement officer and shall reflect all of the business done on the preceding day.

(h) All property, notes, bonds, or securities purchased outright shall be recorded in the same manner as those for pawn.

(i) It shall be considered to be a separate transaction each time a pawn broker/secondhand dealer acquires property from any one person.

(j) A description of the physical premises of any licensed pawnbroker/secondhand dealer business, including any area in which tangible personal property is located, to include any warehouse or other storage locations away from the licensed place of business, shall be included on the original license, and notification shall be given to the city clerk when another location has been added to the licensed business. These premises shall be subject to inspection by the city police department during all business hours and other times of apparent activity for the purpose of investigation and inspection of books, records, and inventory. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection, without delay, upon the request of any member of the city police department.

(k) Except for items in plain view, if any inspection is conducted hereunder, the peace officer conducting such inspection shall document the same on a form approved by the city police department and shall, within 24 hours of conducting such inspection, provide a copy thereof to the pawnbroker/secondhand dealer.

(Ord. No. 781, att.(5.36.070), 6-14-2022)

Sec. 5.36.080. Holding time and procedure for pledged goods; hold orders and surrender of property.

(a) All pledged, purchased, outright purchased, or traded goods, with the exception of donated goods, shall be held for a period of 15 days, during which time the same shall not be shown, either for sale or for inspection, to any person other than a police officer, other city officer, or the owner thereof, unless said goods are subject to a hold order as described in subsection (c) of this section, in which case the goods may not be shown, sold or disposed of until the hold order is released. Goods that have been bought and returned by the same person and have already been held for the required period are not subject to this provision.

(b) All pledged, purchased, outright purchased, or traded goods shall be kept in a separate enclosed portion of the business, free from public view and accessible only to employees and members of law enforcement. At no time will any property be set for display or sale until the holding period described in

subsection (a) of this section has elapsed, unless said goods are subject to a hold order as described in subsection (c) of this section, in which case the goods may not be shown, sold or disposed of until the hold order is released.

(c) Hold orders and surrender of property.

- (1) Any peace officer may order a pawnbroker/secondhand dealer to hold any tangible personal property deposited with or in the custody of any pawnbroker/secondhand dealer, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or disposition may be made of such property held by any pawnbroker/secondhand dealer while the hold order remains outstanding. Any such hold order shall be effective for 90 days only, unless a criminal prosecution is undertaken with regard to any such property within such 90-day period, in which event the hold order shall remain in effect until the prosecuting agency has notified the pawnbroker/secondhand dealer that the prosecution has been completed or dismissed. This shall be accomplished by issuing a release of property hold order form.
- (2) If any peace officer determines after investigation that any article of personal property held by a pawnbroker/secondhand dealer is stolen or illegally obtained property, such officer may take such property into evidence after giving the pawnbroker a receipt (city property evidence form) for it which sets forth the city police department case number as well as the reason for the confiscation.

(d) Return of property; dispute; review.

- (1) If property that has been taken into custody by the city police department pursuant to this chapter is no longer needed for investigation or prosecution of a crime and no conviction for a crime involving the seized property has been obtained, the property shall be returned to its owner, as determined by the city police department. If a conviction has been obtained, the property shall be disposed of or returned, as determined by the court in which the conviction occurred.
- (2) If it appears that ownership of the property is in dispute between the pawnshop or secondhand dealer and a person reporting the property stolen or otherwise claiming an interest in the property before such return is completed, the department shall notify both the pawnshop or secondhand dealer from which it was seized and any other party claiming ownership of the item.
- (3) This notification shall be in the form of a letter describing the property, the initial department determination of the party to whom the property shall be returned, and a statement that if either party disagrees with that determination, they may file with the property and evidence division of the city police department, within 15 days of the mailing of the letter, a request for judicial review of the ownership of the item.
- (4) Upon timely receipt of a request for review, the department shall notify the city court of said request. The city court shall then schedule, at its earliest convenience, a hearing on the matter. Notices of setting shall be sent by the court to the city police department property and evidence division, the city attorney's office, the party making the objection to the return of the item, and the party to whom the department has proposed returning the item.

- (5) This review shall be an administrative hearing before the city court, pursuant to the state Administrative Procedures Act, with the burden being on the claimant to prove by a preponderance of the evidence their ownership of the property.
 - (6) If their burden is not met or a request for hearing is not timely made, the property shall be returned to the owner as determined by the department after 30 days from the date of the notification letter or in compliance with the order of the court, as applicable.
- (Ord. No. 781, att.(5.36.080), 6-14-2022)

Sec. 5.36.090. Finance charges; advertising and loan terms.

(a) Information concerning finance charges, terms of agreement, and all other relevant information concerning a pawn transaction shall be disclosed to any person desiring to enter into a pawn transaction with a pawnbroker at the time of the transaction, and all information disclosed shall conform to the requirements of Federal Reserve Regulation Z of the Truth in Lending Act, and applicable state statutes. All property identification tickets shall have the maximum rate of interest to be charged printed on the face thereof. The printing shall be conspicuous, in a legible and clearly readable size print.

(b) A pawnbroker shall not engage in false or misleading advertising concerning the terms or conditions of credit with respect to a pawn transaction.

(c) Except as provided in this section, the term of any pawn transaction made under this chapter shall not exceed 30 days; provided, however, that a pawnbroker shall allow a grace period of 15 days following the expiration of the term of any loan, during which period interest shall not be charged and during which period the property pawned may be redeemed by the debtor. At the expiration of the 30-day term, the pawnbroker may, at the depositor's request, renew the loan for an additional 30-day term. The grace period shall not apply to renewed loans.

(d) No pawnbroker/secondhand dealer, or the employee thereof, shall:

- (1) Make any agreement requiring personal liability from a customer in connection with a pawn transaction;
- (2) Divide or separate a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn finance charge exceeding that authorized by this chapter;
- (3) Enter into a pawn transaction, accept pledged goods, or make a purchase from any person under the age of 18 years, unless a parent or legal guardian is on scene when the transaction takes place;
- (4) Accept any waiver in writing or otherwise of any right or protection accorded a customer under this chapter;
- (5) Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker under the terms of the pawn transaction;
- (6) Make any charge for insurance in connection with a pawn transaction;
- (7) Require, directly or indirectly, any individual to redeem pledged goods or make any payment on a pawn transaction;

- (8) Accept in pawn or acquire, by purchase or trade, any property normally manufactured with a permanently embossed or attached serial number, on which the serial number is missing, obliterated, defaced or otherwise altered; provided, however, this provision shall not apply to sticker-type serial numbers which were affixed to the property by the manufacturer with glue only, and which are missing at the time of the pawn or purchase transaction;
 - (9) Knowingly or willfully make any false representation upon or in any way falsify any property identification ticket, receipt, pawn/secondhand document or business record;
 - (10) Enter into any transaction, accept pledged goods or make a purchase from any person under the influence of alcohol, narcotics or stimulants;
 - (11) Enter into any pawn/secondhand dealer transaction or accept pledged goods from any person not possessing a valid state driver's license with picture of the licensee, state identification card with a picture of the licensee, valid driver's license issued by another state with a picture of the licensee, current military identification card with picture of the identified individual, or a valid passport with picture of the individual named therein, along with at least one of the following forms of identification, or in lieu thereof, at least two of the following forms of identification: Social Security card, valid temporary driver's license, immigration papers, city recreation card, lodge card, major credit card. The pawnbroker/secondhand dealer is required to maintain a photocopy of said forms of identification when entering into any transaction.
- (Ord. No. 781, att.(5.36.090), 6-14-2022)

Sec. 5.36.110. Unlawful pawnbroker/secondhand dealer practices.

- (a) It is unlawful for any person to give false information to any pawnbroker/secondhand dealer regarding either themselves or the property being pledged or disposed of by sale or trade.
- (b) It is unlawful to alter the appearance of or conceal the true identity of any item being pledged or disposed of by sale or trade.
- (c) It is unlawful for anyone to pledge, or dispose of by sale or trade any item where a serial number has been altered, defaced or removed.
- (d) It is unlawful for anyone to pledge or dispose of by sale or trade any item which belongs to an individual who is under 18 years of age unless the person is the parent or legal guardian of such minor individual.
- (e) It is unlawful to pledge or dispose for sale or trade any item which is known to be stolen.

(Ord. No. 781, att.(5.36.110), 6-14-2022)

Sec. 5.36.120. Penalty.

Any person who violates the provisions of this chapter is guilty of a misdemeanor, and shall be punished as provided in chapter 1.03.

(Ord. No. 781, att.(5.36.120), 6-14-2022)

CHAPTER 5.38. ITINERANT MERCHANTS/UNSOLICITED SALESMEN**Sec. 5.38.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Itinerant merchant or *itinerant business* includes all persons not having a permanent place of business in the city engaged in selling or offering for sale any goods, services, carnival rides or merchandise of whatever nature, in any open space, from a temporary stand, under tents, canopies, or membrane structures, from a vehicle on property not owned by such person, or in any other manner from any place which is not located in a building which meets building code requirements and which has been approved for occupancy.

Permanent place of business means a building meeting building code requirements and approved for occupancy by the city. Such building shall be on a properly zoned lot for the particular business conducted.

Prohibition sign means any and all signs or notices in the English language of legible size, designed and apparently intended to serve notice or convey the meaning that any person coming upon the property where the same is posted as an unsolicited salesman is unwelcome and is not to call upon the occupant or tenant of the property.

Residential property means any and all homes, houses, basements, apartments, trailers, tents, hotels and other buildings or structures or portions thereof used or occupied by any person as a home or place of abode located within the city.

Temporary stand means any structure which does not meet building codes required for human occupancy.

Tents, canopies and *temporary membrane structures* mean structures used for a temporary purpose as defined by the International Fire Code, including, but not limited to, air-inflated structures, air-supported structures and tents.

Unsolicited salesman means any person who sells, offers for sale, takes or solicits orders for, gives away, delivers or promises to deliver in the future or displays any goods, wares or merchandise or other personal property of any kind whatsoever, who sells, offers for sale, offers to, solicits or takes orders for the performance of or distributes literature or other information of any and all types of services, including securities, policies of insurance, reading material or entertainment at or upon any residential property other than such residential property as is owned or occupied by such person without invitation of the owner or occupant. However, any person operating a business from their home within the city, and who conducts activities covered by this chapter in conducting that business, shall be exempt from the provisions of this chapter. The term "unsolicited salesman" shall not include an itinerant merchant. (Ord. No. 781, att.(5.38.010), 6-14-2022)

Sec. 5.38.020. License required; term; exemptions.

(a) No person shall carry on the trade or occupation of itinerant merchant or unsolicited salesman within the city until such person shall have obtained an annual license under the provisions of section 5.04.010 and paid a fee, which shall be established by resolution of the city council.

(b) No person may carry on business as an itinerant merchant for more than ten total days in any one year. Any person carrying on business as an itinerant merchant for any longer than ten days in any one calendar year shall obtain a permanent place of business in the city from which to operate; however, vendors of fresh produce and/or Christmas trees may apply to the mayor or the mayor's designee for one 90-day exemption to this chapter per year.

- (1) Following the 90-day exemption period, vendors of Christmas trees and/or fresh produce may apply to the mayor or the mayor's designee for one 30-day extension of the exemption for a reasonable business need.
- (2) Any denial by the mayor or the mayor's designee may be appealed to the city council or its designated hearing examiner under section 5.04.180 by filing a written notice of appeal with the mayor within ten days of the denial.

(c) Any participants in an event recognized by the mayor or the mayor's designee, such as a craft fair, festival, bazaar or similar activity, shall be exempt from the provisions of this chapter.

(d) Charitable organizations and all persons representing them are exempt from the provisions of this chapter, provided that the charitable organization shall secure from the mayor a letter of exemption which shall be issued to such charities as the mayor shall find to have lawful charitable purposes. The mayor's letter of exemption shall be available at all times on the premises for inspection by any police officer or any other officer authorized to inspect for licenses or letters of exemption.

(Ord. No. 781, att.(5.38.020), 6-14-2022)

Sec. 5.38.030. License; application.

Every person shall procure a license to engage in the trade or occupation of itinerant merchant or unsolicited salesman and shall fill out, sign and deposit with the city clerk a petition or application for a license, which shall state:

- (1) The name of the person desiring the license;
 - (2) The residence, and in case of a corporation, the name of the president; and if a partnership, the names of the partners;
 - (3) The location where the trade or occupation will be conducted;
 - (4) The applicant's state sales tax license number;
 - (5) Such other information as may be required by the mayor or by the provisions of this title.
- (Ord. No. 781, att.(5.38.030), 6-14-2022)

Sec. 5.38.040. Location.

All itinerant businesses must be in a location which shall not create a traffic hazard, shall provide approved paved off-street parking, and shall provide temporary sanitary facilities or obtain written permission to utilize permanent sanitary facilities within 400 feet of the proposed location.

(Ord. No. 781, att.(5.38.040), 6-14-2022)

Sec. 5.38.050. Unlawful acts designated.

It is unlawful for an itinerant merchant or unsolicited salesman to:

- (1) Carry on the business or calling of an itinerant merchant or unsolicited salesman without a license as required by this chapter;
- (2) Enter upon any residential property which is posted with a prohibition sign;
- (3) Refuse to leave or continue solicitation on residential property after being advised by the occupant or tenant that he or she does not wish the product solicited or does not wish the solicitation to continue.

(Ord. No. 781, att.(5.38.050), 6-14-2022)

Sec. 5.38.060. Violation; penalty.

Any person found to be violating this chapter shall be guilty of a misdemeanor punishable by a fine no less than \$100.00 and no more than \$750.00. Each day of violation of this chapter shall be considered a separate and distinct violation of this chapter.

(Ord. No. 781, att.(5.38.060), 6-14-2022)

Sec. 5.40.010. Franchise agreements.

(a) Wherever it has been provided by state or federal statute that a municipality may grant or require a franchise agreement, including where a municipality has the right to grant authority to any person or firm to carry on the operation of a public utility or a communications or telecommunications operation or business, the city shall require said persons or firms to enter into the same. Said franchise agreements:

- (1) Shall contain such terms as the council deems proper to any utility company and, for communication companies, in accordance with W.S. 15-1-131, provided no franchise may be entered into with any person in which that person is given an exclusive right for any purpose whatsoever;
- (2) Shall grant to any franchisee utility company the privilege to install and maintain necessary installations under or over any streets, alleys or avenues;
- (3) Shall contract for a specified time period with any franchisee electric light or gas company for the necessary energy and service for the lighting of streets, public buildings or other requirements of the city;
- (4) Upon renewal or initial grant or renewal after condemnation of a franchise, may provide in the franchises that the franchisee shall furnish a gas distribution system through which any supplier, including the franchisee, may sell and distribute natural gas, as provided by subsection (b) of this section, to any person served by the distribution system, provided that before any city imple-

ments this subsection, the question of whether or not to do so shall be submitted to and approved by a majority of the electors of the city voting on the question at a one-time election called for that purpose.

(b) All franchise agreements entered into by a council with a communications company under this section or with a cable company pursuant to 47 USC 541 et seq., shall:

- (1) Be fair and reasonable;
- (2) Be competitively neutral and nondiscriminatory;
- (3) Comply with all requirements of applicable federal and state laws and ordinance;
- (4) Not unreasonably impair or inhibit the deployment of communications services;
- (5) To the extent practical, encourage the deployment of communications services to serve consumers.

(c) Franchise fees assessed under a franchise agreement entered into pursuant to this section shall:

- (1) Be passed through to customers unless otherwise agreed;
- (2) Not be assessed on revenues from internet access service.

(d) A communications company assessed a franchise fee on local exchange services shall not be assessed any additional franchise fees, including an assessment on any other communications services.

(e) Any holder of a cable franchise pursuant to 47 USC 541 et seq., shall be exempt from the provisions of this section except as provided in this subsection. Subject to federal law and the provisions of this subsection, the city may assess a franchise fee on gross revenues as determined in accordance with generally accepted accounting principles for the provision of cable service over a cable system operated by a holder of a cable franchise pursuant to 47 USC 541 et seq. As used in this subsection, the term "gross revenues" shall not include any taxes, fees or assessments collected by a holder of a cable franchise from subscribers that are passed through to a government agency, including the user fee assessed by the Federal Communications Commission, franchise fees, sales taxes and utility taxes. Nothing in this subsection shall be construed to prohibit or alter any decision of the city to not impose the franchise fee authorized by this section or any decision by the city to enter into an agreement with a holder of a cable franchise to impose a franchise fee on only a portion of the gross revenues from the provision of cable service subject to franchise fees under federal law and the provisions of this subsection.

(f) A franchisee proposing to enter into a franchise agreement shall provide to the city a request for negotiations. Negotiations between the city and a proposed franchisee shall not exceed 180 days unless agreed to by the parties in writing. A request made under this subsection shall include, at a minimum, the date of the request for negotiations, the proposed date for the start of negotiations, the date by which negotiations shall terminate and the contact information for the proposed franchisee.

(g) The city may approve such franchise fees by resolution or ordinance.
(Ord. No. 781, att.(5.40.010(1)), 6-14-2022)

Sec. 5.40.015. Franchise agreements index.

The city clerk shall keep an index of all franchise agreements entered into by the city together with such pertinent information as the parties thereto and the date and terms of the agreement. All such agreements shall be available for public inspection upon reasonable request.
(Ord. No. 781, att.(5.40.010(2)), 6-14-2022)

PROOFS

Title 6

ANIMALS

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CHAPTER 6.01. GENERAL PROVISIONS**Sec. 6.01.010. Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means vertebrate domestic or domesticated members of the Animalia kingdom unless otherwise provided by this title.

Animal control shelter means any premises designated for the purpose of impounding and caring for animals impounded pursuant to this title. The term "animal control facility" shall have the same meaning.

Annoyance means an actual interference with the sleep, work or reasonable right to peace, safety, or privacy of a person.

Apiary means a place where bee colonies are kept.

Bee means any stage of the common domestic honeybee, *Apis mellifera* species.

Canid hybrid means an owned offspring of a wild member of the genus *Canis* and the family *Canidae* bred to a member of the genus and species *Canis familiaris*. The offspring of a canid hybrid bred with a wild member of the family *Canidae*, another canid hybrid, or a member of the genus and species *Canis familiaris* is also a canid hybrid. Canid hybrids are domesticated animals.

Cat means a member of the genus and species *Felis silvestris catus* or *Felis catus*.

Cattery means any premises used for breeding, buying, selling, keeping or boarding five or more cats over the age of six months, whether for profit or not.

Cage and aviary birds means those exotic captive-reared birds, such as parrots, exotic finches, and canaries, which are adapted to live and breed in a cage. For the purpose of this title, the monk parakeet (*Myiopsitta monachus*) is not a cage and aviary bird.

Chicken means a domestic fowl kept for its production of eggs and meat.

Chief animal control officer means the person appointed by the mayor who has primary responsibility for administering and enforcing the provisions of this title.

City means the City of Mills, Wyoming, and in the context of a particular section, may mean the designated contract agent of the city providing animal control services to the city.

Colony means a beehive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Competent voice control means:

- (1) The person exhibiting the voice control is present with the animal and monitors all of its activities;
- (2) The person exhibiting the voice control is capable of directing all of the animal's movements and activities by vocal commands;

(3) The animal under voice control follows all of the vocal commands quickly and accurately.

Confine means to keep an animal in a fence, pen, building, or other secure enclosure from which the animal cannot escape, and which keeps the animal from coming into contact with other animals or humans outside the area of confinement.

Days means the time in which an act required by this title is to be done and is computed by excluding the first day and including the last, unless the last day falls on a weekend or on a holiday recognized by the city, and then it is also excluded. Unless otherwise specified, the term "days" means city business days.

Dog means a member of the genus and species *Canis lupus familiaris* or *Canis familiaris*, commonly known as domestic dog, but does not include other members of the family Canidae, such as a fox, coyote, wolf or any other game species, the taking of which is regulated by the state. The term "dog" shall include canid hybrids unless otherwise specified or unless the inclusion of the same would be contrary to the laws of the state.

Domesticated means animals owned which are commonly or historically adapted to human use or pleasure.

Euthanasia means the putting to death of an animal.

Feral cat means an adult cat as otherwise defined in this title but for which there is no owner and the cat lives outdoors with little or no human contact.

Fowl means any bird of any kind.

Hive means a structure intended for the housing of a bee colony.

Identification means a collar and tag, brand, tattoo, or other mark or means which makes ownership of the animal ascertainable.

Kennel means any premises used for breeding, buying, selling, keeping or boarding five or more dogs over the age of six months, whether for profit or not.

Livestock includes, but is not limited to, domestic animals such as horses, cattle, sheep, goats, pigs, chickens, fowl, ducks and other such animals normally considered farm animals, whether kept for profit or not.

Major kennel or cattery means an establishment or place other than an animal or veterinary hospital, where more than 18 dogs or cats over six months of age are housed, groomed, bred, boarded, trained and/or sold, for more than a 24-hour period.

Mayor means the mayor of the City of Mills, Wyoming.

Minor kennel or cattery means an establishment or place other than an animal or veterinary hospital, where more than five but less than 18 dogs or cats over six months of age are housed, groomed, bred, boarded, trained and/or sold, for more than a 24-hour period.

Neutered dog or cat means any male dog or cat rendered incapable of reproduction by surgical operation.

Own means to have, keep, possess, harbor, take care of, have custody of or control over any animal.

Owner means any person, group of persons, association or corporation owning, keeping, taking care of, having custody of, having control over, or harboring any animal.

Registration means the licensing of a dog or cat as per the provisions of this title.

Restraint means either:

- (1) Actual physical control, such as a leash, chain, fence or building;
- (2) Competent voice control while actively engaged in an organized activity which requires that an animal not be physically restrained, or in a form of recognized hunting which requires the use of an animal, such as a retriever; or
- (3) The condition of an animal when on the property of its owner, in visual contact with the owner, and obedient to the owner's command.

Running at large means an animal is not under restraint.

Sanitary means free from bacteria, parasites, waste, filth or other elements in amounts which would endanger the health or welfare of an animal.

Spayed dog or cat means any female dog or cat which has had a surgical ovariohysterectomy to prevent conception.

Veterinarian means a veterinarian licensed under the laws of the state and in good standing with the state. As further used in these ordinances, veterinarian should be read to mean that veterinarian providing services to the city on a regular basis.

Wild or wildlife refers to a type of animal which generally lives in its original and natural state and is not domesticated, or animals which are classified as wild under state law.

(Ord. No. 739, att.(6.01.010), 4-6-2004)

Sec. 6.01.020. Jurisdiction and scope.

The city has jurisdiction over all animals within the boundaries of the municipality in all instances except those areas in which it would be contrary to the laws of the state or the United States. The keeping of all animals shall only be done in compliance with the provisions of this title or as otherwise provided for by this Code.

- (1) It is expressly the intent of the city to provide for and allow the keeping of domesticated animals, as defined above, by the residents of the city in so far as it has been provided for in this title. The presumption shall exist that if an animal meets the definition of the term "domesticated animal," as provided for above, that the keeping of the animal shall be allowed within the boundaries of the city.
- (2) The city shall not allow the keeping of wild animals or wildlife within the boundaries of the city except in such circumstances as would be allowable under the laws of the state and the United States and as further authorized by such permits as may be authorized by the city council. In the absence of such permits, no such animal may be kept in the city. In such instances in which a wild animal may only be kept pursuant to a permit issued by the United States or the state, obtaining such a permit shall be a prerequisite to applying to obtain a permit from the city.

(3) The city shall not allow the keeping of livestock within the boundaries of the city except as provided for in this title.

(4) The city shall not allow the keeping of bees within the boundaries of the city except as provided for in this title.

(Ord. No. 739, att.(6.01.020), 4-6-2004)

Sec. 6.01.030. Animal or livestock annoyances and illegal keeping.

(a) It is unlawful to keep any animal, livestock, or wildlife in the city except as authorized under the provisions of this title.

(b) It is unlawful for an animal, livestock or permitted wildlife to interfere with the sleep, work or reasonable right to peace, safety, or privacy of a person.

(c) Violation of this provision is an infraction.

(d) Nothing in this title or provision shall be read to prevent the presence of animals, livestock or permitted wildlife in the city which are in transit through the city in a manner which is authorized under the laws of the state.

(Ord. No. 739, att.(6.01.030), 4-6-2004)

Sec. 6.01.040. Sanitary enclosures.

It is unlawful for any person to own any animal unless all structures, pens and yards, and areas in which the animal is kept, are maintained in a sanitary condition. Violation of this provision is an infraction.

(Ord. No. 739, att.(6.01.040), 4-6-2004)

Sec. 6.01.050. Diseased animals.

It is unlawful to own any animal infected with a contagious or pestilential disease, except when the animal is confined and isolated from other animals or under the care of a licensed veterinarian. Violation of this provision is an infraction.

(Ord. No. 739, att.(6.01.050), 4-6-2004)

Sec. 6.01.060. Animals in public places.

It is unlawful to tie, stake or fasten any animal within any highway, street, alley or public place within the city, or so that the animal has access to any portion of any highway, street, alley or public place therein, provided that the mayor or the mayor's designee may make exceptions in the case of an organized animal activity and similar temporary sporting or festive events. Violation of this provision is an infraction.

(Ord. No. 739, att.(6.01.060), 4-6-2004)

Sec. 6.01.070. Restraint of animals.

(a) All animals shall be continuously under restraint.

(b) Livestock animals which are generally kept in a herd, flock or other grouping are subject to a single failure-to-restrain violation for the group.

(c) No person shall release, without permission of the owner, any animal from restraint, except to preserve the animal's life.

(d) Violation of any provision of this section is an infraction.
(Ord. No. 739, att.(6.01.070), 4-6-2004)

Sec. 6.01.080. Humane animal care.

Humane animal care includes, but is not limited to, providing:

- (1) Sufficient wholesome and nutritious food at least once daily which will keep the animal in healthy physical condition;
- (2) Sufficient daily quantities of fresh water which meet the hydration requirements for the animal;
- (3) Adequate shelter which provides adequate air and ventilation and which prevents the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions and dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal; and
- (4) Veterinary care when needed to treat the animal for sickness or disease or to prevent suffering of the animal.

(Ord. No. 739, att.(6.01.080), 4-6-2004)

Sec. 6.01.090. Cruelty to animals.

(a) No person shall intentionally injure or kill an animal unless:

- (1) The act committed is done humanely in conformity with applicable federal, state or city law;
- (2) The act is necessary to defend a human being or an animal from attack.

(b) No person shall intentionally or recklessly wound, injure, torment, poison, provoke, or otherwise abuse or unnecessarily overwork an animal, or procure, or attempt any of such acts.

(c) No owner shall fail to provide humane animal care or abandon an animal by failing to provide humane animal care.

(d) No person shall throw or deposit any poisonous substance on any exposed public or private place where it may endanger any animal.

(e) No person shall intentionally abandon, harass, torture or kill an animal or encourage an animal to fight with another animal for sport, training or entertainment.

(f) A person shall not intentionally capture a domestic or domesticated animal with any type of trap that physically harms the animal, including, but not limited to, steel jaw traps, snares and spring traps, except an authorized city, borough, state or federal employee or agent.

(g) Acts in violation of this section constitute cruelty to animals. Cruelty to animals is an infraction.

(h) Persons convicted of cruelty to animals shall forfeit all rights and interests, if any, in the animals. (Ord. No. 739, att.(6.01.090), 4-6-2004)

Sec. 6.01.100. Protective custody.

(a) An animal may be taken into protective custody by the city if the chief animal control officer makes a determination in writing that an animal is either:

- (1) Not humanely cared for by the owner; or
- (2) Is being cruelly treated by any person.

(b) Animals taken into protective custody may be held for a period not to exceed 15 days. In the event the animal is a service animal, it may be held for a longer period. The chief animal control officer will make all decisions on this issue. In the event the chief is absent, the decision will be made by animal control.

(c) The chief animal control officer may release an animal taken into protective custody to the owner contingent upon conditions in a written release order.

- (1) If an owner refuses to redeem an animal under the conditions of a written release order or violates the conditions of a written release order, the animal is subject to forfeiture to the city upon a hearing before the chief animal control officer.
- (2) The owner may appeal the forfeiture as set forth in chapter 6.08.

(d) A person whose animal is taken into protective custody shall be responsible for all reasonably incurred fees, costs and expenses, including, but not limited to, impoundment fees and veterinary costs associated with the city's custody, care or maintenance of the animal. Violation of this provision is an infraction.

(e) The chief animal control officer may, for good cause, waive a portion of the fees, expenses or costs and may enter into a payment schedule agreement with the owner.

(f) Animals taken into protective custody because of a determination by the chief animal control officer or his deputy that the animal was cruelly treated may remain in protective custody, at the chief animal control officer's discretion, until final disposition of the case. (Ord. No. 739, att.(6.01.100), 4-6-2004)

Sec. 6.01.110. Live animal traps.

(a) Intentional capture of domestic and domesticated animals by trap is prohibited, unless a live animal trap issued by the city (or an agency authorized by contract with the city) is used or a live trap permit is applied for at a cost of \$5.00 or as set by resolution.

(b) A person who is issued a live animal trap by the city (or an agency authorized by contract with the city) for the purposes of capture and control of unrestrained domestic and domesticated animals shall check the trap at least twice every 24 hours to determine whether an animal has been trapped.

(c) A person shall provide humane animal care for any animal captured. This would not apply to wild animals, per definition.

(d) A person shall release the animal without unreasonable delay to the animal control office or an animal control officer or the owner, as set forth in subsection (e) of this section.

(e) No person shall release an animal caught in the live animal trap to anyone other than an animal control officer or to an owner without first receiving permission from the animal control office.

(f) Violation of any provision of this section is an infraction.
(Ord. No. 739, att.(6.01.110), 4-6-2004)

Sec. 6.01.120. Euthanasia of animals.

No animal shall be subject to euthanasia for any reason, except for an emergency which poses an immediate threat to human safety, or to relieve dire pain and suffering of a sick or injured animal, until a determination has been made that such action is in the best interest of the community with respect to safety and/or in the best interest of a sick, injured or infirm animal. In all such instances, a decision to euthanize an animal shall be made, except where otherwise provided herein by a majority of the animal control board.

(Ord. No. 739, att.(6.01.120), 4-6-2004)

Sec. 6.01.121. Animal control facility.

The city may contract with any other municipal body or entity, or private entity, for the provision of facilities to shelter animals that come into its custody for any reason. Alternatively, the city may determine to operate an animal control facility of its own. In such instances in which the city determines to operate an animal control facility of its own, it may contract for the operation of the same with any private entity that is qualified, in the judgment of the city council, to operate the same. The city may further contract with other municipalities for the use of its animal control facility, as appropriate.

(Ord. No. 739, att.(6.01.121), 4-6-2004)

Sec. 6.01.122. Restrictions and allowances on specific types of animals; number permitted.

(a) Except where otherwise provided for in this title, and subject to such other provisions as are set forth in this title, it shall be unlawful for any person to keep more than five cats and five dogs on any premises within the city. This provision shall be read so as to apply to any combination of cats and dogs, so that no person may keep more than five cats and dogs combined.

(b) No livestock shall be kept in the city except as otherwise provided for by this title.

(c) No wildlife may be kept or owned by a resident of the city except as provided for in this title.

(d) No more than five of any animals of any type in combination shall be permitted on a single premises, excluding fish, small rodents and small cage birds, except where authorized by a permit to be issued by the city council. Upon application to the city council, the city council may permit a larger number of animals to be kept on a premises under the terms and conditions set by the city council.

(Ord. No. 739, att.(6.01.122), 4-6-2004)

Sec. 6.01.123. Severability.

Should any provision of this title or its application be held invalid, the remainder of its provisions shall not be affected.

(Ord. No. 739, att.(6.01.123), 4-6-2004)

CHAPTER 6.02. ANIMAL CONTROL OFFICERS

Sec. 6.02.010. Chief animal control officer, deputies; service contract.

(a) *Appointment.* The mayor shall appoint a chief animal control officer. In the absence of any subsequent ordinance or appointment appointing this position separately, the chief animal control officer shall be presumed to be the chief of police who may appoint deputies to this position who are not otherwise members of the police department.

(b) *Contract for services.* The city may contract, in whole or in part, for any or part of its animal control services.

(Ord. No. 739, att.(6.02.010), 4-6-2004)

Sec. 6.02.020. Powers and duties.

(a) *Chief animal control officer.* The chief animal control officer has all the powers of a deputy animal control officer and the power to administer and enforce the provisions of this title, including, but not limited to, the following: operating animal shelters, holding animal control hearings as authorized by this title, conducting low-cost rabies vaccination clinics for dogs and cats, issuing written animal control administrative orders, negotiating and settling nonjudicial disputes and matters under this title, entering into settlement and payment schedule agreements, and developing and implementing animal control policies, regulations and procedures.

(b) *Deputy animal control officer.* A deputy animal control officer has the duty to enforce the provisions of this title, subject to the chief animal control officer's authority, including, but not limited to, investigating animal control matters and issuing, filing, and serving citations and written administrative orders, and being certified as a lay vaccinator by the state for the purpose of administering rabies vaccines to dogs and cats under the jurisdiction of the city.

(c) *Animal control officers and other offices.* Nothing shall preclude any animal control officer or deputy animal control officer from occupying another position or office for the city.

(Ord. No. 739, att.(6.02.020), 4-6-2004)

Sec. 6.02.030. Interference.

(a) It is unlawful for any person to interfere with, hinder or molest an animal control officer or an officer or agent of the city in the performance of any of the officer's duties under this title.

(b) It is unlawful for any person to remove or release any animal from the animal shelter, animal control vehicles, live animal traps, or any other official custody of any animal control officer or agent of the city without first obtaining permission to do so from the animal control office.

(c) It is unlawful for any person to hinder or interfere with any animal control investigation, reporting or prosecution.

(d) An individual may lawfully detain any animal found in violation of this title, provided they immediately notify the animal control office and surrender the animal to the animal control officer.

(e) Violation of this section is an infraction.
(Ord. No. 739, att.(6.02.030), 4-6-2004)

Sec. 6.02.040. Recordkeeping.

(a) *Records.*

- (1) The animal control office shall keep accurate records regarding impoundment, disposition of animals, and investigations regarding animals coming under the city's jurisdiction.
- (2) The city and/or the deputy clerk of the city shall keep accurate and detailed records, including, but not limited to, records regarding complaints, monies received, expended, and the registering of animals.

(b) *Confidentiality.* Complaints and investigation records shall be kept confidential and not released unless otherwise required by law.
(Ord. No. 739, att.(6.02.040), 4-6-2004)

Sec. 6.02.050. Policies, regulations and procedures.

The chief animal control officer may, subject to the approval of the mayor of the city, establish written policies, regulations and procedures to carry out the provisions of this title. Animal control policies, regulations and procedures adopted and administered by the chief animal control officer shall be set forth in the manual entitled Animal Control Policies, Regulations and Procedures, which shall be made available to the public for no more than cost. The chief animal control officer may modify, amend or rescind, in writing, in whole or in part, subject to the approval of the mayor of the city, the animal control policies, regulations and procedures manual.
(Ord. No. 739, att.(6.02.050), 4-6-2004)

CHAPTER 6.03. REGISTRATION

Sec. 6.03.010. Dogs or cats.

(a) *Registration required.* Within the city, no person shall own any dog or cat over the age of six months without registering each dog or cat.

(b) *Registration details.* Registration of a dog or cat shall include the name and address of the owner and the name, breed, color, age and sex of the dog or cat, whether the dog or cat is spayed or neutered, the expiration date of its rabies vaccination, rabies certificate number, and the location and description of any identification on the dog or cat.

(c) *Immunization.*

- (1) The city shall not register a dog or cat unless the dog or cat has been vaccinated with a state-approved rabies vaccine by a licensed veterinarian, or by a state lay rabies vaccinator, and the period of immunization has not expired. Proof of immunization shall be a completed rabies vaccination certificate in the form required by the state.
- (2) If ownership of an animal is transferred and the animal has a current rabies immunization, proof of transfer of ownership or proof of the animal's identification must be provided when registering the animal.

(d) *Expiration of dog or cat registration.* Dog or cat registrations expire as follows:

- (1) For dogs or cats not tattooed or microchipped in compliance with this chapter, the registration expiration date is one year from the date of registration.
- (2) There is no registration expiration date for dogs or cats tattooed or microchipped in compliance with this chapter.
- (3) Cats and dogs that are microchipped or tattooed in compliance with this chapter shall receive a lifetime registration.

(e) *Violation.* Violation of subsection (a) of this section is an infraction.
(Ord. No. 739, att.(6.03.010), 4-6-2004)

Sec. 6.03.020. Kennel, cattery.

(a) *Registration required.* In addition to the registration requirements of section 6.03.010, no person shall own or operate a kennel or cattery or own five or more dogs or cats over the age of six months without registering as a kennel or cattery operator for each location of a kennel or cattery.

(b) *Registration details.* Registration as a kennel operator shall state the name and address of the owner, the name and address of the operator, the kennel or cattery name, the physical location of the kennel, and a complete list of the dogs or cats by city registration and rabies certificate numbers.

(c) *Reregistration.* If there are any changes in ownership or location of the kennel or cattery, the kennel or cattery shall be reregistered.

(d) *Expiration of kennel or cattery registrations.* Registration shall be valid for a period of three years.

(e) *Violation.* Violation of subsection (a) or (c) of this section is an infraction.
(Ord. No. 739, att.(6.03.020), 4-6-2004)

Sec. 6.03.030. Updating information.

It is the responsibility of every dog or cat owner and kennel or cattery operator to update and provide the city with current registration information regarding the items set forth in sections 6.03.010(b) and 6.03.020(b). Violation of this provision is an infraction.
(Ord. No. 739, att.(6.03.030), 4-6-2004)

Sec. 6.03.040. Kennel, cattery requirements.

(a) No kennel or cattery shall be maintained or operated in a manner which is an annoyance as determined by the animal control officer or his deputy. Violation of this provision is an infraction.

(b) All kennel or cattery facilities shall meet the following requirements:

- (1) Shelter which provides adequate air and ventilation, and which shall prevent the dogs or cats from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the dog or cat;
- (2) The dogs or cats shall be physically restrained or confined within the premises of the kennel or cattery;
- (3) The premises shall be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the dogs or cats; and
- (4) Sufficient amounts of wholesome and nutritious food and fresh water shall be provided to keep the dogs or cats in healthy physical condition.

(c) Violation of subsection (b) of this section is an infraction.

(Ord. No. 739, att.(6.03.010), 4-6-2004)

Sec. 6.03.050. Registration tags and tattoos or microchip identification for dogs, cats.

(a) Registration tags. Each registered dog or cat shall be issued a registration tag with an identification number and telephone number of the animal control office.

(b) Tag replacement. The registration tag shall be securely fastened to the dog's or cat's choke chain, collar or harness, which shall be worn at all times when the dog or cat is off the owner's property, except when a dog is in competition, training, in use as a police dog by law enforcement personnel, or while performing recognized sporting activities.

(c) Registration tattoos or microchip identification. The dog or cat owner may have the dog or cat tattooed or have a microchip identification approved and inserted by the city with the city identification number. Such tattoo will be in the right ear of the dog or cat. The microchip identification shall be inserted in a location specified by the chief animal control officer.

(d) Performance of registration tattoos. A tattoo or microchip implant may be performed in a place other than the animal control shelter (including shelters authorized by contract with the city) by someone other than an animal control officer, at the owner's expense, if the owner notifies the city (or an agency authorized by contract with the city) of the identification number and the location of the tattoo or microchip.

(e) Any cat or dog which comes into the custody of the city which has a current license and registration that complies with the provisions of this title shall be returned to the licensed owner as soon as is practicable and without charge. Nothing in this subsection, however, shall be read to preclude the issuance of citation for animals at large or such other citations may be appropriate.

(Ord. No. 739, att.(6.03.050), 4-6-2004)

Sec. 6.03.060. Registration certificates for kennels, catteries.

Each registered kennel or cattery shall be issued a registration certificate with a city identification number.

(Ord. No. 739, att.(6.03.060), 4-6-2004)

Sec. 6.03.070. Fees.

(a) Appropriate fees will be set by resolution through city council.

(b) All registration fees for kennels or catteries shall be set by resolution.

(c) Any kennel or cattery doing business within the city will be required to also apply for a city business license and sales tax license, as appropriate.

(Ord. No. 739, att.(6.03.070), 4-6-2004)

Sec. 6.03.080. Exemptions.

(a) The registration requirements for dogs and cats under this chapter do not apply to any dog or cat kept within the city for less than 30 calendar days. All such dogs and cats are subject to all other provisions of this title. This subsection does not allow a 30-day grace period for compliance with registration requirements for dog or cat owners within the city. This subsection is an exemption only for dogs or cats kept temporarily within the boundaries of the city.

(b) The Humane Society shelters, Society for the Prevention of Cruelty to Animals shelters, and hospitals and clinics operated by licensed veterinarians for the care and treatment of animals are exempted from the dog or cat and kennel or cattery registration requirements set forth in sections 6.03.010 and 6.03.020. However, the shelters, hospitals and clinics are subject to all other requirements of this title.

(Ord. No. 739, att.(6.03.080), 4-6-2004)

Sec. 6.03.090. Dog and cat exhibition and training permits.

The registration provisions shall not apply to dogs and cats that are located within the boundaries of the city on a temporary basis associated with any dog or cat exhibition, show or training event. Any responsible individual wishing to hold such an event may apply in writing for an exhibition, show and/or training permit from the city council, which may issue the same with such provisions or restrictions which it finds to be warranted for the event.

(Ord. No. 739, att.(6.03.090), 4-6-2004)

Sec. 6.03.100. Kennel, cattery inspections.

(a) All standards and policies that shall apply to kennels and catteries shall be created by the veterinarian for the city and shall be based upon the best practices for same or similar enterprises and be designed to protect the health and welfare of the citizens of the city and the respective animals. All such standards and policies shall be first approved by the mayor prior to coming into effect and operation.

(b) The chief animal control officer or deputy may inspect a kennel/cattery that has applied for a registration certificate under section 6.03.020, or the agency authorized by contract with the city may set forth a policies, regulations and procedures manual to ensure compliance with section 6.03.040, prior to the issuance of a kennel/cattery license. Any inspection performed under this section shall require that the owner be given reasonable notice prior to the inspection time and date.

(c) Upon receiving written complaint that the kennel or cattery does not meet any or all of the requirements of section 6.03.040, the chief animal control officer or his deputy may, at the officer's discretion, inspect any kennel or cattery.

(Ord. No. 03-08, § 4, 2003; Ord. No. 04-06, § 4, 2004; Ord. No. 739, att.(6.03.100), 4-6-2004)

Sec. 6.03.110. Written administrative orders.

(a) If, upon the inspection of a kennel or cattery, the kennel or cattery does not meet the requirements of section 6.03.040, the chief animal control officer or his deputy may issue a written administrative order to the kennel or cattery owner setting forth the conditions the kennel or cattery owner shall meet in order to be in conformance with section 6.03.040.

(b) The kennel or cattery owner shall be granted a reasonable length of time of no more than 30 calendar days within which to remedy any deficiencies found.

(c) If, upon a second inspection after the time granted in the written administrative order, the kennel or cattery is still in violation, the chief animal control officer may revoke any registration certificate.

(d) Each day a kennel or cattery owner operates the kennel without a registration certificate constitutes a separate violation for operating a kennel or cattery without registration.

(e) Violation of the written administrative order under this provision is an infraction.
(Ord. No. 739, att.(6.03.110), 4-6-2004)

Sec. 6.03.120. Registration, tagging and tattooing implementation.

The chief animal control officer, at the officer's discretion, may include in an animal control policies, regulations and procedures manual policies, regulations and procedures to carry out the requirements of this chapter.

(Ord. No. 739, att.(6.03.120), 4-6-2004)

Sec. 6.03.130. Reciprocal agreements.

(a) The city is authorized to enter reciprocal agreements regarding animal registrations with any other municipality. Under reciprocal registration agreements, a registration issued by another municipality will be treated as valid by the non-issuing jurisdiction as long as the registration would be valid in the issuing jurisdiction. In the absence of such reciprocal agreements being established, they shall not be deemed to exist.

(b) In all such instances in which a registration by a non-issuing jurisdiction is recognized by the city, it shall be incumbent upon the owner of the animal to submit the proper Mills registration form to the city in order that the city may have registration information regarding the animal. No fee shall be assessed for the same. Failure to submit said form shall be deemed a failure to register the animal. (Ord. No. 739, att.(6.03.130), 4-6-2004)

CHAPTER 6.04. ANIMAL BITES AND ATTACKS

Sec. 6.04.010. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accidental bite or attack means a bite or an attack which occurs under circumstances that can be deemed as occurring by chance.

Attack means violent or aggressive physical contact with a person or animal or violent or aggressive behavior that confines the movement of a person, including, but not limited to, cornering or circling a person.

Bite means the animal, by using its teeth, breaks the skin of a human being or animal.

Dangerous animal means any animal which:

- (1) Has bitten or attacked, without provocation, a human being, whether on public or private property;
- (2) Has bitten or attacked an animal without provocation, whether on public or private property, and caused injuries that require veterinary care. The term "veterinary care" includes treatment performed either by a licensed veterinarian or by a lay person with the skills and knowledge to perform such care or by a lay person under the direction of a veterinarian; or
- (3) Has caused minor injuries to a person, such as, but not limited to, bruising, small lacerations, puncture wounds and abrasions, which do not require the hospitalization of the victim.

Nuisance animal means an animal which:

- (1) Has engaged in the following activities:
 - a. Aggressive posturing;
 - b. Aggressive lunging; or
 - c. Barking; and
- (2) Has, by its behavior, caused a person to modify, stop or alter the person's activity; caused a person to fear for a person's safety from the animal's behavior; or has caused flight of an animal or disruption of a domestic animal flock or group. The burden of proof in this subsection shall be one of a reasonable belief by the victim or victim's owner that the victim was in danger of being attacked, as defined in this section, but an actual attack did not occur.

Provocation means the teasing, tormenting, abusing or assaulting of an animal to incite the animal to bite or attack.

Serious injury means a puncture wound, laceration, avulsion, or deep soft tissue or bony injury to a human being or animal requiring medical evaluation and treatment.

Vicious animal means any animal which has, without provocation, caused serious injury or death to a human being or animal, whether on private or public property.
(Ord. No. 739, att.(6.04.010), 4-6-2004)

Sec. 6.04.020. Animal bite and attack incidents; investigation and classification.

(a) The deputy animal control officer shall investigate and report each animal bite or attack incident to the chief animal control officer. The chief animal control officer shall classify bite and attack incidents.

(b) No other conditions of release shall be required if the incident is classified as accidental, except for the supervised quarantine provisions set forth in section 6.05.050, registration requirements set forth in chapter 6.03 and fee and expense requirements set forth in section 6.06.030.

(c) If the bite or attack incident is classified as nonaccidental, the animal involved may be classified by the chief animal control officer as a nuisance, dangerous or vicious.

(d) In all such incidents referenced in subsection (c) of this section, the owner of an animal which has bitten or attacked a human being, in which said attack is nonaccidental and unprovoked, and where the person who was attacked or bitten had a legal right to be on the location at which the bite or attack took place, may be cited for violation of this section.

(e) In all such incidents referenced in subsection (c) of this section, the owner of an animal that has bitten or attacked another animal, in which said attack is nonaccidental and unprovoked, and where the animal that was attacked or bitten was bitten or attacked in a public location while under the reasonable control of its owner, may be cited for violation of this section.

(f) If the incident is classified as nonaccidental, the conditions, facts and circumstances of the incident, and seriousness of any bite, shall be considered in determining the classification of the animal.

(g) The classification of an animal as a nuisance, dangerous or vicious shall be completed by the chief animal control officer within ten days of the receipt of the bite or attack report.

(h) Upon classification of the animal as a nuisance, dangerous or vicious, the animal control office shall notify in writing, by personal service or by certified mail and regular mail, the following:

- (1) The owner of the animal classified;
- (2) The victim or victim's owner in the incident classified; and
- (3) Notice by personal service shall be complete upon delivery and notice by mail shall be deemed complete upon return of the receipt of the notice as delivered, undeliverable, refused or unclaimed.

(i) It is a violation for any complaint, reports, statements or other documentation to be fraudulently filed. Violation of this provision is an infraction.

(Ord. No. 739, att.(6.04.020), 4-6-2004)

Sec. 6.04.030. Exceptions to classifications.

(a) Exceptions to nuisance, dangerous and vicious animal classifications are as follows:

- (1) No animal may be declared a nuisance, dangerous or vicious if any injury or damage is sustained by a person of sufficient age and understanding who, at the time the injury or damage was sustained, was:
 - a. Teasing, tormenting, abusing or assaulting the animal; or
 - b. Committing or attempting to commit a crime or intentional tort which would warrant immediate defense of person or property.
- (2) No animal may be declared a nuisance, dangerous or vicious if the animal was protecting or defending a person or property within the immediate vicinity of the animal or defending itself from an unjustified attack.
- (3) No dog may be declared a nuisance, dangerous or vicious if the injury or damage to an animal was sustained while the dog was working as a hunting dog or herding dog or predator control dog on the property of or under the control of its owner and the damage or injury was to a species or type of animal appropriate to the work of the dog.
- (4) No dog may be declared a nuisance, dangerous or vicious if the dog has been trained specifically for a government or law enforcement agency to attack persons independently or upon oral command and, at the time of the bite or attack, the attacking dog is under the control and supervision of an authorized government or law enforcement unit, and the act is directly associated with the proper execution of governmental or law enforcement duties.
- (5) No citation under section 6.04.020 may be issued under the circumstances listed in this subsection (a).

(b) If, at any time during a supervised quarantine, a domestic or domesticated animal is rabid or is tentatively diagnosed as rabid, the provisions of section 6.05.060(b) shall apply. This provision shall not exempt a domestic or domesticated animal, which is not euthanized pursuant to this chapter, from the provisions of this chapter if the domestic or domesticated animal is determined to be rabies-free.

(Ord. No. 739, att.(6.04.030), 4-6-2004)

Sec. 6.04.040. Impoundment and written release orders.

(a) *Impoundment.* An animal involved in a bite or attack incident shall be impounded at the animal control shelter unless the chief animal control officer, at the officer's discretion, permits supervised confinement to be at a licensed veterinarian clinic or hospital, licensed kennel, or at the owner's house if the kennel or home has adequate facilities to quarantine the animal. Any quarantine of an animal not at the animal control shelter shall be posted with a quarantine sign that states the reason for and the

conditions and dates of the quarantine. If the animal is classified as vicious and is confined at a clinic or hospital after the period of supervised quarantine ends, the animal shall be released to the animal control office and impounded at the animal shelter unless the animal is:

- (1) Under a veterinarian's care for sickness, disease or injury requiring the animal to remain at the clinic or hospital; or
- (2) Kept under other specially required conditions at the time of the requested release by the city.

(b) *Written release order.* An owner of an animal classified as a nuisance or dangerous shall be provided with a written release order by the chief animal control officer, setting forth the conditions of release accompanied by written findings of fact and conclusions.

- (1) The conditions of the written release order shall include, but are not limited to, all requirements set forth in section 6.04.080 for animals classified as nuisances and section 6.04.050 for animals classified as dangerous. The owner shall have five days from receipt of the conditional release order to comply with and implement all of the terms and conditions of the order, unless stated otherwise.
- (2) The chief animal control officer may, at the officer's discretion, include other requirements or conditions in the written release order.
- (3) The chief animal control officer or the officer's designee shall inspect the owner's premises to determine if the owner meets the conditions of release requirements pertaining to confinement of the animal prior to release of the animal.
- (4) The chief animal control officer shall consider factors, including, but not limited to, the following factors, in determining the conditions of release:
 - a. The observed or reported past and present actions of the animal owner in controlling and restraining animals;
 - b. The circumstances of the incident and the extent of the injury to the person or animal attacked;
 - c. The owner's past history of compliance with past and present city animal control ordinances;
 - d. The owner's past history of compliance with other state or municipal animal control ordinances and laws.

(c) *Conditions of written release order to be met.* All conditions of the written release order must be met or the animal owner must demonstrate the ability to meet the conditions prior to release of the animal. Whether the animal owner has met the conditions or has the ability to meet the conditions shall be determined by the chief animal control officer.

(d) *Fees and expenses.* Prior to any release, all fees and expenses reasonably incurred by the city from the date of impoundment shall be paid by the owner.

(e) *Forfeiture of animal.* If an owner refuses to redeem an animal under the conditions of a written release order, refuses to pay fees and expenses, or violates any condition of a written release order, the animal is subject to forfeiture to the city upon a hearing before the chief animal control officer as set forth in an animal control policies, regulations and procedures manual or a manual adopted by an agency authorized by contract with the city.

(f) *Violation.* Violation of a written release order is an infraction. Each day the owner fails to abide by the written release order issued by the chief animal control officer constitutes a separate infraction for violating the conditions of the written release order.

(g) *Release agreements.* The chief animal control officer may, at the officer's discretion, enter into conditional release agreements for animals involved in bite or attack incidents.
(Ord. No. 739, att.(6.04.040), 4-6-2004)

Sec. 6.04.050. Dangerous animals; change in location; mandatory conditions of release.

(a) *Dangerous animals.* The mandatory conditions of release for an animal classified as dangerous shall include, but are not limited to, the following conditions:

- (1) The animal shall be tattooed in the right ear by the city with a city registration number. In lieu of a tattoo, a microchip approved by the city may be implanted in the animal. The owner shall pay the cost of microchip identification.
- (2) Two photographs of the animal clearly and accurately depicting size, color and marks shall be maintained by the animal control office. If the animal is not an adult at the time of the classification, the owner shall provide an updated photograph on the date set forth in the release order.
- (3) While on the owner's property, the animal shall be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of persons and animals and constructed to prevent the animal from escaping by climbing, burrowing or otherwise escaping from the enclosure.
 - a. The pen or structure shall not be maintained or operated in a manner which is an annoyance, as defined by section 6.01.010.
 - b. The pen or structure shall meet the following requirements:
 1. Shelter which provides adequate air and ventilation and which will prevent the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal;
 2. The pen or structure shall be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the animal;
 3. The pen or structure shall have secure sides and a secure top. The pen or structure shall have a bottom secured to the sides unless it is deemed not necessary by the chief animal control officer or his deputy for the particular type of animal. If the pen or

structure has no bottom secured to the sides, the sides shall be embedded into the ground to a depth of not less than one foot. The sides of the pen and the top and bottom, if any, shall be securely attached to each other along each edge;

4. If for a dog, the pen or structure shall also have minimum dimensions of five feet in width by ten feet in length and shall be constructed of material and in a manner to prevent the dog's jaws from protruding through the enclosure.

c. The pen or structure must be approved by the chief animal control officer or his deputy.

- (4) The animal may be off the owner's premises only if it is restrained by a leash, muzzled, and under the direct control of a responsible adult. The strength and length of the leash and strength and type of muzzle shall be approved by the chief animal control officer or deputy.
- (5) The owner shall display in a prominent place on the premises where the animal is kept a sign, easily readable by the public, using the words "dangerous animal." The sign and its location must be approved by the chief animal control officer.
- (6) The owner shall have the animal spayed or neutered at the owner's expense.

(b) *Change in location.* The owner shall notify the chief animal control officer of any change in the physical location of an animal classified under this section, and the new location shall be subject to the terms and conditions of the conditional release order for kennel and restraint requirements.

- (1) The conditions shall apply to an animal being boarded at a location other than the approved location and kennel as stated in the mandatory conditions of the conditional release order issued under this section.
- (2) The notification to the city set forth in this section shall not apply to temporary moves of the animal for the purpose of providing veterinary care.
- (3) Upon notice to the chief animal control officer, the subject animal may be impounded until the owner complies with all requirements of the conditional release order or until such time as the chief animal control officer schedules an impoundment and forfeiture hearing. In the event the animal is impounded, the owner shall be responsible for all costs and fees associated with the impoundment. Violation of this subsection is an infraction.

(c) *Mandatory conditions of release.* The mandatory conditions of release set forth in this section and any other conditions imposed by the chief animal control officer or the animal control board shall remain in effect for the life of the animal as long as the animal remains under the jurisdiction of the city or the city's agent.

(Ord. No. 739, att.(6.04.050), 4-6-2004)

Sec. 6.04.060. Vicious animals.

(a) All animals classified as vicious pursuant to this chapter shall be humanely destroyed unless a hearing before the animal control board is requested.

(b) If a vicious animal hearing is requested before the animal control board pursuant to subsection (a) of this section and chapter 6.08, humane destruction of the animal shall be stayed until the animal control board determines whether the animal is vicious. If the animal is determined to be vicious by the animal control board, it shall be humanely destroyed.

(c) Animals classified as vicious pursuant to this chapter shall be impounded and held at the animal control shelter until destroyed.

(d) It is unlawful to own an animal classified as vicious pursuant to this chapter. Violation of this provision is an infraction.

(Ord. No. 739, att.(6.04.060), 4-6-2004)

Sec. 6.04.070. Nuisance and dangerous animals; owner's notification.

The owner of an animal classified as a nuisance or dangerous shall notify the animal control office immediately if the animal is running at large or has bitten or attacked a human being or another animal. Violation of this provision is an infraction.

(Ord. No. 739, att.(6.04.070), 4-6-2004)

Sec. 6.04.080. Nuisance animals; mandatory conditions of release.

(a) The mandatory conditions of release for an animal classified as a nuisance shall include, but are not limited to, the following conditions:

- (1) The animal shall be tattooed in the right ear with a city registration number; in lieu of a tattoo, a microchip may be implanted in the animal. The cost of microchip identification shall be paid by the owner.
- (2) Two photographs of the animal clearly and accurately depicting size, color and marks shall be maintained by the animal control office. If the animal is not an adult at the time of the classification, the owner shall provide an updated photograph meeting the requirements of this subsection on the date set forth in the conditional release order.
- (3) While on the owner's property:
 - a The animal:
 1. Shall be restrained with a fitted collar and leash or run device made of wire, rope or other materials approved by the chief animal control officer or his deputy;
 2. Must be kept in a pen or kennel operated in compliance with this title; or
 3. Must be kept in a fenced area of the property constructed to prevent the animal's escape and to reduce or eliminate the public's contact with the animal; and
 - b. The method and type of restraint used shall be approved by the chief animal control officer or his deputy.
- (4) The animal, when off the owner's premises, shall be restrained with a collar and a leash.
- (5) All fees and expenses incurred under section 6.04.040 shall be paid in full by the animal owner prior to release.

(b) The requirements of this section and other conditions imposed by the chief animal control officer shall remain in effect for the life of the animal whenever the animal is within the boundaries of the city.

(c) The owner shall notify the chief animal control officer or his deputy of any change in the physical location of an animal classified under this section, and the new location shall be subject to the terms and conditions of the conditional release order for kennel and restraint requirements.

- (1) The conditions shall apply to an animal being temporarily boarded at a location other than the approved location and kennel as stated in the mandatory conditions of the conditional release issued under this section.
- (2) Violation of this subsection (c) is an infraction. An animal kept in violation of this section may be impounded until such time as the owner complies with all requirements of the conditional release order or until the chief animal control officer schedules an impoundment and forfeiture hearing. In the event the animal is impounded, the owner shall be responsible for all costs and fees associated with the impoundment.
- (3) The notification in this subsection (c) shall not apply to temporary moves for the purposes of providing veterinary care to the animal.

(d) If an animal classified as a nuisance again acts as a nuisance animal, the animal may be classified as at least dangerous based upon the circumstances of the incident.

(Ord. No. 739, att.(6.04.080), 4-6-2004)

Sec. 6.04.100. Transfer of ownership of a classified animal.

(a) An animal classified by the chief animal control officer or his deputy as a nuisance or dangerous shall have the classification remain in full force and effect for the life of the animal whenever the animal is within the boundaries of the city.

(b) Upon transfer of the ownership of an animal classified as a nuisance or dangerous, the owner shall transfer to the new owner a copy of the classification notice and conditional release order applicable to the animal.

(c) The new owner shall be bound by the conditional release order issued by the chief animal control officer.

(d) The owner shall notify the animal control office within five days of the transfer of ownership of a classified animal and shall notify the animal control office of the new location of the animal.

(e) Violation of this section is an infraction.

(Ord. No. 739, att.(6.04.100), 4-6-2004)

Sec. 6.04.110. Preexisting classifications.

All classifications and conditional release orders or conditional release agreements issued under former law shall remain in full force and effect for the life of the animal classified, regardless of revisions to the classification and conditional release order provisions of this title.

(Ord. No. 739, att.(6.04.110), 4-6-2004)

CHAPTER 6.05. RABIES CONTROL

Sec. 6.05.010. Definitions.

Notwithstanding section 6.01.010, for purposes of this chapter, the term "animal" includes all animals, unless otherwise specified. The term "dog" does not include canid hybrids for purposes of this chapter.

(Ord. No. 739, att.(6.05.010), 4-6-2004)

Sec. 6.05.020. Rabies immunization.

(a) A person may not keep, own or harbor a dog or cat over six months of age unless the dog or cat has been immunized for rabies in accordance with the laws of the state and city ordinance. Violation of this provision is an infraction.

(b) It is unlawful for any person owning a dog or cat to knowingly procure, receive, use or attempt to use purported proof, certificate of, or receipt for rabies immunization not actually given to the animal described in the proof, certificate or receipt. An act in violation of this provision is an infraction.

(c) The rabies immunization requirements do not apply to canid hybrids unless and until a rabies vaccine is approved by the state.

(Ord. No. 739, att.(6.05.020), 4-6-2004)

Sec. 6.05.030. Reporting.

(a) All practitioners of human medicine shall report to the animal control office within 12 hours of discovery of the names and addresses of persons treated for animal bites and the owner of the animal, if known. Violation of this provision is an infraction.

(b) All practitioners of veterinary medicine shall report to the animal control office within 12 hours of observation of any animal having or suspected of having rabies. Violation of this provision is an infraction.

(c) A person who knows of an animal biting a domestic or domesticated animal or human shall report the bite to the animal control office within 12 hours of witnessing or receiving knowledge of the bite. Violation of this provision is an infraction.

(d) Except for dogs and cats, other domestic or domesticated animals that have bitten a human or another animal shall be reported immediately to the state department of social and health services.

(Ord. No. 739, att.(6.05.030), 4-6-2004)

Sec. 6.05.040. Surrender of animals.

An owner of a domestic or domesticated animal, at the request of an animal control officer, shall not refuse to surrender the domestic or domesticated animal for supervised quarantine, pursuant to section 6.05.050, if the domestic or domesticated animal has bitten a human or another animal. Violation of this provision is an infraction.

(Ord. No. 739, att.(6.05.040), 4-6-2004)

Sec. 6.05.050. Supervised quarantine.

(a) A domestic or domesticated animal subject to a supervised quarantine shall be securely confined for a minimum period of ten calendar days following the bite.

(b) At the discretion of the chief animal control officer, the quarantine location may be:

- (1) At the designated animal shelter;
- (2) At a veterinary hospital or clinic of the owner's choosing, subject to the approval of the chief animal control officer;
- (3) At a licensed boarding kennel or cattery of the owner's choosing, subject to the approval of the chief animal control officer;
- (4) Confined on the owner's premises, subject to the approval of the chief animal control officer.

(c) Fees and costs associated with quarantine, treatment and care reasonably incurred by the city shall be paid by the owner of the animal.

(Ord. No. 739, att.(6.05.050), 4-6-2004)

Sec. 6.05.060. Rabid animals.

(a) *Notification of chief animal control officer.* When a domestic or domesticated animal under a supervised quarantine, other than at the animal shelter, is diagnosed or tentatively diagnosed as rabid, the chief animal control officer shall be notified immediately.

(b) *Confirmation of diagnosis.* If a domestic or domesticated animal is rabid or tentatively diagnosed as rabid, the chief animal control officer may take any action necessary, including, but not limited to, immediate euthanasia and the removal of tissue samples from the domestic or domesticated animal to confirm the diagnosis of rabies.

(c) *Destruction of animals.* Destruction of animals shall be as follows:

- (1) No person except an authorized agent of the state, the chief animal control officer, or a licensed veterinarian may kill or cause to be killed any domestic or domesticated animal which is rabid or may be rabid.
- (2) Any domestic or domesticated animal diagnosed or tentatively diagnosed as rabid by a Wyoming-licensed veterinarian shall be destroyed immediately.

(d) *Disposition of rabid animal.* Disposition of rabid animals shall be as follows:

- (1) A person shall not fail or refuse to surrender a domestic or domesticated animal which is rabid or suspected of having rabies or has been directly exposed to a rabid animal, including the carcass or portion of the carcass.
- (2) The chief animal control officer shall dispose of any dead domestic or domesticated animal, or portions of the animal, which is diagnosed as rabid or is suspected of being rabid.

(e) *Violation.* Violation of subsection (a), (c)(1) and (2) or (d)(1) of this section is an infraction.
(Ord. No. 739, att.(6.05.060), 4-6-2004)

Sec. 6.05.070. Area quarantine.

(a) When one or more positive diagnoses of rabies are made within the city, the chief animal control officer may institute an area quarantine for a period of 30 calendar days. The area covered by the quarantine shall be at the discretion of the chief animal control officer.

(b) A person within the quarantine area may not:

- (1) Take a domestic or domesticated animal off the premises of its owner, except on a leash or in a harness; or
- (2) Take or ship a domestic or domesticated animal from the area of quarantine without written permission of the chief animal control officer.

(c) During an area quarantine, a domestic or domesticated animal running at large may be destroyed forthwith by an authorized animal control officer.

(d) In the event subsequent and continued cases of rabies occur during the 30-calendar day quarantine period, the quarantine time may be extended up to an additional six months at the discretion of the chief animal control officer.

(e) During the period of quarantine, the boundaries of the quarantine area may be adjusted by the chief animal control officer as needed.

(f) Any domestic or domesticated animal with a current rabies vaccination during an area quarantine which is bitten by any animal shall be immediately re-vaccinated and placed under supervised quarantine. The bite shall be reported immediately to the chief animal control officer.

(Ord. No. 739, att.(6.05.070), 4-6-2004)

Sec. 6.05.080. Cooperation with state department of health and social services.

(a) The city may defer to the judgment of the state department of health and social services on rabies issues. The city may cooperate on issues, including, but not limited to:

- (1) Surrendering jurisdiction of an animal to the state;
- (2) Cooperation in state-authorized quarantines;
- (3) Cooperation in identification of rabies cases;
- (4) Control of the spread of rabies, including the euthanasia of animals in order to test brain tissue.

(b) The city may enter into cooperative agreements with the state department of health and social services regarding the protocol for addressing rabies and potential rabies cases for all animals within the city, whether the animals are categorized as domestic, domesticated, wild or otherwise categorized. The protocol shall be set forth in an animal control policies, regulations and procedures manual or a manual adopted by an agency authorized by contract with the city.

(c) Where city law conflicts with state law concerning rabies control, state law shall be controlling.

(Ord. No. 739, att.(6.05.080), 4-6-2004)

Sec. 6.05.090. Low-cost rabies vaccination clinics for dogs and cats.

The chief animal control officer may, at the officer's discretion, conduct low-cost rabies vaccination clinics for dogs and cats as set forth in an animal control policies, regulations and procedures manual or a manual adopted by an agency authorized by contract with the city.

(Ord. No. 739, att.(6.05.090), 4-6-2004)

CHAPTER 6.06. IMPOUNDMENT**Sec. 6.06.010. Impoundment procedure.**

(a) *Animals running at large.* Animals found running at large are subject to impoundment by an animal control officer or authorized agent providing animal control contract services to the city. Animals running at large without identification shall be impounded at the animal control shelter for a period of not less than 72 hours, unless sooner claimed by the owner. Animals with identification which are found running at large in the city shall be impounded for not less than 120 hours, unless sooner claimed by the owner. Animals not claimed by the owner within the mandatory minimum impoundment period may be held for adoption.

(b) *Pursuit of animals running at large.* An animal control officer shall not pursue an animal running at large onto property posted with a "No Trespassing" sign or onto property where the property owner expressly refuses access to the animal control officer. An animal control officer may enter the animal owner's property to issue an animal running at large citation.

(c) *Notification.* The animal control office shall make a reasonable effort to notify the owner of an impounded animal and the conditions under which the owner may retain custody of the animal.

(d) *Vicious animals.* All vicious animals shall be impounded whenever possible and held at the animal control shelter. If the owner of a vicious animal can be located within the holding period set forth in subsection (a) of this section, a hearing before the mayor or mayor's designee may be held to adjudicate the animal as vicious.

(Ord. No. 739, att.(6.06.010), 4-6-2004)

Sec. 6.06.020. Redemption of impounded animals.

(a) The owner is entitled to reclaim possession of an impounded animal, unless otherwise provided by this title, upon the owner's compliance with the applicable registration and tattooing requirements and the payment of fees and expenses set forth in this title.

(b) The chief animal control officer may, for good cause, enter into a conditional release agreement with the owner of an animal impounded.

(c) Any animal that comes into the custody of the city which is not otherwise being held for other reasons and which is found to be duly licensed in accordance with the provisions of these ordinances shall be returned to the lawful owner of the same under those provisions set forth in section 6.03.050(e).

(Ord. No. 739, att.(6.6.020), 4-6-2004)

Sec. 6.06.030. Fees.

(a) The city adopts the impoundment fees and costs to be charged by the animal control office or shelter or an agency authorized by contract with the city. Fees shall be set by resolution.

(b) Animals running at large fees shall be set by resolution through city council.

(c) The owner of an impounded animal shall be responsible for expenses and costs in addition to the impoundment and boarding fees reasonably incurred by the city for care and maintenance of the animal, including the expense of contract services provided to the city.

(d) The animal may not be returned to the owner unless and until fees are paid. If the fees are not paid within 120 hours of notice of impoundment to the owner, the animal shall be subject to the adoption and euthanasia provisions of this title at the chief animal control officer's discretion.

(e) The chief animal control officer may, for good cause, waive a portion of the fees, expenses or costs, and may enter into a payment schedule agreement with an owner.
(Ord. No. 739, att.(6.06.030), 4-6-2004)

Sec. 6.06.040. Livestock auction.

The chief animal control officer may, with council approval, auction livestock as set forth in an animal control policies, regulations and procedures manual or a manual adopted by a council-approved agency by contract with the city.
(Ord. No. 739, att.(6.06.040), 4-6-2004)

Sec. 6.06.050. Adoption.

(a) In addition to the registration provisions set forth in chapter 6.03, no dog or cat shall be adopted from the shelter unless the animal is spayed or neutered.

(b) The council hereby adopts the animal adoption fees of \$15.00, or as set by resolution, which may be waived.

(c) A dog or cat which is at least six months old and is not spayed or neutered when it is adopted shall be spayed or neutered within 30 calendar days of the date of adoption. Dogs and cats which are under six months of age at the time of adoption shall be spayed or neutered within seven months of the date of birth of the dog or cat. The owner of a dog or cat adopted from the shelter shall provide to the city written proof of having the dog or cat spayed or neutered by a licensed veterinarian within 30 calendar days of the last date the dog or cat is required by this section to be spayed or neutered.

(d) An animal may not be adopted from impoundment that shows symptoms of infectious or contagious disease or shows signs of aggression toward humans or other animals.

(e) Records of adoptions shall be maintained by the animal control office.

(f) The chief animal control officer may, in the officer's discretion, establish an adoption plan and fee schedule for animals other than dogs or cats.

(g) An animal classified as a nuisance, dangerous or vicious may not be adopted from impoundment.

(h) Adoption of any impounded animal is at the discretion of the city.

(i) Adoption policies consistent with the provisions of this section may be established by the council and the chief animal control officer and set forth in an animal control policies, regulations and procedures manual or a manual adopted by an agency authorized by contract with the city.

(j) Failure to have a dog or cat spayed or neutered as set forth in subsection (c) of this section, or to provide written proof of the spay or neuter, is an infraction.

(Ord. No. 739, att.(6.06.050), 4-6-2004)

Sec. 6.06.060. Voluntary release.

A person voluntarily releasing ownership of an animal to the city shall execute a release of ownership in favor of the city and pay a fee per animal, which fee shall be set by resolution. The chief animal control officer may, for good cause, waive the release fee.

(Ord. No. 739, att.(6.06.060), 4-6-2004)

Sec. 6.06.070. Tattooing or microchip insertion; impounded dogs, cats.

All dogs and cats impounded and released from the animal control shelter, whether by redemption, adoption or otherwise, may receive a tattoo in the right ear with a city registration number, or a microchip implant approved by the city. If the animal is being released to the owner and the owner requests to be present, the owner shall be present during the tattooing or insertion of the microchip. The cost of the tattoo or microchip shall be paid by the owner. The chief animal control officer shall list the fee for a tattoo or microchip implant in a schedule approved by the mayor or the mayor's designee. The city shall access a fee of \$25.00 to the owner of the animal under all such circumstances in which this section applies.

(Ord. No. 739, att.(6.06.070), 4-6-2004)

Sec. 6.06.080. Feral cats.

(a) All feral cats which are taken into custody by the city from within the boundaries of the city which are found to be free of disease and healthy shall be given appropriate inoculations and vaccinations, neutered and appropriately physically marked in a humane fashion so that they may be later identified. They shall then be released to a location at or near where they were originally picked up.

(b) The purpose of this provision is to acknowledge that feral cats provide a service within the town boundaries by reducing rodent and other pest populations and, at the same time, they may be unsuitable for adoption.

(Ord. No. 739, att.(6.06.080), 4-6-2004)

CHAPTER 6.07. LIVESTOCK AND BEES

Sec. 6.07.010. Keeping of livestock and bees.

Livestock, including chickens and farm fowl, may only be kept in the city in accordance with the provisions of this chapter.

(Ord. No. 739, att.(6.07.010), 4-6-2004; Ord. No. 799, 7-11-2023)

Sec. 6.07.020. Livestock other than chickens.

(a) Livestock, except where otherwise provided for in this title, may be kept and maintained within the city only in areas properly zoned for the keeping of the same.

(b) Nothing in this title shall preclude the transit, loading and shipping any such animal or animals, and it shall not be unlawful to keep the same in loading pens, provided that no such animal shall be kept in such pens for a period of no more than 12 hours.

(c) Nothing in this title shall be read to preclude the creation of real property covenants that restrict the keeping of livestock in areas that are otherwise zoned to allow for their keeping.

(Ord. No. 739, att.(6.07.020), 4-6-2004; Ord. No. 799, 7-11-2023)

Sec. 6.07.030. Chicken hens.

(a) Chicken hens shall be permitted in association with an occupied single-family residential dwelling/structure as an accessory use, subject to the following regulations:

- (1) The maximum number of chicken hens permitted shall be six.
- (2) No roosters shall be permitted.
- (3) Only chicken hens shall be permitted. Chicken hens may be any breed or crossbreed of chicken.
- (4) Chicken hens shall be provided with a covered, fully enclosed and predator-resistant coop which is adequately ventilated, designed for easy access for cleaning, and shall consist of an enclosed area (may include the pen) of at least five square feet per chicken hen. Chicken hens shall be protected from predators by being enclosed in the coop from dusk until dawn.
- (5) During daylight hours, the chicken hens shall have access to the coop/pen at all times. If the chicken hens are permitted outside of the coop/pen, then the area which they have access to must be secured, with a minimum of a six-foot-high privacy fence, and if necessary, wing feathers shall be clipped to prevent the birds from flying and escaping.
- (6) The coop/pen shall be cleaned and maintained so as not to cause excessive smells, odors, or dust or attract excessive insects or vermin. The frequency of cleaning shall depend on the number of chicken hens, the type of litter, the area of the coop, and the weather.
- (7) No butchering of chickens is permitted within the city limits.
- (8) Coops and pens shall be constructed a minimum of six feet from side and rear property lines and are only permitted in the rear yard of a home. If an alley is located adjacent to the property, the minimum setback for the coop/pen shall be three feet from the alley.
- (9) It is unlawful for chicken hens to be at large, as otherwise defined in this title. Any chicken hen found to be at large may be taken into possession and impounded by the city, and shall be adopted, rehomed or euthanized if not reclaimed within five working days.
- (10) Chicken hens shall be provided with access to adequate and fresh water at all times and in a manner to prevent the water from freezing.

- (11) No coop shall exceed a footprint of 60 square feet or shall exceed a height of seven feet at the highest point of the roof.
- (12) Chicken feed shall be stored in an airtight, metal container to discourage attracting mice, rats, and other vermin.
- (13) Chicken hens shall be confined in such a fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.

(b) The requirements of subsection (a) of this section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions on the keeping of chicken hens contained in private covenants. Nothing in this chapter shall affect the authority of any owners' association to adopt and enforce more stringent standards for the keeping of chicken hens, or to prohibit outright the keeping of chicken hens on any property within the jurisdiction of such.

(c) Chickens, including roosters, as well as other fowl, may be kept in areas that are zoned as agricultural and urban agricultural in such conditions and numbers that are appropriate for the area. Nothing in this subsection shall be read to preclude restrictive covenants from precluding or limiting the keeping of chickens and fowl.

(Ord. No. 739, att.(6.07.030), 4-6-2004; Ord. No. 799, 7-11-2023)

Sec. 6.07.040. Beekeeping.

Bees may be kept within the boundaries of the city subject to the following provisions:

- (1) Establishment of colonies shall be done pursuant to permits authorized by the city council.
 - (2) No person may establish a bee colony without first obtaining a permit pursuant to this section.
- (Ord. No. 739, att.(6.07.040), 4-6-2004; Ord. No. 799, 7-11-2023)

Sec. 6.07.050. Permit notice and objection.

(a) A person seeking to establish a bee colony shall, prior to doing so, provide notice to the city animal control division and to residents and property owners who reside within 100 yards of a the intended location of the bee colony 90 days prior to the proposed establishment of said colony. Said notice shall provide that any person objecting to the establishment of the colony shall have a right to do so at a city council meeting at which consideration of the permit application shall be considered. The date and time of the city council meeting shall be set forth in the notice.

(b) Anyone within the impacted area may object to the issuance of the permit upon reasonable grounds. In such instances in which an objecting party indicates that they or a member of their household living within the zone required to be provided with notice has an allergy to bees, the city council shall not issue the permit.

(Ord. No. 739, att.(6.07.050), 4-6-2004; Ord. No. 799, 7-11-2023)

Sec. 6.07.060. Conditions and restrictions on beekeeping.

(a) Hives. All bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition as described in W.S. title 11.

(b) The applicant shall comply with state regulations regarding the keeping of bees.

(c) Setback. All hives shall be located at least ten feet from any adjoining property with the back of the hive facing the nearest abutting private property lines. Hives may be located on the property line abutting alleyways.

(d) Fencing of flyways. In each instance in which any colony is situated within 25 feet of a developed public or private property line of the tract upon which the apiary is stated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height, consisting of a solid wall or fence parallel to the property line, and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property in the vicinity of the apiary.

(e) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees, so that the bees will not congregate at swimming pools, bib cocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.

(f) Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the city manager or his designee.

(g) Violation of the regulations set forth in this section can be grounds for seizure of the bees and criminal prosecution by citation or summons in the municipal court. The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited.

(Ord. No. 739, att.(6.07.060), 4-6-2004; Ord. No. 799, 7-11-2023)

Sec. 6.07.070. Registry of colonies.

(a) The city clerk shall keep a registry of permitted bee colonies available for inspection at the office of the city clerk. Said registry shall be made available to any person who seeks to see the same during the regular office hours for the city clerk.

(b) Said registry shall be provided, as additional bee colonies are registered, to the emergency services branches of the city, including the police department and the fire department, for the purposes of keeping those entities informed of the same in planning for emergency responses.

(Ord. No. 739, att.(6.07.070), 4-6-2004; Ord. No. 799, 7-11-2023)

CHAPTER 6.08. PENALTIES

Sec. 6.08.010. Infractions and violations.

(a) An infraction is a minor offense which carries no jail sentence and cannot result in the loss of a valuable license. Except as otherwise provided in this title, any person convicted under this title shall be deemed guilty of an infraction and shall be punished by a fine not less than \$50.00, nor greater than \$750.00.

(b) Unless an offense specifies a mental state as an element of the offense, each and every infraction or violation enacted pursuant to this title is a strict liability offense for which the owner of the animal is responsible.

(Ord. No. 739, att.(6.08.010), 4-6-2004)

Sec. 6.08.020. Forfeiture.

(a) Any owner shall forfeit all rights of ownership of an animal if the owner is:

- (1) Convicted of violating section 6.01.090;
- (2) Ordered by the court to forfeit the animal; or
- (3) Required by the chief animal control officer to forfeit the animal pursuant to section 6.01.100(c) or 6.04.040(e).

(b) Any person who fails to pay impoundment and boarding fees and other costs and expenses reasonably incurred by the city for the care and maintenance of an animal may be subject to forfeiture of the person's rights and interest in the animal.

(c) Any forfeited animal shall be subject to the impoundment, adoption and euthanasia requirements of this title.

(d) An animal forfeited pursuant to this section is immediately subject to subsection (c) of this section. The chief animal control officer shall serve the owner of an animal subject to forfeiture of this section a written notice of intent to forfeit. The notice shall be served on the owner of the animal by personal service or certified mail. If the owner cannot be served, notice shall be given by publication pursuant to Rule 4 of the Wyoming Rules of Civil Procedure. Within five business days after service, the owner may appeal the forfeiture by appeal with the city clerk or agency authorized by the contract with the city. If the animal owner fails to appeal the forfeiture within five business days, the animal is forfeited to the city.

(e) Forfeiture appeals. The city shall appoint the city court to conduct the forfeiture hearings. The final decision of the animal control board may be appealed to superior court pursuant to Rule 602 of the Wyoming Rules of Appellate Procedure.

(Ord. No. 739, att.(6.08.020), 4-6-2004)

Sec. 6.08.040. Penalties and remedies.

Penalties and remedies for violations of this title are as provided in chapter 1.03.

(Ord. No. 739, att.(6.08.040), 4-6-2004)

Sec. 6.08.060. Citations for infractions.

(a) *Citations; contents.* The citation issued for violation of the provisions of this title shall be in writing, state the nature of the violations, name the alleged violator, and contain a notice to answer to the charges against the alleged violator in the city court. The citation shall further state that the defendant is entitled to a trial, to engage counsel, to confront and question witnesses, to testify, and to subpoena

witnesses in the defendant's behalf. The citation shall also indicate whether a court appearance is mandatory or can be waived and shall state the fine established by city ordinance, the procedure the defendant must follow in responding to the citation, and the consequences for failure to respond.

(b) *Issuance.* Any animal control officer or other authorized agent of the city may issue, file and serve citations for violations of the provisions of this title.

(c) *Disposition.* A person issued a citation pursuant to this title has the option of paying the applicable fine to the district court clerk upon entering the plea of no contest and waiving appearance in court. The defendant may enter a plea of not guilty and request a trial.

(d) *No contest and conviction.* Persons who do not contest the citation, persons who change their original plea of not guilty to no contest, or persons convicted of the offense charged shall be fined according to the fine schedule for all violations set forth in section 6.1.03.010 and for all other violations according to the fine limits set forth in section 6.08.010.

(Ord. No. 739, att.(6.08.060), 4-6-2004)

Sec. 6.08.070. Civil penalty and statutory injunction.

The city may institute a civil action against any person who violates any provision of this title. In addition to injunctive and compensatory relief, a civil penalty may also be imposed for each violation. An action to prohibit a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction. Each day a violation of this title continues constitutes a separate violation.

No rabies	Not less than \$300.00 or more than \$750.00
Cruelty to animals	Not less than \$600.00 or more than \$750.00
No license	\$120.00

(Ord. No. 739, att.(6.08.070), 4-6-2004)

Title 7

RESERVED

PROOFS

PROOFS

Title 8

HEALTH AND SAFETY

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PROOFS

CHAPTER 8.01. GENERAL PROVISIONS**Sec. 8.01.010. General enactment.**

The provisions of this title are enacted in order to provide for the general health, welfare, and safety of the residents of the city.

(Ord. No. 742, att.(8.01.010), 5-26-2020)

Sec. 8.01.015. General definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building officials refers to building inspectors and such individuals as may be designated to act as building officials for the city.

City means the City of Mills, Wyoming, irrespective of Mills' classification as a municipality under the laws of the state.

Community service officer means the same as code enforcement officer unless and until such time as the city council may establish a separate community service department with its own officers.

Health officer means community service officer, code enforcement officer or any other individual designated by the municipality to act in this capacity.

Occupier and *occupant* mean that person actually occupying real property or a premises.

Owner or *property owner* means that person shown in county tax records to be the recorded owner of real property. In the case of a landlord-tenant situation, regardless of any written lease, the landlord shall be solely liable for any violation maintained on the real property or other locations specified by this chapter. The term "owner" or "occupant" also means the owner, agent or custodian of a business building, whether individual, partnership or corporation. The lessee of any business building shall be considered an owner for the purpose of this title when the lease under which he holds possession requires him to maintain and repair the building. In the case of the fee ownership of real property, the term "owner" or "occupant" means the record title owner as set forth in the county tax records as set forth above. In the case of physical property, the term "owner" or "occupant" means the title owner or apparent owner.

Person means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights and duties.

Property means any real property within the city or any city property within or without the corporate limits which is not a street or highway.

Street, highway, or alleyway means the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicle means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons, or any part or portion thereof.

(Ord. No. 742, att.(8.01.020), 5-26-2020)

Sec. 8.01.020. Penalty for violations of this title.

(a) Except where otherwise specifically provided for in this title and in every chapter hereof, the penalty for the violation of any section of this title shall be that set forth for under chapter 1.03. For each day in which a violation of a provision of this title occurs, the same shall be regarded as a new offense. Every section of this title, unless otherwise provided for, is presumed to be subject to this provision.

(b) Where applicable, the general penalties provision of title 1.03 may be deemed to be in addition to any other remedy or penalty set forth in any section of this title, except where the same would render inconsistent results.

(Ord. No. 742, att.(8.01.020), 5-26-2020)

Sec. 8.01.030. Displaying street address required.

To aid in the prompt response to medical and other emergencies, each dwelling, and each business or commercial building shall prominently display the street address officially designated by the city planning department in accordance with the provisions of this Code.

(Ord. No. 742, att.(8.01.010), 5-26-2020)

CHAPTER 8.02. FIRES AND BURNING

Sec. 8.02.010. Burning prohibition.

(a) A burn permit shall be required to burn items within the city limits except for firewood, charcoal, LP or natural gas fuels that are contained within a designed fire pit, grill, or professionally engineered containment that has a capacity of no greater than three feet in diameter and two feet high and is equipped with a spark arrestor whose opening shall not permit the passage of spheres having a diameter greater than one-half inch nor block the passage of spheres having a diameter less than three-eighths inch. Fires meeting the above criteria shall be placed no closer than 15 feet from a building or combustible material, to include grass and brush. Burning of any other items or volumes will be established through burn permit regulations.

(b) All fires, not meeting the minimum requirements above, shall be kept a minimum of 25 feet from a building or combustible material, to include grass and brush. Materials, such as rubbish, construction material, paper products, garbage and grass clippings shall not be burned.

(c) A fire extinguisher, with a least a 4-A rating, or a charged water hose must be in close proximity to the appliance/burn area while burning. The fire shall be attended to by a competent person knowledgeable in and capable of using the required extinguishing device. Burning shall not be allowed when wind conditions create a hazardous condition or the National Weather Service issues a Red Flag Warning. The

fire department and police department may order the fire to be discontinued if, in their opinion, the fire constitutes a hazardous condition or produces obnoxious smoke or odors that may cause a public nuisance.

(Ord. No. 742, att.(8.02.010), 5-26-2020)

CHAPTER 8.03. FIREWORKS

Sec. 8.03.010. Prohibitions.

(a) Except as otherwise provided in this chapter, it is unlawful for any person to barter, sell or give away to any person within the city any firecracker or other form of fireworks as defined in W.S. 35-10-201.

(b) Except as otherwise provided in section 8.03.020, no person shall fire, explode or use any of the things prohibited in this section within the city.

(Ord. No. 742, att.(8.03.010), 5-26-2020)

Sec. 8.03.020. Authorization of public fireworks displays.

The fire chief, with concurrence from the mayor, or the city council upon resolution, may authorize public displays of fireworks, provided that the manner and time of such displays shall meet with the requirements set forth in W.S. 35-10-203.

(Ord. No. 742, att.(8.03.020), 5-26-2020)

Sec. 8.03.030. Application fees; waiver of fees.

(a) Each person or organization applying for a fireworks permit shall submit written application on forms provided by the city with payment of the permit fee in the amount as set by resolution to the city clerk. Said fees shall be nonrefundable.

(b) The city council may authorize the mayor or the mayor's designee to waive the application fees for community-wide fireworks display events.

(Ord. No. 742, att.(8.03.030), 5-26-2020)

CHAPTER 8.04. FLAMMABLE AND COMBUSTIBLE LIQUIDS

Sec. 8.04.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Combustible liquids means all liquids which have a flashpoint of greater than 100 degrees Fahrenheit, classified as Class II or Class III. Storage of combustible and inflammable liquids and aerosols will be in compliance with NFPA or IFC requirements as adopted. All inflammable and combustible liquids will be stored in the appropriate containers and quantities according to NPA standards.

Gas station means a property used for the retail sale of gasoline, diesel fuel, oil, or other fuel for vehicles and which may include, as incidental accessory uses, the retail sale of vehicle accessories, minor vehicle repair facilities, a convenience store, and a carwash.

Gasoline means any product of petroleum or any hydrocarbon liquid that will flash or emit an inflammable vapor below the temperature of 100 degrees Fahrenheit.

(Ord. No. 742, att.(8.04.010), 5-26-2020)

Sec. 8.04.020. Storage of flammable liquids; door regulations at service stations.

(a) It is unlawful for any person to keep for sale or store any gasoline, kerosene, naphtha, distillate, fuel oil, crude oil or other inflammable and combustible liquids within the corporate limits of the city, except in accordance with the rules and regulations of the currently adopted versions of the International Fire Code and International Building Code, and subject to the written approval first being had and obtained from the city council.

(b) No door, except overhead doors, on the premises of any of the gasoline service stations mentioned in this chapter shall be equipped with a snap locking device, in addition to the regular door handle, and all doors for the exit and entrance of persons shall have only one doorknob or other device which will permit anyone inside the building to open the door in the case of emergency with the use of only one hand.

(c) Storage of inflammable and/or hazardous substances shall comply with the requirements of section 6.18 of the Unified Land Development Code.

(Ord. No. 742, att.(8.04.020), 5-26-2020)

Sec. 8.04.030. Propane and liquefied natural gas.

Propane (liquefied petroleum gas (LPG)) or liquefied natural gas (LNG) shall be stored in compliance with NFPA standards. Quantities, storage protection measures and distances from structures and property lines will conform to the standards adopted at the time of development. All installations will comply with current adopted codes. Any changes to the delivery or storage will require adherence to the current code restrictions and where otherwise allowable by this Code.

(Ord. No. 742, att.(8.04.030), 5-26-2020)

Sec. 8.04.050. Containers for storage of inflammable products.

It is unlawful for any service station to keep for sale or to store any inflammable or combustible liquids on the premises of such station, unless the same is kept and stored in a sealed metal container or in a container that is metal and equipped with a screw-type opening and closing device, which device shall be tightly closed. Nothing in this section shall prohibit the storing of such products in approved tanks.

(Ord. No. 742, att.(8.04.050), 5-26-2020)

Sec. 8.04.060. Maximum quantity of inflammable liquids to be stored.

No person shall keep, keep for sale or store any gasoline or other inflammable or combustible liquids as described in section 8.04.050 at any one location in quantities greater than 18,000 gallons of all types

of such liquids with a maximum tank size of 6,000 gallons. The tank battery must be separated, each location having a separation of at least 25 feet, and be self-contained. The total accumulation of materials may not exceed NFPA or IFC standards. No such tanks and containers shall have a maximum capacity in excess of 6,000 gallons, and all such tanks within the corporate limits of the city. Tanks may not be within 25 feet of an occupied building or fuel-dispensing location. Tanks larger than 6,000 gallons shall be buried at least three feet underground and in compliance with the requirements of the National Board of Fire Underwriters [American Insurance Association]. Current operations will be grandfathered in under this clause, provided the current operation does not expand or have a break in service or where otherwise allowed by this Code.

(Ord. No. 742, att.(8.04.060), 5-26-2020)

Sec. 8.04.070. Method for selling inflammable products.

It is unlawful for any gas station or bulk plant dealer in inflammable and combustible petroleum products to sell the same unless such product is sold and delivered in a metal container designed and marketed for that purpose.

(Ord. No. 742, att.(8.04.070), 5-26-2020)

CHAPTER 8.08. PRIVATE INTRUSION ALARMS

Sec. 8.08.010. Title designated.

This chapter shall be referred to as the "Private Intrusion Alarm Ordinance."
(Ord. No. 742, att.(8.08.010), 5-26-2020)

Sec. 8.08.020. Purpose; scope.

The purpose of this chapter is to:

- (1) Set forth regulations governing private intrusion alarm systems within the city;
- (2) Reduce the dangers and diversions of false alarms;
- (3) Require registration of alarm systems and encourage alarm users to maintain their systems in good working order, and to use them properly; and
- (4) Provide the authority to establish fees.

(Ord. No. 742, att.(8.08.020), 5-26-2020)

Sec. 8.08.030. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm business means any person operating for any consideration who is engaged in the installation, maintenance, alteration or servicing of alarm systems or who responds to such alarm systems. Any individual of such business who performs installation, maintenance, alterations or servicing of alarm systems shall be licensed by the city as a certified alarm technician.

Alarm system means an assembly of equipment and devices arranged to signal the presence of any condition upon premises within the city to which the police division normally responds. The term "alarm system" shall include equipment which is designed to detect an emergency, or which is designed to be activated by a person to report an emergency. The term "alarm system" includes, but is not limited to, local alarm systems, direct connection systems, central station alarm systems and automatic telephone dialing systems. The term "alarm system" shall not include audible alarms affixed to automobiles.

Alarm user means any person who owns, leases, is the agent of the owner or lessee of, or otherwise is in possession of or control of a premises on which an alarm system has been installed and operates.

Audible alarm system means an alarm system which is capable of being heard in and out of doors when it is activated.

Automatic dialing alarm system means an alarm system which utilizes a device which automatically transmits a pre-recorded message over telephone lines to a number in the city's communications center.

Certified alarm technician means a person holding the current and up to date designation or certification by the National Burglar and Fire Alarm Association, Inc., or equivalent national burglar alarm trade organization or alarm equipment manufacturers.

False alarm means an alarm system resulting in a response by the police division when an emergency does not exist. An alarm shall be presumed false if the responding officers do not locate any evidence of an intrusion or of the commission of an unlawful act or emergency on the premises which might have caused the alarm to sound. Alarms caused by earthquakes, hurricanes, tornadoes or other violent acts of nature shall not be deemed false alarms. Violent acts shall be determined by the on-duty police supervisor.

Local alarm system means an alarm system which is operated by the user who is normally responsible for its operation. The alarm signal is audible only inside the premises.

Non-response means a status designated in accordance with the procedures of this chapter under which the police division will not respond to an alarm until and unless the alarm user, following the transmitting of an alarm, confirms that the alarm is not a false alarm.

Person includes an individual, partnership, unincorporated association or corporation or any other legal entity.

Premises means any land or building located within the city.

PSCC means public safety communications center.
(Ord. No. 742, att.(8.08.030), 5-26-2020)

Sec. 8.08.040. Registration of alarm users and list of responsible persons.

(a) No later than January 1 of each year, except as provided in section 8.08.070, new alarm users shall register with the clerk's office by filling out a registration form listing their home address and business and residence telephone numbers. In addition, the alarm user shall provide the administrative services department with a list of persons responsible for the premises protected by the alarm system. This list shall contain at least three names, one of which may be that of the alarm business maintaining the alarm

system. This list shall be kept current by the alarm user and shall supply home and business telephone numbers of responsible persons. The alarm owners shall contact the administrative services department with any changes to their registration.

(b) Upon request by the police division, the alarm user, or a responsible party, shall proceed to the scene of the alarm within 25 minutes of notification and render any necessary service. Such service may include, but not be limited to, opening the premises so that the premises may be searched by responding police officers.

(c) Nothing in this section shall prohibit the city police department from taking any reasonable action necessary for investigative purposes.

(Ord. No. 742, att.(8.08.040), 5-26-2020)

Sec. 8.08.050. Alarm systems; standards.

All alarm systems shall conform to the applicable provisions of the city ordinances.

(Ord. No. 742, att.(8.08.050), 5-26-2020)

Sec. 8.08.060. Automobile alarms exempted.

The provisions of this chapter shall not apply to audible alarms affixed to automobiles.

(Ord. No. 742, att.(8.08.060), 5-26-2020)

Sec. 8.08.070. Private alarm users.

Nothing in this chapter shall prohibit any individual from owning and operating and installing any silent alarm system which operates directly to that individual; however, all sections of this chapter relating to penalties and service charges for false alarm response by the city police division shall be applicable.

(Ord. No. 742, att.(8.08.070), 5-26-2020)

Sec. 8.08.080. Regulation of alarm system reporting methods.

It is unlawful to report, or to maintain an alarm system which reports, any alarm activation in any manner not approved by the police chief or his designee. The chief of police is the sole authority in approving reporting methods. Reporting methods will be under regular review and revision to work in the best interests of the city. Nothing in this section prohibits the use of a telephone to verbally convey alarm activations to the PSCC.

(Ord. No. 742, att.(8.08.080), 5-26-2020)

Sec. 8.08.090. Backup power supply.

Any alarm system installed within the city limits after the effective date of the ordinance codified in this chapter, shall be supplied with an uninterrupted backup power supply in such a manner that the failure or interruption of the normal electric utility service will not activate the alarm system. The backup power supply must be capable of at least four hours of operation.

(Ord. No. 742, att.(8.08.090), 5-26-2020)

Sec. 8.08.100. Alarm tests.

An alarm user shall notify the alarm company prior to any service, test, repair, maintenance, adjustment, or installation of an alarm system which would normally result in a police response. Any alarm activated, where such prior notice has been given, shall not constitute a false alarm.

(Ord. No. 742, att.(8.08.100), 5-26-2020)

Sec. 8.08.110. Prohibition against alarm systems which emit false alarms.

No alarm user shall operate or maintain an alarm system which emits false alarms in violation of this chapter.

(Ord. No. 742, att.(8.08.110), 5-26-2020)

Sec. 8.08.120. Limitations on audible alarm systems.

It is unlawful to operate a private intrusion alarm system which does not shut off audible enunciation (siren, horn, bell, etc.) within a maximum time of 15 minutes from the time of activation. Fees for violation of this section shall be established by resolution of the city council.

(Ord. No. 742, att.(8.08.120), 5-26-2020)

Sec. 8.08.130. Non-response status.

(a) *False alarms.* After the city police department has recorded more than ten false alarms within any calendar year, and after the alarm user has been notified by first class mail that the false alarms have been activated, the chief of police, or authorized designee, may authorize that the alarm user's site be put on non-response status. The non-response status effective date will be 15 days from the date of mailing of the notification. From that time on, the city police department will not respond to any alarm from that alarm user's site until such time as the city police department is satisfied that adequate measures, including an inspection certification by a certified alarm technician, shall have been taken to correct any problem causing the false alarms, or until the alarm user or their representative confirms that the alarm is not a false alarm. Once the city police department has approved the measures taken to eliminate the problem causing the false alarm, the department shall reassume response to the alarm user's site.

(b) *Collection of fees.* Any alarm user who fails to pay any and all fees as required by this chapter shall have their alarm system placed on a non-response status. The non-response status shall become effective after the city has notified the alarm user, by first-class mail, that any fees required to be paid by this chapter are due under the city's general billing and collection policy. The chief of police, or authorized designee, shall be responsible for placing the user on a nonresponse status. The alarm system shall be reinstated to response status upon payment of the required fees.

(Ord. No. 742, att.(8.08.130), 5-26-2020)

Sec. 8.08.140. Disconnection of alarm systems.

(a) If the user of an audible alarm system has been placed on a non-response status due to excessive alarms as referred to in section 8.08.130, or causes, permits or allows his or her audible alarm system to operate in violation of any provision of this chapter, and does not take adequate measures to correct the problem or violation, the public safety director may order that the audible alarm be disconnected and no

longer operated. This order shall be necessitated by the nuisance caused to a neighborhood by an audible alarm system. No disconnection order shall be effective until 15 days from the date of mailing a notice of disconnection to the alarm user. This order may be appealed as provided in section 8.08.150.

(b) In an emergency situation after reasonable means have been exhausted to contact the alarm user or the alarm business, the city police department may order the disconnection of a continuing audible alarm. This may require the contacting of an alarm business to disconnect an alarm at the alarm user's expense.

(Ord. No. 742, att.(8.08.140), 5-26-2020)

Sec. 8.08.150. Appeal.

An alarm user whose alarm system has been placed on non-response status, or is proposed to be disconnected by the city police department, may appeal that decision.

- (1) *Letter of appeal.* Such alarm user must file a letter of appeal with the city police department within 15 days of the mailing of the letter of notification. While the appeal is pending, the alarm user shall not be placed on non-response status, nor shall that user's alarm system be disconnected.
- (2) *Setting of hearing.* If the alarm user files a timely letter of appeal, the city police department shall set a time and place for a hearing on the appeal. The date set for hearing shall be no more than 15 days after the city's receipt of the letter of appeal. Failure to file a timely letter of appeal shall be a waiver of the alarm user's right to a hearing; however, the city police department, in its discretion, may set a date for a hearing if there is cause to believe that it might encourage substantial cooperation from the alarm user.
- (3) *Hearing.* At the time and place set for the hearing upon the appeal, the city police department, or a designee, shall hear evidence from the appellant and/or any other interested party as to whether non-response status or disconnection should be imposed. The burden of proof shall be upon the appellant to show that there was no substantial evidence to support non-response status or disconnection.
- (4) *Decision.* Within 48 hours after the conclusion of the hearing, the city police department, or a designee, shall render a decision on the appeal. The decision shall be final. Notification of the decision shall be mailed to the appellant within three days of the decision. If the appeal is denied, the notification shall inform the alarm user of the exact date that non-response status or disconnection shall commence, which shall in no event be sooner than five days after notice of the decision has been mailed.

(Ord. No. 742, att.(8.08.150), 5-26-2020)

Sec. 8.08.160. False alarm service charges.

(a) When the city police department responds to a false alarm, the alarm user shall be assessed a false alarm service charge. The service charges and collection procedures shall be established by resolution of the city council.

(b) Service charges shall be due and payable after the occurrence of the false alarm and are delinquent 30 days after notification of the service charge.

(c) Debt to city. All fees and charges levied pursuant to this chapter shall constitute a valid and subsisting debt in favor to the city and against the alarm user for whom services were rendered. If the amount remains unpaid, a civil action may be filed with the appropriate court for the amount due, together with any penalties, and related charges and fees accrued due to nonpayment and all fees, costs, expenses and charges required to file and pursue such civil action, including reasonable attorney's fees.

(d) No business license shall be renewed to any user with an outstanding debt under this chapter.

(e) The alarm user may follow the appeal process set forth in section 8.08.150 when disputing false alarm service charges.

(Ord. No. 742, att.(8.08.160), 5-26-2020)

Sec. 8.08.170. Limitations on automatic dialing alarm systems.

(a) After the effective date of the ordinance from which this chapter is derived, it is unlawful for automatic dialing alarm systems to dial any city number to report an alarm.

(b) Until the effective date of the ordinance from which this chapter is derived, when automatic dialing will be prohibited, all such systems shall comply with the following regulations:

- (1) Automatic dialing alarm systems shall be prohibited from dialing 911, but will dial a special number installed by the city for the purpose of receiving such alarms. In no case shall the telephone dialing device dial any other telephone number assigned to the city or any telephone number which terminates at the PSCC.
- (2) An automatic dialing alarm system, after sending a prerecorded message to the PSCC, shall select a telephone line to one or more of the names on the list of responsible persons for the alarm user and transmit the same prerecorded message.
- (3) This cycle may be repeated once, after which the dialing device shall shut off and release the telephone line it has dialed.

(Ord. No. 742, att.(8.08.170), 5-26-2020)

CHAPTER 8.09. CHILD CARE FACILITIES

Sec. 8.09.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate means the authority to carry on and operate a child care facility, issued by the state department of health and social services, and operating as the agency which issues certificates, makes inspections (or causes same to be made), enforces the standards, and handles all administrative details affecting the enforcement of state statutes relating to child care facilities.

Children. The preschool children of the day care operator shall be included in the limit set for that type of day care facility.

Day care means the caring for children under the age of 12 years, out of their home for two hours or more, but less than 24 hours a day, for their parents or legal guardian, or at the request of the agency which has responsibility for the child; provided, however, that the term "day care" does not include public or privately operated schools which are licensed or certified by the state as a school.

DFS means the department of family services, a division of the state department of health and social services.

Family day care home means a facility in which care is provided for three to six children, regardless of age, for part of a day in a family setting.

Group day care center means a facility in which care is provided for 12 or more children, who are two years of age to under 12 years of age.

Group day care home means a facility in which care is provided for a minimum of seven children and a maximum of 11 children, under the age of 12 years.

Infant day care center means a facility in which care is provided for 12 or more children who are under two years of age.

Special use permit means a permit issued by the city council to a person, granting permission to operate a child care facility at a particular location.
(Ord. No. 742, att.(8.09.010), 5-26-2020)

Sec. 8.09.020. Operating standards; license and certification.

No person shall operate a day care facility within the city who has not met the standards as set forth in this chapter and does not hold a current health license and a current certificate from the state department of health and social services.
(Ord. No. 742, att.(8.09.020), 5-26-2020)

Sec. 8.09.030. Play area requirements.

(a) All day care facilities shall provide indoor play areas equal to that required by the city fire code for each child.

(b) All day care facilities shall also provide a fenced and outdoor play space consistent with the state department of health and social services' standards for each child.
(Ord. No. 742, att.(8.09.030), 5-26-2020)

CHAPTER 8.10. NOISE

Sec. 8.10.010. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

A-weighted sound pressure level means sound pressure level as measured with a sound-level meter using the A-weighting network. The standard unit notation is dB(A).

Ambient noise means all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

Decibel means the logarithm and dimensionless unit of measure used in describing the amplitude of sound and denoted as dB.

Emergency work means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

Sound-level meter means an instrument, including a microphone, an amplifier, an output meter and frequency weighting networks, for the measurement of noise and sound levels in a specified manner, as per American National Standards Institute Publication section 1.4-1971.

Sound pressure level means 20 times the logarithm to the base ten of the ratio of the root mean square pressure of a sound to the reference pressure, which is 20 by 10⁶ micronewtons per meter squared.

(b) All technical terminology used in this chapter, unless its context otherwise requires, shall be defined in accordance with American National Standard Institute (ANSI) Publication section 1.1-1960, revised 1971, or successor publications.

(Ord. No. 742, att.(8.10.010), 5-26-2020)

Sec. 8.10.020. Loud and unnecessary noises; general regulations.

It is unlawful for any person to make, continue to cause to be made or continued, any loud, unnecessary or unusual noise by yelling, singing, whistling, shouting or otherwise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any person within the city. It is unlawful for any person to use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of sound in any manner that disturbs the peace, quiet and comfort of any person in the city at any time with a louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such set, instrument, phonograph, machine or device so as to generate a sound level that can be heard clearly at a distance of more than 30 feet from such building, structure or vehicle and of any time duration shall be prima facie evidence of a violation of this section.

(Ord. No. 742, att.(8.10.020), 5-26-2020)

Sec. 8.10.030. Exemption for certain uses and activities.

The following uses and activities shall be exempt from noise level regulations:

- (1) Noise of safety signals and warning devices;
- (2) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- (3) Noises resulting from emergency work or noise levels for which a special permit has been granted as hereinafter provided for.

(Ord. No. 742, att.(8.10.030), 5-26-2020)

Sec. 8.10.060. Special permit; application.

(a) Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the mayor or the mayor's duly authorized representative. Any permit granted by the mayor hereunder shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit may be effective. The mayor or the mayor's duly authorized representative may grant the relief as applied for if the mayor or the mayor's duly authorized representative finds:

- (1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
- (2) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with other subsections of this section; or
- (3) That no other reasonable alternative is available to the applicant.

(b) The mayor may prescribe any conditions or requirements the mayor deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(Ord. No. 742, att.(8.10.060), 5-26-2020)

Sec. 8.10.080. Violation; additional remedy.

In addition to the penalties set out for general offenses in chapter 1.03, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 742, att.(8.10.080), 5-26-2020)

CHAPTER 8.11. SOLID WASTE COLLECTION AND DISPOSAL**Sec. 8.11.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compostable materials means refuse materials, such as yard trimmings, tree branches, and leaves, which are capable of being diverted to the city compost site.

Electronics means components and equipment, such as computers, monitors, keyboards, televisions, cellular telephones and personal devices, that contain hazardous materials. The term "electronics" shall be further defined in accordance with the fee schedule resolution adopted by city council.

Garbage means wastes resulting from the handling, preparation, cooking or consumption of foods; wastes from the handling, storage and sale of produce; and any other matter whatsoever that may decompose or become foul, offensive, unsanitary or dangerous to health.

Litter or solid waste means all of the materials identified as garbage and refuse.

Recyclable material means refuse materials that are capable of being diverted from the waste stream and reused.

Refuse means combustible and noncombustible discarded materials, including, but not limited to, paper, wood, glass, metal and cloth products, weeds, yard trimmings, tree branches, furniture, bedding, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes.

Secured load means placement of tarp, cloth, netting, rope or any other device that prevents the spread of litter during transportation by any vehicle or trailer operated within the city limits.

Unsecured load means any vehicle, trailer or truck bed that transports materials without utilization of tarps, cloth, netting, rope or any other device that prevents the spread of litter during transportation within the city limits.

White goods means refuse materials such as refrigerators, freezers, washers, dryers and other large home appliances.

Yard waste (also referred to as green waste) means grass clippings, leaves, shrubbery cuttings, tree limbs, and other materials accumulated as a result of the care of lawns, vines, shrubbery and trees. The term "yard waste" shall be further defined in accordance with the fee schedule resolution adopted by city council. Tumbleweeds, cactus, sagebrush and noxious weeds are not considered yard waste.
(Ord. No. 742, att.(8.11.010), 5-26-2020)

Sec. 8.11.020. Authority and responsibility.

For the protection of health, safety and the general welfare, the city is authorized to have the exclusive authority and responsibility within the city limits concerning the adoption of rules and regulations and establishing minimum guidelines and standards for the collection and disposal of solid waste as defined in this chapter.
(Ord. No. 742, att.(8.11.020), 5-26-2020)

Sec. 8.11.025. Residential collection of solid waste.

(a) The city shall have exclusive control for the collection and disposal of residential solid waste within the city limits.

(b) Developed subdivisions annexed into the city shall be serviced with residential collection exclusively by the city.

(c) The city shall have exclusive control for the collection and disposal of residential solid waste within newly annexed undeveloped subdivisions.

(d) The city shall allow professional sanitation companies to collect refuse and waste materials for construction and demolition on residential property.
(Ord. No. 742, att.(8.11.025), 5-26-2020)

Sec. 8.11.030. Rules and regulations.

The mayor or the mayor's designee is empowered to prescribe such rules and regulations as the mayor may deem proper and consistent with this chapter and federal, state and local law to govern the manner and time for city collection, removal and disposition of solid waste.

(Ord. No. 742, att.(8.11.030), 5-26-2020)

Sec. 8.11.040. Containers—Specifications and standards.

(a) *Residential.* All residences located in any area in which collection is by the city shall have sufficient container capacity to accommodate their normal volume of solid waste between collections. The type, size and number of containers, as prescribed by the city, shall be as follows:

- (1) All solid waste shall be placed in plastic bags which are secured prior to placement in residential refuse containers. Plastic bags used in this manner shall be suitable for storage, transportation and disposal of solid waste without bursting or ripping.
- (2) No container, other than those supplied by the city, shall be over 45 gallons in capacity.
- (3) A minimum of 90 gallons or 0.45 cubic yards of weekly disposal capacity shall be required for each dwelling unit.
- (4) The gross weight of the container and contents shall not exceed 50 pounds except where mechanical lift devices are utilized by a refuse collection truck.

(b) *Commercial.* All establishments and institutions located in any area in which collection is by the city or contractors shall have sufficient container capacity to accommodate their normal volume of solid waste between collections. The type, size, and number of containers, as prescribed by the city, shall be as follows:

- (1) All garbage and refuse shall be placed in metal or plastic containers designed for the receipt of such material and shall be covered in such a manner that the contents are not susceptible to blowing, animal scavenging or fly breeding. All refuse susceptible to becoming windblown is required to be placed in plastic bags and securely tied prior to being placed in the container. Plastic bags used in this manner shall be suitable for storage, transportation and disposal of solid waste without bursting or ripping during transportation and placement into refuse containers.
- (2) No container, other than those utilizing mechanical lifting devices, shall be over 45 gallons in capacity or 50 pounds in weight.
- (3) Residential containers shall be supplied by the city solid waste division.
- (4) Commercial dumpsters shall be purchased or leased from the city solid waste division or supplied by a contractor who provides this service.
- (5) Hospital, medical and drug refuse shall be disposed of in compliance with local, state and federal guidelines.

- (6) Commercial containers other than barrels must meet the following ANSI requirements: Containers must be able to withstand 191 pounds vertical pull from the leading edge of the empty containers and be able to withstand 70 pounds horizontal pull from the top leading edge.

- (7) Commercial containers shall have safety markings and be worded as follows:

"Notice: Containers must be placed on a flat, level surface." (This must be conspicuously located on each of the two narrow sides of the refuse bin.)

"Caution: Do not play on or around." (This shall be placed on three sides of the refuse bin, the front door or slant side and the two narrow sides.)

- (8) Containers; condemnation procedure. Where a container does not meet the specifications of this chapter or presents a health or safety hazard, the city shall place a notice of condemnation in a prominent position on the container notifying the owner that such container may no longer be utilized for the purpose of solid waste storage or disposal. If the container is not replaced after two successive pickups, the owner shall be in violation of this chapter and subject to prosecution.

(Ord. No. 742, att.(8.11.040), 5-26-2020)

Sec. 8.11.050. Containers—Placement, access and maintenance.

(a) Containers or other materials as herein prescribed serving commercial entities shall be placed on private property adjacent to the alleyway where such exists or at the curb of the street on all lots contiguous to an adjacent alleyway in such a manner as to be readily accessible for collection. Vehicles that prevent such accessibility may be ticketed. The solid waste collection vehicles shall be provided with access to commercial containers between the hours of 6:00 a.m. and 5:00 p.m., Monday through Friday. Residential containers or other materials shall be placed at the curb by 7:00 a.m. of the day of collection and shall be removed by 6:00 p.m. of the same day, provided the city has collected such solid waste by that time, unless completely housed in a decorative enclosure.

(b) Where storage of refuse is in an alley, such accumulation of refuse shall be stored in containers in such a manner that protects it from animals, shelters it from weather and otherwise secures it in a sanitary and clean manner.

(c) Where refuse is placed at the curb or in the alley for the extra pickup service that may be provided by the city, such refuse shall not be put out more than 24 hours prior to the scheduled pickup.

(d) It is unlawful to deposit household solid waste in any receptacle maintained for disposal of litter by pedestrians.

(e) It is unlawful for the owner, manager or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle placed by anyone other than such owner, manager, or employee for disposal of litter by pedestrians. Commercial solid waste shall be disposed of in accordance with provisions prescribed in this chapter.

(f) Tampering with refuse, garbage, or refuse container is prohibited. No person other than the owner, or the agents or employees of such owner, or a person or company authorized by the city to collect and dispose of refuse and rubbish shall tamper with any refuse container. Similarly, no person other than the

owner, or the agents of employees of such owner, or a person or company authorized by the city to collect and dispose of refuse and rubbish shall tamper with its contents or remove the contents of any refuse container, or remove a refuse container from the location where the same has been placed by the owner. (Ord. No. 742, att.(8.11.050), 5-26-2020)

Sec. 8.11.060. Special handling permits.

(a) In the event a residential customer has a documented disability as confirmed by a licensed health care provider within the state and which prevents placement of his/her solid waste in the designated location, a special solid waste handling permit may be obtained from the city after request is made.

(b) The current annual fee shall be charged in accordance with the fee schedule established by city resolution.

(Ord. No. 742, att.(8.11.060), 5-26-2020)

Sec. 8.11.070. Fees and charges; rate establishment, payments.

(a) The fee for the collection of solid waste shall be paid no less than monthly to the city. The city, in making collections of water, sewer and solid waste revenues, shall credit partial payments first to solid waste collection charges.

(b) The city council shall adopt by resolution such rates as they determine necessary to defray the costs of collecting, handling, and disposing of garbage and refuse.

(c) The city council shall establish, by resolution, a fee schedule of rates for each customer classification. Adjustments to the fee schedule relative to residential accounts may be authorized by the mayor and/or the mayor's designee. Adjustments to the fee schedule relative to commercial accounts may be authorized by the mayor or by minute action by the city council.

(d) Whenever the city is required to take corrective action, in the interest of the health, safety and general welfare of the community, to remove solid waste from a public right-of-way or from private property, and the owner of said solid waste is ascertained to be a customer of the city water and sewer service, all reasonable costs incurred by the city in removal and disposal of said solid waste shall be charged to said owner/customer as provided in the fee resolution. If said owner/violator is not serviced by the city utility department and does not receive a water and sewer bill from the city, said corrective costs shall be collected as provided by law.

(Ord. No. 742, att.(8.11.070), 5-26-2020)

Sec. 8.11.080. Building material and mineral waste.

The city will not be responsible for the removal and disposal of rock, stone, brick, concrete, dirt and other building materials or mineral wastes from curbsides, alleys and construction sites. It is the responsibility of the owner to remove and dispose of such articles at the regional solid waste facility or a proper lawful location.

(Ord. No. 742, att.(8.11.080), 5-26-2020)

Sec. 8.11.090. Freon-containing appliances.

Refrigerators, freezers and other white goods shall be rendered in a safe condition (doors off) prior to transportation for disposal. It shall be the responsibility of the owner to transport freon-containing appliances to the appropriate area of the regional solid waste facility as directed by the solid waste division staff. Recycling facilities will also accept appliances once the freon has been removed.

(Ord. No. 742, att.(8.11.090), 5-26-2020)

Sec. 8.11.100. Rendered animal waste products.

The removal of rendered animal waste products shall be the responsibility of the person or company processing such materials. Solid waste shall be kept in closed sanitary containers as provided by state statute. Frequency of removal shall be at the discretion of the community service division of the city police department.

(Ord. No. 742, att.(8.11.100), 5-26-2020)

Sec. 8.11.110. Yard waste, wood and sod removal.

(a) Tree limbs, branches and wood shall meet the following criteria for designated branch collection:

- (1) Be cut into lengths not exceeding four feet in length and branches must be less than six inches in diameter;
- (2) Be securely tied by rope, twine or tape in bundles not to exceed two feet in diameter; and
- (3) Not exceed 50 pounds in weight.

(b) Yard waste, sod, topsoil, and cow and horse manure may be dropped off in the designated area at the Regional Solid Waste Facility compost facility.

(c) It shall be the responsibility of the owner to dispose of sod at the Regional Solid Waste Facility.
(Ord. No. 742, att.(8.11.110), 5-26-2020)

Sec. 8.11.115. Electronic and metal waste.

(a) Electronic and metal waste is prohibited and shall not be placed in any refuse container for collection, transportation, and disposal in the regional solid waste facility.

(b) It is the responsibility of the owner to dispose of electronic and metal waste in the designated area at the regional solid waste facility.

(Ord. No. 742, att.(8.11.115), 5-26-2020)

Sec. 8.11.120. Incineration prohibited.

It is unlawful to burn any garbage or refuse within the city.

(Ord. No. 742, att.(8.11.120), 5-26-2020)

CHAPTER 8.12. WRECKED AND DISABLED VEHICLES AND JUNK**Sec. 8.12.005. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Firewood means wood cut for fuel. Such wood shall be cut to a length of no more than two feet six inches and must be stacked in a neat and orderly pile no greater than five feet in height.

Junk means all articles, such as, but not limited to, appliances, furniture (except for furniture intended for outdoor use), parts thereof, boxes, cardboard, paper, glass, plastic, scrap lumber, wood other than firewood, pallets, tires, auto parts, mattresses, batteries, machinery parts, rags, combustible or inflammable waste, litter, refuse, rubbish, building materials and similar except construction and materials which has been collected to await arrival of the city's sanitation personnel. The term "junk" refers only to materials left outside of any building and does not apply to materials stored inside a lawfully constructed building, so long as such building is wholly enclosed, except for doors for ingress and egress.

Permitted exceptions mean storage, repair and servicing of vehicles, not authorized in this chapter, and the tearing down, stripping or junking of such vehicles shall be permitted only where and when such use is specifically authorized, permitted or licensed under other ordinances of the city and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory garage building, then only provided that such vehicle is the property of the owner or occupier of the lot and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the city.

(Ord. No. 742, att.(8.12.005), 5-26-2020)

Sec. 8.12.010. Public nuisance declared.

The accumulation or storage of abandoned, wrecked, dismantled, unlicensed or inoperative vehicles or junk on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for insects, rodents, skunks and other vermin and to be injurious to the health, safety and general welfare of the public. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle, more than one unlicensed vehicle, or junk on private or public property, except as expressly permitted, is declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter.

(Ord. No. 742, att.(8.12.010), 5-26-2020)

Sec. 8.12.020. Notice to abate nuisance—Compliance required.

(a) It shall be the duty of any person receiving the notice of a public nuisance as provided in this chapter to comply with the provisions of the notice and to abate such nuisance within ten days after the receipt of such notice, and if such person shall fail or refuse to abate such nuisance within ten days from receipt of such notice without just cause, such failure is declared to be unlawful and shall constitute a misdemeanor. Each day such nuisance persists shall constitute a separate violation.

(b) It is unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this chapter, to remove any vehicle or junk from private property to any other private property upon which storage is not permitted, or onto any public property for the purpose of storage within the city.

(Ord. No. 742, att.(8.12.020), 5-26-2020)

Sec. 8.12.030. Notice to abate nuisance—Contents, procedure.

(a) Whenever the community service officer, code enforcement officer or a police officer is of the opinion that any vehicle or junk is a public nuisance as defined in this chapter, the code enforcement branch of the police department or the police department shall attempt to give written notice to the owner of the vehicle or junk, if his or her address is known, to the owner of the land where the vehicle or junk is located and to any other person or entity reasonably known to have a security interest in the vehicle or junk. The notice shall be attempted by certified mail or personal service, if the address of the individual or entity is known. In the case of vehicles, where practical, the notice shall also be affixed to the windshield or some other part of the vehicle where it can be easily seen. Where affixing the notice to a vehicle is impractical, and in the case of junk, the notice shall be posted at the side or on the premises where the nuisance exists.

(b) Such notice shall include substantially the following information:

- (1) A statement that a certain vehicle or junk is a nuisance within the provisions of this chapter; in the case of a vehicle, the notice should include make, year and vehicle identification number, if reasonably possible;
- (2) A description of the real property, by street address or otherwise, on which the nuisance exists;
- (3) A statement that such nuisance must be abated within ten days from the date on the notice;
- (4) A statement that if the nuisance is not abated within the time provided, the city may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists, or both;
- (5) A statement that a hearing upon the allegation of a public nuisance and the assessment of costs may be requested by giving written notice to the city clerk within ten days from the date on the notice, and that a request must specify the property concerning which the request is made, the requesting party's name and address, and the nature of the interest held by the requesting party; that upon request a hearing will be scheduled to determine if a public nuisance exists and as to the assessment of administrative costs and the costs of abatement; that if a hearing is not so requested the right to a hearing shall be waived;
- (6) A statement that failure to abate the nuisance may result in a city abatement and/or criminal charges.

(c) In the event that notice, as provided in subsection (a) of this section, cannot be given to each individual known by the community service officer, code enforcement officer or the chief of police or his or her representative to have an interest in the vehicle or junk, service shall be made by publication. Such

notice by publication shall be made by one publication in a newspaper of general circulation in the county. The notice of publication shall contain the same information required in the notice described in subsection (a) of this section. Notice by publication may contain multiple listings of public nuisances.

(d) Proof of notice shall be made by the certification of any officer or employee of the city, or affidavit of any person over 18 years of age, naming the person to whom notice was given and specifying the time, place and manner thereof proof of notice shall be made in each case and maintained for a period of two years from the date of abatement of the nuisance for which notice has been given.

(Ord. No. 742, att.(8.12.030), 5-26-2020)

Sec. 8.12.040. Hearing procedure.

(a) A request for a hearing upon the allegation of a public nuisance and the assessment of costs shall be made in writing and delivered to the city clerk within ten days from the date of the notice to abate. Such request shall specify the property concerning which the request is made, the requesting party's name and address, and nature of the interest held by the requesting party in the vehicle or junk.

(b) In the event of a public nuisance, as defined in section 8.12.005, of which notice has been given and which remains unabated for more than ten days, the code enforcement officer or police department is granted the authority to abate, remove or cause the removal of the vehicle or junk; provided, however, that if a proper request for hearing is filed, abatement shall only proceed upon resolution or order of the city council or hearing examiner.

(c) In the event a request for hearing is filed as provided, a hearing shall be held before the city council or such other individual or group as designated by the city council to act as hearing examiner. The purpose of the hearing shall be to confirm or deny the existence of a public nuisance and for taking such further action as is authorized under this chapter. Notice of the time, place and hour of the hearing shall be sent at least ten days in advance of the hearing of all known parties.

(d) At such hearing, all parties shall be afforded an opportunity to present evidence, cross examine and present arguments, provided that all persons testifying shall be sworn; irrelevant, immaterial or unduly repetitious evidence shall be excluded; and the decision of the council or hearing examiner shall be based upon the type of evidence commonly relied upon by reasonably prudent people in the conduct of their serious affairs.

(e) At or after such hearing, and in the event of confirmation that a public nuisance exists, the city council or the hearing examiner, as the case may be, may resolve or order that the community service officer, code enforcement officer, the chief of police, and/or his employees or agents remove or otherwise abate the nuisance; provided, however, that if the circumstances justify, in the opinion of the entity or person presiding at the hearing, the time for abatement may be delayed. In the event a nuisance is confirmed, administrative and removal costs may also be assessed at the hearing. If it is found that a public nuisance does not exist, abatement authority shall be denied, and costs shall not be assessed.

(f) Appeals from adverse decisions rendered by the city council pursuant to subsection (d) of this section may be made to the district court in the same manner as an appeal from an adverse decision rendered by an agency in a contested case under the provisions of W.S. 16-3-114. A hearing examiner, as provided in subsection (c) of this section, is an agency within the meaning of the Wyoming Administrative Procedures Act, and adverse decisions may be appealed in the manner provided therein.

(g) In the event a request for hearing, as provided, is not filed, the right to a hearing shall be considered to have been waived.

(Ord. No. 742, att.(8.12.040), 5-26-2020)

Sec. 8.12.050. Removal; voluntary consent, affidavit.

The owner of any vehicle or junk may voluntarily consent to the removal of such property by the city. In order to give such consent, all owners of the property shall execute an affidavit in a form acceptable to the city attorney, stating that there are no other owners of the property, or lienholders having a security interest in the property; that the owners will reimburse the city for the actual costs of removal or such other costs as are established by the city council for such removal; and that such reimbursement will be made to the city within 30 days of removal. Such affidavit shall constitute a statement by the owners signing such affidavit that they will indemnify the city for any loss or expense alleged by any other party as a result of removal or disposal. The execution of such affidavit shall also release the city from any obligation to account for or pay over to the owners any amount the city receives for the property.

(Ord. No. 742, att.(8.12.050), 5-26-2020)

Sec. 8.12.060. Disposal; assessment of costs.

(a) Any vehicle or junk which is impounded or removed and taken into custody, as provided in this chapter, may be disposed of according to the provisions of W.S. 7-2-111.

(b) Any vehicle or junk which is impounded or removed and taken into custody, as provided in this chapter, may be disposed of according to the provisions of W.S. 31-13-108, 31-13-109 and 31-13-110.

(c) The city council shall, from time to time, determine and fix an amount to be assessed as administrative costs in relation to enforcement of this chapter. This cost of administration may be set as a fixed sum per removal or as a percentage of the actual cost of removal under this chapter. In addition, the actual costs of removal and storage may be charged against the owner of any vehicle or junk constituting a public nuisance and/or against the land or owner of the land where same was situated.

(Ord. No. 742, att.(8.12.060), 5-26-2020)

CHAPTER 8.13. LITTER CONTROL

Sec. 8.13.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial handbill means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales;

- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged. The terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. Nothing contained in this subsection shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of the state or under any ordinance of the city; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as the advertiser or distributor.

Garbage means waste resulting from the handling, preparation, cooking or consumption of foods, wastes from the handling, storage and sale of produce, and any other matter whatsoever that may decompose or become foul, offensive, unsanitary, or dangerous to health.

Litter means garbage or refuse or any combination of garbage and refuse.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Post Office in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general laws; and, in addition thereto, any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

Noncommercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of the terms "commercial handbill" or "newspaper."

Private property means and includes, but is not limited to, the following structure exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, drive-ways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

Public property means and includes, but is not limited to, the following: streets, street medians, roads, road medians, catchbasins, sidewalks, strips or parkways between streets and sidewalks, lanes, alleys, public buildings and rights-of-way, public parking lots, school grounds, housing project grounds, the city's vacant lots, parks, playgrounds, other publicly owned recreation facilities and waterways within the corporate limits and bodies of water.

Refuse means discarded materials, including, but not limited to, paper, wood, glass, metal and cloth products, yard trimmings, tree branches, furniture, bedding, appliances, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes.

Secured load means a load with the placement of tarp, cloth, netting, rope or any other device that prevents the spread of litter during transportation by any vehicle.
(Ord. No. 742, att.(8.13.010), 5-26-2020)

Sec. 8.13.020. Property maintenance; owner and occupant responsibility.

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter. This requirement applies not only to removal of loose litter, but to materials on, or that become trapped on, such locations as abutting city sidewalks, strips and parkways, and private or publicly owned fences and wall bases, grassy and planted areas, borders, embankments and other such lodging points.

(b) Persons owning or occupying places of business which face on city sidewalks and strips or parkways between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter. Cleanliness of the alleyways is the responsibility of the contiguous property owners.

(c) It is unlawful to sweep or push litter from sidewalks and strips or parkways into streets. Sidewalk and strip or parkway sweepings must be picked up and put into household or commercial solid waste containers.

(d) Waste material or refuse used in the manufacture or remanufacture of salable products may be stored in an approved manner on the inside of the premises and with the written permission of the health, fire and building departments.

(e) Rock, stone, brick, concrete, dirt and other building materials or mineral wastes shall not be permitted to accumulate in alleyways or at the curb. Such material must be stored on private property in a safe manner and in such a way to prevent rodent harborage. Once the work is completed such leftover material shall be removed from view and stored inside an accessory building.

(Ord. No. 742, att.(8.13.020), 5-26-2020)

Sec. 8.13.030. Use of sidewalk receptacles; restrictions.

(a) It is unlawful for any resident to deposit household solid waste in any receptacle maintained for disposal of litter by pedestrians.

(b) It is unlawful for the owner, manager or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle placed by anyone other than such owner, manager or employee for disposal of litter by pedestrians. Commercial solid waste shall be disposed of in accordance with provisions prescribed in chapter 8.18.

(Ord. No. 742, att.(8.13.030), 5-26-2020)

Sec. 8.13.040. Litter removal; authorization, notice, cost to be a lien.

(a) In addition to any other penalties or remedies, the community service officer or his or her designee is authorized and empowered to serve notice upon the occupant or the owner, or his agent, to remove litter from his private property. If the litter is not removed within five days after service of notice, the community service officer or his or her designee shall have it removed and the cost of removal shall be

assessed against the property and constitute a lien thereon. The owner shall be notified, in writing, of the amount assessed, and if it is not paid, it shall be collected in the same manner as provided by state statutes.

(b) For any person who fails to reimburse the city for the costs as set forth in subsection (a) of this section within 45 days of the date of any conviction for violation of subsection (a) of this section, the costs shall be included on the person's sanitation bill as an additional service charge and/or may be collected pursuant to state law.

(Ord. No. 742, att.(8.13.040), 5-26-2020)

Sec. 8.13.050. Construction and demolition projects.

(a) It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation, other than as restricted by subsection (b) of this section, of any litter on the site within 30 days prior to the commencement of construction or demolition, or during or within 30 days after completion of the construction or demolition project.

(b) The owner, agent or contractor shall have and maintain on the site containers for the disposal of litter that meet standards prescribed by this chapter and shall make appropriate arrangements for the collection thereof or shall transport the same by himself or his agent or employee to an authorized facility for final disposition.

(c) This requirement shall be applicable to, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges.

(Ord. No. 742, att.(8.13.050), 5-26-2020)

Sec. 8.13.060. Loading and unloading operations.

(a) Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide, within 25 feet of such location, covered containers that meet standards prescribed by this chapter for the disposal and storage of such litter and shall make appropriate arrangements for the collection on the site of such operations.

(b) Further, it shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations.

(Ord. No. 742, att.(8.13.060), 5-26-2020)

Sec. 8.13.070. Littering; general restrictions, prosecution.

It is unlawful for any person to throw, discard, place, deposit, distribute, cause or allow to be thrown, discarded, placed, deposited, or distributed, litter in any manner or amount on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefor.

(Ord. No. 742, att.(8.13.070), 5-26-2020)

Sec. 8.13.080. Handbill restrictions.

(a) No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(b) No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(c) No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(d) No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if required by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(e) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this section, such person, unless requested by anyone upon such premises not to do so, shall have the authority to place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(f) The provisions of this section shall not apply to the distribution of mail by the United States, nor to the distribution of newspapers by any person, his agent or employee responsible for the distribution of such newspapers.

(Ord. No. 742, att.(8.13.080), 5-26-2020)

Sec. 8.13.090. Litter containers required of certain establishments.

To facilitate proper disposal of litter by pedestrians and motorists, such publicly patronized or used establishments and institutions as may be designated by the city shall provide, regularly empty and maintain in good condition containers that meet standards prescribed by section 8.13.050. This requirement shall be applicable to, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges.

(Ord. No. 742, att.(8.13.090), 5-26-2020)

Sec. 8.13.100. Vehicles; transportation of litter, responsibility shared, prosecution.

(a) All loads shall be secured in such a manner as to prevent all or any portion of the load from leaving the vehicle prior to intentional unloading at the intended destination. Evidence of any portion of the load leaving the vehicle shall be prima facie evidence of a violation of this section.

(b) In the prosecution charging a violation of this section, lack of adequate covering and securing shall in itself constitute proof a violation has been committed.

(Ord. No. 742, att.(8.13.100), 5-26-2020)

Sec. 8.13.120. Violation; citation and notice to appear, deemed complaint when, disposition; penalty.

(a) Whenever a city community service officer, city police officer, or his/her authorized designee observes or has reasonable cause to believe that a person has violated the provisions of this chapter, such official is authorized to prepare a written citation containing a notice to appear in city court. The citation shall comply with the rules established by the state rules of criminal procedure.

(b) Every city community service officer, city police officer, or his/her authorized designee, upon issuing a citation herein authorized, shall deposit the original of the citation with the city court and shall issue a copy of the same to the person against whom the violation is charged. When the citation is sworn to, as required under the general laws of the state in respect to a complaint charging a commission of the offense alleged in the citation to have been committed, then the citation, when filed with the city court, shall be deemed a lawful complaint for the purpose of prosecution under this chapter.

(c) Except as otherwise provided herein, any person violating any provision of this chapter shall be punished in accordance with the general offenses provisions of this Code. Any persons found guilty of littering in the city limits may additionally be fined in accordance with this Code and shall be required to reimburse the city all costs incurred by the city in the removal or clean-up of said litter.

(Ord. No. 742, att.(8.13.120), 5-26-2020)

CHAPTER 8.14. INFECTIOUS WASTE**Sec. 8.14.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contaminated refers to the presence or reasonable anticipation of the presence of blood or other potentially infectious materials in an item or on a surface.

Generator means the owner, manager, agent, or person in charge of medical facilities, including, but not limited to, hospitals, medical schools, physical therapy schools and treatment centers, physicians' offices, outpatient clinics, employee clinics, home health care agencies, nursing homes, dialysis centers, veterinarians, dentists, ophthalmologists, research and forensic labs, pharmaceutical manufacturers, blood banks, mortuaries, offices performing autopsies and individuals generating or disposing of infectious waste.

Infectious waste means waste capable of producing an infectious disease. For a waste to be infectious, it must contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in disease. The following categories of waste shall be considered infectious:

- (1) Isolation waste from persons in medical isolation as defined by the Centers for Disease Control or state or local health officer;
- (2) Cultures and stocks of infectious agents and associated biologicals;
- (3) Human pathological anatomical waste consisting of tissues and body parts that are discarded from surgical, obstetrical, autopsy, and laboratory procedures;
- (4) Contaminated sharps, including any contaminated object that can penetrate the skin, including, but not limited to, needles, scalpels, broken capillary tubes, and exposed ends of dental wire;
- (5) Contaminated laboratory or research animal carcasses and body parts; and
- (6) Contaminated clothing, dressings, equipment, and supplies.

Personal home hygiene materials which become blood-soaked, such as gauze, bandages, and feminine protection products, are not to be considered infectious waste.
(Ord. No. 742, att.(8.14.010), 5-26-2020)

Sec. 8.14.020. Property maintenance; owner and occupant responsibility.

Infectious waste material shall be stored in an approved manner, as defined in section 8.14.090, on the premises so as not to cause contamination to the public.
(Ord. No. 742, att.(8.14.020), 5-26-2020)

Sec. 8.14.040. Improperly contained and/or stored infectious waste removal; authorization notice, cost to be assessed, collected.

The chief of police or his designee is authorized and empowered to serve notice upon the occupant or the owner, or his agent, to immediately remove improperly contained and/or stored infectious waste from his private property. If the improperly contained and/or stored infectious waste is not removed immediately upon notification, the chief of police or his or her designee shall have it removed. The owner shall be notified of the cost of removal. If the cost is not paid within 60 days by the owner, the cost shall be assessed against the owner's or occupant's sanitation bill as an additional cost of service, or, in the alternative, the cost may be collected pursuant to state statute by the city.
(Ord. No. 742, att.(8.14.040), 5-26-2020)

Sec. 8.14.080. General restrictions.

It is unlawful for any person to throw, discard, place or deposit infectious waste in any manner or amount on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefor.
(Ord. No. 742, att.(8.14.080), 5-26-2020)

Sec. 8.14.090. Proper storage and disposal.

Generators shall dispose of infectious waste according to the following standards:

- (1) All infectious waste shall be discarded in a red bag or sharps container which states in capital letters "BIOHAZARD" and which statement is securely attached to such bag or container with string, wire or adhesive. These bags or containers shall be discarded with a private commercial sanitation disposal company or medical waste facility. However, individuals generating sharps may dispose of them at their pharmacy through the city sponsored sharps disposal program. In no case shall infectious waste be placed and/or discarded in an unsecured or unlabeled container.
 - (2) All blood-soaked absorbent items shall be discarded in a red bag that contains a warning label symbol stating in capital letters "BIOHAZARD" that is securely attached to such bag with string, wire or adhesive.
 - (3) All other decontaminated waste may be discarded in a city dumpster or sanitation container.
- (Ord. No. 742, att.(8.14.090), 5-26-2020)

CHAPTER 8.15. WEED AND PEST CONTROL**Sec. 8.15.005. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Native areas means:

- (1) Those areas adjacent to the city's open drainageways; and
- (2) Areas of natural ground cover of one acre or larger, under single ownership.

Weed means any plant which the state board of agriculture and the state weed and pest control, or the city council, has found, either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within the city. Such weeds include, but are not limited to:

- (1) Field bindweed (*Convolvulus arvensis*);
- (2) Canada thistle (*Cirsium arvense*);
- (3) Leafy spurge (*Euphorbia esula*);
- (4) Perennial sowthistle (*Sonchus arvensis*);
- (5) Quackgrass (*Agropyron repens*);
- (6) Hoary cress (whitetop) (*Cardaria draba* and *Cardaria pubescens*);
- (7) Perennial pepperweed (giant whitetop) (*Lepidium latifolium*);
- (8) Oxeye daisy (*Chrysanthemum leucanthemum* or *Leucanthemum vulgare*);
- (9) Skeletonleaf bursage (*Ambrosia tomentosa*);

- (10) Russian knapweed (*Acroptilon repens*);
- (11) Yellow toadflax (*Linaria vulgaris*);
- (12) Dalmatian toadflax (*Linaria dalmatica*);
- (13) Scotch thistle (*Onopordum acanthium*);
- (14) Musk thistle (*Carduus nutans*);
- (15) Common burdock (*Arctium minus*);
- (16) Plumeless thistle (*Carduus acanthoides*).

Woody plants means perennial plant materials, such as trees, shrubs, vines and ground covers with woody fiber (compound plant cambial layer growth systems which are composed of xylem and phloem vascular cells), which serve as desirable flora components of an urban landscape.

(Ord. No. 742, att.(8.15.005), 5-26-2020)

Sec. 8.15.010. Weed removal.

It is the duty of every owner of any lot or parcel of ground in the city to keep the lot and the parcel of ground, parkways, alleyways, and the sidewalk areas abutting thereon, free from weeds. Every owner failing to comply with the provisions of this section may be notified by the community service officer, code enforcement officer, chief of police, or his or her or their authorized agent, to remove such weeds within ten days from the receipt of such notice, or within a lesser period of time specified in the notice, if the interests of public safety and health so necessitate. If less than ten days are allowed for removal of the weeds, the notice shall state the reason that the interests of public safety and health so necessitate. Such notice shall be in effect for the duration of the calendar year and the owner of the lot or parcel shall be responsible for controlling the vegetation as prescribed above for the duration of the calendar year, without the need for renotification. After the initial notice, any subsequent period of noncompliance shall also be a violation of this section.

(Ord. No. 742, att.(8.15.010), 5-26-2020)

Sec. 8.15.015. Height of vegetable growth for fire prevention and erosion control.

It is the duty of every owner of any lot or parcel of ground in the city to keep the lot and the parcel of ground, parkways, alleyways, and the sidewalk areas abutting thereon, free from grass or other lawful vegetable growth which is in excess of eight inches in height and that is detrimental to the neighborhood. This section does not prohibit property owners from installing inorganic landscaping materials authorized by title 17. Such notice shall be in effect for the duration of the calendar year, and the owner of the lot or parcel shall be responsible for controlling the vegetation as prescribed above for the duration of the calendar year, without the need for renotification. After the initial notice, any subsequent period of noncompliance shall also be a violation of this section.

(Ord. No. 742, att.(8.15.015), 5-26-2020)

Sec. 8.15.020. Abatement by city authorized, when.

The municipality may, at its election, after notice is served upon the owner, file a complaint against the offending person and/or go upon such lot, parcel of land, alleyway or sidewalk area in front thereof and remove such weeds and noxious vegetation, and the expense thereof shall be charged to the owner of the lot or parcel of ground and the same, if applicable, certified to the proper taxing authorities and/or collected from the owner of such lot or parcel of ground from which the weeds and noxious vegetation have been removed. The municipality may take the action herein prescribed upon any violation of this chapter subject only to the notice requirements delineated in this chapter. Notice shall be accomplished by certified mail to the last known property owner of the property or, if not known, by positing notice on the property.

(Ord. No. 742, att.(8.15.020), 5-26-2020)

Sec. 8.15.035. Exceptions; fire break required, method of size determination.

(a) Native areas and the natural vegetation contained therein are exempt from the weed removal and height limitation provisions of this chapter. The fire chief, or his or her representative, may determine on an annual basis that removal may be required based on if seasonal conditions require the same.

(b) Drainageways, excluding Casper Creek and the North Platte River, shall be mowed from the top of the bank to the perimeter of the drainageway. Woody plants located within this area are exempt from having to be mowed. In addition, a community service officer, after consultation with the fire chief for reasons of erosion, spoilage of natural ground cover, etc., can deem the mowing of the drainageway to be impractical and exempt from the mowing requirement.

(c) However, it is the duty of every owner of any lot, or parcel of ground in the city, to mow and maintain a strip for a fire break between their private property and the native areas adjoining the property. The width of the fire break shall be determined by the fire chief or his or her designated representative and shall be based on the height, type and amount of growth, wind and geographical conditions and type of exposure threatened. Such notice shall be in effect for the duration of the calendar year, and the owner of the lot or parcel shall be responsible for controlling the vegetation as prescribed above for the duration of the calendar year, without the need for re-notification. After the initial notice, any subsequent period of noncompliance shall also be a violation of this section.

(d) The provisions set out in subsections (a) through (c) of this section shall not apply to areas zoned urban agriculture and/or urban agricultural residential; provided, however, that the fire chief or his or her representative may determine, on a seasonal basis, appropriate provisions for fire breaks.

(Ord. No. 742, att.(8.15.035), 5-26-2020)

Sec. 8.15.040. Violations.

(a) Violation of any of the provisions of this chapter shall be considered to be a public nuisance.

(b) Violation of any of the provisions of this chapter shall constitute a misdemeanor offense, and punishment shall be in accordance with general offenses sections of chapter 1.03.

(Ord. No. 742, att.(8.15.040), 5-26-2020)

Sec. 8.15.050. Enforcement.

The community service officer, code enforcement officer, chief of police and his or her or their authorized agent shall have the authority to enforce the provisions of this chapter as follows:

- (1) By providing written notice to the owner to comply with the provisions of this chapter within the time period specified in the notice;
- (2) By issuing a written citation to appear in city court upon the owner's failure or refusal to comply with the notice to remove the nuisance;
- (3) By authorizing the abatement of the nuisance upon the owner's failure or refusal to comply with the notice to remove the nuisance.

(Ord. No. 742, att.(8.15.050), 5-26-2020)

Sec. 8.15.060. Abatement; liability for costs, collection of costs.

(a) Upon the owner's failure or refusal to comply with the written notice to remove the nuisance within the specified time period, the community service officer, code enforcement officer, chief of police or his or her or their authorized agent may, in addition to issuing the owner a citation, authorize the removal of such nuisance, and the owner of the lot or parcel from which the nuisance is removed shall be liable for all costs of the removal.

(b) The mayor or the mayor's authorized agent may initiate legal proceedings for collection of costs of removal against the owner of the lot or parcel, upon the owner's failure or refusal to pay the costs within 30 days, following demand for payment by the mayor or the mayor's authorized agent.

(Ord. No. 742, att.(8.15.060), 5-26-2020)

Sec. 8.15.070. Assessment of costs.

In addition to the owner's personal liability for costs of removal, the actual costs of such removal shall become an assessment upon the property from which such nuisance is removed, and the record owner of such property shall be liable for the payment of same if the actual cost of such removal has not been paid within 30 days of receiving a bill from the city. Such assessment shall become a special assessment against the property from which the nuisance is removed, and the procedure for such special assessment shall be in accordance with state statutes.

(Ord. No. 742, att.(8.15.070), 5-26-2020)

Sec. 8.15.080. Appeal by owner.

(a) A request for a hearing upon the allegation of a public nuisance and the assessment of costs shall be made in writing and delivered to the city clerk within ten days from the date of the notice to abate. Such request shall specify the property concerning which the request is made, the requesting party's name and address, and the nature of the interest held by the requesting party of the weed violation.

(b) In the event of a public nuisance, as defined in sections 8.15.010 and 8.15.015, of which notice has been given, and which remains unabated for more than ten days, the community service officer, chief of police, or his or her representative is granted the authority to abate, remove or cause the removal of the weeds and/or dandelions; provided, however, that if a proper request for hearing is filed, abatement shall only proceed upon resolution or order of the city council or hearing examiner.

(c) In the event a request for hearing is filed as provided, a hearing shall be held before the city council or such other individual or group as designated by the city council to act as hearing examiner. The purpose of the hearing shall be to confirm or deny the existence of a public nuisance and for taking such further action as is authorized under this chapter. Notice of the time, place and hour of the hearing shall be sent at least ten days in advance of the hearing of all known parties.

(d) At such hearing, all parties shall be afforded an opportunity to present evidence, to cross examine and present arguments, provided that all persons testifying shall be sworn; irrelevant, immaterial or unduly repetitious evidence shall be excluded; and the decision of the council or hearing examiner shall be based upon the type of evidence commonly relied upon by reasonably prudent people in the conduct of their serious affairs.

(e) At or after such hearing, and in the event of confirmation that a public nuisance exists, the city council or the hearing examiner, as the case may be, may resolve or order that the municipality and/or its employees or agents remove or otherwise abate the nuisance; provided, however, that if the circumstances justify, in the opinion of the entity or person presiding at the hearing, the time for abatement may be delayed. In the event a nuisance is confirmed, administrative and removal costs may also be assessed at the hearing. If it is found that a public nuisance does not exist, abatement authority shall be denied, and costs shall not be assessed.

(Ord. No. 742, att.(8.15.080), 5-26-2020)

CHAPTER 8.16. RODENT CONTROL

Sec. 8.16.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business building means any hotel, apartment building, rooming house, office building, public building, store, theater, market, factory and any other structure, whether public or private, that is adapted for use in the transaction of business, the rendering of professional service, amusement, display, the sale of storage goods, wares or merchandise or for the performance of work or labor and shall include all outhouses, sheds, barns and other structures on premises used for business purposes.

Rat means any member of a long-tailed rodent species commonly described as rats, whether native to Wyoming or non-native. The term "rat" and these provisions shall not apply to any domesticated member of the same species which is kept in controlled conditions as a domestic pet or lab animal.

Rat eradication means the elimination or extermination of rats from any premises by any and all methods approved by the health officer.

Rat harborage means any place which provides shelter or protection for the continued existence or multiplication of rats, either in or outside of any business building.

Vent stoppage means a form of construction or repair to prevent the entry of rats into business buildings from the exterior or from one business building to another business building.
(Ord. No. 742, att.(8.16.010), 5-26-2020)

Sec. 8.16.020. Refuge for rats prohibited.

All premises, improved or unimproved, and all open lots, areas, streets, sidewalks, alleys and other areas in the city shall be kept clean and free from all rubbish, loose material, lumber, boxes, barrels and loose iron that might serve as a harborage for rats, and any material that may provide rat harborage shall be placed upon supports in such manner as to provide no refuge for rats.
(Ord. No. 742, att.(8.16.020), 5-26-2020)

Sec. 8.16.030. Business buildings—Maintenance.

All business buildings in the city shall be maintained in a vent-stopped and rat-free condition by the owner or occupant.
(Ord. No. 742, att.(8.16.030), 5-26-2020)

Sec. 8.16.040. Business buildings—Compliance required.

All improvements, repairs, construction and maintenance of any business building or any equipment or fixtures therein shall comply with the terms of this chapter.
(Ord. No. 742, att.(8.16.040), 5-26-2020)

Sec. 8.16.050. Storage of food and animal feed.

All food for human consumption and all animal feed shall be stored in ratproof containers, compartments or rooms; provided, however, that such storage shall be unnecessary if the same is kept in a vent-stopped building approved by the health officer.
(Ord. No. 742, att.(8.16.050), 5-26-2020)

Sec. 8.16.060. Storage of garbage and waste.

All garbage and other waste material upon which rats may feed shall be placed and kept, until removed from the premises, in covered ratproof containers.
(Ord. No. 742, att.(8.16.060), 5-26-2020)

Sec. 8.16.070. Inspections.

The health officer, or such individual authorized under this Code to act in that capacity, shall make periodic inspections for the purpose of seeing that this chapter is complied with, and it is unlawful for any owner or occupant of any business building or premises to refuse such inspection, provided that the same are made at reasonable times.
(Ord. No. 742, att.(8.16.070), 5-26-2020)

Sec. 8.16.080. Possession or turning loose of rats prohibited; exception.

It is unlawful for any person to have in his possession any rats or to turn rats at large in the city; provided, however, that this prohibition shall not apply to rats kept and used under the supervision of a duly licensed physician, surgeon or technician for scientific purposes.

(Ord. No. 742, att.(8.16.080), 5-26-2020)

Sec. 8.16.090. Violation; notice, penalty.

Whenever it shall come to the attention of the health officer that any of the provisions of this chapter are being violated or that any business building or premises or portion thereof is infested with rats or has rats therein or thereunder, the health officer shall serve upon the owner or occupant of such business building or premises, or both, a notice in writing pointing out the specific violation of any or all of the foregoing provisions and requiring such person to comply with the appropriate provisions of this chapter. Such notice shall fix a time limit for compliance therewith which shall in no event be less than 15 days from the date of the service of such notice. Any person failing to comply with the directions contained in such notice within the time specified therein shall be deemed guilty of a violation of this chapter; provided, however, that if the health officer finds that the time specified in the notice is too short to permit a good faith compliance, he may in writing extend the time for compliance.

(Ord. No. 742, att.(8.16.090), 5-26-2020)

CHAPTER 8.17. PRIVIES**Sec. 8.17.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cesspool means any underground recess or receptacle, except septic tank, into which body wastes or industrial or residence household wastes are deposited by means of lines from residence or business property connected to water closets, drains, tubs or sinks therein, which recess or receptacle retains such wastes because it is not connected by outlet line to any main sewer line.

Privy means any building or structure separate and apart from any residence or business building constructed and intended for use as a place in which to dispose of human body wastes or offensive wastes from industrial or residence use and of whatsoever nature, which building or structure has been or is being used for such purpose and is not connected to water and sewer lines.

Vault means the underground recess over which a privy is constructed and into which the wastes from the human body or industrial or residence use and operations are deposited or any other opening in the ground, covered or uncovered, but into which any offensive matter is deposited and not periodically removed, but shall not include cesspools or septic tanks.

(Ord. No. 742, att.(8.17.010), 5-26-2020)

Sec. 8.17.020. Prohibited where; nuisance declared.

In the interest of sanitation, public health and general welfare, any privy, vault or cesspool located within the city upon any property is hereby declared to be a nuisance.

(Ord. No. 742, att.(8.17.020), 5-26-2020)

Sec. 8.17.030. Removal of privies; cleaning and filling of vaults and cesspools.

Any person owning, occupying or having control of any premises or property upon which is situated any nuisance, as defined and declared in sections 8.17.010 and 8.17.020, shall tear down and remove same, if it is a privy and, if it is a vault or cesspool, shall clean same by removing the contents thereof and shall thereupon fill the vault or cesspool with earth or other suitable material. Cleaning of any vault or cesspool shall be under the supervision of the city health officer.

(Ord. No. 742, att.(8.17.030), 5-26-2020)

CHAPTER 8.18. HAZARDOUS MATERIALS AND HAZARDOUS WASTE**Sec. 8.18.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means disposed, discarded, burned, incinerated, accumulated, stored, or treated.

Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Contaminant means any substance introduced into air, water, or land that is toxic or otherwise harmful.

Corrosive means having a pH less than or equal to two or greater than or equal to 12.5, as determined by a pH meter, and corroding steel at a rate greater than 0.250 inches per year at a test temperature of 130 degrees Fahrenheit.

Discarded means abandoned, recycled, or inherently waste-like.

Discharge means the deposit, injection, dumping, spilling, leaking, emitting, or placing of any hazardous material or hazardous waste into the environment, including land, air, water, and groundwater.

Disposal means the discharging, depositing, dumping, injecting, spilling, leaking, emitting, or placing of any hazardous material or hazardous waste into the environment, including land, air, water, and groundwater.

Environment means any water, air, and land, and the interrelationship which exists among and between water, air, and land and all living things.

Flashpoint means the temperature at which a liquid or solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel.

Hazardous material means any material or substance which may cause harm to the environment.

Hazardous waste means any abandoned material that poses a potential hazard to human health, environment, or property containing hydrocarbons, including, but not limited to, diesel, gasoline, solvents, oil base paints, hydraulic oil, used oil, transmission oil, gear lubricant, or any material that exhibits one of the four characteristics (ignitability, corrosivity, reactivity, and toxicity) identified under or listed pursuant to the Resource Conservation Recovery Act (RCRA), subtitle C, and the Wyoming Department of Environmental Quality (DEQ) Hazardous Waste Regulations in chapter 2, sections 2, 3 and 4.

Ignitability means having the characteristic of any liquid containing less than 24 percent alcohol by volume which has a flashpoint less than 140 degrees Fahrenheit or any non-liquid that is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

Pollutant means any substance introduced into the environment which is not normally present therein and that is potentially toxic or otherwise objectionable.

Reactivity means having the characteristic of a solid waste that normally is unstable and readily undergoes violent change without detonating. A reactive substance reacts violently with water or forms potentially explosive mixtures with water. When mixed with water, a reactive substance generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health and the environment.

Release means any spilling, leaking, pumping, pouring, emitting, discharging, depositing, discarding, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or hazardous waste or pollutant or contaminant.

Remove or removal means a short-term immediate action taken to address releases of hazardous materials or hazardous waste that require expedited response.

Resource means a person, thing, or action needed for living or to improve the quality of life.

Solid waste means any discarded solid, semisolid, liquid, or contained gaseous materials.

Toxicity means any solid waste which exhibits toxicity using the toxicity characteristic leaching procedure (TCLP).

Toxicity characteristic leaching procedure (TCLP) means an analytical method approved by the U.S. Environmental Protection Agency (EPA), Method 1311, Number SW-846, tests for inorganic, and organic constituents, as well as procedures for field and laboratory quality control, sampling, and characteristics testing (toxicity, ignitability, reactivity, and corrosivity). The methods are intended to promote accuracy, sensitivity, specificity, precision, and comparability of analyses and test results. (Ord. No. 742, att.(8.18.010), 5-26-2020)

Sec. 8.18.020. Property maintenance; owner and occupant responsibility.

(a) Persons owning or occupying private properties that are next to sidewalks, strips or parkways between streets and sidewalks shall be responsible for keeping those areas free of hazardous material and/or hazardous waste.

(b) Persons owning or occupying places of business that are next to sidewalks, strips or parkways between streets and sidewalks shall be responsible for keeping those areas free of hazardous material and/or hazardous waste.

(c) Hazardous materials or hazardous waste shall not be permitted to accumulate in alleyways or at sidewalk curbs. Such materials must be stored in a closed container in a safe manner away from public access.

(d) Hazardous waste and hazardous materials located on private property shall be stored in an approved manner, as defined in section 8.18.050, so it does not contaminate the environment.

(Ord. No. 742, att.(8.18.020), 5-26-2020)

Sec. 8.18.030. Improperly contained and/or stored hazardous material or hazardous waste removal; authorization notice, cost to be assessed/collected.

The community service officer, code enforcement officer, chief of police or his/her designee is authorized and empowered to serve notice upon the occupant, owner, or his agent, to immediately remove improperly contained and/or stored hazardous waste or hazardous material from private property. If the improperly contained and/or stored hazardous material or hazardous waste is not removed within 72 hours (unless there is an immediate threat to human health, property and environment, removal will be immediate upon notification), the community service officer, chief of police or his/her designee may use any resource available to remove and arrange for pickup by a permitted treatment, storage, and disposal facility (TSDF). The occupant, owner, or his agent shall be responsible for reimbursement of costs incurred by the city for removal and/or disposal. If the reimbursement is not made within 60 days by the occupant, owner, or his agent, the cost of the removal and/or disposal shall be assessed against the owner's or occupant's sanitation bill as an additional cost of service or be assessed against the property and constitute a lien thereon; or, in the alternative, the cost may be collected by the city pursuant to state statutes.

(Ord. No. 742, att.(8.18.030), 5-26-2020)

Sec. 8.18.040. General restrictions.

It is unlawful for any person to discard, throw, discharge, place, deposit, or release any hazardous material, hazardous waste, or pollutant in any manner or amount in any private and/or city sanitation containers, or on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefor.

(Ord. No. 742, att.(8.18.040), 5-26-2020)

Sec. 8.18.050. Proper storage and disposal.

(a) The occupant, owner, or his agent, of the private property shall, at all times, take precautions to prevent accidental ignitions or reactions from mixing or commingling of hazardous materials or hazardous wastes. These materials shall be stored in closed containers for safety of the public and

accidental releases. If a container holding hazardous materials or hazardous wastes is not in good condition or begins to leak, the occupant, owner, or his agent of the private property must transfer the hazardous material or hazardous waste from this container to a container that is in good condition. The container must be made of or lined with materials which will not react with and are otherwise compatible with the hazardous material or hazardous waste stored, so that the ability of the container to contain the material is not impaired. Hazardous materials or hazardous wastes must be stored and protected from sources of ignition or reaction, including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks, static, electrical, and radiant heat, etc.

(b) Disposal by homeowners of hazardous materials and/or wastes shall be in accordance with the household hazardous waste facility guidelines. The occupant, owner, or agent of the private property, shall call the solid waste facility for an appointment, and inform the staff of the type or types of hazardous materials and/or wastes being brought to the facility.

(c) Disposal of hazardous materials and/or wastes by business shall be in accordance with 40 CFR 260—265, and the Wyoming Department of Environmental Quality (WDEQ), chapter 8, Standards for Generators of Hazardous Waste.

(Ord. No. 742, att.(8.18.050), 5-26-2020)

Sec. 8.18.060. Fees and charges; regional solid waste facility.

Residents of the city shall be allowed one free use of the regional solid waste facility upon presentation of a current monthly water bill (within one year of the billing month). This service is to be provided to residential customers only and not to be used for commercial disposal. Materials ineligible for disposal using the water bill include, but are not limited to, tires, freon-containing appliances, propane tanks and loads transported in vehicles or trailers exceeding the capacity of a standard pickup truck box. Loads that include a truck and trailer combination will require two water bills.

(Ord. No. 742, att.(8.18.060), 5-26-2020)

**CHAPTER 8.20. PROPERTY MAINTENANCE AND NUISANCE ABATEMENT
REQUIREMENTS**

Sec. 8.20.010. Power to declare nuisances.

The police chief or his or her designee shall have the power to declare nuisances by way of ordinance, including, but not limited to, the nuisances declared in this chapter.

(Ord. No. 742, att.(8.20.010), 5-26-2020)

Sec. 8.20.015. Purpose.

The property maintenance and nuisance abatement requirements are designed to ensure public health, safety and welfare by regulating and governing the conditions and maintenance of property and improvements within the city by providing standards essential to ensure that structures and properties are safe, sanitary and fit for occupation and use; improve the appearance of the city; encourage a more attractive environment; improve quality of life, and increase the value of properties within the city.

(Ord. No. 742, att.(8.20.015), 5-26-2020)

Sec. 8.20.017. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abate or *abatement* means the action taken to remove or alleviate a nuisance, including, but not limited to, demolition, removal, repair, boarding and securing or replacement of property.

Notice of violation means that written notice prepared by the city to provide notice to individuals determined to be responsible for a public nuisance, or requiring notice of such due to their position, of that public nuisance and the steps deemed necessary to correct such nuisance.

Nuisance or *public nuisance* means any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial loss in the value of other property in the neighborhood in which such premises are located or promotes urban blight and deterioration, or invites plundering, or creates fire hazards, or constitutes an attractive nuisance creating a hazard to the health and safety of minors, or creates a harborage for vermin, or to be injurious to the health, safety and general welfare of the public. The term "nuisance" or "public nuisance" includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

- (1) Any nuisance declared in this chapter or within the entire city municipal code;
 - (2) Abandoned, discarded or unused objects or equipment including, but not limited to automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.
- (Ord. No. 742, att.(8.20.017), 5-26-2020)

Sec. 8.20.020. Applicability and enforcement.

(a) The provisions of this chapter shall apply to all matters affecting or relating to the maintenance of buildings and premises and the abatement of nuisances.

(b) The code enforcement officer shall be responsible for enforcing the provisions of this chapter and the code enforcement officer is appointed as special municipal officer pursuant to W.S. 15-1-103(1) to issue criminal citations in the enforcement of this chapter.

(Ord. No. 742, att.(8.20.020), 5-26-2020)

Sec. 8.20.030. Investigations and inspections.

The code enforcement officer and/or building official shall investigate complaints and conduct inspections of violations of the provisions of this chapter. Reports of such investigations and inspections shall be in writing. The code enforcement officer and building official are authorized to engage such expert opinion as deemed necessary to report unusual technical issues that may arise, subject to the approval of the city administrator.

(Ord. No. 742, att.(8.20.030), 5-26-2020)

Sec. 8.20.040. Right of entry.

The code enforcement officer is authorized to enter upon premises at reasonable times to investigate or inspect, with the permission of the owner, owner's agent, or occupant. The code enforcement officer shall carry proper identification when investigating or inspecting premises in the performance of duties under this chapter.

(Ord. No. 742, att.(8.20.040), 5-26-2020)

Sec. 8.20.045. Search warrant.

(a) The code enforcement officer may make application to the municipal court for authority to enter upon land to examine nuisances for the purpose of making a determination as to whether a public nuisance exists and/or securing information as to the ownership of a vehicle or item thought to constitute a public nuisance and/or securing information as to the identity of the person in control of the land where the vehicle or item is situated.

(b) The municipal court has authority to issue search warrants and other processes necessary to enforce this chapter.

(c) A warrant shall be issued only upon affidavit sworn to before a municipal judge that establishes the grounds for issuing the warrant. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, he shall issue a warrant identifying the purpose of the search and naming or describing the place to be searched. The warrant shall be directed to the code enforcement officer authorized to enforce or assist in enforcing the laws of the state or of the city. The warrant shall state the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof. The warrant shall command that the search take place forthwith. The warrant shall direct that it be served in the daytime, but for good cause shown, the warrant may direct that it be served at any time.

(Ord. No. 742, att.(8.20.045), 5-26-2020)

Sec. 8.20.050. Notice form.

Whenever the code enforcement officer is of the opinion that any condition is a public nuisance as defined within this Code, the code enforcement officer shall attempt to give written notice to the owner of the condition, if his or her address is known, to the owner of the land where the condition is located, or any person occupying property, or to any other person or entity known by the code enforcement officer to have a security interest in the alleged public nuisance. Such notice shall include substantially the following information:

- (1) The name of person who is the owner as disclosed in the tax records of the county, or otherwise recorded; the name of person who is occupier of property, if known, or the name of person who has a security interest, if known;
- (2) The date of the inspection of the property;
- (3) A description of the real property, by street address or otherwise, on which the nuisance exists;

- (4) A statement that a certain condition is a nuisance within the provisions of this chapter and, in the case of a vehicle, the notice should include make, year and vehicle identification number, if reasonably possible, and what must be abated;
 - (5) A statement that such nuisance must be abated within ten days from the date on the notice;
 - (6) A statement that if the nuisance is not abated within the time provided, the city may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists, or both;
 - (7) A statement that a hearing upon the allegation of a public nuisance and the assessment of costs may be requested by giving written notice to the clerk of municipal court within ten days from the date on the notice, and that a request must specify the property concerning which the request is made, the requesting party's name and address, and the nature of the interest held by the requesting party; that, upon request, a hearing will be scheduled to determine if a public nuisance exists and as to the assessment of administrative costs and the costs of abatement; that if a hearing is not so requested, the right to a hearing shall be waived; and
 - (8) A statement that failure to abate the nuisance may result in a city abatement and/or criminal charges.
- (Ord. No. 742, att.(8.20.050), 5-26-2020)

Sec. 8.20.060. Method of service.

(a) If, after inspection of the premises, the code enforcement officer determines that a public nuisance exists, a notice of violation shall be served upon the owner of property on file with the county assessor for tax purposes. Notice shall be served in one or more of the following ways:

- (1) Personal service by the code enforcement officer; or
- (2) Certified mail, return receipt requested, signature required; or
- (3) Posting a copy of the notice in some conspicuous place on the offending property. In the case of vehicles, where practical, the notice shall also be affixed to the windshield or some other part of the vehicle where it can be easily seen. Where affixing the notice to a vehicle is impractical, and in the case of other nuisances, the notice shall be posted at the site or on the premises where the nuisance exists; or
- (4) In the event that service cannot be perfected by any of the methods listed in subsections (a)(1) through (3) of this section, then notice of the violation, and the contents thereof, shall be published in a newspaper of general circulation in the community one time per week for two consecutive weeks.

(b) Proof of notice shall be made naming the person to whom notice was given and specifying the time, place and manner thereof, by the certification of any officer or employee of the city, affidavit of any person over 18 years of age, naming the person to whom notice was given and specifying the time, place and manner thereof. Proof of notice shall be made in each case and maintained for a period of two years from the date of abatement of the nuisance for which notice has been given.

(c) Receipt of service of the notice shall be deemed completed upon delivery by personal service, by mailing of the certified letter, plus three days, or upon the publication of the notice for the first time in the newspaper.

(Ord. No. 742, att.(8.20.060), 5-26-2020)

Sec. 8.20.062. Owner to abate.

(a) Upon receipt of the notice as specified in section 8.20.050, the owner of the property shall abate the nuisance, and provide proof thereof to the code enforcement officer, within ten days from the date specified in the notice of violation.

(b) In the event that the owner is unable to complete the abatement within the prescribed period of time, but has undertaken substantial steps toward abatement, the code enforcement officer may grant an extension of the specified period of abatement for not more than an additional 20 days, subject to such conditions as may be specified by the code enforcement officer.

(1) Any extension of time shall be in writing, as shall be in compliance with any conditions imposed thereon.

(2) No more than one extension shall be granted.

(Ord. No. 742, att.(8.20.062), 5-26-2020)

Sec. 8.20.064. Hearing procedure.

(a) The owner or occupant of property who has been served with a notice of violation pursuant to this chapter may, within ten days from the date specified in the notice of violation, submit a written demand to the municipal clerk of courts for a hearing on the question of whether a nuisance exists. If no appeal is filed within that period, the appeal shall be deemed waived.

(b) In the event that a hearing is demanded by the alleged violator, a hearing shall be scheduled with the municipal court within 20 days from the date of receipt of the written demand. The matter shall not be continued unless both the alleged violator and the city agree to such continuance.

(c) At such hearing, all parties and the city shall be afforded an opportunity to present evidence, to cross examine and to present argument, provided that all persons testifying shall be sworn; irrelevant, immaterial or unduly repetitious evidence shall be excluded. Any violator may appear with counsel if desired.

(d) The burden shall be on the city to prove the existence of a nuisance by substantial evidence.

(e) After hearing the evidence and argument in the matter, the municipal court shall make a finding as to the existence of a nuisance and may make findings as to the abatement procedure proposed by the city or the alleged violator, the costs to be determined by the court within a time certain, to be allocated, and the time in which such abatement will be completed by the alleged violator, if not completed by the time of the hearing. If a nuisance is found to exist, the time for completion allowed by the court shall not exceed ten days from the date of the final order. In the event a nuisance is confirmed, administrative and

removal costs to the city may also be assessed at the hearing should the owner or occupant fail to remove the nuisance pursuant to the final order. If it is found that a public nuisance does not exist, abatement authority shall be denied.

(f) Appeals from adverse decisions rendered by the municipal judge may be made to the district court in the same manner as an appeal from an adverse decision rendered by an agency in a contested case under the provisions of W.S. 16-3-114.

(g) In the event a request for hearing or appeal, as provided, is not filed, the right to a hearing shall be considered to have been waived.

(Ord. No. 742, att.(8.20.064), 5-26-2020)

Sec. 8.20.070. Correction or abatement by city; recovery of costs.

(a) Any abatement of nuisance by city shall be in accordance with the proposal specified in the notice of violation, or such other means as is found to be reasonable at the time of abatement. The city shall make an effort to abate the nuisance at the least destructive or intrusive manner as is reasonable under the circumstances.

(b) Any materials removed and salvaged by the city in the abatement of the public nuisance may be sold for salvage and the proceeds deposited into the general account of the city. Those funds shall be applied to offset the cost of the abatement by the city, with any excess funds being sent to the owner of the property.

(c) The city shall be entitled to employ private contractors to assist in the abatement of the public nuisance and use salvage funds to reimburse the expenses incurred therein. If private contractors are utilized, the city shall impose a 20 percent administrative fee on the offending property owner.

(d) After compilation of the costs and charges incurred by the city for the abatement of the public nuisance, offset by any receipt of funds for salvaged materials, the city shall mail by certified mail, return receipt requested, to the owner of the property a statement of the outstanding balance owed by the owner to the city for the nuisance abatement. Such balance shall be due and owing not more than 30 days following the mailing of the notice. The statement shall also include a statement of the rights of the owner to appeal such amounts as have been expended on the abatement of the nuisance within ten business days of the date of mailing.

(e) If the owner of the property wishes to contest the amount that was expended on the nuisance abatement, or the amount received from the salvaged materials, he may file a written notice of appeal, in person or by certified mail, with the clerk of the municipal court within ten business days from the date of mailing of the statement of charges. If no appeal is filed within that period, the appeal shall be deemed waived and the statement amount shall be immediately due and owing to the city.

(f) If the owner files an appeal of the amount owed, then the matter shall be set for hearing with the municipal judge within 20 days from the date the notice is received by the clerk.

(g) If payment in full is not received by the city within 30 business days from the time the statement became final, then such shall be entered as a lien against the property and filed with the county. Further, the city may take appropriate action to collect the same, including, but not limited to, referral to a

collection agency, reducing costs to judgment, or making the costs a special assessment or lien on the property involved. The foregoing cost, judgment, assessment or lien shall be in addition to any other penalty imposable under this chapter or any other lawful statute.

(Ord. No. 742, att.(8.20.070), 5-26-2020)

Sec. 8.20.080. Penalty for noncompliance.

(a) It shall be the duty of any person receiving a notice of a public nuisance as provided in this chapter to comply with the provisions of the notice and to respond to such notice within ten days from the date on the notice, and if such person shall fail or refuse to abate such nuisance within ten days from the date on the notice without just cause or within an extension of time given by the city code enforcement officer, or the time established by the municipal judge after a hearing, such failure is declared to be unlawful and shall constitute a misdemeanor. Every 24-hour period such nuisance persists to exist shall constitute a separate violation.

(b) It is unlawful and shall constitute a misdemeanor for any person, within ten days from the date on the notice, to remove any vehicle or junk from private property to any other private property upon which storage is not permitted, or onto any public property.

(c) A violator may be assessed a fine of up to \$750.00. In addition to the fine, the court may also order the nuisance abated and assess any costs incurred by the city to abate nuisance if the nuisance is not abated by the violator. All fines obtained on convictions under this section shall be forwarded to the city's general fund to be utilized for costs the city incurs for nuisance abatement.

(Ord. No. 742, att.(8.20.080), 5-26-2020)

Sec. 8.20.095. Waiver of abatement costs.

(a) Notwithstanding the other provisions of this chapter, the cost of abating a nuisance shall be waived for those Wyoming residents meeting the same resource eligibility requirements under W.S. 39-11-109(c)(ii) through (vii). All persons wishing to qualify for waiver of nuisance abatement costs must:

- (1) Furnish proof of the age and/or income requirements as set forth in W.S. 39-11-109(c)(ii) through (vii);
- (2) Must own, or be in the process of purchasing, the property from which the nuisance is abated; and
- (3) Be living on the property from which the nuisance is abated.

(b) Applications for waiver of nuisance abatement costs shall be filed with the city administrator on forms supplied by the city within ten days after receipt of a notice of assessment. All information required to be given on such form shall be supplied and verified by the applicant. The maximum amount that may be waived under this section for any one parcel of real property or any one person shall be \$500.00 per calendar year and shall be the determination of the city administrator or the municipal judge.

(Ord. No. 742, att.(8.20.095), 5-26-2020)

Sec. 8.20.097. Personal liability of owner.

The owner of the property on which a public nuisance was abated by the city shall be personally liable to the city for the reasonable costs incurred as a result of that abatement.

(Ord. No. 742, att.(8.20.097), 5-26-2020)

Sec. 8.20.099. Removal; voluntary consent, affidavit.

The author of a nuisance may voluntarily consent to its removal by the city. To give such consent, all responsible persons of the property shall execute an affidavit acceptable to the city administrator, stating that there is no other responsible person of the property; that the responsible person waives the right to hearing under section 8.20.064; that the responsible person will reimburse the city for the actual costs of removal and administrative overhead attributable to removal; and that reimbursement will be made to the city within 30 days of removal. The affidavit shall contain an agreement by the responsible person to indemnify the city for any loss, damage or expense alleged by any person as a result of removal or disposal. The affidavit shall release the city from any and all liability on account of the removal and disposal of a nuisance.

(Ord. No. 742, att.(8.20.099), 5-26-2020)

Sec. 8.20.100. Vacant and occupied structures and land.

All property or premises, vacant or occupied, shall be maintained in a clean, safe, secure and sanitary condition so as not to adversely affect health and safety. All doors, windows and other openings of vacant structures shall be secured to prevent unauthorized entry. Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings, and the procedure for abatement of such condition shall be pursuant to such code. Failure to comply with an order issued under such code shall be a violation of chapter 8.30 [unlawful].

(Ord. No. 742, att.(8.20.100), 5-26-2020)

Sec. 8.20.102. Other methods of abating nuisances.

Nothing in this chapter shall be deemed to limit the use of other lawful methods of abating nuisances, including, but not limited to, taking action in district court.

(Ord. No. 742, att.(8.20.102), 5-26-2020)

Sec. 8.20.104. Severability.

If any section, subsection, sentence, clause, phrase or portion of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter.

(Ord. No. 742, att.(8.20.104), 5-26-2020)

Sec. 8.20.110. Offensive drains, pools and sewers; grading and drainage.

(a) It is unlawful to cause or permit any cellar, private drain, ditch, pool, sewer or other thing or place upon any premises to become foul, offensive, or injurious to public health.

(b) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. It is unlawful to permit water to stand on any lot or premises until such water becomes foul or offensive or injurious to the public health, or to allow water to collect in any container on any lot or premises until such water supports mosquito breeding.

(c) Roof water shall not be discharged in a manner that creates a public nuisance.

(d) Exception: approved retention areas and reservoirs.

(Ord. No. 742, att.(8.20.110), 5-26-2020)

Sec. 8.20.120. Open cellars, pits or vaults.

It is unlawful to leave, keep open, or cause to be left open, unattended or unprotected any cellar door, pit, grating or cap of any vault or other subterraneous opening so that passersby may fall in or may be in danger of falling into such opening.

(Ord. No. 742, att.(8.20.120), 5-26-2020)

Sec. 8.20.130. Protection for excavations.

It is unlawful to make any excavation or dig any hole, drain, ditch or other opening without providing proper protection by a fence or suitable safety obstruction around such excavation in such a manner as to prevent persons or vehicles from falling into the same. Such fences or safety obstructions shall be readily visible at any time of the day or night by pedestrians, and motorized and nonmotorized traffic.

(Ord. No. 742, att.(8.20.130), 5-26-2020)

Sec. 8.20.140. Individual sewage disposal systems.

It is unlawful to operate or use any individual sewage disposal system, privy or sewage vault within the city limits, unless authorized by the city.

(Ord. No. 742, att.(8.20.140), 5-26-2020)

Sec. 8.20.150. Discharging offensive fluid matter.

It is unlawful to discharge or permit to be discharged or flow from any premises into or onto any adjacent property any foul, noxious or malodorous liquid or any fluid matter that is or may become offensive.

(Ord. No. 742, att.(8.20.150), 5-26-2020)

Sec. 8.20.160. Accumulation of refuse, garbage, debris and junked vehicles.

(a) It is unlawful for any person owning or occupying a lot or premises, or for that person's agent, to permit or cause the accumulation of garbage, refuse, or debris as defined in this section upon the lot or premises which causes or tends to cause substantial loss in the value of other property in the neighborhood in which such premises are located or which is found to be injurious to the health, safety and general

welfare of the public. Nothing in this section is intended to prohibit the accumulation of such garbage, refuse or debris in or upon establishments or premises lawfully authorized for the purpose of treating or disposing of accumulated garbage, refuse or debris, such as authorized junkyards and landfills.

(b) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings given in this subsection, except where the context clearly indicates a different meaning:

Debris means discarded automobile parts or tires, household appliances, furniture or equipment, billboard refuse, silt from automobile wash racks, dead animals, large or bulky boxes, barrels, tanks or containers, any refuse resulting from the wrecking, construction or reconstruction of any building, fence, sidewalk or structure of any kind or character, or any discarded refuse of a highly explosive or inflammable nature, or anything whatsoever which may be found to be unsanitary, dangerous or injurious to the health, safety and general welfare of the public.

Garbage means any and all kitchen refuse, waste food, offal or animal matter or anything whatsoever which may decompose and become offensive, foul, unsanitary or dangerous to health.

Refuse means any and all grass clippings, leaves, weeds, or other yard waste, hay, straw, paper, rubbish, containers, glass, cans, bottles and any and all other material commonly known as rubbish or refuse of any kind, except as excluded in this chapter.

(Ord. No. 742, att.(8.20.160), 5-26-2020)

Sec. 8.20.165. Junked vehicles, and unlicensed or inoperative vehicles.

(a) It is unlawful for any person owning or occupying a lot or premises, or for that person's agent, to permit or cause the accumulation of junked vehicles upon the lot or premises. Nothing in this section is intended to prohibit the accumulation of such junk vehicles in or upon establishments or premises lawfully authorized and/or expressly permitted.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Effectively concealed from view means any vehicle which is maintained in such a manner that it does not constitute a health hazard, does not attract children, rodents or pests, and which is located so that it is not readily visible from a public place or surrounding private property, or is enclosed in a building, or is completely covered with an intact, opaque cover, or is concealed behind appropriate opaque fencing.

Junked vehicle means any vehicle originally designed or constructed to be self-propelled, regardless of whether it contains an engine, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, off-road vehicles, and boats on private property which are found to either:

- (1) Be wrecked, abandoned, dismantled, partially dismantled, discarded, or inoperative;
- (2) Promote blight and deterioration;
- (3) Invite plundering;
- (4) Create fire hazards;

- (5) Create a harborage for insects, rodents, skunks and other vermin;
- (6) Constitute an attractive and dangerous nuisance creating a hazard to the health and safety of minors; or
- (7) Cause or tend to cause substantial loss in the value of other property in the neighborhood in which such premises are located or which is found to be injurious to the health, safety and general welfare of the public.

(c) Public nuisance. Any one of the following nonexclusive circumstances existing prior to, or at the time notice is delivered, shall be considered evidence that a vehicle upon private property constitutes a public nuisance:

- (1) Not less than 30 days have passed without the vehicle being removed or screened;
- (2) A vehicle which is totally or partially suspended above the ground by jacks, blocks or other devices, except for a vehicle undergoing active repair, for up to 48 hours when the same is being repaired;
- (3) A vehicle which does not display a current license plate, tag or valid temporary permit, except those in possession of a licensed dealer's tag for the purpose of sale at the place licensed for the sale;
- (4) A vehicle which is inoperative, or in a state of major disassembly or disrepair, or which is in the process of being stripped or dismantled, other than for up to 30 days when repairing the same;
- (5) A racecar that is not currently actively engaged in racing and equipped for racing with roll cage, windows removed, driver's name, sponsors and/or number displayed. Any racecar shall be concealed behind a six-foot opaque fence or within an enclosed building, with the exception of not more than ten days prior to or following the date of the race event; or
- (6) Demolition derby cars or vehicles in an operable condition specifically adapted or constructed for exclusive operation on raceways, or parts thereof, shall be considered junked vehicles ten days following the demolition race in which they were used.
 - a. Demolition derby cars shall not be permitted on residential property more than 14 days prior to the event in which the demolition derby racecar is entered. Proof of event registration may be required.
 - b. Within no more than ten days following the date of the race event, any demolition derby car shall be concealed behind a six-foot opaque fence or within an enclosed building.

(d) Exceptions. This section does not apply to:

- (1) Vehicle storage incident to an automobile sales, towing, storage or repair business operated in compliance with all applicable law;
- (2) The storage of wrecked, junked or inoperative vehicles by a lawful salvage business operating in compliance with all applicable law; or

- (3) For use in refurbishing and restoring vehicles as a hobby, a property owner may keep on his/her property no more than two unlicensed or inoperative vehicles and materials involved with the repair and restoration of those vehicles, provided the vehicles and materials are effectively concealed from view.

(Ord. No. 742, att.(8.20.165), 5-26-2020)

Sec. 8.20.170. Burning garbage and refuse.

It is unlawful for any person to burn or cause to be burned any garbage, waste, packing material, trash, refuse, discarded boxes or other materials within the corporate limits of the city without first having obtained written permission from the fire chief.

(Ord. No. 742, att.(8.20.170), 5-26-2020)

Sec. 8.20.175. Private roads.

(a) The term "private road" means any way or place, whether paved or unpaved, in private ownership and maintenance used for vehicular travel by the owner and those having express or implied permission from the owner, which provides access to three or more residences, and which is not dedicated as a city street.

(b) Maintenance of private roads shall be the sole responsibility of the landowner.

- (1) All private roads shall, at a minimum and unless otherwise specified in this Code, be graded in such a way as to be maintained free from potholes, ruts, and other obstructions, and to provide adequate drainage from the road surface for the provision of safe and convenient vehicular access from abutting streets for area residents, emergency responders, and utility providers. Road surfaces shall be comprised of a minimum of three inches of compacted gravel or an alternative aggregate approved by the city engineer, with appropriate measures to control dust. Dirt, mud, gravel or aggregate tracked onto paved, public streets must be removed as soon as practical.

- (2) Upon notification of violation of these conditions, the owner of said roads shall have ten days from the date of the notice to bring the streets into compliance, as outlined in section 8.20.062. As specified in that section, one 20-day extension may be granted by the code enforcement officer. Any additional extension shall be based on extraordinary circumstances and at the discretion of the community development department. In the event that the road is not timely brought into compliance, the city shall have recourse to all enforcement options enumerated within this chapter.

(Ord. No. 742, att.(8.20.175), 5-26-2020)

Sec. 8.20.180. Sidewalks, driveways and parking lots.

(a) All sidewalks, walkways, stairs, driveways, parking lots and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

(b) It is unlawful to allow dirt, rubbish or refuse of any kind to be thrown, swept or pushed into the street adjacent to any store or place of business by the owner, manager or any employee or agent thereof. Each business establishment is held responsible for keeping the sidewalk and gutter adjacent to such building free of any accumulation of dirt, papers or refuse.

(Ord. No. 742, att.(8.20.180), 5-26-2020)

Sec. 8.20.190. Removal of snow and ice.

(a) Sidewalks. Owners and/or occupants of property abutting a sidewalk shall, after a snowfall, remove snow, ice or slush from such sidewalks and maintain them free of the same. If any owner or occupant of the property fails to comply with this subsection, the city may, after a reasonable effort to contact the owner and/or occupant either in person or by telephone, have the snow, ice, or slush removed and charge the owner or occupant for the costs thereof, as provided in section 8.20.070.

(b) It is unlawful for any person to remove snow from private property and place the same on a public street in such quantity, or in such a manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal thereof.

(Ord. No. 742, att.(8.20.190), 5-26-2020)

Sec. 8.20.200. Weeds; composting exception.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Drainageway means a route or course along which water moves or may move to drain a region.

Native areas means those areas adjacent to the city's open drainageways and areas of natural ground cover, and/or areas of extreme topography.

Woody plants means perennial plant materials, such as trees, shrubs, vines and ground covers with woody fiber, which serve as desirable flora components of an urban landscape.

(b) *Weed removal.* All premises and adjoining property, including the space between such property and the street and that portion of the alley adjoining such property, and the sidewalk areas abutting thereon, shall be maintained free from weeds and untended growth of vegetation in excess of ten inches in height. The presence of such weeds may create a fire, safety or health hazard or may attract vermin either on the property, on neighboring properties, or on both. All noxious weeds shall be prohibited. The term "weeds" means all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, the term "weeds" shall not include cultivated flowers, gardens and lawns. Nothing in this subsection is intended to prohibit the use of tall, decorative grasses or plants as part of a landscaping or xeriscaping scheme. Exception. Tracts of land greater than two acres in size which are unsubdivided and unimproved and/or subdivided but unimproved, and under single ownership a fire break is required as per subsection (c) of this section.

(c) *Fire break required.*

- (1) It is the duty of every owner of any lot, or parcel of ground in the city, to mow and maintain a strip for a fire break between their private property and the native areas adjoining the property. The width of the fire break shall be determined by the community development department, and shall be based on the height, type and amount of growth, wind and geographical conditions, and type of exposure threatened.
- (2) Tracts of land greater than two acres in size which are unsubdivided or subdivided and unimproved, and under single ownership, shall be mowed a minimum of ten feet from the property line into the property or 20 feet when adjacent to residential neighborhoods unless otherwise specified by the community development department as per subsection (c)(1) of this section.
- (3) Drainageways, excluding the North Platte River, shall be mowed a minimum of ten feet extending out from the top of the bank. When drainageways are adjacent to residential neighborhoods, they shall be mowed a minimum of 20 feet extending out from the top of the bank. Woody plants located within this area are exempt from having to be mowed. The code enforcement officer, for reasons of erosion, spoilage of natural ground cover, etc., can deem the mowing of the drainageway to be impractical and exempt from the mowing requirement.
- (4) Native areas and/or areas of extreme topography, as determined by the community development department, and the natural vegetation contained therein, are exempt from the weed removal and height limitation provisions of this section with the exception of subsection (c)(1) of this section.

(d) *Composting exception.* The provisions of subsection (a) of this section do not prohibit the maintenance of a compost pile on residential property, so long as the compost pile does not create a hazard and is:

- (1) Contained;
- (2) Maintained so as not to produce offensive odors or attract flies or vermin;
- (3) Located, insofar as reasonably possible, so that it is not visible from abutting properties or streets;
- (4) Maintained in compliance with all rules, regulations and procedures that may be promulgated by the public works director.

(Ord. No. 742, att.(8.20.200), 5-26-2020)

Sec. 8.20.205. Trees and shrubs.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Arborist means any person, firm, or corporation engaged in the business of cutting, trimming, pruning, spraying, injecting chemicals, or removing trees or shrubs for compensation.

City property means all city-owned property, including parks and dedicated rights-of-way and other real property.

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the city.

Public nuisance means any dangerous or unsafe tree or portions thereof on streets or alleys, in parks, on other public places, and on private property, or posing a hazard thereof; any destructive or communicable disease or pestilence which endangers the growth, health, life, or well-being of trees or shrubs in the city.

Street trees means trees on land lying between property lines on either side of all streets, avenues, alleys, or rights-of-way within the city.

Tree topping means the severe cutting back of limbs to stubs larger than three inches in diameter within the crown to such a degree so as to remove the normal canopy and disfigure the tree.

(b) *Trees to be trimmed.*

- (1) Every owner or occupant of any real property shall trim all trees on property owned or occupied by him which are overhanging the sidewalks, streets or alleys so that the branches thereon will not interfere with pedestrians or public travel. The same shall be trimmed so that all parts shall be at least eight feet above any sidewalk it may overhang. The same shall be trimmed so that all parts shall be at least 14 feet above any street or alley it may overhang.
- (2) If a tree, or any of its parts, adjoining boulevards or alley ways on private property in any way causes a hindrance to the general public, or in any way endangers the security and usefulness of any public street, highway, alley, utility, or sidewalk, the same is hereby declared a nuisance. The city shall issue a written notice requiring the owner or agent to correct or remove said nuisance within ten days, unless such nuisance constitutes a traffic safety hazard, in which case the owner shall be required to abate the hazard within three days. If the owner or agent does not correct said nuisance within the time specified, the city shall cause the same to be corrected or removed, and the costs thereof shall be billed to the property owner at a rate equal to 1½ times, or a citation will be issued by the code enforcement officer.

(c) *Hedges and shrubbery.* Every owner or occupant of any real property shall trim all hedges and shrubbery adjacent to public sidewalks so that no part of said hedges and/or shrubbery shall extend over any part of a public sidewalk in the city and/or streets and alleys and no part of said hedges and/or shrubbery shall extend over any part of a street or alley. In case of corner lots, there shall be no hedges or shrubbery within the sight triangle, having its sides 15 feet each way from the corner of said lot facing the two streets, and there shall be no other plants over two feet high within such triangle.

(d) *Injury to trees or shrubbery.* It is hereby declared unlawful for any person, not the owner thereof, or without lawful authority to do so, to willfully injure, destroy, deface, disfigure or demolish any fruit, shade or ornamental tree or shrub growing, standing or being either on private ground or any street, parking area, public park or place within the city.

(e) *Attachment of signs, notices, wires or ropes.* It shall be unlawful to attach any sign, advertisement, or notice to any tree or shrub on city property. It shall be unlawful to attach any wire or rope to any tree or shrub in any public street, parkway, or other city property without the approval of the parks department.

(f) *Street corners.* Trees and bushes shall be trimmed in a manner which does not prevent visibility at street corners or intersections.

(g) *Fire hydrants.* Trees and bushes shall be trimmed in a manner which provides clear visibility of and accessibility to hydrants as determined by the fire chief.

(h) *Existing trees.* Trees in existence and growing at the date of adoption of the ordinance from which this section is derived shall be exempt from setback requirements.

(Ord. No. 742, att.(8.20.205), 5-26-2020)

Sec. 8.20.210. Rodent and insect harborage.

(a) The interior of all buildings and structures shall be kept free from insect and rodent harborage and infestation where such infestation threatens the public health, safety or welfare. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate insect and rodent harborage and prevent reinfestation.

(b) All exterior premises shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the public health, safety or welfare.

(c) Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such code. Failure to comply with an order issued under such code shall be a violation of the city Code with a fine as per the general offenses of chapter 1.03.

(Ord. No. 742, att.(8.20.210), 5-26-2020)

Sec. 8.20.215. Interior sanitation.

(a) The interior of every building or structure shall be maintained free from any unsafe or unsanitary accumulation of refuse and garbage.

(b) All sanitary facilities shall be installed and maintained in a safe and sanitary condition.

(c) Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings, and the procedure for abatement of such condition shall be pursuant to such code. Failure to comply with an order issued under such code shall be a violation of chapter 8.30.

(Ord. No. 742, att.(8.20.215), 5-26-2020)

Sec. 8.20.220. Structure exteriors, accessory structures, fences and walls.

(a) Structure exteriors, including fences and walls, shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare.

- (1) All overhang extensions, including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in good condition.
- (2) Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, shall be maintained structurally sound and in good repair.
- (3) All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound and in good repair.
- (4) Basement hatchways that provide access shall be equipped with devices that secure the unit from unauthorized entry. Such basement hatchways shall also be maintained to prevent the entrance of rodents, rain and surface water.

(b) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(c) Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such code. Failure to comply with an order issued under such code shall be a violation of the city Code with a fine as per the general offenses of chapter 1.03.

(Ord. No. 742, att.(8.20.220), 5-26-2020)

Sec. 8.20.230. Dilapidated structures.

Buildings or structures that are so deteriorated, damaged, dilapidated, or in need of repair so as to present a threat to the public health, safety and welfare of the community constitute a nuisance and shall be abated by repair, rehabilitation or demolition as provided in chapter 8.30.

(Ord. No. 742, att.(8.20.230), 5-26-2020)

CHAPTER 8.30. ABATEMENT OF DANGEROUS BUILDINGS**ARTICLE I. GENERALLY****Sec. 8.30.010. Uniform Code for the Abatement of Dangerous Buildings.**

The 1997 Uniform Code for the Abatement of Dangerous Buildings is amended and adopted by the city, as set forth in this chapter.

(Ord. No. 742, att.(8.30.010), 5-26-2020)

ARTICLE II. TITLE AND SCOPE

Sec. 8.30.020. Title.

These regulations shall be known as the Uniform Code for the Abatement of Dangerous Buildings, may be cited as such, and will be referred to herein as "this code" or "this chapter."
(Ord. No. 742, att.(8.30.101), 5-26-2020)

Sec. 8.30.102. Purpose and scope.

(a) Purpose.

- (1) It is the purpose of this chapter to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the building code, housing code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.
- (2) The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

(b) Scope. The provisions of this chapter shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.
(Ord. No. 742, att.(8.30.102), 5-26-2020)

Sec. 8.30.103. Alterations, additions and repairs.

All buildings or structures which are required to be repaired under the provisions of this chapter shall be subject to the applicable provisions of the building code of the city.
(Ord. No. 742, att.(8.30.103), 5-26-2020)

ARTICLE III. ENFORCEMENT

Sec. 8.30.201. General provisions.

(a) Administration.

- (1) The building officials of the city and code enforcement are hereby authorized to enforce the provisions of this chapter.
- (2) The building officials shall have the power to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.

(b) Inspections. A designated health officer, the fire chief and the building officials are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

(c) *Right of entry.*

- (1) When it is necessary to make an inspection to enforce the provisions of this code, or when the building officials or the building official's authorized representative or code enforcement has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this chapter which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that, if such building or premises is occupied, credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
 - (2) Authorized representative shall include the officers named in subsection (b) of this section and their authorized inspection personnel.
- (Ord. No. 742, att.(8.30.201), 5-26-2020)

Sec. 8.30.202. Abatement of dangerous buildings; procedure.

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in section 8.30.403.

(Ord. No. 742, att.(8.30.202), 5-26-2020)

Sec. 8.30.203. Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this chapter.

(Ord. No. 742, att.(8.30.203), 5-26-2020)

Sec. 8.30.204. Inspection of work.

All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this chapter and the applicable sections of the building code.

(Ord. No. 742, att.(8.30.204), 5-26-2020)

Sec. 8.30.205. Board of appeals.

The city council shall perform all duties and shall have all authorities pertaining to appeals under this chapter. The city council shall act as the board of appeals under this chapter.

(Ord. No. 742, att.(8.30.205), 5-26-2020)

ARTICLE IV. DEFINITIONS

Sec. 8.30.301. General terms.

For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the building code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Building code means the International Building Code promulgated by the International Code Council, as adopted by this jurisdiction.

Dangerous building means any building or structure deemed to be dangerous under the provisions of section 8.30.302.

(Ord. No. 742, att.(8.30.301), 5-26-2020)

Sec. 8.30.302. Dangerous building.

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered:

- (1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (2) Whenever the walking surface of any aisle, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (3) Whenever the stress in any materials or member or portion thereof, due to all dead and live loads, is more than 1½ times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.
- (4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- (5) Whenever any portion or member or appurtenance thereof likely to fail, or to become detached or dislodged, or to collapse and hereby injure persons or damage property.
- (6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the work stresses permitted in the building code for such buildings.

- (7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (8) Whenever the building or structure, or any portion thereof, because of:
 - a. Dilapidation, deterioration or decay;
 - b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. The deterioration, decay or inadequacy of its foundation; or
 - e. Any other cause; is likely to partially or completely collapse.
- (9) Whenever, for any reason, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children;
 - b. A harbor for vagrants, criminals or immoral persons; or
 - c. As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- (13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the building code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
- (14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the:
 - a. Strength;
 - b. Fire-resisting qualities or characteristics; or
 - c. Weather-resisting qualities or characteristics; required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

- (15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
 - (16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
 - (17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to common law or in equity jurisprudence.
 - (18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- (Ord. No. 742, att.(8.30.302), 5-26-2020)

ARTICLE V. NOTICES AND ORDERS

Sec. 8.30.401. General procedure.

(a) *Commencement of proceedings.* When the building official has inspected or caused to be inspected any building and has found and determined that such building is dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

(b) *Notice and order.* The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

- (1) The street address and a legal description sufficient for identification of the premises upon which the building is located.
- (2) A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of section 8.30.302.
- (3) A statement of the action required to be taken as determined by the building official.
 - a. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor, and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
 - b. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

- c. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.
- (4) Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official:
 - a. Will order the building vacated and posted to prevent further occupancy until the work is completed; and
 - b. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.
- (5) Statements advising that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided:
 - a. The appeal is made in writing as provided in this chapter and filed with the building official within 30 days from the date of service of such notice and order; and
 - b. That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

(c) *Service of notice and order.* The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner, or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

(d) *Method of service.* Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(e) *Proof of service.* Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

(Ord. No. 742, att.(8.30.401), 5-26-2020)

Sec. 8.30.402. Recordation of notice and order.

(a) If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county clerk a certificate describing the property and certifying:

- (1) That the building is a dangerous building; and
- (2) That the owner has been so notified.

(b) Whenever the corrections ordered shall thereafter have been completed or the building has been demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county clerk certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

(Ord. No. 742, att.(8.30.402), 5-26-2020)

Sec. 8.30.403. Repair, vacation and demolition.

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

- (1) Any building declared a dangerous building under this code shall be made to comply with one of the following:
 - a. The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
 - b. The building shall be demolished at the option of the building owner; or
 - c. If the building does not constitute an immediate danger to the life, limb, property or safety of the public, it may be vacated, secured and maintained against entry.
- (2) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

(Ord. No. 742, att.(8.30.403), 5-26-2020)

Sec. 8.30.404. Notice to vacate.

(a) *Posting.* Every notice to vacate shall, in addition to being served as provided in section 8.30.401(c), be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
City of Mills, Wyoming

(b) *Compliance.* Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under section 8.30.401(b), reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.

(Ord. No. 742, att.(8.30.404), 5-26-2020)

ARTICLE VI. APPEAL

Sec. 8.30.501. Form of appeal.

(a) Any person entitled to service under section 8.30.401(c) may appeal from any notice and order or any action of the building official under this chapter by filing with the city clerk a written appeal containing:

- (1) A heading in the words: Before the city council of the City of Mills, Wyoming.
- (2) A caption reading: "Appeal of ...," giving the names of all appellants participating in the appeal.
- (3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
- (4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
- (5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
- (6) The signatures of all parties named as appellants and their official mailing addresses.
- (7) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

(b) The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with section 8.30.404, such appeal shall be filed within ten days from the date of the service of the notice and order of the building official.

(c) *Processing of appeal.* Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the city council, which shall sit as the appellate body.

(d) *Scheduling and noticing appeal for hearing.* As soon as practicable after receiving the written appeal, the city council shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than ten days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the

hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

(Ord. No. 742, att.(8.30.501), 5-26-2020)

Sec. 8.30.502. Effect of failure to appeal.

Failure of any person to file an appeal in accordance with the provisions of section 8.30.501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

(Ord. No. 742, att.(8.30.502), 5-26-2020)

Sec. 8.30.503. Scope of hearing on appeal.

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

(Ord. No. 742, att.(8.30.503), 5-26-2020)

Sec. 8.30.504. Staying of order under appeal.

Except for vacation orders made pursuant to section 8.30.404, enforcement of any notice and order of the building official issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

(Ord. No. 742, att.(8.30.504), 5-26-2020)

Sec. 8.30.505. Appeal of hearing examiner decisions.

(a) An appeal of a decision made by the city council shall be to the Seventh Judicial District, Natrona County, Wyoming, and as controlled by the Wyoming Administrative Procedures Act.

(b) The appeal shall be filed within 21 days of the date the decision or action became final. Notice of the appeal and any other pleading required to be filed with the court shall be served on the city clerk and city attorney within the applicable time period. This requirement is jurisdictional. The cost of transcribing and preparing all records ordered certified by the court or required, at the reasonable discretion of the city attorney, for such appeal shall be borne by the appellant.

(Ord. No. 742, att.(8.30.505), 5-26-2020)

Sec. 8.30.506. Appeal fees.

At the time of filing an appeal, the appellant shall pay all fees as established in the city's fee schedule and shall be responsible for the payment of all applicable fees throughout the appeal process.

(Ord. No. 742, att.(8.30.506), 5-26-2020)

ARTICLE VII. PROCEDURES FOR CONDUCT OF HEARING APPEALS

Sec. 8.30.601. General provisions.

(a) *Hearing examiners.* All actions and procedures in this title shall be carried out by the city council. The city council shall submit a decision within 30 days from the date the hearing is closed. The city council may, should it choose to do so, appoint a board of hearing examiners or a hearing examiner for any appeal or hearing authorized under this title.

(b) *Record.* A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the city council.

(c) *Continuances.* The city council may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

(d) *Oaths; certification.* In any proceedings under this chapter, the city council, any city council member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

(e) *Reasonable dispatch.* The city council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.
(Ord. No. 742, att.(8.30.601), 5-26-2020)

Sec. 8.30.602. Form of notice of hearing.

The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before the city council of the City of Mills at ____ on the ____ day of _____, 2____, at the hour upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross examine all witnesses testifying against you.

(Ord. No. 742, att.(8.30.602), 5-26-2020)

Sec. 8.30.603. Subpoenas.

To the extent allowable by law, the city and the appellant may serve subpoenas under those procedures then in place under the Wyoming Administrative Procedures Act.

(Ord. No. 742, att.(8.30.603), 5-26-2020)

Sec. 8.30.604. Conduct of hearing.

All hearings will be conducted in accordance with the Wyoming Administrative Procedures Act.
(Ord. No. 742, att.(8.30.604), 5-26-2020)

ARTICLE VIII. ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR
CITY COUNCIL

Sec. 8.30.701. Compliance.

(a) *Generally.* After any order of the building official or the city council sitting as an administrative panel made pursuant to this title shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

(b) *Failure to obey order.* If, after any order of the building official or city council made pursuant to this title has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may:

- (1) Cause such person to be prosecuted under subsection (a) of this section; or
- (2) Institute any appropriate action to abate such building as a public nuisance.

(c) *Failure to commence work.* Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this title becomes effective:

- (1) The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
City of Mills, Wyoming

- (2) No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.
- (3) The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished, and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person lawfully entitled thereto.

(Ord. No. 742, att.(8.30.701), 5-26-2020)

Sec. 8.30.702. Extension of time to perform work.

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

(Ord. No. 742, att.(8.8.30.702), 5-26-2020)

Sec. 8.30.703. Interference with repair or demolition work prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

(Ord. No. 742, att.(8.30.703), 5-26-2020)

ARTICLE IX. PERFORMANCE OF WORK OF REPAIR OR DEMOLITION**Sec. 8.30.801. General provisions.**

(a) *Procedure.* When any work of repair or demolition is to be done pursuant to section 8.30.701(c)(3), the building official shall issue an order therefor to the director of public works, and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

(b) *Costs.* The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

(Ord. No. 742, att.(8.30.801), 5-26-2020)

Sec. 8.30.802. Repair and demolition fund.

(a) *Generally.* The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the director of public works to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

(b) *Maintenance of fund.* The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.

(Ord. No. 742, att.(8.30.802), 5-26-2020)

ARTICLE X. RECOVERY OF COST OF REPAIR OR DEMOLITION

Sec. 8.30.901. Account of expense, filing of report.

The director of public works shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of section 8.30.701(c)(3). Upon the completion of the work of repair or demolition, said director shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to section 8.30.401(c).

(Ord. No. 742, att.(8.30.901), 5-26-2020)

Sec. 8.30.902. Notice of hearing.

Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Such notice shall be given at least ten days prior to the date set for the hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested.

(Ord. No. 742, att.(8.30.902), 5-26-2020)

Sec. 8.30.903. Protests and objections.

Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

(Ord. No. 742, att.(8.30.903), 5-26-2020)

Sec. 8.30.904. Hearing of protests.

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the director together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified), together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

(Ord. No. 742, att.(8.30.904), 5-26-2020)

Sec. 8.30.905. Personal obligation or special assessment.

(a) *Generally.* The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved, providing that the law of the state allows for such an assessment.

(b) *Personal obligation.* If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

(c) *Lien upon the property.* If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, and cause the same to be recorded as a lien on the property. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

(d) *Interest.* All such amounts remaining unpaid after 30 days from the date of recording on the lien shall become delinquent and shall bear interest at the rate of seven percent per annum from and after said date.

(Ord. No. 742, att.(8.30.905), 5-26-2020)

Sec. 8.30.906. Contest.

The validity of any lien made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the lien is recorded as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

(Ord. No. 742, att.(8.30.906), 5-26-2020)

Sec. 8.30.907. Authority for installment payment with interest.

The legislative body of this jurisdiction, in its discretion, may determine that amounts assessed under this chapter in amounts of \$500.00 or more shall be payable in not to exceed five equal annual

installments. The legislative body's determination to allow payment of such amounts in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the amount.

(Ord. No. 742, att.(8.30.907), 5-26-2020)

Sec. 8.30.908. Foreclosure.

(a) The amounts owed may be foreclosed upon as a debt owed to the city at the time determined by the city and sold pursuant to law after proper notice is given to the parties entitled to the same.

(b) Should the amounts owed be capable of being recorded as an assessment by the city, they shall be so recorded and foreclosed upon at the same time as other unpaid assessments.

(Ord. No. 742, att.(8.30.908), 5-26-2020)

Sec. 8.30.909. Repayment of repair and demolition fund.

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.

(Ord. No. 742, att.(8.30.909), 5-26-2020)

Title 9

GENERAL OFFENSES

Chapter 9.01. Enactment of Offenses

Sec. 9.01.010. General offenses.

Chapter 9.02. Penalties and Fines

Sec. 9.02.010. Penalties and fines for violation of title.

Chapter 9.04. Disorderly or Unlawful Conduct

Sec. 9.04.010. Resisting arrest; interfering with police officers.
Sec. 9.04.011. Interference with the public employee.
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Sec. 9.04.040. Impersonating police officers.
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Sec. 9.04.070. Interference with emergency calls; interference with emergency reporting system.

Chapter 9.08. Offenses Against the Person

Sec. 9.08.010. Assault and battery.
Sec. 9.08.020. Reckless endangerment of another person.

Chapter 9.12. Offenses Against Property

Sec. 9.12.010. Petit larceny.
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Sec. 9.12.030. Trespassing—Prohibitions generally; notice.
Sec. 9.12.040. Trespassing—School grounds or buildings.
Sec. 9.12.060. Tearing down authorized notices prohibited.
Sec. 9.12.070. Pits, traps and deadfalls; prohibited when.
Sec. 9.12.080. Injuring, defacing and destroying property of another.
Sec. 9.12.090. Defrauding public establishment.
Sec. 9.12.100. Theft of services.
Sec. 9.12.110. Criminal entry; penalties; affirmative defenses.

Chapter 9.20. Offenses Against Public Peace

Sec. 9.20.010. Disturbing the peace prohibited.
Sec. 9.20.020. Fighting at public gatherings.
Sec. 9.20.021. Public intoxication.
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Sec. 9.20.040. Definitions for sections 9.20.050 through 9.20.070.

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- Sec. 9.20.050. Affrays, riots and routs prohibited.
- Sec. 9.20.060. Incitement to crime.
- Sec. 9.20.070. Funeral picketing.

Chapter 9.24. Offenses Against Public Decency

- Sec. 9.24.010. Disorderly houses.
- Sec. 9.24.020. Public indecency.
- Sec. 9.24.040. Prostitution prohibited.
- Sec. 9.24.070. Invasion of privacy.
- Sec. 9.24.080. Urinating or defecating in public.
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Chapter 9.28. Controlled Substances

- Sec. 9.28.010. Possession of drug paraphernalia.
- Sec. 9.28.020. Inhalation or sale of glue or toxic vapors prohibited.

Chapter 9.32. Gambling

- Sec. 9.32.010. Gambling prohibited.

Chapter 9.40. Offenses Concerning Minors

- Sec. 9.40.010. Curfew.
- Sec. 9.40.020. Abandoned refrigerators and similar containers.
- Sec. 9.40.030. Tobacco products.
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Chapter 9.44. Weapons

- Sec. 9.44.010. Throwing of stones and other missiles prohibited when.
- Sec. 9.44.020. Authority to regulate concealed weapons.
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Chapter 9.48. Miscellaneous Offenses

- Sec. 9.48.010. Camping restricted.
- Sec. 9.48.020. Barbed wire fences prohibited where.
- Sec. 9.48.040. Jumping or diving off bridges in the city prohibited.
- Sec. 9.48.050. Littering, dumping of objects, or polluting.
- Sec. 9.48.060. Offensive or intrusive lights.
- Sec. 9.48.070. Use of residential lots for remote storage.

CHAPTER 9.01. GENERAL OFFENSES**Sec. 9.01.010. Enactment of offenses.**

(a) The following provisions of this title are enacted in order to provide for the general health, welfare, and safety of the residents of the city. This title deals with matters that have been defined to be specific criminal offenses within the city.

(b) Nothing in this title shall be read to abrogate any offenses set forth in the other sections of this Code nor shall anything be read to in any way suggest any waiver or abrogation of the application of the laws of the state or the United States.

(Ord. No. 753, att.(9.01.010), 1-12-2021)

CHAPTER 9.02. PENALTIES AND FINES**Sec. 9.02.010. Penalties and fines for violation of title.**

(a) Penalties and fines for violation of this title are set out in chapter 1.03 where penalties and remedies for violation of this Code are set forth, unless otherwise specified in this title.

(a) In any instance in which a penalty or fine is provided for in this title, the municipal court of the city may also assess a civil penalty reflecting costs borne by the city for the offense, including the cost of any jail sentence or court costs borne by the city.

(Ord. No. 753, att.(9.02.010), 1-12-2021)

CHAPTER 9.04. DISORDERLY OR UNLAWFUL CONDUCT**Sec. 9.04.010. Resisting arrest; interfering with police officers.**

(a) No person shall willfully resist a member of the police department, or other member of any law enforcement department, in the discharge of duties, if known to be or identified as a police officer.

(b) No person shall willfully assist any person in the custody of a police officer, or any other law enforcement officer, to escape, or rescue or attempt to rescue any other person so in custody.

(c) No person shall willfully interfere, hinder or prevent a police officer or any other law enforcement officer from discharging his lawful duties.

(Ord. No. 753, att.(9.04.010), 1-12-2021)

Sec. 9.04.011. Interference with the public employee.

It shall be unlawful for any person to interfere with a public employee while on duty performing their assignments, duties, and responsibilities.

(Ord. No. 753, att.(9.04.011), 1-12-2021)

Sec. 9.04.020. Police dogs.

No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department in the performance of the functions or duties of such department, nor shall any person unwarrantably interfere with or meddle with any such dog while being used by the police department or any officer or member in the performance of any of the functions or duties of the department or of such officer or member.

(Ord. No. 753, att.(9.04.020), 1-12-2021)

Sec. 9.04.030. False report of crime.

It is unlawful for any person to make or to file with the police department of the city false, misleading or unfounded statements or report concerning the commission or alleged commission of any crime occurring within the city.

(Ord. No. 753, att.(9.04.030), 1-12-2021)

Sec. 9.04.031. False alarm or report of need for fire, police, or ambulance assistance.

It shall be unlawful for any person to intentionally make, turn in, or give a false alarm for fire assistance, need for police assistance, or for ambulance assistance, or to aid and abet in the commission of such an act.

(Ord. No. 753, att.(9.04.031), 1-12-2021)

Sec. 9.04.032. Interference with fire alarm system.

It shall be unlawful to interfere with any part of a fire alarm system unless the system is owned by the person or by permission of the chief of the fire department.

(Ord. No. 753, att.(9.04.032), 1-12-2021)

Sec. 9.04.040. Impersonating police officers.

No person shall impersonate a police officer by wearing a star, uniform or otherwise give the impression as acting as a police officer.

(Ord. No. 753, att.(9.04.040), 1-12-2021)

Sec. 9.04.050. Prisoners; transfer of certain articles prohibited.

No person shall deliver to any prisoner confined or in the custody of any police officer any weapon, tool, intoxicating substance or other article or attempt to do so, without the consent of the officer in charge.

(Ord. No. 753, att.(9.04.050), 1-12-2021)

Sec. 9.04.060. Unauthorized use of fire extinguishing devices.

No person shall turn on or otherwise activate any fire hydrant, standpipe, sprinkler system or other extinguishing mechanism or device except at the express direction of a properly authorized representative of the fire department or in case of a present emergency and pending the arrival of the fire department.

(Ord. No. 753, att.(9.04.060), 1-12-2021)

Sec. 9.04.070. Interference with emergency calls; interference with emergency reporting system.

(a) A person commits a misdemeanor punishable by imprisonment for not more than six months, a fine of not more than \$750.00, or both, if he knowingly obstructs, prevents, hinders or otherwise interferes with the making or completion of a telephone call to a 911 emergency reporting system or other telephone or radio communication by another person to any law enforcement agency to request protection or other assistance from the law enforcement agency or to report the commission of a crime.

(b) A person commits a misdemeanor if he knowingly calls a 911 emergency reporting system for a purpose other than to report a situation that he reasonably believes requires prompt service in order to preserve or protect human life or health or property.

(c) For purposes of this article "911 emergency reporting system" means as defined by W.S. 16-9-102(a)(iv).

(Ord. No. 816, att.(9.04.070), 8-13-2024)

CHAPTER 9.08. OFFENSES AGAINST THE PERSON**Sec. 9.08.010. Assault and battery.**

(a) Whoever, having the present ability to do so, unlawfully attempts to commit an injury on the person of another, or threatens injury and has the ability to carry out a battery, is guilty of an assault.

(b) Whoever, in a rude, insolent or angry manner, unlawfully touches another is guilty of a battery.
(Ord. No. 753, att.(9.08.010), 1-12-2021)

Sec. 9.08.020. Reckless endangerment of another person.

It shall be unlawful for a person in a reckless manner to engage in conduct which places or may place another person in danger of death or serious bodily injury.

(Ord. No. 753, att.(9.08.020), 1-12-2021)

CHAPTER 9.12. OFFENSES AGAINST PROPERTY**Sec. 9.12.010. Petit larceny.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Deprive means to withhold property of another permanently or for such an extended period as to appropriate a major portion of its economic value or with intent to restore the property only upon payment of reward or other compensation, or to dispose of the property so as to make it unlikely the owner will recover the property.

(b) A person who steals, takes and carries, leads or drives away the property of another with the intent to deprive the owner or lawful possessor of the property, with the value of said property less than \$750.00, is guilty of petit larceny.

(Ord. No. 753, att.(9.12.020), 1-12-2021)

Sec. 9.12.020. Shoplifting.

(a) Any person who willfully conceals or willfully takes possession of goods offered for sale by a wholesale or retail store or other mercantile establishment without the knowledge or consent of the owner and with intent to convert the goods to his/her own use without paying the purchase price is guilty of shoplifting.

(b) Any peace officer, merchant or merchant's employee who has reasonable cause for believing a person has committed the crime of shoplifting, as defined under this section, may detain and interrogate such person in a reasonable manner and for a reasonable time.

(Ord. No. 753, att.(9.12.020), 1-12-2021)

Sec. 9.12.030. Trespassing—Prohibitions generally; notice.

A person is guilty of trespassing if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so by a posted sign, or after being notified to leave or depart or to not trespass. For purposes of this section, notice is given by:

(1) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer; or

(2) Posting of signs reasonably likely to come to the attention of intruders.

(Ord. No. 753, att.(9.12.030), 1-12-2021)

Sec. 9.12.040. Trespassing—School grounds or buildings.

(a) It is unlawful for a person, not a student, faculty member or employee of a particular school within the city or a person not authorized by a school official, unless attending or participating in scheduled activities open to the public, to enter or remain upon school grounds or buildings.

(b) It is unlawful for any person to remain on school grounds or buildings within the city after having been asked to leave by a school official.

(Ord. No. 753, att.(9.12.040), 1-12-2021)

Sec. 9.12.060. Tearing down authorized notices prohibited.

No person shall, without authority, tear down or deface any ordinance, bill, public notice, advertisement or any other paper of a business of legitimate character lawfully posted within the city.

(Ord. No. 753, att.(9.12.060), 1-12-2021)

Sec. 9.12.070. Pits, traps and deadfalls; prohibited when.

No person shall willfully prepare a deadfall, dig a pit or arrange a trap with the intent to injure another's person or property.

(Ord. No. 753, att.(9.12.070), 1-12-2021)

Sec. 9.12.080. Injuring, defacing and destroying property of another.

No person shall willfully injure, deface or destroy or attempt to willfully injure, deface or destroy any building or fixture of, or injure, destroy or secrete any goods, chattels or valuable papers of another, or take down, injure or remove any monument, street sign or any tree marked as a boundary of any land or city lot, or destroy, deface or alter the marks of any monument or street sign, or injure or destroy any fence, fountain, shade or fruit tree or any other public or private property, or deface any sidewalks with painted or printed handbills or signs, posters or advertisements.

(Ord. No. 753, att.(9.12.080), 1-12-2021)

Sec. 9.12.090. Defrauding public establishment.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Agreement with a public establishment means a written or verbal agreement on the price charged for, and the acceptance of, food, beverages, service or accommodations, where the price charged is printed on a menu or schedule of rates shown to or made available by the public establishment to the patron. Acceptance of food, beverages, service, or accommodations for which a reasonable charge is made is an agreement with a public establishment.

Public establishment means an establishment selling or offering for sale, prepared food or beverages, leasing or renting overnight sleeping accommodations to the public generally or providing entertainment or recreational services upon the payment of a specified fee. The term "public establishment" includes theaters, recreational facilities, restaurants, cafes, coffee shops, boardinghouses, hotels, motor hotels, motels, and roominghouses, unless the rental thereof is on a month-to-month basis, or for a longer period of time.

(b) A person who, with intent to defraud, procures food, drink, services or accommodations at a public establishment without paying, in accordance with his agreement with the public establishment is guilty of a misdemeanor.

(Ord. No. 753, att.(9.12.100), 1-12-2021)

Sec. 9.12.100. Theft of services.

A person who, with intent to defraud, obtains services, including public rides, which he knows are available only for compensation, without paying for the services is guilty of a misdemeanor.

(Ord. No. 753, att.(9.12.100), 1-12-2021)

Sec. 9.12.110. Criminal entry; penalties; affirmative defenses.

(a) A person is guilty of criminal entry if, without authority, he knowingly enters a building, occupied structure, vehicle or cargo portion of a truck or trailer, or a separately secured or occupied portion of those enclosures.

(b) It is an affirmative defense to prosecution under this section that:

- (1) The entry was made because of a mistake of fact or to preserve life or property in an emergency;
- (2) The enclosure was abandoned;
- (3) The enclosure was at the time open to the public and the person complied with all lawful conditions imposed on access to or remaining in the enclosure; or
- (4) The person reasonably believed that the owner of the enclosure, or other person empowered to license access to the enclosure, would have authorized him to enter.

(c) Criminal entry is a misdemeanor punishable by imprisonment for not more than six months, a fine of not more than \$750.00, or both.

(Ord. No. 817, att.(9.12.110), 8-13-2024)

CHAPTER 9.20. OFFENSES AGAINST PUBLIC PEACE**Sec. 9.20.010. Disturbing the peace prohibited.**

(a) A person is guilty of disturbing the peace if he:

- (1) Causes, provokes or engages in any physical fight or brawl so as to endanger the life, limb, health or property of another person;
- (2) Disrupts any lawful assembly or meeting of persons without having the lawful authority to do so;
- (3) Obstructs pedestrian or vehicular traffic without lawful authority to do so, or refuses or intentionally fails to cease such activity when ordered to do so by a police officer or other lawful authority known to be such. The term "obstruct" means to render impassable, and the subject passersby to unreasonable inconvenience or hazard;
- (4) Commits any act in a violent or tumultuous manner toward another person, whereby the property of any person is placed in danger of being destroyed or damaged;
- (5) Fails to obey a lawful order to disperse by a police officer, where one or more persons are disturbing the peace in the immediate vicinity, and the public health and safety is threatened;
- (6) Resists or obstructs the performance of duties by any police officer, firefighter or other authorized official of the city;
- (7) Interferes with another person's pursuit of a lawful activity by threats of or acts of violence;
- (8) Uses threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.

(b) No person shall knowingly permit upon any premises owned or possessed by him or her, or under his order or control, any person disturbing the peace as defined in this section.
(Ord. No. 753, att.(9.20.010), 1-12-2021)

Sec. 9.20.020. Fighting at public gatherings.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Place of gathering means any building, structure, enclosure or open place where people are accustomed to gather together for any lawful purpose.

Public gathering means any assemblage of people gathered together for a lawful purpose or purposes.

(b) No person shall engage in a physical fight, provoke a fight or create or cause disturbance in any public gathering or place of public gathering within the city.
(Ord. No. 753, att.(9.20.020), 1-12-2021)

Sec. 9.20.021. Public intoxication.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Intoxication is defined as under the influence of alcohol or scheduled drugs.

(b) It shall be unlawful for any person to be in a state of intoxication on any highway, street or other public place.

(c) Public places shall include private property outside a building or dwelling. Open porches and decks are part of the outside of the building which is within site or hearing of members of the public.
(Ord. No. 753, att.(9.20.021), 1-12-2021)

Sec. 9.20.030. Telephone calls.

(a) Whoever in calling on any telephone in the city fails to give his true name and true address if requested or shall use any telephone for the purpose of using threatening, abusive or obscene language or for any other rude behavior, or for the purpose of interrupting, disturbing or harassing any citizen or inhabitant, or for the purpose of coercing or frightening any inhabitant of the city is guilty of a breach of peace.

(b) No person by means or use of the telephone shall disturb or tend to disturb the peace, quiet or right of privacy of any other person or family by repeated and continued anonymous or unidentified telephone messages intended to harass or disturb the person or family to whom the call is directed or by a single call or repeated calls, use obscene, profane, indecent or offensive language, or suggest any lewd or lascivious act over or through a telephone in the city.

(c) No person shall, by means of a telephone, attempt to extort money or other thing of value from any person or family by means or use of the telephone, or to threaten any physical violence or harm to any person or family.

(d) Any person who induces any other person to abuse telephone service is guilty of provoking a breach of peace.

(e) The normal use of the telephone for the purpose of requesting payment of debts or obligations or for other legitimate business purposes shall not constitute a violation of subsection (a) or (c) of this section if in compliance with federal or state law.

(Ord. No. 753, att.(9.20.030), 1-12-2021)

Sec. 9.20.040. Definitions for sections 9.20.050 through 9.20.070.

The following words, terms and phrases, when used in sections 9.20.050 through 9.20.070, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affray means the fighting of two or more people in a public place.

Announced means any funeral for which there has been a notice of the commencement time and place of the funeral:

- (1) Published in a newspaper regularly printed on at least a weekly basis within the city; or
- (2) Conspicuously posted on the property where the funeral is to be held.

Funeral means the ceremonies, services, memorial services and processions, including vehicular processions, held in connection with the death, burial or cremation of any deceased person.

Picketing means protest activities engaged in by a person stationed before or about a cemetery, mortuary, church, mosque, synagogue, temple, other place for religious observances or other place for announced funeral services within one hour prior to, during, and two hours following commencement of a funeral.

Riot means a tumultuous disturbance of the peace by three or more persons assembled and acting with a common interest, either in executing a lawful enterprise in a violent or turbulent manner, to the terror of the people, or in executing an unlawful enterprise in a violent or turbulent manner.

Rout means a meeting of three or more persons with the intention of cooperating in the forcible and violent execution of some unlawful enterprise, and making advances toward the commission thereof.

Soliciting means to distribute any written materials.
(Ord. No. 753, att.(9.20.040), 1-12-2021)

Sec. 9.20.050. Affrays, riots and routs prohibited.

No person shall participate in any affray, riot or rout.
(Ord. No. 753, att.(9.20.050), 1-12-2021)

Sec. 9.20.060. Incitement to crime.

No person shall in any manner or by any means incite, advise, advocate, suggest or encourage crime, and in so doing create thereby a clear and present danger that same will be committed, whether action may follow such incitement or not.

(Ord. No. 753, att.(9.20.060), 1-12-2021)

Sec. 9.20.070. Funeral picketing.

(a) It is the purpose of this section to:

- (1) Protect the privacy of grieving families within one hour prior to, during and two hours following commencement of funerals;
- (2) Preserve the peaceful character of cemeteries, mortuaries, churches, mosques, synagogues, temples, other place for religious observances, or other places for funeral services within one hour prior to, during and two hours following the commence of funerals;
- (3) Protect and preserve public safety for those attending funerals, those picketing, the general public, neighboring property owners and businesses, and public and private property interests;
- (4) Protect the rights of those attending funerals to peaceably and freely assemble and associate, and express and exercise religious beliefs; and
- (5) Protect the rights of those picketing to peaceably and freely assemble and associate, and express and exercise religious beliefs and political views.

(b) The city council finds that:

- (1) It is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives;
- (2) The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations;
- (3) Picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals;
- (4) Full opportunity exists under the terms and provisions of this chapter for the exercise of freedom of speech and other constitutional rights at times other than one hour prior to, during and two hours following the commencement of funerals;
- (5) Full opportunity exists under the terms of this chapter for the exercise of freedom of speech and other constitutional rights at places other than where announced funerals are held, any adjoining sidewalks and adjacent or adjoining streets, or nearby public property as set forth in this chapter;
- (6) Emotional disturbance and distress caused by picketing funerals provides substantial risk of physical altercations between those picketing and the family and others mourning the loss of the deceased;

- (7) Many places within the city where funerals are held do not have sidewalks or open public areas large enough to avoid substantial risk of physical altercations between those picketing and the family and others mourning the loss of the deceased;
 - (8) Streets adjoining and adjacent to places where funerals are held need to and shall be kept free of those picketing for their protection, and to provide access to family and mourners attending funerals; and
 - (9) The provisions of this chapter promote traffic safety and the orderly movement and access of pedestrians and crowds on sidewalks and streets.
- (c) It shall be unlawful for any person to engage in picketing or in soliciting:
- (1) During the period from one hour prior to, during and two hours following the commencement of announced funerals at any cemetery, mortuary, church, mosque, synagogue, temple, other place for religious observances or other places for funeral services;
 - (2) On the sidewalk adjoining the property where a funeral or memorial service is held;
 - (3) In the street or roadway adjoining or adjacent to the property where a funeral or memorial service is held;
 - (4) On any public area between the property where a funeral or memorial service is held and an adjoining or adjacent street or roadway, including, but not limited to, the curb, nature strip or area between the street and sidewalk (if a sidewalk exists) commonly referred to as an easement; or
 - (5) On any public property within 100 yards of the property where the funeral is held, if any entrance of the building is located on that side of the property.
- (Ord. No. 753, att.(9.20.070), 1-12-2021)

CHAPTER 9.24. OFFENSES AGAINST PUBLIC DECENCY

Sec. 9.24.010. Disorderly houses.

(a) The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Disorderly house means any public or private building, place, or house of public resort kept or maintained for the exclusive or nonexclusive purpose of carrying on or promoting:

- (1) Prostitution;
- (2) Illegal gambling;
- (3) Fighting;
- (4) Sale, consumption or disposition of liquor or controlled substances, contrary to law; or
- (5) Any other illegal activity, including animal fighting.

(b) It is unlawful for any person to keep or knowingly allow to be kept any disorderly house, by which the peace, comfort or decency of the immediate neighborhood is habitually disturbed.

(c) It is unlawful for any landlord or property manager to keep or knowingly allow to be kept any inn, property, residence, apartment or tenement as a disorderly house.
(Ord. No. 753, att.(9.24.010), 1-12-2021)

Sec. 9.24.020. Public indecency.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Intimate parts means the external genitalia, perineum, anus or pubes of any person or the breast of a female person.

Sexual contact means touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts.

Sexual intrusion or sexual intercourse means:

- (1) Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or
- (2) Sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission.

(b) A person is guilty of public indecency if, while in a public place where he or she may be reasonably expected to be viewed by others, he:

- (1) Performs an act of sexual intrusion or sexual intercourse;
- (2) Exposes his or her intimate parts; or
- (3) Engages in sexual contact, with or without consent, with the intent of arousing the sexual desire of himself, herself or of another person.

(Ord. No. 753, att.(9.24.020), 1-12-2021)

Sec. 9.24.040. Prostitution prohibited.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Prostitution means knowingly or intentionally performing or permitting, or offering or agreeing to perform, any act of sexual intrusion or intercourse for money or other consideration.

Sexual intrusion means and is defined as in W.S. 6-2-301, to wit:

- (1) Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or
- (2) Sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission.

(b) No person shall keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, or with knowledge or reasonable cause to know that the same is or is to be used for such purpose, or receive or offer to agree to receive any person in any place, structure, building or conveyance for the purpose of prostitution, or permit any person to remain therein for such purpose.

(c) No person shall direct, take, transport or offer or agree to take or transport, any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.

(d) No person shall reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of prostitution.

(e) No person shall engage in or solicit prostitution, or aid or abet prostitution, by solicitation or by any means whatsoever.

(Ord. No. 753, att.(9.24.040), 1-12-2021)

Sec. 9.24.070. Invasion of privacy.

No person shall invade or attempt to invade the privacy of another person by resorting to "peeping," which is defined as the stealthy, clandestine or surreptitious visual invasion or attempted visual invasion of a person's privacy.

(Ord. No. 753, att.(9.24.070), 1-12-2021)

Sec. 9.24.080. Urinating or defecating in public.

It is unlawful, except in the use of appropriate facilities in restrooms designed for public use, for any person to urinate or defecate on any public street or sidewalk, or in any other public place, or in any place open to the public view.

(Ord. No. 753, att.(9.24.080), 1-12-2021)

Sec. 9.24.090. Spitting in public prohibited.

No person shall spit upon any public sidewalk or upon the floor of any public conveyance for the transportation of passengers or of any theater, hall, assembly room, public building or building where any considerable number of people gather or assemble together.

(Ord. No. 753, att.(9.24.090), 1-12-2021)

CHAPTER 9.28. CONTROLLED SUBSTANCES

Sec. 9.28.010. Possession of drug paraphernalia.

It is unlawful for any person knowingly or intentionally to possess controlled substances or drugs as defined by federal and state law or paraphernalia suitable for the ingestion or consumption of the same, except as otherwise provided by law.

(Ord. No. 753, att.(9.28.010), 1-12-2021)

Sec. 9.28.020. Inhalation or sale of glue or toxic vapors prohibited.

(a) No person shall for the purpose of causing or resulting in a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes from any glue or similar toxic vapor; or consume or use any otherwise legal substances for a purpose or not in accordance with its legitimate use or purpose as is generally known, used and advertised; provided that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes when administered or directed by a licensed physician or dentist.

(b) No person shall for the purpose of violating or aiding another to violate any provisions of this section, intentionally possess, buy, sell, transfer possession or receive possession of any substances provided in this section.

(Ord. No. 753, att.(9.28.020), 1-12-2021)

CHAPTER 9.32. GAMBLING**Sec. 9.32.010. Gambling prohibited.**

(a) No person shall permit gambling, as defined by W.S. 6-7-101, to be played, conducted, dealt or carried on in any building, tent, booth or shed.

(b) In any prosecution for a violation of this section, it shall only be necessary to prove the accused to be the owner or occupant of the building, and the game had been carried on.

(Ord. No. 753, att.(9.32.010), 1-12-2021)

CHAPTER 9.40. OFFENSES CONCERNING MINORS**Sec. 9.40.010. Curfew.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Knowingly means and includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of the minor in the adult's custody.

Loiter or *loitering* means remaining idle in essentially one location, and shall include the concepts of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around, and shall also include the colloquial expression "hanging around."

Person, as used in subsection (c) of this section, means any person and shall not be limited to include parents or legal guardians, but shall include any other person having the care or custody of a child.

(b) *Supervision and care of minors.*

(1) It is unlawful for the parent or legal guardian having the care, supervision, control or custody of a person under the age of 18 years, to knowingly permit or allow, including by insufficient control, such juvenile to loiter or otherwise violate subsection (c) of this section.

- (2) It shall be no defense to violation of this section the responsible adult was indifferent to the activities, conduct or whereabouts of the juvenile. The provisions of this subsection do not apply if the responsible adult has reasonable and justifiable belief of the whereabouts of a minor or made a missing person notification to the appropriate police authority prior to the juvenile's violation of subsection (c) of this section.

(c) *Curfew hours; exceptions.* It is unlawful for any person under the age of 18 years to loiter, walk, run or ride, or in any other way be on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement or eating place, whether public or private, without the consent or permission of the owner or occupant, during the hours beginning at 11:00 p.m. to 5:00 a.m., unless the juvenile is accompanied by a legal parent or guardian.

(d) *Exemptions.* No person shall be charged with or arrested for a violation of subsection (c) of this section, if such person was:

- (1) Not loitering;
- (2) In a parked, standing or moving motor vehicle while accompanied by a parent or legal guardian;
- (3) In a motor vehicle in interstate travel;
- (4) Engaged in any employment, school, religious activity, or going to or returning from any such activity, or going to or from any other activities of any kind, which are supervised or directed by a parent or adult person over the age of 21 years;
- (5) Returning from, via a direct and uninterrupted route, without detour or stop, an event or activity expressly sanctioned by the parent or legal guardian;
- (6) When attending or traveling directly to or from an organized activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;
- (7) Married or an emancipated minor; or
- (8) Involved in a life- or property-threatening emergency.

(e) *Determination of enforcement action.* Before taking any enforcement action under subsection (c) of this section, a police officer shall ask the apparent offender's age and purpose of his location. The officer shall not issue a citation or make an arrest under subsection (c) of this section unless the officer reasonably believes an offense has occurred and based upon any response and other circumstances and no other defense or reason exists.

(Ord. No. 753, att.(9.40.010)—(9.40.032), 1-12-2021)

Sec. 9.40.020. Abandoned refrigerators and similar containers.

(a) *Nuisance declared.* Abandoned, unattended or discarded iceboxes, refrigerators and other containers are a constant menace to the health, welfare, and safety of the children of the city and are declared to be a nuisance.

(b) *Abandoned refrigerators and similar containers prohibited when.* It is unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, or lock

which may not be released for opening from the inside of the icebox, refrigerator or container. It is unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snaplock or other device thereon without first removing the snaplock or doors from the icebox, refrigerator or container.

(Ord. No. 753, att.(9.40.130, 9.40.140), 1-12-2021)

Sec. 9.40.030. Tobacco products.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Tobacco products means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

Vending machine means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

(b) *Prohibited sales or delivery.*

- (1) No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of 18 years. Tobacco products shall be, to the extent possible, kept behind a counter or otherwise made inaccessible to purchasers of the tobacco product, and control and access to the tobacco product in the business establishment shall be maintained by the retailer, his agent or employee.
- (2) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not less than \$100.00 for the first offense; \$200.00 for the second offense in any 12-month period; and \$500.00 for third and subsequent offenses in any 12-month period.
- (3) It is an affirmative defense to a prosecution under subsection (a) of this section that:
 - a. In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over 18 years of age; or
 - b. The tobacco product was given or delivered to the person under 18 years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent's or guardian's home or under the direct supervision of the parent or guardian.

(c) *Posted notice required; location of vending machines.*

- (1) Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this chapter at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under 18 years of age is prohibited by law.

- (2) No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:
 - a. Businesses, factories, offices or other places not open to the general public;
 - b. Places to which persons under the age of 18 years of age are not permitted access; or
 - c. Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under 18 years of age is prohibited.

- (3) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable by a fine of not more than \$100.00. Each day of continued violation shall be deemed a separate offense.

(d) *Purchase by minors prohibited.*

- (1) No person under the age of 18 years shall purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.
- (2) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not less than \$100.00 for the first offense; \$200.00 for the second offense in any 12-month period; and \$500.00 for third and subsequent offenses in any 12-month period. Upon a conviction for violation of subsection (a) of this section, the court may allow the defendant to perform community service, if available.

(e) *Possession or use by minors prohibited.*

- (1) It is unlawful for any person under the age of 18 years to possess or use any tobacco products.
- (2) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not less than \$100.00 for the first offense; \$200.00 for the second offense in any 12-month period; and \$500.00 for third and subsequent offenses in any 12-month period. Upon a conviction for violation of subsection (a) of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of \$5.00 for each hour of work performed.
- (3) It is an affirmative defense to a prosecution under subsection (a) of this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, a parent or guardian.

(Ord. No. 753, att.(9.40.150)—(9.40.190), 1-12-2021)

Sec. 9.50.040. Alcohol products.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcohol products means any substance of liquor or malt beverage for consumption.

Ethyl alcohol means any substance which is or contains ethyl alcohol.

(b) *Prohibited sales or delivery.*

- (1) No person shall sell, furnish, give or cause to be sold, furnish or give away any alcoholic liquor or malt beverage to any person under the age of 21 years, who is not his legal ward, medical patient or member of his own immediate family.
- (2) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not less than \$100.00 for the first offense; \$200.00 for the second offense in any 12-month period; and \$500.00 for third and subsequent offenses in any 12-month period.
- (3) Except as otherwise provided in this title, no person under the age of 21 years shall:
 - a. Possess any alcoholic liquor or malt beverage;
 - b. Purchase or attempt to purchase any alcoholic liquor or malt beverage;
 - c. Solicit another person to purchase alcoholic liquor or malt beverage;
 - d. Consume any ethyl alcohol;
 - e. Have measurable blood, breath or urine alcohol concentration in his body; or
 - f. Enter or remain in an establishment that is primarily for off-premises sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is 21 years of age or older.
- (4) This section shall not apply to possession of alcoholic liquor or malt beverages or consumption of ethyl alcohol by a person under the age of 21 years in accordance with this title:
 - a. Who is in the physical presence of his parent, spouse or legal guardian who is 21 years of age or older;
 - b. As party of a church's or religious organization's religious services; or
 - c. For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:
 1. By the person's parent, spouse or legal guardian who is 21 years of age or older; or
 2. Pursuant to a lawful prescription.
- (5) The prohibitions against possession of alcoholic liquor or malt beverages by a person under the age of 21 years specified in this section shall not apply:
 - a. When the person is making a delivery of alcoholic liquor or malt beverages pursuant to his employment;
 - b. When the person is serving alcoholic liquor or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic liquor or malt beverages, if the person is at least 18 years of age. The term "serving" in this subsection does not include the mixing or dispensing of alcoholic beverages; or
 - c. To a person who is a licensee under this title.
- (6) Any person under the age of 21 years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain

alcoholic or malt beverages is guilty of a misdemeanor punishable by a fine of not less than \$100.00 for the first offense; \$200.00 for the second offense in any 12-month period; and \$500.00 for third and subsequent offenses in any 12-month period.

- (7) Any person who violates this section, or aids, abets or incites any violation hereof is guilty of a misdemeanor punishable by a fine of not less than \$100.00 for the first offense; \$200.00 for the second offense in any 12-month period; and \$500.00 for third and subsequent offenses in any 12-month period.
 - (8) A motor vehicle driver's license or valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth or Puerto Rico, a permanent resident card issued by the United States citizenship and immigration services, a valid picture identification card issued to a member of the armed forces or an internationally accepted passport document with a discernible date of birth and photograph is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown and acted in reasonable reliance upon the information contained in any one of the documents listed in this section as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.
- (Ord. No. 753, att.(9.50.150), (9.50.160), 1-12-2021)

CHAPTER 9.44. WEAPONS

Sec. 9.44.010. Throwing of stones and other missiles prohibited when.

No person shall throw any stone or other missile upon or at any building or any public or private property, or upon or at any person or upon or at any vehicle, within the city.

(Ord. No. 753, att.(9.44.010), 1-12-2021)

Sec. 9.44.020. Authority to regulate concealed weapons.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Action means the transaction of official business by the city council or any agency of the city, including a collective decision of the governing bodies thereof, a collective commitment or promise by any such governing body to make a positive or negative decision, or an actual vote by any such governing body upon a motion, proposal, resolution, regulation, rule, order or ordinance.

Agency means the city council and any other authority, council, bureau, board, commission, committee, or subagency of the city.

Deadly weapon means as it is defined under state law and includes, but is not limited to, any firearm, bow, crossbow, or slingshot that shoots or ejects a bullet, pellet, arrow, BB, dart or other projectile by explosion, gas propulsion, spring propulsion or by any other means of propulsion, or explosive device, or any functioning replica of any such deadly weapon.

Law enforcement officer means and includes any federal, state, county, or city official vested with the authority or duty to enforce any criminal law or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

Meeting means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the purposes of discussion, deliberation, presentation of information, or taking action regarding public business.

(b) *Authority and purpose.* This chapter is enacted pursuant to the authority vested in the city to regulate weapons as provided in W.S. 6-8-401 and 15-1-103(a)(xviii), in order to prevent conduct which disturbs or jeopardizes the public health, safety, peace or morality by the wearing or carrying of concealed weapons except as provided by state law and the carrying of weapons in or to meetings of the city as provided herein.

(Ord. No. 753, att.(9.44.020), 1-12-2021)

Sec. 9.44.030. Discharge of firearms and other weapons.

(a) No person shall discharge any firearm, within the limits of the city, except in self-defense, or in the case of a law enforcement officer or other authorized civil officer, state game and fish personnel, or a member of the Armed Forces of the United States or the state in the discharge of his official duty, or within an area or zone designated by the city council by written agreement or lease for recreational or instructional purposes.

(b) No person shall discharge any bow, crossbow or slingshot that shoots or ejects a bullet, pellet, arrow, BB, dart or other projectile by explosion, gas propulsion, spring propulsion or by any other means of propulsion, within the limits of the city that causes damage to any property of another, or would be recognized by a reasonable person to be a safety hazard to others.

(c) An animal control officer, or state game and fish personnel, in the course of his/her official duty, may discharge a chemical tranquilizer gun for the purpose of capturing animals as authorized by law.

(d) If all other methods of extermination have failed, or are impractical due to public peace, health, safety and welfare considerations, the mayor or the mayor's designee, may authorize certain individuals to discharge firearms within the limits of the city, for the purpose of controlling non-protected and nongame animals and birds, which are a nuisance or are threatening property or persons. This authorization may also be given for game animals, when and as authorized by law. The authorization shall be in writing. The authorized individual must have this authorization in his/her possession at all times while in the act of controlling animals or birds.

(e) The mayor or the mayor's designee may grant written permission to those individuals in possession of valid big game licenses to utilize said licenses on city-owned lands. The mayor or the mayor's designee shall notify the city police division of his/her decisions.

(f) The mayor or the mayor's designee may grant written permission to certain lessees of city-owned properties for discharge of firearms and other weapons, during events such as sports shows and expositions. Lessees must provide written proof of insurance as required by the lease agreement.

(Ord. No. 753, att.(9.44.030), 1-12-2021)

CHAPTER 9.48. MISCELLANEOUS OFFENSES**Sec. 9.48.010. Camping restricted.**

No person shall camp within the city, other than at a regularly established and maintained tourist camping area. Owners of property and their immediate family may temporarily camp on their property for no more than five days. Temporary venues and times as approved by the city council may be allowed by special resolution.

(Ord. No. 753, att.(9.48.010), 1-12-2021)

Sec. 9.48.020. Barbed wire fences prohibited where.

No person shall erect or cause to be erected or maintain any barbed wire, razor wire, or other similar sharp pointed metal fence, electric fence or any nature of a fence so constructed as to be potentially dangerous to human beings, along or adjacent to any public street below the height of six feet from ground level; provided, however, in residential districts barbed wire, razor wire, or other similar sharp pointed metal fences, electric fence or any nature of fence so constructed as to be potentially dangerous to human beings are entirely prohibited.

(Ord. No. 753, att.(9.48.020), 1-12-2021)

Sec. 9.48.040. Jumping or diving off bridges in the city prohibited.

No person shall jump, dive, or cause or assist another person to jump, or dive from any bridge within the city.

(Ord. No. 753, att.(9.48.040), 1-12-2021)

Sec. 9.48.050. Littering, dumping of objects, or polluting.

It shall be unlawful for any person to throw, dump, place or dispose in any manner upon any highway, street, alley, public property, or road right of way garbage, trash, litter, rubbish, debris, carcass parts of dead animals, wrecked or abandoned vehicles or similar apparatuses, equipment or machinery or parts of equipment or machinery, cans, scrap iron, glass, bottles, paper, cardboard, cellophane, refuse or burning cigarettes or other burning objects, or cigarettes not lit, or any substance which would likely injure a person, animal, vehicle or which would in any way detract from the appearance of the land within any highway, street, alley, public property or road white right-of-way.

(Ord. No. 753, att.(9.48.050), 1-12-2021)

Sec. 9.48.060. Offensive or intrusive lights.

(a) No person shall keep or maintain on any premises they own or lease any outdoor lights or outdoor light emitting devices, or combination thereof, which causes a disturbance or nuisance to neighboring or adjoining properties. Disturbance or nuisance, in this context, shall mean any amount of light originating from a property or received within a property within the city limits that endangers the safety or health of any person, disturbs a reasonable person of normal sensitivities, or endangers personal or real property.

(b) A person cited with a violation of subsection (a) of this section shall be liable as per the provision for general offenses; provided, however, that a party liable under subsection (a) of this section may abate the condition within 20 days of a citation or judgment and be relieved of any fine.

(Ord. No. 783, § 9.48.060, 7-12-2022)

Sec. 9.48.070. Use of residential lots for remote storage.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Residential lot means a lot that is zoned to be used principally for a residence or residences and not commercially. Nothing in this section is intended to apply to commercial storage units or operations.

(b) No person shall use a residential lot for personal storage, whether out in the open or within a structure which does not adjoin a lot owned by the same property owner which includes a structure primarily used as a dwelling.

(c) The penalty for violation of subsection (a) of this section shall be as per the general offenses provisions of this Code; provided, however, that a person cited or liable under this section may abate the condition and avoid any monetary fine, provided that they do so within ten days of a citation or judgment.

(d) Nothing in this section shall relieve a person of being subject to any other provision of this Code and this section is not intended to operate preemptively to the exclusion of any other provision of this Code.

(Ord. No. 784, 7-12-2022)

PROOFS

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- Sec. 10.88.020. Application.
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- Sec. 10.88.090. Map maintenance authority.
- Sec. 10.88.100. Violation.

CHAPTER 10.04. UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS**Sec. 10.04.010. Uniform Act adopted.**

The Uniform Act Regulating Traffic on Highways (W.S. 31-5-101 et seq.) and all parts of those articles is adopted by the city. These state laws are adopted by reference and incorporated in this section as if set out in full. Periods of imprisonment are specifically abrogated except for those identified within W.S. 31-5-233.

(Ord. No. 740, att.(10.04.010), 5-26-2020)

Sec. 10.04.020. Uniform Act sections not adopted.

It is recognized certain sections of the Uniform Act would not be applicable to the city. Sections which are not applicable and are inconsistent or out of character with the city are not adopted.

- (1) Article 3, Speed Regulations: The Uniform Act is modified where the city has posted speed regulations inconsistent with article 3.
- (2) Article 6, Pedestrians Rights and Duties is adopted as applicable to the city.
- (3) Article 10, Size and Weight Limits is adopted where applicable to the city. It is recognized state highways intersect the city and the city has been given the authority to enforce laws upon those roadways.
- (4) Article 15, Motorcycle Safety Education Program, is not adopted.

(Ord. No. 740, att.(10.04.020), 5-26-2020)

Sec. 10.04.030. Local provisions relating to right-of-way in crosswalks.

(a) Except as provided in subsection (e) of this section, when traffic control signals are not in place, or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close so as to constitute an immediate hazard. As soon as it is possible to safely cross a roadway within a crosswalk, a pedestrian shall promptly do so by the most direct route. No person shall stand or loiter in or near a crosswalk if such act interferes with the lawful movement of traffic.

(c) Subsection (a) of this section does not apply under the conditions stated in W.S. 31-5-603(b).

(d) Whenever any vehicle is stopped at a marked crosswalk, or at any unmarked crosswalk, at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(e) At designated or marked school crosswalks, when pedestrians are in the crosswalk or waiting to enter the crosswalk, the driver of a vehicle shall yield the right-of-way to the pedestrian by stopping before entering the crosswalk, and shall remain stopped until the pedestrian has crossed the roadway;

provided, however, that this subsection shall not apply to the drivers of vehicles which are upon roadways divided by a median, if pedestrians are not crossing, or waiting to cross, that portion of the roadway upon which the driver's vehicle is traveling.

(Ord. No. 740, att.(10.04.030), 5-26-2020)

CHAPTER 10.08. ADMINISTRATION AND ENFORCEMENT

ARTICLE I. IN GENERAL

Sec. 10.08.010. Regulations and enforcement; chief of police authority.

The chief of police, by and with the approval of the city administration, is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(Ord. No. 740, att.(10.08.010), 5-26-2020)

Sec. 10.08.020. Vehicles not to be operated contrary to law.

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 street in any manner contrary to law.

(Ord. No. 740, att.(10.08.020), 5-26-2020)

ARTICLE II. TRAFFIC DIVISION

Sec. 10.08.030. Establishment.

(a) There may be established in the police department a traffic division to be under the control of a police officer appointed by and directly responsible to the chief of police.

(b) Where a traffic division has not specifically been created, the existing police department shall be deemed to be the traffic division.

(Ord. No. 740, att.(10.08.030), 5-26-2020)

ARTICLE III. TRAFFIC COURT

Sec. 10.08.110. City court.

The city court shall sit as the traffic court for the city.

(Ord. No. 740, att.(10.08.110), 5-26-2020)

Sec. 10.08.120. Duties and responsibilities.

The following duties are imposed upon the traffic violations bureau with reference to traffic offenses:

- (1) It shall accept designated fines, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney.
- (2) It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.
- (3) It shall keep an easily accessible record of all violations of which each person has been guilty during the preceding 12 months, whether such guilt was established in court or in the traffic violations bureau.

(Ord. No. 740, att.(10.08.120), 5-26-2020)

Sec. 10.08.130. Fines; schedule to be set by judge.

(a) A violation of any provision of this section is guilty of a misdemeanor and is subject to the provisions as set forth in chapter 1.03, as amended. The city judge who hears traffic cases shall designate the specified offenses under this chapter and other ordinances of the city and the state traffic laws in respect to which payments of fines may be accepted by the court clerk in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses, where authorized, and not otherwise inconsistent with this Code or state statute, provided such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the city judge and those whose appearance may be forfeited in lieu of the payment of the bond.

(b) Such schedule of fines, where authorized, may be amended from time to time as is consistent with the authority of the city judge and consistent with the general penalties provided in chapter 1.03. Any penalty which may be imposed shall be consistent with the schedules in place and in effect at the time of the commission of the offense.

(Ord. No. 740, att.(10.08.130), 5-26-2020)

Sec. 10.08.150. Optional procedures.

Any person charged with a traffic offense for which payment of a fine may be made to the court clerk shall have the option of paying such fine within the time specified in the citation at the clerk of the city court upon entering plea of guilty and upon waiving appearance in court, or may have the option of depositing required lawful bail and upon a plea of not guilty shall be entitled to a trial as authorized by law.

(Ord. No. 740, att.(10.08.150), 5-26-2020)

Sec. 10.08.160. Fine payment deemed acknowledgment of conviction of offense.

The payment of a fine to the clerk of the city court shall be deemed an acknowledgment of conviction of the alleged offense, and the clerk of the city court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

(Ord. No. 740, att.(10.08.160), 5-26-2020)

Sec. 10.08.170. Disposition.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid to the clerk of the city court and will be turned over to the city treasurer and by him deposited in the general fund of the city.
(Ord. No. 740, att.(10.08.170), 5-26-2020)

CHAPTER 10.12. LICENSING, REGISTRATION AND INSURANCE

Sec. 10.12.010. Operator's license required.

It is unlawful for any person to drive, steer or exercise any degree of physical control of any motor vehicle or a vehicle being towed by a motor vehicle upon the streets of this city unless such person has in his possession a valid operator's license issued or recognized by the state for the class and type with applicable endorsements valid for the motor vehicle being driven.
(Ord. No. 740, att.(10.12.010), 5-26-2020)

Sec. 10.12.020. State registration and licensing required.

It is unlawful for any person to own or operate a motor vehicle upon the public streets, alleys or highways of the city without first having registered the vehicle, obtained a license therefor and affixed thereto such license plates as are required, all in accordance with the applicable laws of the state pertaining to the licensing and registering of motor vehicles, as such laws now exist and as the same may from time to time be amended.
(Ord. No. 740, att.(10.12.020), 5-26-2020)

Sec. 10.12.030. Driver's license restrictions.

It is a misdemeanor for any person:

- (1) To display or permit to be displayed, or have in his possession, any cancelled, revoked, suspended, fictitious or fraudulently altered driver's license;
- (2) To lend his driver's license to any other person or knowingly permit the use thereof by another;
- (3) To display or represent as one's own any driver's license not issued to him;
- (4) To fail or refuse to surrender to the department upon lawful demand any driver's license which has been suspended, revoked or cancelled;
- (5) To use a false or fictitious name in any application for a driver's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any application.

(Ord. No. 740, att.(10.12.030), 5-26-2020)

Sec. 10.12.040. Driving while license suspended or revoked prohibited.

It is unlawful and punishable for any person to operate a motor vehicle within the corporate limits of the city, or within any area over which the city has jurisdiction, at a time when his privilege to do so is cancelled, suspended or revoked.

(Ord. No. 740, att.(10.12.040), 5-26-2020)

Sec. 10.12.050. Failure to maintain liability coverage; exceptions.

(a) No owner of a motor vehicle required to be registered shall operate or permit the operation of a motor vehicle without having in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b) or a bond in amounts provided by W.S. 31-9-102(a)(xi).

(b) Any police officer issuing a citation for any moving violation, or inspecting any vehicle, shall require the operator of any motor vehicle required to be registered to produce evidence that the operator or owner of the motor vehicle has in full force and effect a motor vehicle liability policy as required in subsection (a) of this section. Any operator or owner of a motor vehicle required to be registered who is not able to demonstrate evidence of compliance with subsection (a) of this section may be charged with violating subsection (a) of this section. The displaying or exhibiting of a validly issued insurance identification card by an operator or owner of the motor vehicle constitutes compliance with this section. No operator or owner of a motor vehicle charged with violating this section shall be convicted if he produces in court one of the following which was valid at the time of arrest or at the time the citation was issued:

- (1) A liability policy previously issued to him;
- (2) Evidence of a bond on file with the department in amounts provided by W.S. 31-9-102(a)(xi).
- (c) This section does not apply to:
 - (1) Self-insurers pursuant to W.S. 31-9-414;
 - (2) A vehicle owned by a non-resident and registered in another jurisdiction provided, the vehicle is covered by an automobile insurance policy complying with the laws of the jurisdiction in which it is registered.

(Ord. No. 740, att.(10.12.050), 5-26-2020)

CHAPTER 10.16. TRAFFIC CONTROL DEVICES**Sec. 10.16.010. Analysis, installation and maintenance authority.**

It shall be the general duty of the chief of police to determine the installation and proper timing and maintenance of official traffic control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct investigation of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by this chapter and other ordinances of the city.

(Ord. No. 740, att.(10.16.010), 5-26-2020)

Sec. 10.16.020. Testing of official traffic control devices.

The chief of police may test official traffic control devices under actual conditions of traffic.
(Ord. No. 740, att.(10.16.020), 5-26-2020)

CHAPTER 10.20. VEHICLE EQUIPMENT AND OPERATION

Sec. 10.20.020. Width restrictions.

No vehicle in excess of eight feet six inches in width or carrying a load which extends a greater distance at its maximum width shall be driven upon any street unless the driver thereof shall first obtain a written permit therefor from the chief of police.
(Ord. No. 740, att.(10.20.020), 5-26-2020)

Sec. 10.20.030. Exiting from left-hand side of vehicle.

Any person emerging from the left-hand side or driver side of any motor vehicle into the line of traffic must not do so without exercise of caution and persons so emerging must give the right-of-way to approaching vehicles in the line of traffic.
(Ord. No. 740, att.(10.20.030), 5-26-2020)

Sec. 10.20.050. Unnecessary engine noises prohibited.

It is unlawful for the operator of any vehicle in the city to unnecessarily race his engine or backfire the same or cause any other unnecessary engine noise.
(Ord. No. 740, att.(10.20.050), 5-26-2020)

Sec. 10.20.060. Use of engine compression brakes prohibited.

No person shall operate or use any vehicle engine compression brake within the corporate limits of the city.
(Ord. No. 740, att.(10.20.060(1)), 5-26-2020)

Sec. 10.20.065. Spotlights.

(a) It is unlawful to use a spotlight on any motor vehicle upon any street within the city limits as a running light or driving light except in emergency.

(b) It is unlawful to use on any motor vehicle operated upon the streets of the city any lighting device except as permitted by the state motor vehicle code.
(Ord. No. 740, att.(10.20.060(2)), 5-26-2020)

Sec. 10.20.070. Riding upon motor vehicles prohibited when.

No person shall ride on a motor vehicle, upon any portion thereof, not specifically designed for the use of passengers for such purpose, or while driving, or in control thereof, allow a person to so ride. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to a person

riding within truck bodies in space intended for cargo. For the purposes of this section, riding shall be considered standing, sitting, kneeling, crouching or lying upon the motor vehicle. This section shall not apply to participants riding or driving in a duly permitted parade.

(Ord. No. 740, att.(10.20.070), 5-26-2020)

Sec. 10.20.075. Emergency road closure.

The driver of a motor vehicle, upon approaching a street or traffic lane which is closed or blocked off by the city police department, city fire department, county sheriff's office, state highway patrol, ambulance, or any other readily identifiable emergency or law enforcement vehicles, flares, cones, traffic barricades, or any readily identifiable emergency or law enforcement personnel, shall not drive around or pass through same unless directed to do so by a law enforcement officer, fire personnel, or community service officer.

(Ord. No. 740, att.(10.20.075), 5-26-2020)

Sec. 10.20.080. Speed or acceleration contests and exhibitions.

No person shall engage in any motor vehicle speed or acceleration contest, or exhibition of speed, or acceleration, on any street or highway without approval of the council of the city. No person shall aid or abet in any such motor vehicle speed or acceleration contest or exhibition on any street or highway in violation of this section.

(Ord. No. 740, att.(10.20.080), 5-26-2020)

Sec. 10.20.090. Obstructing intersections and crosswalks.

No driver or operator of a motor vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space at the other side of the intersection or crosswalk to accommodate the entire vehicle he is driving or operating, without it obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indicating to proceed.

(Ord. No. 740, att.(10.20.090), 5-26-2020)

CHAPTER 10.24. SPEED LIMITS AND SPEED ZONES

Sec. 10.24.010. Twenty mile per hour speed zones.

The speed limit in the city shall be 20 miles per hour unless otherwise posted.

(Ord. No. 740, att.(10.24.010), 5-26-2020)

Sec. 10.24.020. Authority of chief of police to determine speed limits.

The chief of police shall have the authority to impose another speed limit, where appropriate, after consultation with other appropriate department heads.

(Ord. No. 740, att.(10.24.020), 5-26-2020)

Sec. 10.24.030. School zones.

The chief of police shall have the authority to determine the existence and placement of school zones, where appropriate, after consultation with other appropriate department heads.

(Ord. No. 740, att.(10.24.030), 5-26-2020)

Sec. 10.24.040. Regulation of speed limits and zones for alleys.

The posted speed limit for alleys shall be 15 miles per hour. The term "alleys" shall be defined as a minor private or public thoroughfare, other than a dedicated half street, which is less than 30 feet wide which the rear of land or building lots generally abut, and which affords a secondary means of vehicular access to the land, building or lots.

(Ord. No. 740, att.(10.24.040), 5-26-2020)

CHAPTER 10.28. TURNING MOVEMENTS

Sec. 10.28.020. U-turns.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district or on any through street, and shall not upon any other street so turn a vehicle except at an intersection when it can be done with safety and without interference with other traffic.

(Ord. No. 740, att.(10.28.020), 5-26-2020)

CHAPTER 10.32. THROUGH STREETS, STOP SIGNS AND YIELDING RIGHTS-OF-WAY

Sec. 10.32.010. Through streets.

Every street or portion thereof at the entrances to which vehicular traffic from the intersecting street is required by law to stop before entering or crossing the same and when stop signs are erected, as provided in section 10.32.050, is declared to be a through street.

(Ord. No. 740, att.(10.32.010), 5-26-2020)

Sec. 10.32.050. Hazardous intersections.

The chief of police is authorized to determine and designate intersections where particular hazards exist upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such stop intersection and shall erect a stop sign at every place where a stop is required.

(Ord. No. 740, att.(10.32.050), 5-26-2020)

Sec. 10.32.070. Yield right-of-way sign.

A yield right-of-way sign is a sign bearing the phrase "yield" and is trapezoidal in shape.

(Ord. No. 740, att.(10.32.070), 5-26-2020)

Sec. 10.32.080. Chief of police to determine yield sign locations.

The chief of police is authorized to determine and designate intersections where a particular hazard exists and to determine whether vehicles on one of the intersecting streets shall yield the right-of-way to vehicles and pedestrians on the other streets, and to erect a yield sign in every place where such sign is needed.

(Ord. No. 740, att.(10.32.080), 5-26-2020)

Sec. 10.32.090. Speed limits for yield right-of-way intersection.

(a) The driver of a vehicle approaching a yield sign shall slow to a speed of not more than ten miles per hour and yield right-of-way to all vehicles approaching from the right or left on the intersecting streets which are so close as to constitute an immediate hazard.

(b) Any speed greater than ten miles per hour past a yield sign is prohibited.

(Ord. No. 740, att.(10.32.090), 5-26-2020)

Sec. 10.32.100. Collision deemed prima facie evidence.

If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles or pedestrians after driving past a yield sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(Ord. No. 740, att.(10.32.100), 5-26-2020)

CHAPTER 10.36. PARKING**Sec. 10.36.010. Delegation of authority.**

The chief of police, by and through his or her designee, is hereby authorized to, in accordance with appropriate state and federal statutes, rules and regulations, designate and post prohibitions, limitations, regulations and exceptions thereto regarding parking motor vehicles within the city limits of the city.

(Ord. No. 740, att.(10.36.010), 5-26-2020)

Sec. 10.36.020. General prohibitions.

(a) In addition to any specific regulations adopted pursuant to the delegation of authority granted in section 10.36.010, it shall be unlawful to park a motor vehicle within the city limits of the city:

- (1) At any place, time or manner prohibited by the mayor or the mayor's designee;
- (2) On a sidewalk;
- (3) In a parkway, without a properly displayed permit;
- (4) In front of a public or private driveway or garage entrance on a street or in an alley;
- (5) Within an intersection;
- (6) Within 15 feet of a fire hydrant;
- (7) On a crosswalk;

- (8) Within 20 feet of a crosswalk or an intersection, unless otherwise permitted by the city engineer;
- (9) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (10) Within 20 feet of the nearest rail of a railroad crossing;
- (11) Within 20 feet of the driveway entrance to any fire station;
- (12) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (13) On the roadway side of any vehicle stopped or parked at the edge of the curb of a street (double parked);
- (14) In any underpass within the city;
- (15) At any place where official regulatory signs prohibit stopping, standing or parking, except as set forth on and in compliance with said regulatory sign;
- (16) Adjacent to any portion of an official painted yellow curbline, except where regulated by, and in conformance with, a regulatory sign;
- (17) In any manner that is not parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the outside wheels of the vehicle more than 18 inches from the curb or edge of the roadway, except where marked for diagonal parking, where the vehicle must be parked with the outside front wheel of the vehicle within six inches of the curb or edge of the roadway;
- (18) In a manner that allows less than ten feet of the width of the roadway for free movement of vehicular traffic;
- (19) In a manner that allows less than 15 feet of the width of the alley for free movement and unobstructed access to public utilities and refuse containers;
- (20) Upon any roadway for the principal purpose of displaying such vehicle for sale; or washing, greasing or repairing such vehicle except repairs necessitated by an emergency;
- (21) Upon any private property, without permission of the owner of said private property;
- (22) In a permanent reserved space of any kind, without proper permits and proper display of said permits;
- (23) In a handicapped parking space without valid and properly displayed handicapped parking permits, tags or license plates;
- (24) In a marked bus stop; and
- (25) In a publicly owned parking lot in violation of posted limits, restrictions or permit requirements.

(b) No person shall park any commercial vehicle which is longer than 25 feet in length or wider than eight feet, six inches in width, or any truck tractor, or any semitrailer, upon any street or alley in the city, except in those areas designated as business and in the industrial areas on the zoning district map of the city, except when such commercial vehicles, truck tractors or semitrailers are in the process of loading or

unloading at the site of origin or delivery of shipments. No person shall park any commercial vehicle, truck tractor, or semitrailer of any dimensions, loaded with live animals, or any hazardous material as defined by U.S. Department of Transportation regulations. A commercial vehicle of 25 feet or less in length may only be parked in front of the vehicle owner's property, or where the driver of the vehicle has business.

(c) No person shall park any recreational vehicle, as defined in this chapter, on any street within the city for a period in excess of five days in any 30-day period.

- (1) The owner of any such recreational vehicle may apply to the city for permit to park the recreational vehicle on a public street in front of the lot owned by him. If the chief of police determines that there is insufficient space or access to the lot for storage of such unit, then he shall notify the applicant, who shall obtain the signatures of four of the five lots adjacent to and across the street from the applicant agreeing to the parking of such vehicle. The petition shall be presented to the chief of police before a permit to park on the street will be approved. The five lots shall mean the two lots immediately adjacent on the same side of the street (one on each side) and the three lots immediately across the street. A permit allowing parking of such vehicle shall not be issued for parking on an arterial or collector street, as designated by the chief of police.
- (2) Permits are good for one five-month consecutive period in a calendar year and can be renewed annually if no objections have been received from adjoining property owners. The fee for such permit or the renewal of the permit shall be as approved by a resolution of the council.
- (3) The use of a recreational vehicle as a dwelling when parked on private property or on a public street shall be limited to ten days in any 60-day period, except when parked at any recreational vehicle park.

(d) No person shall park on certain designated snow route streets during a snow emergency. Snow route streets may be determined by the city council by resolution.

(e) It shall be unlawful for any person to own, store, park or otherwise maintain a motor vehicle upon the public streets, alleys or highways of the city without first having registered the vehicle, obtained a license therefor and affixed thereto such license plates as are required, all in accordance with the applicable laws of the state pertaining to the licensing and registering of motor vehicles, as such laws now exist and as the same may from time to time be amended.

(f) At any corner formed by the intersecting streets, it shall be unlawful to park any recreational vehicle, as defined in section 10.36.030, within the triangle formed by the intersection of the curb face of the extended curblines, measured back a distance of 30 feet with a line drawn to form a right triangle.

(g) It shall be unlawful for any person to remove, erase, deface, obliterate or render unusable for the purpose of enforcement of this chapter or the provisions outlined in the parking ordinances of the city, as may be amended from time to time by resolution of the city council, any chalk mark, marker, or other indicator placed on a vehicle or any portion thereof by an authorized representative of the city for the purpose of measuring the passage of time or the movement of a vehicle stopped, standing or parking on any street, or in any parking lot or structure, or portion thereof.

(Ord. No. 740, att.(10.36.020), 5-26-2020)

Sec. 10.36.030. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Recreational vehicle (RV) means any of the following:

- (1) A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, in accordance with ANSI Standards Bulletin No. 119-A;
 - (2) A pickup camper, meaning a structure designed to be mounted on a truck chassis, for use as a temporary dwelling for travel, recreation and vacation;
 - (3) A motor home, meaning a portable, temporary dwelling, to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle;
 - (4) A camping trailer, meaning a structure mounted on wheels and designed for travel, recreation and vacation use; or
 - (5) Any boat, boat trailer, van trailer, utility trailer, horse trailer, or trailer of any type.
- (Ord. No. 740, att.(10.36.030), 5-26-2020)

Sec. 10.36.040. Vehicle removal.

Whenever any police or code enforcement officer finds a vehicle upon a street or highway or in a restricted parking area in violation of the provisions of this chapter, such officer is authorized to move such vehicle, or require the driver or other person in charge of vehicle to move the same. Should the officer not be able to move the vehicle or find the person in charge of the vehicle, the officer is authorized to have the vehicle towed and impounded.

(Ord. No. 740, att.(10.36.040), 5-26-2020)

Sec. 10.36.050. Penalties; enforcement.

(a) Parking in violation of this chapter in the city, as may be amended from time to time by resolution of the city council, shall constitute a misdemeanor.

(b) Any violation of this chapter which continues for a period of 24 hours or more shall constitute a new and separate distinct violation.

(c) Conviction of abuse or violation of the terms of the various parking permits shall result in revocation of the permit, and the holder of said permit shall be subject to other penalties or remedies.

(d) It shall constitute notice to every person charged with violating this chapter, if the chief of police or his/her designee affixes to or deposits in a motor vehicle, found to be parked in violation of this chapter, a parking ticket indicating thereon that the motor vehicle is parked in violation of this chapter, the street address or location where such violation occurred, the date upon which the same occurred, the license number of such motor vehicle, and notice of time and date the owner of such motor vehicle is to pay the fine or post the bond for the violation, and the bond and fine amount for the violation. The owner of any motor vehicle who fails to appear at the city court at the time fixed in any such notice shall be formally charged by criminal complaint with violation of this chapter. The original parking citation shall

serve as the formal complaint in the matter if served pursuant to state law. It shall be presumed that the last known address to which the vehicle is registered is a valid address for service of notice under this chapter.

(e) In the event that any person receiving any ticket or notice of violation does not desire to appear before the city court to answer to such charge, he may post a cash bond in the amount of the fine for the violation with the city court. Such bonds shall be forfeited unless such person shall appear before the city judge at the time fixed in such notice, and upon forfeiture of such bonds, no further action shall be taken against such violator.

(f) The fact that a motor vehicle which is parked in violation of this chapter is registered in the name of a person shall be prima facie evidence that such person was in control of the automobile at the time of such parking.

(g) In addition to any other penalties or remedies enumerated in this chapter, the chief of police or his or her designee may tow, impound and/or immobilize any vehicle that has accumulated five or more unpaid or unadjudicated notices of violation that are 30 or more days past due. For disabled parking violations, the threshold shall be one or more notices of violations that are 30 or more days past due. Any vehicle towed, immobilized or impounded pursuant to this chapter may be released upon the payment of the outstanding fines leading to the towing, immobilization or impoundment, or the posting of a bond with city court in the amount of the fines, along with a request for a hearing to adjudicate the underlying violations.

(h) The chief of police or his or her designee may tow any vehicle parked in violation of this chapter at any time, if said vehicle is obstructing traffic flow, street or utility work, access to public or private property, or in any way jeopardizes the health, safety or welfare of the public.
(Ord. No. 740, att.(10.36.040), 5-26-2020)

CHAPTER 10.52. CARELESS DRIVING AND DRIVING UNDER THE INFLUENCE (RESERVED)

CHAPTER 10.56. ACCIDENTS (RESERVED)

CHAPTER 10.60. IMPOUNDMENT AND ABANDONED VEHICLES

ARTICLE I. IN GENERAL

Sec. 10.60.010. Authorization to remove and store vehicles.

Whenever any police or code enforcement officer finds a vehicle unattended upon any street, alley or other public property where such vehicle constitutes an obstruction to traffic or for other reasons set

forth in section 10.60.020, such officer is authorized to provide for the removal of such vehicle to the nearest city garage or other place of safety designated by the chief of police or his appointed authority, at the expense of the registered owner thereof.

(Ord. No. 740, att.(10.60.010), 5-26-2020)

Sec. 10.60.020. Circumstances requiring removal of vehicle.

(a) Members of the police department or code enforcement are authorized to remove a vehicle from a street or highway or restricted parking area to the city garage or other place of safety under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge or viaduct or in any subway, where such vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
- (3) When the driver of such vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street, highway or restricted parking area;
- (4) When such vehicle is found being driven on the streets or highways and is not in proper condition to be driven;
- (5) When a driver, owner or person in charge of such vehicle, while driving or in charge of such vehicle, or while such vehicle was parked or stopped, has received a notice to answer to a charge against him for violation of the provisions of this title or other traffic ordinances, and such driver, owner or person in charge has failed to appear and answer to such charge.

(b) Any vehicle may be impounded in the city garage, if voluntarily agreed to by the owner thereof, upon the suspension of any fine or other penalty imposed against the driver or owner by the city court for a violation of a traffic ordinance.

(c) Any violator taken into custody pursuant to the provisions of this title or other city ordinances prohibiting driving when under the influence of intoxicating liquor may at the discretion of the proper authority be released without posting bond if he agrees to the impounding in the city garage of the vehicle owned and driven by him to ensure his appearance in the city court to answer the charges against him, and pay such fine as may be assessed against him.

(Ord. No. 740, att.(10.60.020), 5-26-2020)

Sec. 10.60.030. Private wrecker service and places of impoundment; charges set by council resolution.

The chief of police is authorized to provide for the removal of vehicles impounded under this chapter by private wrecker services and to provide for places of impoundment. No vehicle impounded under this chapter shall be released therefrom until such charges for towing such vehicle into storage and storage charges have been paid by the registered owner thereof. The charge for towing, storage or removal of such motor vehicle shall be fixed by the city council by resolution from time to time; provided, however, that when in the judgment of the chief of police a vehicle has been impounded through no fault of the owner,

and where the levying of such charges would be unjust, such towing, storage and removal charges shall be paid out of the city's general fund if such charges were incurred through the towing, storage or removal by a private service.

(Ord. No. 740, att.(10.60.030), 5-26-2020)

Sec. 10.60.040. Notice to owner.

Whenever an officer removes a vehicle from a street as authorized in this chapter and the officer knows or is able to ascertain from the registration or other records in the vehicle or otherwise the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the reasons therefor and of the place to which such vehicle has been removed.

(Ord. No. 740, att.(10.60.040), 5-26-2020)

Sec. 10.60.050. Procedure when owner unknown.

Whenever an officer removes a vehicle from a street under this chapter and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the chief of police may consider that the motor vehicle may have been stolen and shall immediately send or cause to be sent a written report of such removal by mail to the state department, whose duty it is to register motor vehicles. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored, with the request that the owner of such vehicle be notified immediately.

(Ord. No. 740, att.(10.60.050), 5-26-2020)

Sec. 10.60.060. Disposal of vehicles.

Any vehicle impounded pursuant to this chapter and left unattended on public or private property without the express consent of the owner or person in lawful possession or control of such property, for a period in excess of five days, shall be deemed to be abandoned and shall be disposed of in the manner provided in this chapter.

(Ord. No. 740, att.(10.60.060), 5-26-2020)

ARTICLE II. ABANDONED VEHICLES

Sec. 10.60.070. Prohibited where; exceptions; removal and impoundment procedure.

(a) No person shall abandon a motor vehicle on the streets, alleys or public property of the city.

(b) Any police or code enforcement officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle, or cause it to be removed at the expense of the owner, to the nearest place of impoundment provided for by the county or the sheriff of the county. Removal of an abandoned vehicle from private property shall be upon the written request, upon a form prescribed by the department of revenue, of the owner or person in lawful possession or control of the property. The

police department shall immediately send, or cause to be sent, a written report of such removal to the department of revenue, which report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal and the place of impoundment of such vehicle.

(c) For purposes of this section, a vehicle shall be presumed to be abandoned if it is left unattended on a street, alley or other public ground for more than 24 hours after a notice of intent to impound has been placed on it pursuant to subsection (d) of this section, or private property without express consent of the owner or person in lawful possession or control of the property more than five days after a notice of intent to impound has been placed on it pursuant to subsection (d) of this section.

(d) A notice of intent to impound an abandoned vehicle by a police officer shall be placed in a prominent position on a vehicle when a police or code enforcement officer reasonably believes it is abandoned. The notice of intent shall remain on the vehicle at least 24 hours prior to removal and impoundment by a police officer if abandoned on a street, alley, or any other public ground, and five days if abandoned on private property.

(Ord. No. 740, att.(10.60.070), 5-26-2020)

Sec. 10.60.080. Abandonment presumed when; exceptions.

(a) For the purpose of this section, a vehicle shall be presumed to be abandoned if it is in an inoperable condition and is not currently registered.

(b) This section and the provisions contained in this Code concerning storage of wrecked, disabled vehicles and junk, shall not apply to:

- (1) Antique or historic motor vehicles as defined in W.S. 31-1-101, provided the same are licensed pursuant to W.S. 31-3-102;
- (2) Vehicles kept in an enclosed garage or storage building; provided same are not visible from any other land or public way;
- (3) Vehicles used for educational or instructional purposes at any public school;
- (4) Vehicles or junk in the custody of the city being stored pending disposal;
- (5) Vehicles and junk at junkyards which are licensed under, and in compliance with, the laws of the city.

(Ord. No. 740, att.(10.60.080), 5-26-2020)

Sec. 10.60.090. Impound storage and towing fees established.

All impound storage and towing fees shall be established by the city council by resolution.

(Ord. No. 740, att.(10.60.090), 5-26-2020)

Sec. 10.60.100. Disposal of vehicles.

All abandoned vehicles impounded under the provisions of this chapter may be disposed of in accordance with W.S. 31-13-104 et seq., as amended.

(Ord. No. 740, att.(10.60.100), 5-26-2020)

CHAPTER 10.64. BICYCLES, TOY VEHICLES, ROLLERBLADES, IN-LINE SKATES, ROLLER SKATES, SNOWBOARDS, SKIS, ROLLERSKIS, SCOOTERS, COASTERS, SKATEBOARDS AND SIMILAR DEVICES

ARTICLE I. BICYCLES

Secs. 10.64.010—10.64.050. Reserved.

Sec. 10.64.060. Obedience to traffic rules required.

Every person riding or propelling a bicycle or e-bicycle upon any street or other public highway in the city shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right-hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving and shall pass vehicles to the right when meeting.

(Ord. No. 740, att.(10.64.060), 5-26-2020; Ord. No. 760, att.(10.64.060), 4-13-2021; Ord. No. 782, att.(10.64.060), 6-14-2022)

Sec. 10.64.070. Obedience to traffic signs required.

Persons riding bicycles and e-bicycles shall observe all traffic signs and stop at all stop signs.

(Ord. No. 740, att.(10.64.070), 5-26-2020; Ord. No. 760, att.(10.64.070), 4-13-2021; Ord. No. 782, att.(10.64.070), 6-14-2022)

Sec. 10.64.080. Lights and reflectors.

No bicycles, e-bicycle, toy vehicles, rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, e-scooters, coasters, skateboards, or similar devices (hereinafter referred to as "vehicle") shall be permitted on any street or other public highway of the city between 30 minutes after sunset and 30 minutes before sunrise, without a headlight visible under normal atmospheric conditions from the front thereof for not less than 500 feet, indicating the approach or presence of the vehicle, firmly attached to such vehicle and properly lighted, or without a red reflector attached to and visible from all distances from 50 feet to 300 feet from the rear thereof when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. The headlight shall give a clear white light.

(Ord. No. 740, att.(10.64.080), 5-26-2020; Ord. No. 760, att.(10.64.080), 4-13-2021; Ord. No. 782, att.(10.64.080), 6-14-2022)

Sec. 10.64.090. Riding on sidewalks; right-of-way.

Any person riding a bicycle or e-bicycle upon a sidewalk of the city except sidewalks in the business district as hereinafter enumerated shall grant the right-of-way to any pedestrian thereon.

(Ord. No. 740, att.(10.64.090), 5-26-2020; Ord. No. 760, att.(10.64.090), 4-13-2021; Ord. No. 782, att.(10.64.090), 6-14-2022)

Sec. 10.64.100. Safe operation required.

No bicycle or e-bicycle shall be ridden faster than is reasonable and proper and every bicycle shall be operated with reasonable regard to the safety of the operator or any person upon the sidewalks, streets and other public highways of the city.

(Ord. No. 740, att.(10.64.100), 5-26-2020; Ord. No. 760, att.(10.64.100), 4-13-2021; Ord. No. 782, att.(10.64.100), 6-14-2022)

Sec. 10.64.120. Riding abreast of more than one other bicycle prohibited.

No person shall ride or propel a bicycle or e-bicycle upon any street or other public highway in the city abreast of more than one other person riding or propelling a bicycle or e-bicycle.

(Ord. No. 740, att.(10.64.120), 5-26-2020; Ord. No. 760, att.(10.64.120), 4-13-2021; Ord. No. 782, att.(10.64.120), 6-14-2022)

Sec. 10.64.130. More than one rider on a bicycle prohibited; exception.

No person shall ride or propel a bicycle or e-bicycle on a street or other public highway of the city with another person in any position in front of or behind the operator, unless the bicycle is of a tandem type equipped with a seat for each such additional person.

(Ord. No. 740, att.(10.64.130), 5-26-2020; Ord. No. 760, att.(10.64.130), 4-13-2021; Ord. No. 782, att.(10.64.130), 6-14-2022)

Sec. 10.64.135. Reserved.

ARTICLE II. TOY VEHICLES, ROLLERBLADES, IN-LINE SKATES, ROLLER SKATES, SNOWBOARDS, SKIS, ROLLERSKIS, SCOOTERS, COASTERS, SKATEBOARDS AND SIMILAR DEVICES

Sec. 10.64.155. Riding on fixtures.

No person shall ride any toy vehicles, rollerblades, in-line skates, roller skates, snowboards, skis, rollerskis, scooters, e-scooter, coasters, skateboards, or similar devices or any bicycle upon, over, against, or otherwise on any bench, table, planter, railing, stair, step, utility equipment, or any other fixture, whether permanently attached or not, in any public place unless such place or fixture has been designated by the city for such use, or unless upon private property and with the permission of the owner of the property.

(Ord. No. 740, att.(10.64.155), 5-26-2020; Ord. No. 760, att.(10.64.155), 4-13-2021; Ord. No. 782, att.(10.64.155), 6-14-2022)

Sec. 10.64.165. Obedience to traffic rules required.

Every person propelling a vehicle by human power upon any street or other public highway in the city has all of the rights and all of the duties applicable to the driver of any vehicle upon such roadways,

including, but not limited to, turning only at intersections, signaling for all turns, riding at the right-hand side of the street or highway, passing to the left when passing overtaken vehicles and individuals that are slower moving, and passing vehicles to the right when meeting.

(Ord. No. 740, att.(10.64.165), 5-26-2020; Ord. No. 760, att.(10.64.165), 4-13-2021; Ord. No. 782, att.(10.64.165), 6-14-2022)

ARTICLE III. DOCKLESS SCOOTERS AND ELECTRIC VEHICLES, OTHER THAN AUTOMOBILES, FOR HIRE

Sec. 10.64.166. Permits for rental or hire.

In addition to those provisions otherwise found in this article, the following is provided:

- (1) *Permit required.* No provider may rennet a dockless-vehicle-for-hire business without first having obtained a business permit form the city. A regular business permit shall be first obtained before conducting such a business which, when applied for, shall otherwise comply with the provisions set forth in this section. In addition to the usual fees for a business license, there shall be assessed the fee of \$90.00 per year for each dockless vehicle used in the city. Said additional fee may be paid annually during the last month of the term of the business license. This fee may be changed from time to time by the city council, which may further reduce the amount of the annual fee at their description including in such instances in which the city may wish to facilitate the borderless use of dockless vehicles that are also used in adjoining municipalities.
- (2) *Permit application process.* An application for a business permit for a dockless-vehicle-for-hire business shall contain all of the material normally required for a business permit, plus the following additional items:
 - a. Documentary evidence from an insurance company indicating that the insurance company has bound itself to provide liability insurance through a comprehensive general liability policy (CGL) on an occurrence basis in an amount not less than that to be determined by the city council and, in any event, with limits not less than the sum of \$250,000.00 to any claimant for any number of claims arising out of a single transaction or occurrence, or the sum of \$500,000.00 for all claims arising out of a single transaction or occurrence.
 - b. An agreement in indemnify and hold harmless the city and its officials, employees, agents, and contractors for and against any and all actions, damages, claims or demands brought against the city arising out of the use or misuse of the dockless vehicle by any person, party or entity.
 - c. Any other information required by the city.
- (3) *Permit revocation.* The city council may revoke any permit issued under this section, after a hearing with reasonable notice to the permit holder, in which it is found:
 - a. The permit holder made a material misrepresentation on its permit application.
 - b. The permit holder failed to maintain the insurance required under this section.

c. The permit holder failed to make any payment required under this section.
(Ord. No. 782, att.(10.64.166), 6-14-2022)

Sec. 10.64.167. Operator responsibilities.

A company operating a dockless-vehicle-for-hire business licensed in the city must:

- (1) Operate a 24-hour customer service telephone number for users, the general public and the city officials to report dockless vehicles that are in operable or suspected of being operated or parked in violation of these ordinances or otherwise in violation of the law.
 - (2) Remove its dockless vehicles from any public property when requested to do so by the city or any of its departments.
 - (3) Take such steps as are necessary to inform those using the vehicles of the requirements of the law and ordinances.
 - (4) Remove or reposition illegally parked dockless vehicles within 90 minutes of being informed of the need to do so.
 - (5) Ensure that its dockless vehicles adhere to applicable national safety standards.
- (Ord. No. 782, att.(10.64.167), 6-14-2022)

Sec. 10.64.168. Parking of dockless vehicles.

- (a) Dockless vehicles shall be parked in a standing upright position.
 - (b) It shall be unlawful to park a dockless vehicles:
 - (1) On a public alley or street, unless designated by the proper authorities for the same.
 - (2) On sidewalks and walkways, except where they have been designated by the proper authorities for the same.
 - (3) Within 25 feet of a transit stop.
 - (4) On a driveway or entryway to a lot.
 - (5) In a manner that impedes pedestrian traffic.
 - (6) In a manner that interferes with the access of persons with disabilities.
- (Ord. No. 782, att.(10.64.168), 6-14-2022)

Sec. 10.64.169. Penalties for violation.

- (a) Unless otherwise provide, the penalty for violation of this sections is that for general fines and offenses set forth in title 9.
 - (b) The city may seize a dockless vehicle that is used in violation of this chapter or which his left on public or private property outside of the provisions of this section. In such instances, the dockless vehicles shall be returned to the provider after the payment of any storage fees or fines as set by the city council.
- (Ord. No. 782, att.(10.64.169), 6-14-2022)

CHAPTER 10.68. MOTORCYCLES AND OFF-ROAD VEHICLES**Sec. 10.68.010. Off-highway use prohibited; exceptions.**

It is unlawful for any person to drive, ride or use a motorcycle, motor-driven cycle or motor vehicle, as such vehicles are defined by W.S. 31-1-101, as amended, upon any public or private property which is not an improved street or highway, or an improved private street, or parking lot, except that this section shall not apply in a driveway or in any of the following instances:

- (1) Where such vehicles are being driven, ridden or used on property by the owner, resident or tenant of such property, or by an authorized visitor when such a visitor is accompanied by or has a written authorization in his possession from the owner, resident or tenant of such property;
- (2) Where such use is permitted pursuant to a use permit or otherwise in accordance with the zoning regulations of the city.

(Ord. No. 740, att.(10.68.010), 5-26-2020)

Sec. 10.68.020. Chapter provisions not exclusive.

The regulations contained in this chapter do not supersede or preclude the enforcement of the zoning regulations or any other regulations contained in this Code which are applicable to any conduct regulated by this chapter.

(Ord. No. 740, att.(10.68.020), 5-26-2020)

CHAPTER 10.72. PARADES AND FUNERAL PROCESSIONS**ARTICLE I. PARADES****Sec. 10.72.010. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of police means the chief of police of the city.

Parade means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city.

Parade permit means a permit as required by this article.

(Ord. No. 740, att.(10.72.010), 5-26-2020)

Sec. 10.72.020. Permit required.

(a) No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police.

(b) This article shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
- (3) A governmental agency acting within the scope of its functions.

(Ord. No. 740, att.(10.72.020), 5-26-2020)

Sec. 10.72.030. Application; filing period.

(a) A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer.

(b) An application for a parade permit shall be filed with the chief of police not less than five days or more than ten days before the date on which it is proposed to conduct the parade.

(c) The application for a parade permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct such parade;
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
- (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
- (4) The date when the parade is to be conducted;
- (5) The route to be traveled, the starting point and the termination point;
- (6) The approximate number of persons who, and animals and vehicles which, will constitute such parade, the type of animals and description of the vehicles;
- (7) The hours when such parade will start and terminate;
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (9) The location by streets of any assembly areas for such parade;
- (10) The time at which units of the parade will begin to assemble at any such assembly areas;
- (11) The interval of space to be maintained between units of such parade;
- (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
- (13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should issue.

(d) The chief of police, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than five days before the date such parade is proposed to be conducted.

(e) There shall be no fee for the issuance of a parade permit.
(Ord. No. 740, att.(10.72.030), 5-26-2020)

Sec. 10.72.040. Permit contents.

Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Such other information as the chief of police shall find necessary to the enforcement of this article.

(Ord. No. 740, att.(10.72.040), 5-26-2020)

Sec. 10.72.050. Conditions for issuance.

The chief of police shall issue a permit as provided for under this article when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade will not interfere with the movement of firefighting equipment in route to a fire;
- (6) The conduct of the parade is not reasonably likely to cause a clear and present danger of injury to persons and property;

- (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route;
 - (8) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.
- (Ord. No. 740, att.(10.72.050), 5-26-2020)

Sec. 10.72.060. Permit—Notice to city and other officials.

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

- (1) Mayor;
 - (2) City attorney;
 - (3) Fire chief;
 - (4) Director of the department of public works;
 - (5) Postmaster.
- (Ord. No. 740, att.(10.72.060), 5-26-2020)

Sec. 10.72.070. Permit—Notice of rejection.

The chief of police shall act upon the application for a parade permit within two days after the filing thereof. If the chief of police disapproves the application, he shall mail to the applicant, within two days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

(Ord. No. 740, att.(10.72.070), 5-26-2020)

Sec. 10.72.080. Permit—Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within one day after notice. The city council shall act upon the appeal within two days after its receipt.

(Ord. No. 740, att.(10.72.080), 5-26-2020)

Sec. 10.72.090. Alternative permit procedure.

The chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this article.

(Ord. No. 740, att.(10.72.090), 5-26-2020)

Sec. 10.72.100. Compliance.

(a) A permittee under this article shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(b) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

(Ord. No. 740, att.(10.72.100), 5-26-2020)

Sec. 10.72.110. Revocation.

The chief of police shall have the authority to revoke a parade permit issued under this article upon violation of the standards for issuance as set forth in this article.

(Ord. No. 740, att.(10.72.110), 5-26-2020)

Sec. 10.72.120. Parking restrictions on parade route.

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

(Ord. No. 740, att.(10.72.120), 5-26-2020)

Sec. 10.72.130. Driving through parades prohibited.

No driver of a vehicle, streetcar or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(Ord. No. 740, att.(10.72.130), 5-26-2020)

Sec. 10.72.140. Obstruction and interference prohibited.

No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(Ord. No. 740, att.(10.72.140), 5-26-2020)

ARTICLE II. FUNERAL PROCESSIONS**Sec. 10.72.150. Right-of-way.**

(a) A funeral procession led by a funeral car displaying flashing lights has the right-of-way in the lane or portion of the roadway upon which it is traveling, subject to the following:

- (1) The driver of the lead vehicle of the procession shall comply with all traffic control devices except when otherwise directed by a law enforcement officer. Vehicles in the procession displaying head lamps may follow the lead vehicle without stopping at stop signs or traffic signals. Vehicles in the procession shall yield the right-of-way to authorized emergency vehicles.

(2) Vehicles in a funeral procession shall be driven on the right-hand side of the roadway and, if a laned roadway, in the right-hand lane nearest the right-hand edge of the roadway.

(b) Drivers of oncoming vehicles are required to yield the right-of-way to funeral processions and no driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession.

(c) For the purposes of this article, a funeral car shall include the private vehicle of the funeral service or mortuary company and any other private vehicle authorized by the city police department.

(d) Any vehicle other than the vehicle of the funeral service or mortuary company, shall be required to register with the city police department prior to leading any funeral processions.

(Ord. No. 740, att.(10.72.150), 5-26-2020)

CHAPTER 10.76. PEDESTRIANS

Sec. 10.76.010. Loitering in crosswalk.

All pedestrians crossing streets or roadways in marked or unmarked crosswalks shall not loiter in the crosswalk.

(Ord. No. 740, att.(10.76.010), 5-26-2020)

Sec. 10.76.020. Crossing streets in business district or school zones.

It is unlawful for any pedestrian to cross any street within the central business district of the city or to cross any street within any school zone within the city, except at marked or indicated crosswalks which shall be provided by the city.

(Ord. No. 740, att.(10.76.020), 5-26-2020)

CHAPTER 10.80. PLAY STREETS

Sec. 10.80.010. Establishment authorized when.

The chief of police shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(Ord. No. 740, att.(10.80.010), 5-26-2020)

Sec. 10.80.020. Driving restrictions.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Ord. No. 740, att.(10.80.020), 5-26-2020)

CHAPTER 10.88. TRUCK TRAFFIC**Sec. 10.88.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Deviating truck means a truck which leaves and departs from a truck route while traveling inside the city.

Load means the weight or quantity of anything being transported by a truck.

Oversize load means a load, fixed or unfixed, that exceeds the size limits set forth in this chapter.

Overweight load means a load, fixed or unfixed, that exceeds the weight limits set forth in this chapter.

Permit means a written authorization to move or operate on a highway a vehicle or vehicles with load of size or weight exceeding the limits as specified by this chapter.

Pneumatic tire means a tire of rubber or other resilient material which depends on compressed air for support of a load.

Street means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto, and all other public thoroughfares in the city, and, as designated by this chapter, allows for the operation of truck traffic.

Streets of destination means any street inside the city not designated as a truck route.

Truck means any vehicle designed, used or maintained primarily for the transportation of property, and whose rated load capacity exceeds two tons.

Truck route means a public way within the city, as designated in this chapter, over and along which trucks must operate.

Unladen weight means the actual weight of a vehicle, including the cab, body, and all accessories with which the vehicle is equipped for normal use on highways, excluding the weight of any load. The unladen weight of vehicles mounted with machinery or equipment not normally designed for the vehicle and not used for the transportation of property other than the machinery or equipment is three-fourths of the gross weight of the vehicle.

(Ord. No. 740, att.(10.88.010), 5-26-2020)

Sec. 10.88.020. Application.

The provisions of this chapter shall apply to the operation of trucks within the city, except to the extent that such provisions are in conflict with state or federal law.

(Ord. No. 740, att.(10.88.020), 5-26-2020)

Sec. 10.88.030. Exempt vehicles designated.

This chapter shall not prohibit:

- (1) *Emergency vehicles*. The operation of emergency vehicles upon any street in the city.

- (2) *Detoured vehicles.* The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.
 - (3) *School buses.* The operation of public or private school buses upon any street in the city.
 - (4) *Government maintenance vehicles.* The operation of government maintenance vehicles upon any street in the city.
- (Ord. No. 740, att.(10.88.030), 5-26-2020)

Sec. 10.88.040. Authority to weigh and measure.

The chief of police, or his appointee, shall have the authority to require the driver of any truck operating on the streets of the city, and which he has reason to believe is overweight or oversize, to proceed with the truck to an appropriate weight station or stopping place for the purpose of determining whether this chapter has been complied with.

(Ord. No. 740, att.(10.88.040), 5-26-2020)

Sec. 10.88.050. Height, width and tires; permit conditions.

- (a) No truck, unladen or with load or load-holding devices thereon, in excess of 8½ feet in width and/or 14 feet in height, shall be driven upon any city street without a special use permit.
 - (b) The wheels of all trucks shall be equipped with pneumatic tires. In special cases, trucks hauling single items of machinery or equipment which cannot be readily dismantled or divided, and the size of such vehicles exceeds the limits herein prescribed, may be operated, provided a special use permit has been obtained from the state highway superintendent and chief engineer, except that trucks operating on the streets of the city shall first secure permission of the chief of police.
- (Ord. No. 740, att.(10.88.050), 5-26-2020)

Sec. 10.88.060. Operation on non-truck-route streets.

The operation of trucks over and along any city street not designated a truck route shall be permitted only for the purpose of reaching a point of destination inside the city, provided that:

- (1) *One destination point.* All trucks having a single destination point in the city shall proceed only over an established truck route, and shall deviate only at the intersection with the street upon which such traffic is permitted nearest to the destination point. A deviating truck shall return to the truck route by the shortest possible route.
- (2) *Multiple destination points.* All trucks having multiple destination points shall proceed only over established truck routes, and shall deviate only at the intersection with the street upon which such traffic is permitted, nearest to the first destination point. Upon leaving the first destination point, a deviating truck shall return to the nearest truck route, and proceed to other destination points by the shortest direction, and only over streets upon which such traffic is permitted. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(3) *Routes for construction as designated by the city engineer.* The city engineer may appoint a truck route as part of construction site plans or construction activities.
(Ord. No. 740, att.(10.88.060), 5-26-2020)

Sec. 10.88.070. Designation of truck routes.

The chief of police, after consultation with appropriate department heads, shall have the authority to designate truck routes within the city.
(Ord. No. 740, att.(10.88.070), 5-26-2020)

Sec. 10.88.090. Map maintenance authority.

The city engineer shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the city engineer and shall be available to the public.
(Ord. No. 740, att.(10.88.090), 5-26-2020)

Sec. 10.88.100. Violation.

It is unlawful for any person to operate or cause to be operated any truck within the city in violation of this chapter.
(Ord. No. 740, att.(10.88.100), 5-26-2020)

PROOFS

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Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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CHAPTER 12.04. ARTERIAL AND COLLECTOR STREETS**Sec. 12.04.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arterial street means a high-capacity roadway designed to provide continuity between neighborhoods and other arterial and freeway street systems. The main channels (high-capacity roadway) for the movement of traffic in an urban area which are generally wider than local streets and are given preference in signing and signalization.

Collector street means a secondary channel designed to penetrate neighborhoods from which local traffic is collected and channeled to the arterial street system.
(Ord. No. 762, att.(12.04.010), 4-13-2021)

Sec. 12.04.020. Arterial and collector street designation.

The arterial and collector streets covered under this chapter shall be those which are on the state department of transportation urban roadway functional classification list.
(Ord. No. 762, att.(12.04.020), 4-13-2021)

CHAPTER 12.08. CURBWALKS, SIDEWALKS, CURBS AND GUTTERS**Sec. 12.08.005. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person making written application to the city to construct or reconstruct curbwalks, sidewalks, curbs and gutters.

Asphaltic concrete pavement means a mixture of black bituminous material and stone, laid hot and rolled until nearly free of voids, herein referred to simply as asphalt.

Grade means the fall or rise per unit horizontal length of a structure.

Longitudinal grade means a section vertically through the center of a structure showing the fall or rise per unit horizontal (or slope) length of structure. The slope parallel along the major axis of the improvement.

Person means any individual person, partnership, corporation, limited liability company, association, estate, trust, or two or more individual persons having a joint or common interest.

Portland cement concrete pavement means a mixture of Portland cement, water, sand and stone, herein referred to simply as concrete.

Raveled means loss of stone and/or concrete materials from surface area downward.

Segment means a section of structure that lies between expansion joints or contraction joints.

Slope means the inclination of a surface expressed as one unit of rise or fall for so many horizontal units.

Spalled means flaking or chipping of concrete materials from surface area downward.

Standards means Standard Specifications for Street Construction, latest edition.

Structure means curbwalk, sidewalk, curbs and gutters.
(Ord. No. 762, att.(12.08.005), 4-13-2021)

Sec. 12.08.010. Line and grade requirements.

Persons desiring to construct structures shall make written application to the city planner/engineer upon forms supplied by the city, for a permit to cut, break, remove or alter any structure as provided in this chapter. For any such work being replaced in a residential district the city engineer or his designee shall establish the desired lines and grades as soon as possible after receiving an application. Lines and grades established in conjunction with a site plan, subdivision construction, or any other city permits such as a building permit for new residential or commercial construction will be established by a contractor and reviewed by the city engineer or his/her designee prior to the work being completed.
(Ord. No. 762, att.(12.08.010), 4-13-2021)

Sec. 12.08.015. Permit required.

(a) It is unlawful for any person either as owner, agent, contractor or employee, to cut, break, remove or alter any structure, or cause to have cut, broken or removed any structure or to install or cause to have installed any structures without a permit. Permits shall be issued by the city building inspector after payment of appropriate fees and compliance by the applicant with this Code. The cost of the permit shall be established by resolution of the city council.

(b) A permit will be required for all work constructed in conjunction with a site plan, as specified under title 17. Upon site plan approval, a permit shall be issued by the city building inspector after payment of the appropriate fees. The cost of the permit shall be established by resolution of the city council.

(c) Whenever any work for which a permit is required by this chapter has commenced without first obtaining a permit, the applicant shall be charged an amount equal to twice the established permit fee. Such amount shall be paid prior to continuing any further work. This civil penalty is in addition to any other fines, sentences, judgments or consequences which may be imposed.

(d) Whenever work is started without a permit, it shall be stopped, upon notice by the city, until such time as a permit is issued.

(e) Permits are not required for the construction or reconstruction of a structure when:

- (1) The structure is removed during the installation of electrical, mechanical or plumbing facilities associated with a city permit, such as a building permit or street cut permit;
- (2) The structure is removed during the installation of piping for fire hydrants, curb stops, or other piping installed by the city; or

- (3) The structure is included in work associated with a street improvement project such as a local assessment district or street resurfacing project administered by the city or the state department of transportation.

(Ord. No. 762, att.(12.08.015), 4-13-2021)

Sec. 12.08.017. Construction or reconstruction of curbwalk, sidewalk, curbs or gutters; responsibility of property owner.

(a) In accordance with W.S. 15-4-306, all owners of land adjoining any street, lane or alley shall construct or reconstruct any structure, along the street, lane or alley next to the land when ordered to do so by the city mayor or the mayor's designee. It is the duty of landowners to keep any structure now constructed, or which may hereafter be constructed in front of their property in good repair and in safe condition.

(b) The criteria for reconstruction of any structure shall consist of one or more of the following:

- (1) Any adjoining segments, or portions thereof, whose edges differ vertically by more than one-half inch;
- (2) Any segment that has more than 25 percent of its surface area with holes, or is cracked, broken or missing pieces which interfere with the walking public or surface drainage;
- (3) Any segment having depressions or low spots so as to impound water greater than three-eighths inch in depth;
- (4) Any segment having a grade greater than three-fourths-inch vertical per one-foot horizontal in walking sections, excluding alleys, drives and ramps;
- (5) Any segment that causes an abrupt change in the longitudinal grade of the curbwalk or sidewalk.

(Ord. No. 762, att.(12.08.017), 4-13-2021)

Sec. 12.08.020. Standard specifications.

(a) The standard specifications governing the construction of any concrete structure in the city shall be in accordance with title 17.

(b) The construction of any structure shall be in accordance with the Americans with Disabilities Act, the regulations and guidelines promulgated thereunder, and other applicable law.

(c) The applicant or his agent shall take appropriate measures to ensure that, during the performance of construction, traffic conditions shall be maintained as nearly normal as practicable at all times. The applicant or his agent shall route and control traffic, including his own vehicles, pursuant to the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) as published by the Federal Highway Administration.

(Ord. No. 762, att.(12.08.020), 4-13-2021)

Sec. 12.08.030. Jurisdiction; observation.

(a) All structures constructed within the city shall be constructed under jurisdiction of and subject to observation of the city engineer or his/her designee, and in conformity with the city's standard specifications for street construction and the lines and grades laid out by the city engineer's office. If required, the city engineer or his/her designee shall set line and grade and the stakes shall be preserved by the owner and the contractor doing the work. The applicant or his/her designee shall be responsible for all construction in accordance with this chapter and the city's standard specifications for street construction.

(b) All work covered under this chapter shall be completed expeditiously in order to avoid unnecessary inconvenience to traffic and pedestrians. In the event that the work has not been performed in accordance with this chapter or has been abandoned, the city mayor or the mayor's designee may give written notice to the owner of the permit to correct the work and complete all restoration as required by this chapter. The owner shall, within ten working days from date of notice, respond to the city with a schedule to complete the work. All work must be completed within four months from the date of the city's notice. In the event the owner does not complete the work within the time specified in the response, then the city may cause the work to be corrected and complete restoration as required by this chapter.

(c) In the event the city accomplishes the work in accordance with this section, the entire cost of such work, including any materials used thereof, shall be paid to the city by the applicant of the permit upon demand. If payment is not made within ten days of the demand, no additional permits shall be issued to the applicant. In addition, the city may proceed to collect any of the costs due and owing in any manner allowed by law.

(d) The asphalt shall be cut back and removed by the contractor 18 inches from all newly constructed structures to a depth of not more than ten inches. Should concrete pavement be encountered during asphalt removal, all asphalt above the concrete pavement shall be removed no matter the depth. Concrete paving shall be allowed to remain. The asphalt that is removed shall be replaced and compacted with temporary base course to the top of the existing asphalt. The temporary base course shall be removed and replaced with asphalt pavement. The contractor shall give notice to the city when construction is complete.

- (1) Replacement of base course with asphalt for structures in conjunction with a site plan, subdivision construction, or any other city permits such as a building permit for new residential or commercial construction will be completed by a contractor and reviewed by the city engineer or his designee prior to the work being completed.
- (2) The city engineer or his/her designee may grant exceptions to cut back the 18 inches of asphalt where the asphalt is in exceptionally good condition, as determined by the city engineer's office. Requests for exceptions to the 18-inch cut-back requirement must be made to the public works director a minimum of three days prior to the structure's construction.
- (3) During winter months or when asphalt material is not available, the applicant or his designee shall be responsible for maintenance of all areas where pavement was removed for the installa-

tion of any structure. Maintenance shall consist of backfilling all areas where asphalt or concrete was removed with base course and replacing material as needed to prevent potholing, washouts or hazards.

(e) It shall be the duty of the person doing the work authorized by a permit to notify the city that such work is ready for observation. Every request for observation shall be filed at least one working day before such inspection is desired.

(Ord. No. 762, att.(12.08.030), 4-13-2021)

Sec. 12.08.040. Repair or rebuilding of nonconforming curbwalk, sidewalk, curb and gutter.

Where any structure has been constructed or repaired without first having obtained a grade and line from the city engineer, or where the same have not been constructed in conformity with the established grade and line or not in conformity with the city's standard specifications for street construction, the structure shall be rebuilt or repaired at the owner's expense to so conform, as provided in this chapter.

(Ord. No. 762, att.(12.08.040), 4-13-2021)

Sec. 12.08.050. Driving vehicles or permitting animals on sidewalks prohibited.

No person shall drive, propel or move a dray, cart, wagon, buggy, motor vehicle or vehicles, or drive a team, or lead, ride or drive any animal (except pets, or in the performance of snow removal) upon or across any sidewalk in the city, or knowingly or negligently suffer or permit any animal (except pets) to go upon or across any such sidewalk.

(Ord. No. 762, att.(12.08.050), 4-13-2021)

CHAPTER 12.12. CURB CUTS AND DRIVEWAYS

Sec. 12.12.010. Purpose of provisions.

The purpose of this chapter is to standardize, regulate and control the location, size, type, construction, maintenance and quantity of curb cuts, driveways and sidewalk driveway crossings in the city, for the proper design, safe and efficient entry to and exit from city streets to private property, safety of vehicular traffic in the streets, and safety of pedestrian traffic on the sidewalk area. The access, location and design standards contained in this chapter are intended to ensure continuity in the handling of access issues for new developments, while maintaining a high level of service on existing and proposed roadways.

(Ord. No. 762, att.(12.12.010), 4-13-2021)

Sec. 12.12.015. Construction; line and grade requirements.

Persons desiring to construct structures shall make written application to the city engineer upon forms supplied by the city for a permit to cut, break, remove or alter any structure as provided in this chapter. For any such work being replaced in a residential district the city engineer or his designee shall establish the desired lines and grades as soon as possible after receiving an application. Lines and grades

established in conjunction with a site plan, subdivision construction, or any other city permits such as a building permit for new residential or commercial construction, will be established by a contractor and reviewed by the city engineer or his designee prior to the work being completed.

(Ord. No. 762, att.(12.12.015), 4-13-2021)

Sec. 12.12.020. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a minor private or public thoroughfare, other than a dedicated street or half street, which is less than 30 feet wide upon which the rear of land or building lots generally abut, and which affords a secondary means of vehicular access to the land, building or lots.

Applicant means any person making written application to the city to construct or reconstruct curb cuts and driveways.

Arterial street means a high-capacity roadway designed to provide continuity between neighborhoods and other arterial and freeway street systems. The main channels (high-capacity roadway) for the movement of traffic in an urban area which are generally wider than local streets and are given preference in signing and signalization.

Asphaltic concrete pavement means a mixture of black bituminous material and stone, laid hot and rolled until nearly free of voids, herein referred to simply as asphalt.

Collector street means a secondary channel designed to penetrate neighborhoods from which local traffic is collected and channeled to the arterial street system.

Curb cut means the total street curbing or curbwalk that is removed to place a driveway and slopes.

Curb return means the curved portion of a street curb at drive approaches.

Curbwalk means a combination curb, gutter and sidewalk, constructed monolithically.

Driveway means that area on private property where vehicles are operated, parked or allowed to stand.

Driveway apron means the area between the curb cut or proposed curbline and the back edge of walk or proposed walk line, to provide ingress and egress for vehicles from the alley, street or roadway to private property.

Driveway width means that portion of the street curbing that is removed, excluding curb returns or transitions, to provide ingress to and egress from property.

Flowline means the path traced by particles in flowing water; traditionally located at the intersection of the back of gutter and front face of curb.

Intersection means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways which join each other at, or approximately at right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

Local street means a low-speed, low-volume street with limited continuity; it provides direct access to abutting property and connects to collector or minor arterial streets.

Pavement width means the width of a street measured from the edge of the roadway pavement to the edge of the roadway pavement, perpendicular to the centerline of the road.

Person means any individual, person, partnership, corporation, limited liability company, association, estate, trust, governmental corporation or entity, or two or more individual persons having a joint or common interest.

Portland cement concrete pavement means a mixture of Portland cement, water, sand and stone, herein referred to simply as concrete.

Roadway means that portion of a street improved, designed and customarily used for vehicular travel.

Sidewalk means a walk or raised path along or near the side of a road usually constructed of Portland cement concrete and reserved for use by pedestrians.

Standards means Standard Specifications for Street Construction, latest edition.

Street means that portion of an easement of ground designated and dedicated to the public to accommodate a thoroughfare, avenue, road, highway, boulevard, parkway, drive, circle, cul-de-sac, lane or court within the city.

Street right-of-way means public property dedicated for streets, alleys or other public uses.

Structure means curbwalk, sidewalk, curbing, gutters, driveways or curb cuts.

Traffic means pedestrians, vehicles, and other conveyances, either singly or together, while using any street, alley or roadway for purposes of travel.

(Ord. No. 762, att.(12.12.020), 4-13-2021)

Sec. 12.12.030. Construction permit requirements; permit required; application.

(a) It is unlawful for any person either as owner, agent, contractor or employee, to cut, break, remove or alter any structure, or cause to have cut, broken or removed any structure, or to install or cause to have installed any structure without a permit. Permits shall be issued by the city mayor or the mayor's designee after payment of appropriate fees and compliance by the applicant with this Code. The cost to construct or reconstruct a curb cut shall be established by resolution of the city council.

(b) A permit will be required for all work constructed in conjunction with a site plan, as specified section 17.10.35. Upon site plan approval, a permit shall be issued by the city engineer or his/her designee after payment of the appropriate fees. The cost of the permit shall be established by resolution of the city council.

(c) Whenever any work for which a permit is required by this chapter has commenced without first obtaining a permit, the applicant shall be charged an amount equal to twice the established permit fee. Such amount shall be paid prior to continuing any further work. This civil penalty is in addition to any other fines, sentences, judgments or consequences which may be imposed.

(d) Whenever work is started without a permit, it shall be stopped, upon notice by the city, until such time as a permit is issued.

(e) Permits are not required for the construction or reconstruction of a structure when:

- (1) The structure is removed during the installation of electrical, mechanical or plumbing facilities associated with a city permit, such as a building permit or street cut permit;
- (2) The structure is removed during the installation of piping for fire hydrants, curb stops or other piping installed by the city; or
- (3) The structure is included in work associated with a street improvement project such as a local assessment district or street resurfacing project administered by the city or the state department of transportation.

(f) Applications. Applications for permits granted pursuant to this chapter shall be upon forms furnished by the city engineer or his/her designee, and shall specify:

- (1) The name of the applicant;
- (2) The location of the property in front of which the proposed curb cut is to be repaired and/or constructed; and
- (3) The number of square feet to be repaired and/or constructed.

(g) A sketch or plot plan shall be submitted with each application which shall be drawn to a scale of one inch equals 40 feet, or as approved by the city engineer. The sketch shall indicate the proposed structure construction, together with all existing street light standards, poles, signs, sidewalk boxes, fire hydrants, and any other obstructions shall be submitted with each application.

(Ord. No. 762, att.(12.12.030), 4-13-2021)

Sec. 12.12.040. Traffic report required.

For any development which generates more than 75 vehicle trips per peak hour, the applicant shall submit a traffic study justifying the need, describing the internal circulation and parking system, and identifying the impact of the development and its proposed access facilities on the operation of the street. The analysis shall be completed for the total site development. Specific requirements of this section may be waived by the city engineer, depending upon the specific street that will be impacted and the trips generated by the site.

(Ord. No. 762, att.(12.12.040), 4-13-2021)

Sec. 12.12.050. Residential curb cuts.

All curb cuts hereafter constructed, relocated or widened in residential areas of the city shall comply with the following minimum standards:

- (1) No curb cut width shall be less than ten feet wide. Frontages of 60 feet or less shall be limited to one curb cut. No more than two curb cuts shall be provided to any single platted lot.

- (2) Curb cuts serving a single platted lot or serving any of several adjacent lots under single ownership shall be separated by at least 25 feet of full vertical curb. Townhouse/condominium developments shall be accepted.
 - (3) Curb cuts serving corner lots shall be so located that:
 - a. A curb cut on either street shall be at least 25 feet from the projected curbline (or street right-of-way) of the intersecting street; and
 - b. No part of the driveway shall extend into the curved portion of a street curb at drive approaches a distance greater than five feet.
 - (4) No curb cut shall be constructed closer than five feet from the side property line. Joint curb cuts for townhouse/condominiums will be permitted.
- (Ord. No. 762, att.(12.12.050), 4-13-2021)

Sec. 12.12.060. Industrial and commercial curb cut design requirements.

In all industrial and commercial zoned areas of the city, the following regulations shall apply: number of curb cuts. The number of curb cuts shall be limited to one two-way curb cut, or two one-way curb cuts for each platted lot, except when the following conditions exist:

- (1) Property frontages that are too narrow to satisfy the minimum driveway spacing criteria set forth in the following sections will require common access locations at property lines; frontage roads, restricted movement curb cut designs, or other modifications acceptable to the city engineer.
- (2) In all commercial or industrial districts, each lane of a curb cut opening shall be a minimum of 12 feet in width at the narrowest point, plus the curb and gutter width, with the number of lanes subject to the approval of the city engineer.
- (3) Additional driveways may be needed because a traffic study shows that conditions warrant two or more curb cuts.
- (4) If a development generates traffic volumes which meet any signal warrant, based upon a traffic study, access traffic shall be consolidated to a single point which can be signalized.
- (5) A property that has frontage on more than one street will be permitted access only on those street frontages where standards can be met. If a property cannot be served by an access point meeting these standards, the city engineer shall designate access points based on traffic safety, operational needs and traffic studies.
- (6) The location of curb cuts to properties on opposite sides of arterial and collector streets shall be coordinated so that they do not interfere with each other. Generally, curb cuts directly opposite of each other are desirable. However, if this is not possible, the resulting "T" configurations must be spaced a minimum of 100 feet apart on collectors, and 200 feet apart on arterials. This may be modified by the city engineer based on existing through traffic and the trip generation of the site. In no case will a spacing of less than 75 feet be acceptable on arterial streets.

(Ord. No. 762, att.(12.12.060), 4-13-2021)

Sec. 12.12.070. Access onto state highways.

Access onto state highways in the city may be subject to the approval of both the state department of transportation and the city. Direct access to highways is strongly discouraged if the property has reasonable access potential to the city street system.

(Ord. No. 762, att.(12.12.070), 4-13-2021)

Sec. 12.12.075. Construction jurisdiction and observation.

All structures constructed within the city shall be constructed under jurisdiction of and subject to observation of the city engineer or his/her designee, and in conformity with the city's standard specifications for street construction and the lines and grades laid out by the city engineer's office. If required, the city engineer or his/her designee shall set line and grade stakes, and any stakes set shall be preserved by the applicant and the contractor doing the work. The applicant or his/her designee shall be responsible for all construction in accordance with this chapter and the city's standard specifications for street construction.

(Ord. No. 762, att.(12.12.075), 4-13-2021)

Sec. 12.12.080. Curb cut and driveway construction.

All curb cuts and driveway aprons constructed or altered in the street right-of-way shall conform to the regulations set out in this chapter.

- (1) All work covered under this chapter shall be completed expeditiously in order to avoid unnecessary inconvenience to traffic and pedestrians. In the event that the work has not been performed in accordance with this chapter, or has been abandoned without due cause, the city mayor or the mayor's designee may give written notice to the owner of the permit to correct the work and complete all restoration as required by this chapter. The owner shall, within ten working days from the date of notice, respond to the city with a schedule to complete the work. All work must be completed within four months from the date of the city's notice. In the event the owner does not complete the work within the time specified in the response, then the city may cause the work to be corrected and complete restoration as required by this chapter.
- (2) In the event the city accomplishes the work in accordance with this section, the entire cost of such work, including any materials used thereof, shall be paid to the city by the applicant of the permit upon demand. If payment is not made within ten days of the demand, no additional permits shall be issued to the applicant. In addition, the city may proceed to collect any of the costs due and owing in any manner allowed by law.
- (3) The asphalt pavement shall be cutback and removed, by the contractor, 18 inches from all newly constructed structures to a depth of not more than ten inches. Should concrete pavement be encountered during asphalt removal, all asphalt above the concrete pavement shall be removed no matter the depth. Concrete paving shall be allowed to remain. The asphalt pavement that is removed shall be replaced and compacted with temporary base course to the top of the existing asphalt surface. The temporary base course shall be removed and replaced with asphalt pavement. The contractor shall give notice to the city when construction is complete.
 - a. Replacement of base course with asphalt for structures in conjunction with a site plan, subdivision construction, or any other city permits, such as a building permit for new residential or commercial construction, will be completed by a contractor and reviewed by the city engineer or his designee prior to the work being completed.

- b. The city engineer or his/her designee may grant exceptions to cut back the 18 inches of asphalt, where the asphalt is in exceptionally good condition, as determined by the city engineer's office. Requests for exceptions to the 18-inch cut-back requirement must be made to the city engineering office a minimum of three days prior to the structure construction.
 - c. During winter months or when asphalt material is not available, the applicant or his designee shall be responsible for maintenance of all areas where pavement was removed for the installation of any structure. Maintenance shall consist of backfilling all areas where asphalt or concrete was removed with base course and replacing material as needed to prevent potholing, washouts or hazards.
- (4) The use of asphalt, concrete, metal plates or pipes in flow lines to serve as a curb cut is prohibited on collector, arterial and snow route streets.
 - (5) On all other streets, upon notification by the city, all metal plates, pipes or other gutter obstructions shall be removed from the public right-of-way during municipal street construction or improvement projects. In the event that the metal plates or obstructions are not removed expeditiously, the city shall remove the metal plates or obstructions from the public right-of-way. Metal plates removed by the city will be returned upon payment of the costs incurred by the city for removal, storage and return of the metal plates. The property owner assumes responsibility for the installation of metal plates returned by the city.
 - (6) It shall be the duty of the person doing the work authorized by a permit to notify the city that such work is ready for observation. Every request for observation shall be filed at least one working day before such inspection is desired.
- (Ord. No. 762, att.(12.12.080), 4-13-2021)

Sec. 12.12.090. Existing curb cut modifications.

- (a) Any time 50 percent or more of the total surface area of a parcel of land under one ownership is cleared of existing surface improvements, the curb cuts serving such parcel must be closed or reconstructed, within six months after completion of clearing improvements, to conform to the conditions of this chapter.
- (b) No curb cut shall be constructed or reconstructed within 30 inches of any existing obstruction in the street right-of-way.
- (c) No curb cut shall be constructed or reconstructed in such manner and at such location as, in the opinion of the city engineer or his/her designee, the use thereof would constitute a hazardous condition.
- (d) Any adjustments to utility facilities, light standards, fire hydrants, catch basins, street signs, signals, underground conduits for street lighting or fire alarm systems, or other public improvements or installations which are necessary because of construction under a permit issued under this chapter shall be accomplished without cost to the city by the permittee.
- (e) Structures shall be constructed in accordance with the standard specifications for street construction. The minimum depth of the concrete in the driveway apron shall be six inches.

(f) All work for the construction of the curb cut shall be fully completed within five working days after the start, weather permitting. In the event such work has not been completed, the city will have the option of completing the work at the expense of the applicant. The city engineer shall be notified at least 24 hours in advance of the time when the work is proposed to be started.

(g) The applicant or his contractor doing the construction or alteration work shall:

- (1) Maintain the premises in a safe manner;
- (2) Take appropriate measures to ensure that, during the performance of construction, traffic conditions shall be maintained, as nearly normal as practicable at all times; the applicant or his agent shall route and control traffic, including his own vehicles, pursuant to the latest edition of the Manual on Uniform Traffic Control Devices, as published by the Federal Highway Administration;
- (3) Remove all debris, dirt or other construction material immediately upon completion of work; and
- (4) Hold the city harmless and indemnify the city from any damages incurred by his operations.

(h) City street right-of-way shall not be used for private/commercial purposes. A permit for the construction of a curb cut shall not be issued unless vehicles which will be using such curb cut can be parked entirely within the private property lines.

(i) No permit shall be issued for access to parking or loading areas that require backing maneuvers in a public street right-of-way.

(j) It shall be the duty of the person doing the work authorized by a permit to notify the city that such work is ready for construction. Every request for inspection shall be filed at least one working day before such inspection is desired.

(Ord. No. 762, att.(12.12.090), 4-13-2021)

Sec. 12.12.100. Driveways; spacing.

(a) The distance between adjacent curb cuts on any street must be sufficient to allow vehicles to safely queue, accelerate, decelerate and cross conflicting traffic streams without excessive interference with through traffic or traffic using adjacent driveways.

(b) For arterial and high-volume collector streets, a driveway spacing of 200 feet or better is desirable. Where this spacing cannot be attained, acceptable minimum curb cut spacing for arterial and collector streets are shown in Table 12.12.100.

Table 12.12.100. Minimum Curb Cut Spacing

<i>Arterial Speed (mph)</i>	<i>Minimum Separation (ft)</i>
30	125
35	150
40	185

<i>Arterial Speed (mph)</i>	<i>Minimum Separation (ft)</i>
45	230
50	275

(c) Closer curb cut spacing than those listed in Table 12.12.100 may be granted if the developer agrees to limit turning movements (i.e., right turns in and out) as required by the city engineer.

(d) Where curb cuts are to be signalized, a minimum spacing of 1,200 feet to 1,500 feet to any other signalized intersection shall be maintained.
(Ord. No. 762, att.(12.12.100), 4-13-2021)

Sec. 12.12.110. Sight distance at entrances and exits.

Adequate sight distance must be provided for vehicles exiting and entering a driveway. Driveway locations shall be evaluated to determine whether sight obstructions exist, such as buildings, signs, vegetation, parked vehicles, highway alignments, etc.
(Ord. No. 762, att.(12.12.110), 4-13-2021)

Sec. 12.12.120. Restricted movement driveway designs.

Where necessary for the safe and efficient movement of traffic, the city engineer may require access points to provide for only limited (e.g., right turns only) turning movements. The restriction of turning movements shall not affect the number and location of access points as specified elsewhere.
(Ord. No. 762, att.(12.12.120), 4-13-2021)

Sec. 12.12.130. Deviation from requirements.

(a) Any construction or reconstruction of a structure started without a permit shall be stopped until such time as a permit is issued.

(b) Permission to deviate from the requirements and regulations of this chapter shall be granted by the city engineer only where unusual conditions or strict adherence to this chapter would cause undue and extreme hardship.
(Ord. No. 762, att.(12.12.130), 4-13-2021)

CHAPTER 12.16. STREET EXCAVATIONS

Sec. 12.16.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person making written application to the city engineer or his/her designee for excavation or street closure permits hereunder.

Excavation work means the excavation and other work permitted under an excavation permit and required to be performed under this chapter, and where a trencher, backhoe, boring machine, jackhammer, cable plow, or any other methods or equipment are used to do such work.

Person means any individual person, partnership, corporation, association, governmental corporation, estate, trust, or two or more individual persons having a joint or common interest.

Settlement means any variation of the finished street surface from the testing edge of a ten-foot straight edge between any two contact points with the surface.

Standards means Standard Specifications for Street Construction, latest edition, issued by the city engineer's office.

Street means that portion of an easement of ground designated and dedicated to the public to accommodate a thoroughfare, avenue, road, highway, boulevard, parkway, drive, circle, court, lane, or alley within the city.

(Ord. No. 762, att.(12.16.010), 4-13-2021)

Sec. 12.16.020. Permit required.

It is unlawful for any person to dig up, break, excavate, bore, tunnel, undermine, or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street or in any street right-of-way, unless such person shall first have obtained an excavation permit therefor from the building department as provided in this chapter. For continuous excavations, a street excavation permit shall be obtained for each city block, or 500 lineal feet, whichever is less. Street cut permits are not required for the following types of work:

- (1) Removal and replacement of concrete curb, gutter, sidewalk, curb cut or curbside;
- (2) Geotechnical work associated with city-funded street, water or sewer improvements;
- (3) Installation of electrical, sewer and/or gas underground utilities in conjunction with building, mechanical, plumbing or electrical permits for buildings when performing the excavation work on private property;
- (4) Normal street maintenance work being performed by the public works department.

(Ord. No. 762, att.(12.16.020), 4-13-2021)

Sec. 12.16.040. Permit—Bond and insurance required.

(a) Before any person shall do any work within the city limits as permitted by this chapter, a \$5,000.00 corporate surety bond or an irrevocable letter of credit in the amount of \$5,000.00 or a certified check or cash deposit in an amount equal to the estimated construction charges, whichever is greater, must be filed in the city engineer's office to guarantee the faithful performance of the provisions set forth in this chapter.

(b) No permit shall be issued unless and until the applicant therefor has filed a certificate of insurance evidencing the fact that the applicant has purchased and has in effect an insurance policy issued by an insurance company authorized to do business in the state, providing for public liability coverage in the sum of \$250,000.00 for each person and an aggregate sum of \$500,000.00 per occurrence, to protect the

applicant against any expense, cost, damage and any liability of any kind or character whatsoever, resulting from or which may arise as a result of the applicant's opening any street under a permit issued hereunder or which may in any way be connected therewith or relating thereto.

(Ord. No. 762, att.(12.16.040), 4-13-2021)

Sec. 12.16.050. Permit—Issuance fee.

Permit fees shall be established by resolution of the city council.

(Ord. No. 762, att.(12.16.050), 4-13-2021)

Sec. 12.16.060. Emergency procedure.

In the event of an emergency arising whereby excavation is made and no permit has been issued, then the person doing the excavation shall, as soon as possible, report same to the city planner, not later than the next working day, securing the permit therefor.

(Ord. No. 762, att.(12.16.060), 4-13-2021)

Sec. 12.16.070. Permit; placard posting requirements.

(a) The building inspector or designee shall provide each applicant, at the time a permit is issued hereunder, a suitable placard plainly written or printed in English letters at least one inch high with the following notice:

City of Mills, Wyoming, Excavation Permit No. _____ issued _____ to on the ____ day of _____, 20 ____.

(b) It shall be the duty of the applicant or his agent hereunder to keep the placard posted in a conspicuous place at the site of the excavation work. It is unlawful for any person to exhibit such placard at or about any excavation not covered by such permit or to misrepresent the number of the permit or the date of its issuance.

(Ord. No. 762, att.(12.16.070), 4-13-2021)

Sec. 12.16.080. Protection of existing improvements.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improvement means and includes, but is not limited to, the following: water lines, sanitary and storm sewer lines, street lighting, traffic signal systems, traffic signs, topsoil, sod, trees, public utility lines and systems, and street improvements including subgrade, base, pavement or other surfacing, curbs, gutters, medians, sidewalks, and all of the various appurtenances of these improvements.

(b) The applicant holding the permit for a project shall be responsible for the protection, repair or replacement of all improvements which exist within the limits of the construction area.

(c) Before commencing any excavation, the applicant or their agent shall determine what improvements exist within the limits of the construction area and shall make detailed arrangements with the city engineer or his/her designee thereof for the protection or replacement of such improvements.

(d) Installation of utilities under city collector or arterial streets shall be done by jacking or boring whenever possible. When installing pipes by jacking or boring, the casing or installed pipe shall be a minimum of 36 inches below the top of the pavement. Variations from the 36-inch depth may be approved by the city engineer should a conflict develop with existing underground utilities.

(e) Sheet piling may be required by the city engineer in any excavation where, in his opinion, damage to existing utilities may occur.

(f) The excavation of materials from any surfaced roadway shall be accomplished either by hand or by the use of equipment. Where any piece of equipment is used, adequate provisions shall be employed to ensure that those portions of the street surface which are not to be removed will not be damaged. This shall be accomplished with the use of protective planking, pads or other method meeting the approval of the city engineer. In the event any portion of the street is damaged as a result of the applicant's operations, the applicant shall be responsible for the repair or replacement thereof in accordance with the directions of the city engineer.

(Ord. No. 762, att.(12.16.080), 4-13-2021)

Sec. 12.16.090. Performance of work.

All work performed pursuant to the issuance of an excavation permit shall be done as follows:

- (1) Where trench structure excavation requires the removal of curb gutter, concrete sidewalks, or asphaltic or concrete pavement by means of backhoes, graders or loaders, the asphalt or concrete shall be cut before any excavating in a straight line parallel to the edge of the excavation by the use of a spade-bitted air hammer, concrete saw, or similar approved equipment to obtain a straight vertical edge.
- (2) When trench excavation is performed by a trencher, asphalt pavement need not be cut prior to excavating operations. However, should trenching operations begin to pull, lift and/or tear existing asphalt pavement, the trenching operation shall be discontinued until the asphalt is cut parallel to the edge of the excavation. The city engineer or his/her designee shall retain sole authority to determine whether the asphalt shall be cut prior to any excavating. The minimum width of pavement removal for utilities greater than six feet in depth shall not be less than eight feet, unless otherwise approved by the city engineer. All necessary corners shall be cut at not more than a 45-degree angle to the trench excavation.
- (3) Upon completion of trenching and backfilling, applicant shall cut and remove both edges of the asphalt or concrete pavement, one foot wider than the edge of the excavation. The cutting method shall be similar to that previously described.
- (4) Rotomilling may be substituted instead of trimming asphalt or concrete pavement as outlined in subsection (2) of this section. This work shall include rotomilling both trench edges 12 inches wide to a depth no less than 1½ inches. Rotomilling of trench edges shall not be considered an approved option if the trench excavation material is of a non-cohesive property and undermines any edge of the existing asphalt pavement.

- (5) All applicable asphaltic materials, equipment, paving plant requirements, construction methods, and testing and sampling shall meet those technical specifications in article 8 of the Standards.
- (6) A bituminous tack coat shall be applied to all curbs, gutter, sidewalk and existing pavement edges prior to any pavement replacement. All materials and procedures shall be in accordance with the technical specifications in article 7, Bituminous Tack Coat, of the Standards.
- (7) All applicable Portland cement materials, equipment, batching plant equipment, construction requirements, execution of work, conditioning of subgrade, placing concrete, and finish work shall meet those technical specifications set forth in the standard specifications for public works construction and infrastructure improvements.
- (8) All trench backfilling shall be performed in accordance with standards set forth in the Standard Specifications for public works construction and infrastructure improvements.
- (9) Upon completion of the work, all surplus construction materials and debris shall be removed, leaving the entire site free, clean, and in a neat condition.
- (10) The applicant or his agent shall be responsible for the removal and replacement of the concrete curb, gutter, and sidewalk, and pavement, and such shall be made within seven working days after backfill has been completed, weather permitting.
- (11) All excavation, backfilling and resurfacing work shall be performed by the applicant or his agent. Upon completion of the work, the applicant or his agent shall give immediate notice to the city engineer that such work has been completed.
- (12) The applicant shall assume the responsibility for any damage to underground facilities caused by the trenching, backfilling, resurfacing, or any other activities of the work.
- (13) Where excavations occur in unpaved surfaces, the area shall be restored by placing a minimum of two inches of stabilized gravel on the surface of the excavation. Stabilized gravel shall be equal to material meeting state coarse concrete aggregate (minus three-fourths inch) as specified in the Standards.
- (14) The minimum thickness for asphaltic concrete pavement shall be:

<i>Street classification</i>	<i>Pavement replacement</i>
Residential/alley	Four inches asphaltic concrete surface over six inches of grading "w" base course
Collector/arterial	Six inches asphaltic concrete surface course over eight inches of grading "w" base course

- (15) The city planner's office will provide to the applicant, the functional classification of the street. Exemptions to the pavement replacement guideline in subsection (14) of this section may only be granted by the city engineer.
- (16) All topsoil and sod removed by the contractor shall be replaced.

- (17) When making excavations, the various materials excavated shall be piled separately. All concrete and bituminous materials, any soils which cannot be properly compacted, and all other deleterious materials shall be removed from the construction site and properly disposed of in accordance with applicable laws.
 - (18) All materials used for backfilling shall be compactible so as to meet the minimum density and moisture requirements spelled out in the city's construction standards. Backfill material may contain coarse materials up to six inches in diameter, but shall be free from large pieces of rock, frozen material, concrete, roots, stumps, tin cans, rubbish, and other similar articles whose presence in the backfill would, in the opinion of the city engineer or his/her designee, cause settlement of the trench or damage to the installed improvement. Material shall have a maximum plasticity index of six and not exhibit pumping characteristics when proof rolled.
 - (19) All backfill shall be placed to be thoroughly compacted utilizing compaction methods suitable for the type of backfill being placed and to meet the city specifications for minimum density.
 - (20) As a condition of the permit, the applicant shall guarantee his work for a period of two years from the date of final completion of the work. If settlement equal to or greater than one-half inch or pavement separation equal to or greater than one-quarter inch occurs at the site of the excavation, or immediately adjacent thereto, at any time within two years from the date of final completion of the original restoration, the applicant shall be responsible for repairing such settled or separated areas in accordance with the directions of the city engineer. In addition, the applicant shall be responsible for reimbursing the city for any expenses incurred in the placement of warning devices and barricades for the protection of traffic because of such settlement.
- (Ord. No. 762, att.(12.16.090), 4-13-2021)

Sec. 12.16.100. Routing traffic.

(a) The applicant or his agent shall take appropriate measures to ensure that, during the performance of the excavation work, traffic conditions shall be maintained, as nearly normal as practicable, at all times. The applicant or his agent shall route and control traffic including his own vehicles as per the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the Federal Highway Administration.

(b) The applicant shall obtain a permit from the city engineer's office for any closure of any street or portion thereof, as provided in section 12.16.110. Along with the permit application, the applicant shall provide a sketch showing traffic routing and traffic control devices to be used. The construction traffic control sketch shall be approved by the city engineer, or his agent, before the permit is issued.

(c) The city engineer may permit the closing of streets to all traffic for a period of time prescribed by him if, in his opinion, it is necessary.

(d) Excavations which traverse a street shall be limited to one-half the width of the street at any one time, unless an emergency situation exists which requires that the entire width of the street shall be excavated.

(e) No routine replacement of utility lines, connections, or structures of any kind, including, but not limited to, gas, telephone, or other facilities, shall be permitted within one year after initial surfacing or resurfacing of any street. Routine replacement shall mean ordinary or predictable replacement of utility lines.

(Ord. No. 762, att.(12.16.100), 4-13-2021)

Sec. 12.16.110. Street closure; permit requirements.

(a) It is unlawful for any person except officers and employees of the city to close any street, or portion thereof, for the purpose of performing any work in, on or under the street without first obtaining a permit for such closure from the city engineer or his/her designee. Street closure permits are not required for the following types of work:

- (1) Removal and replacement of curb, gutter, sidewalk or curbside curb cut;
- (2) Installation of electrical, sewer and gas underground utilities in conjunction with building, mechanical, or plumbing, or electrical permits issued for buildings on streets with traffic volumes less than 1,000 vehicles per day; or
- (3) Geotechnical work associated with city-funded street, water or sewer improvement projects.

(b) Any person desiring to close such street or portion thereof shall make application to the city engineer or his/her designee at least four hours in advance of the proposed closure. The application shall include a sketch showing traffic routing, placement and type of traffic control devices to be used and shall include a statement of the reason for the work and the time during which the work is to be performed. Within 24 hours of receiving the application, the city engineer or his/her designee shall approve a permit or deny the application. The city engineer or his/her designee shall deny the application only if the proposed closure will create a serious risk to the safety of the public using the street, or in the event the application does not comply with this chapter.

(c) Notwithstanding subsection (b) of this section, no closure of the streets exceeding 1,000 vehicles per day, or portions thereof, shall be allowed between the hours of 6:00 a.m. to 6:00 p.m., unless otherwise approved by the city engineer.

(d) The fee for the street closure permit shall be established by resolution of the city council.
(Ord. No. 762, att.(12.16.110), 4-13-2021)

Sec. 12.16.120. Time for completion; work performed by city when; cost.

(a) All work covered under this chapter shall be accomplished expeditiously until completion, in order to avoid unnecessary inconvenience to traffic, to pedestrians, and for the protection of other public interests. The applicant shall state in his application for permit the time which he estimates will be required to complete the work. Upon review of the application, the city engineer shall have the right to amend the time requested and issue the permit so as to allow the minimum amount of time which he determines will reasonably be required for such work. The time allowed for completion shall be extended as necessary if it is found that it is not possible to complete the work within the time allowed.

(b) In the event that the work is not being accomplished expeditiously in accordance with the time period set forth in the permit, or if the work on an excavation has ceased or is abandoned without due cause, the city engineer may, after ten working days from date of receipt give written notice to the holder of the permit of the city's intention to do so, have city forces correct the work, backfill the excavation, and effect all restoration as required by this chapter.

(c) In the event settlement of an excavation occurs within two years of the date of final restoration and the applicant is notified of such settlement or pavement separation, he shall accomplish the required restoration or repair within the time limit specified in subsection (d) of this section. Thereafter, if the work has not been accomplished, the city engineer may have city forces accomplish the work required.

(d) In the event city forces accomplish work in accordance with either subsection (b) or (c) of this section, the entire cost of such work, including any materials used therefor, shall be paid to the city by the applicant of the permit upon demand. If payment is not made within 30 days of the demand, no additional permits shall be issued to the applicant until payment has been made by the applicant or by his bonding company. In addition, the city may proceed to collect any of the costs due and owing in any manner allowed by law.

(Ord. No. 762, att.(12.16.120), 4-13-2021)

CHAPTER 12.20. EROSION AND SEDIMENT CONTROL

Sec. 12.20.005. Purpose.

The purpose of this chapter is to:

- (1) Develop a recognition that construction activities related to building, utility and street improvements intensify soil erosion during wind and surface water runoff events;
- (2) Minimize soil erosion from wind and surface water runoff due to construction activities; and
- (3) Develop methods and procedures to be designed and implemented for erosion and sediment control.

(Ord. No. 762, att.(12.20.005), 4-13-2021)

Sec. 12.20.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City mayor means the mayor of the city, or the mayor's appointed designee.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, procedures, and other management practices to prevent or reduce the pollution of water or air in the city. The term "best management practices" includes treatment requirements, operating procedures, and practices for erosion and sediment control.

Construction activity means any clearing, grading or excavation work which will disturb any ground surface area.

De minimis means of minimum impact.

Disturbed area means that area of the land's surface disturbed by any work or activity upon the property by means, including, but not limited to, grading; excavation; stockpiling soil, fill, or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. The term "disturbed area" does not include the tillage of land that is zoned Agricultural or the tillage of a parcel zoned PUD (Planned Unit Development) that permits agricultural uses. The term "disturbed area" also does not include performance of emergency work necessary to prevent or ameliorate an immediate threat to life, property, or the environment. Any person performing such emergency work shall immediately notify the city mayor of the situation and the actions taken. The city mayor may, however, require such person to obtain an erosion and sediment control permit to implement remedial measures to minimize erosion resulting from the emergency.

Excavation means the act of removing earth material by mechanical means, including, but not limited to, the removal or destruction of natural topsoil, vegetation or natural groundcover.

NPDES means National Pollutant Discharge Elimination System.

One acre means that the land disturbance is equal to one acre (not necessarily contiguous) in size. Disturbances less than one acre of total land area that are part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one and less than five acres, are included in the one-acre requirements.

Permit means an erosion and sediment control permit issued in accordance with this chapter which allows the permittee to do construction activity under the terms and conditions set forth in the permit.

Permittee means the person who is granted an erosion and sediment control permit under this chapter.

Person means any individual person, developer, contractor, partnership, corporation, association, estate, trust, or two or more individuals having a joint or common interest in property.

Security means bond, irrevocable letter of credit, cashier's check, cash, certificate of deposits, or other acceptable means of security approved of by city.

Site means any lot or parcel of land, or continuous combination thereof under the same ownership, where construction work is performed or permitted.

Stabilization means the actions necessary to prevent windborne or water-related erosion on disturbed earthwork, by either temporary or permanent methods.

(Ord. No. 762, att.(12.20.010), 4-13-2021)

Sec. 12.20.030. Permit requirements.

It is unlawful for any person to do any construction activity that disturbs areas one acre or greater in size within the corporate limits of the city, except as exempted by section 12.20.040, or cause the same to be done, without first obtaining a permit for such construction activity from the community development office.

(Ord. No. 762, att.(12.20.030), 4-13-2021)

Sec. 12.20.040. Exempt activities.

A permit is not required for the following activity work:

- (1) An excavation below finished grade for basements and footings of a single-family residential building, retaining wall, or other structure authorized by a valid building permit;
- (2) Municipal landfill sites controlled by other local, state, or federal regulations;
- (3) Construction activities performed by the city or a joint powers board of which the city is a member;
- (4) Construction activities related to trenching, excavation, and backfilling of underground utilities which are funded and administered by the city or joint powers boards;
- (5) Construction activities which create a de minimis amount of erosion and sediment control problem, as determined by the city mayor.

(Ord. No. 762, att.(12.20.040), 4-13-2021)

Sec. 12.20.055. Permit application.

Persons desiring to perform construction activities in the city shall acquire and fill out an erosion and sediment control application from the community development office. The erosion and sediment control application shall contain the following information items:

- (1) The name, mailing address, and telephone number of the property owner and permittee;
- (2) The name, address, and telephone number of the person or permittee performing construction activities on the site;
- (3) The legal description of the parcel where construction activities are to be performed;
- (4) The valuation of the security required under this chapter;
- (5) The permit fee required under this chapter and established by resolution;
- (6) A detailed description of the work to be performed at the site;
- (7) Signature of the permittee for whom the construction activities are being performed;
- (8) A statement of whether a general NPDES stormwater permit has been issued by the state department of environmental quality (only required when construction activities exceed five acres in size).

(Ord. No. 762, att.(12.20.055), 4-13-2021)

Sec. 12.20.065. Plan requirements.

Persons wishing to perform construction activities shall prepare an erosion and sedimentation control plan. The plan shall contain the following items:

- (1) *Site description.* The site description shall be broken down into the following elements:
 - a. A description of the nature of the activity;
 - b. Estimates of the total area of the site that is expected to be disturbed by excavation;

- c. A description of the intended sequence of major activities which disturb soils for major portions of the site; major activities shall include, but not be limited to, all excavation and backfill operations;
 - d. A description of the best management practices to be installed and when and how they shall be incorporated into the work; technical specifications of the best management practices, materials, and resources shall be provided with the erosion and sediment control plan;
 - e. Certification by a licensed civil engineer or person experienced in applying best management practices to the reclamation of disturbed soils using best management practices and approved by the city engineering office, that the best management practices proposed for the disturbed area shall be sufficient to reduce erosion and control sediment control for all disturbed areas one acre (not necessarily contiguous) or greater in size;
 - f. Drawings that show disturbed areas within the construction zone and the institution of best management practices to minimize erosion and control sediment loss.
- (2) *Best management practices for erosion and sediment control.*
- a. The permittee shall acquire a copy of the city's Best Management Practices for Erosion and Sedimentation Control and a copy of the Revegetation Guidelines Handbook, dated July 2010, prior to any construction activities, which shall be the standards for the best management practices and reclamation procedures that shall take place and be followed during all construction and reclamation activities. Each permittee shall develop a supplemental erosion and sedimentation plan for each construction site. The supplemental erosion and sedimentation plan shall include specific erosion and sediment control best management practices. Supplemental erosion and sedimentation plans shall include a description of the best management practices (BMPs) that will be implemented at the construction site, as well as the party that will be responsible for implementing the BMPs. BMP measures shall constitute one or more of the listed practices:
 - 1. Temporary seeding;
 - 2. Mulching;
 - 3. Geotextiles;
 - 4. Chemical stabilization;
 - 5. Permanent seeding and planting;
 - 6. Preservation of natural vegetation;
 - 7. Sod stabilization;
 - 8. Stream bank stabilization;
 - 9. Soil-retaining measures;
 - 10. Installing fencing at right angles to the prevailing wind at a spacing that does not exceed a ratio of 10:1 (width to height);
 - 11. Diversion swale/berm;
 - 12. Outlet protection;

13. Sediment basin;
14. Silt fencing;
15. Inlet protection;
16. Street sweeping;
17. Watering of construction areas shall not constitute an approved BMP for erosion and sediment control.

Other BMPs shall be provided to the city engineer's office for their approval prior to implementation on the construction site.

- b. The permittee shall install additional BMPs as necessary when the construction site is abandoned for more than one week, unless written authorization is granted by the city mayor.

(Ord. No. 762, att.(12.20.065), 4-13-2021)

Sec. 12.20.080. Security and insurance requirements.

(a) Prior to issuance of an erosion and sediment control permit, as provided by this chapter, the permittee is required to post with the city a performance bond, cash, letter of credit, or other approved security in the amount of \$0.10 per square foot for the first 1,000,000 square feet of disturbed area. For permit areas exceeding 1,000,000 square feet, the permittee shall post an amount equal to 2½ times the full amount of the cost estimated for the approved sedimentation and erosion control plan prepared by a registered state professional engineer and approved by the city engineer for the entire permit area. The fee shall include the full scope of erosion and sedimentation control services and treatments, including maintenance, as required by city ordinance, and as approved by the city engineer. In no event shall the posting amount for permit areas exceeding 1,000,000 square feet be less than \$100,000.00. A minimum security amount of \$5,000.00 and general liability insurance in the amount and form as described in this section shall apply.

(b) Upon successful completion as determined by the city engineer of portions of the approved final erosion and sedimentation control plan by the permittee, the city mayor may reduce the amount of security held by the city in a proportionate amount compared with the entire permit area.

(c) The performance bond, cash, performance security, letter of credit, or other approved security shall be released after one year following the date of final completion of implementation of erosion and sediment control measures on the construction site, or as determined by the city mayor.

(d) No permit shall be issued unless and until the permittee has filed a certificate of insurance evidencing the fact that the permittee has purchased and has in effect an insurance policy, naming the city as additional insured, issued by an insurance company authorized to do business in the state, providing for public liability coverage in the sum of \$250,000.00 to any claimant for any number of claims arising out of a single occurrence and an aggregate sum of \$500,000.00 for all claims of all claimants arising out of a single occurrence insuring the permittee and the city from any and all claims which may arise out of, or result from, the permittee's performance under the issuance of an erosion and sediment control permit, whether it is to be performed or furnished by permittee, or by anyone directly or indirectly employed by permittee to perform or furnish any of the work within the disturbed site, or by anyone for

whose acts any of them may be liable, including, but not limited to, claims for damages, other than to the work itself, for personal injury or death or for destruction of or damage to tangible property wherever located, including loss of use resulting therefrom.

- (1) The insurance shall contain a provision or endorsement that the insurance coverage will not be canceled, materially changed, or renewal refused until after at least 30 days prior written notice has been given to the insured and the city.
- (2) Nothing in this section shall be deemed to be a waiver of any immunities or defenses available to the city under the state Governmental Claims Act.

(e) All persons applying for an erosion and sediment control permit shall be charged an inspection and review fee as established by resolution.

(f) The permittee shall purchase and/or maintain the performance bond, cash, performance security, letter of credit, or other approved security specified in this section which shall provide assurance and indemnification to the city that the permittee will furnish and install all on-site all erosion and sediment control improvements outlined and set forth in the erosion and sediment control permit application and all exhibits thereof.

(g) The performance bond, cash, performance security, letter of credit, or other approved security shall remain in full force and effect for at least one year after the permittee has completed the work under the erosion and sediment control permit and all defective work thereunder is corrected, removed, and/or replaced, and the city has provided a written notice of release of any such security.
(Ord. No. 762, att.(12.20.080), 4-13-2021)

Sec. 12.20.100. Issuance, expiration, extension, renewal and maintenance.

(a) Upon compliance with the terms of this chapter, and any rules and regulations promulgated hereunder, the city mayor shall issue an erosion and sediment control permit.

(b) Every permit issued under this chapter shall expire and become null and void if the construction activity authorized is not commenced within one year from the date of such permit. In the event a permit expires, the city shall return any security required if necessary.

(c) Any permittee holding an unexpired permit may apply for an extension of the permit. Such extension may be granted for a period not to exceed one year and shall not be extended unless the security required is in full force and effect for the period of the extension.

(d) Any expired permit may be renewed by the original permittee after expiration. No new fee shall be required, provided that no changes have been made or will be made to the original plans and specifications for the earthwork. No expired permit shall be renewed unless the security required is posted with the city at the time of renewal.

(e) Issuance or denial of an erosion and sediment control permit shall be made as soon as possible, but not later than 15 calendar days after receipt of an application for permit.

(f) The property owner shall be responsible for the maintenance of all permanent sediment and erosion control measures enacted pursuant to this chapter. All temporary sediment and erosion control measures shall be removed after work on the site has been completed and the measures are no longer needed. Should any property owner fail to adequately maintain the permanent sediment and erosion measures or remove the temporary measures, the city may, after notifying the owner of the required maintenance and/or removal through e-mail, telephone, or written correspondence, enter the affected property and perform or cause to be performed the required work and assess the actual costs for such work against the property owner, and/or the property itself.

(g) If the permittee does not successfully complete all required work or violates any requirement of the permit or this chapter, the city may take corrective measures and charge the cost of such to the permittee. Such costs shall include the actual cost of any work deemed necessary by the city plus reasonable administrative and inspection costs and penalties. If the total of such costs exceeds the security, the permittee shall be responsible for payment of the remaining balance within 30 calendar days of receipt of an accounting of such from the city.

(h) Shall remain in effect for all lots in a subdivision, unless a valid building permit has been issued for an individual lot. All site plan security shall remain in place until all required sediment and erosion control, drainage, and landscaping has been completed and approved.

(Ord. No. 762, att.(12.20.100), 4-13-2021)

Sec. 15.24.110. Inspection requirements.

(a) All construction activities for which a permit is required shall be subject to periodic inspections by the city mayor to ensure compliance with the approved permit. A final inspection will be conducted at the request of the permittee after the construction activity is completed or, in the event a site is developed in phases, after each phase is completed. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the approved permit. In any case, no final approval shall be given until permanent soil stabilization has been accomplished and permanent vegetation established to the point where no significant soil erosion or sedimentation takes place.

(a) If the city mayor determines that soils are leaving a disturbed area by wind or water erosion, such person may, in writing, direct the permittee on the site to install any sediment and/or erosion controls that are deemed necessary to minimize said sediment from migrating off-site, including the issuance of stop work orders and/or suspension or revocation of any permit.

(Ord. No. 762, att.(15.24.110), 4-13-2021)

Sec. 12.20.120. Building permit denial conditions.

No building permit or occupancy permit shall be issued for structures on the land described in the permit during any period in which the permittee refuses to complete the terms of the permit, or pay the cost thereof, or is in default of correcting any deficiencies in the program.

(Ord. No. 762, att.(12.20.120), 4-13-2021)

Sec. 12.20.130. Unauthorized work prohibited.

It is unlawful for any permittee who has obtained a permit to do or cause to be done any construction activity authorized by such permit in a manner contrary to that authorized by the permit.

(Ord. No. 762, att.(12.20.130), 4-13-2021)

Sec. 12.20.140. Stop work or permit suspension or revocation conditions.

(a) It shall be the duty and the obligation of the permittee to ensure that construction activities conducted under the authority of a permit authorized by this chapter are done in accordance with the permit and, if applicable, meet all of the requirements of the National Pollutant Discharge Elimination System (NPDES) one acre and larger construction permit or five acre and larger construction permit, as required by the state of state department of environmental quality.

(b) In the event any construction activities are being done contrary to the terms of this chapter, or contrary to the terms of any permit authorizing such construction, the city mayor may, in addition to any other remedies provided, order the construction activity stopped by notice in writing served upon the permittee engaged in doing the construction work and such permittee shall immediately stop such work or take corrective measures as specified by the city mayor to comply with the terms of the permit or provisions of this chapter.

(c) The city mayor may suspend or revoke any permit issued under the provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect information supplied, or when the construction work for which the permit is issued is being done in violation of the terms of this chapter, or any rules and regulations promulgated hereunder.

(Ord. No. 762, att.(12.20.140), 4-13-2021)

Sec. 12.20.150. Hazardous siltation or pollution; notice and remedial measures.

(a) In the event the earthwork, or soil erosion, or siltation, or pollution of any surface water caused by the construction activity, constitutes an immediate hazard to the life, health, or safety of persons or property, the city mayor may order the immediate cessation of any construction activities causing such hazard, and may further order the permittee to take any necessary remedial measures to abate such hazard.

(b) In the event of such imminent hazard, the city mayor shall be authorized to notify the permittee, or the person authorized by the permittee to receive notice, in person or by telephone, and shall, as soon as reasonably possible, follow such notice with a written notice or order ordering the cessation of the earthwork and any remedial measures necessary for the abatement of the hazard.

(c) In the event the permittee fails to commence compliance with the requirements in the written notice within 24 hours of service of the written notice upon him, or the person authorized to receive notice and complete the same within a reasonable amount of time, the city mayor is authorized to commence and complete the remedial measures at the expense of the permittee.

(Ord. No. 762, att.(12.20.150), 4-13-2021)

Sec. 12.20.170. Violation; notice; remedy; enforcement authority.

(a) In the event the city mayor determines that the permittee is conducting construction activities in violation of the terms of this chapter, his permit or any rules and regulations promulgated pursuant to this chapter, and such does not constitute a hazard to the life, health and safety of persons or property, the city mayor shall notify the permittee in writing of the violation.

- (1) Such notice shall specify the section or rule and regulation, or portion of the permit being violated, and shall further specify what action the permittee must take to remedy the violation.
- (2) The notice shall further specify the time in which the permittee shall be allowed to commence and complete the remedial procedures. If no time is specified, the measures shall be commenced and completed within seven calendar days from the date the notice is served.

(b) In the event the permittee does not commence and complete the same in compliance with the written notice, the city mayor is authorized to enter upon the property for which the permit has been granted, and commence and complete the remedial measures at the expense of the permittee. The permittee shall pay the city for all of its expenses incurred in doing remedial measures in compliance with this section, upon demand from the city.

(Ord. No. 762, att.(12.20.170), 4-13-2021)

Sec. 12.20.190. Penalty.

Any person who conducts any construction activity, not exempted by this chapter without first obtaining a permit therefor, or who violates the terms of this chapter, shall be deemed guilty of a misdemeanor. Each day such violation occurs shall be a separate offense. The penalty for such violation shall be that set forth in chapter 1.03.

(Ord. No. 762, att.(12.20.190), 4-13-2021)

CHAPTER 12.24. OBSTRUCTIONS**Sec. 12.24.010. Exempt obstructions designated.**

Barricades, refuse cans, streetlights, utility poles, fireplugs, parking meters and other like obstacles, because of necessity or by ordinance or by written permission of the mayor, are permitted to occupy space upon the sidewalk and are exempt from the provisions of this chapter.

(Ord. No. 762, att.(12.24.010), 4-13-2021)

Sec. 12.24.030. Sidewalk obstructions prohibited when.

It is unlawful for any person owning, occupying or having control of any premises to place or permit upon the sidewalk or the half of the street adjacent to such premises:

- (1) Any broken ware or glass, and filth, rubbish, refuse matter, ice, water, oil, mud, garbage, ashes, tin cans or other like substances;
- (2) Any automobile, truck or trailer from which merchandise is sold, or any automobile, truck or trailer on the sidewalk, any box, bicycle, toy, merchandise or other things that will obstruct the

sidewalk or street in any way, provided that the city council shall have the power, upon request for permission by any property owner, or any other person, to authorize temporary use of the sidewalks, if found justifiable by the city council and in the public interest.

(Ord. No. 762, att.(12.24.030), 4-13-2021)

Sec. 12.24.040. Clear view at corners of intersections.

In all residentially zoned areas on public or private property at any corner formed by intersecting streets, it is unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view within that triangle formed by the intersection of the curb face of the extended curblines, as defined by Figure 17.12.120 in section 17.12.020(i), measured back a distance of 30 feet with a line drawn to form a right triangle.

(Ord. No. 762, att.(12.24.040), 4-13-2021)

Sec. 12.24.050. Exceptions to section 12.24.040.

The provisions of section 12.24.040 shall not apply to:

- (1) Permanent buildings;
- (2) Public utility poles;
- (3) Hedges trimmed to a height of less than 36 inches above the sidewalk;
- (4) Trees, the limbs of which overhang the public sidewalk and are, at all times, kept trimmed of limbs and sucker growth on the trunk to a height of at least eight feet above the sidewalk, or the limbs of which overhang the public street and are at all times kept trimmed of sucker growth to a height of at least 15 feet above the street level, or plant species not planted in the form of a hedge which are so planted and trimmed as to leave, at all times, a clear and unobstructed cross view;
- (5) Official warning signs or signals;
- (6) Places where the contour of the ground is such that there can be no cross visibility at the intersection; or
- (7) Signs mounted ten feet or more above the ground whose supports are 12 inches or less in diameter and do not constitute an obstruction.

(Ord. No. 762, att.(12.24.050), 4-13-2021)

Sec. 12.24.060. Limitations on excepted obstructions.

No obstruction to cross visibility shall be deemed to be excepted from the application of this chapter because of its being in existence at the time of the adoption of the regulations codified in this chapter, unless expressly exempted by the terms of this chapter.

(Ord. No. 762, att.(12.24.060), 4-13-2021)

Sec. 12.24.070. Enforcement authority.

The enforcement of this chapter shall be under the direction of the mayor, who shall investigate violations of this chapter and perform such duties in connection with the enforcement of this chapter as may be required.

(Ord. No. 762, att.(12.24.070), 4-13-2021)

CHAPTER 12.28. HOUSE NUMBERING

Sec. 12.28.010. Requirements.

All residence and business houses shall number their residences or places of business in plain numbers according to the International Fire Code, with the even numbers on the west side and the odd numbers on the east side of the streets, likewise, the even numbers on the north side of the streets and the odd numbers on the south side of the streets, respectively.

(Ord. No. 762, att.(12.28.010), 4-13-2021)

CHAPTER 12.36. PARKS

ARTICLE I. PARK OPERATION POLICIES

Sec. 12.36.010. Hours of operation.

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year from dawn until dusk. The opening and closing hours for each individual park shall be posted therein for public information.

(Ord. No. 762, att.(12.36.010), 4-13-2021)

Sec. 12.36.020. Closure of areas.

Any section or part of any park may be declared closed at any time to the public by the mayor or the mayor's duly authorized representative, and for any interval of time, as the mayor or the mayor's duly authorized representative shall find reasonably necessary.

(Ord. No. 762, att.(12.36.020), 4-13-2021)

Sec. 12.36.030. Glass beverage containers prohibited.

(a) No person shall have in his or her possession, or dispose of, any glass beverage containers in any city park. This subsection applies to all circumstances, including activities allowed by city-granted permit.

(b) Any person violating any provision of this section is guilty of a misdemeanor and may be punished as provided in chapter 1.03, as amended.

(Ord. No. 762, att.(12.36.030), 4-13-2021)

Sec. 12.36.040. Alcoholic beverages; public intoxication.

(a) It is unlawful for any person to bring into, possess or consume any alcoholic or malt beverages on or in any public park or loiter in an intoxicated condition in such park owned by the city.

(b) Upon application to the mayor or the mayor's duly authorized representative, any person may obtain permission to bring in, possess and consume alcoholic or malt beverages on or in the areas mentioned in subsection (a) of this section.

(Ord. No. 762, att.(12.36.040), 4-13-2021)

Sec. 12.36.050. Loitering and other disorderly conduct.

No person shall sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace in a park.

(Ord. No. 762, att.(12.36.050), 4-13-2021)

ARTICLE II. TENNIS AND BASKETBALL COURT REGULATIONS AND RESTRICTIONS**Sec. 12.36.070. Glass beverage containers prohibited.**

(a) No person shall have in his or her possession, or dispose of, any glass beverage containers in any public tennis court.

(b) Any person violating any provision of this section is guilty of a misdemeanor and may be punished as provided in chapter 1.03, as amended.

(Ord. No. 762, att.(12.36.070), 4-13-2021)

Sec. 12.36.080. Alcoholic beverages and public intoxication.

It is unlawful for any person to bring into, possess or consume any alcoholic or malt beverages on or in any public tennis court or loiter in an intoxicated condition in such tennis court within or owned by the city.

(Ord. No. 762, att.(12.36.080), 4-13-2021)

Sec. 12.36.090. Loitering and other disorderly conduct.

No person shall sleep or protractedly lounge upon, or engage in loud boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace in any public tennis or basketball court.

(Ord. No. 762, att.(12.36.090), 4-13-2021)

Sec. 12.36.100. Tennis and basketball court surface wear prohibitions.

(a) It is unlawful for any person to enter upon any public or city-owned tennis or basketball court with anything other than rubber-soled shoes. No skateboard, roller blades, roller skates, wheeled apparatus of any kind, cleats, hard-soled shoes, boots, etc., will be allowed on any public or city-owned tennis or basketball court.

(b) Any person violating any provision of this section is guilty of a misdemeanor and may be punished as provided in chapter 1.03, as amended.
(Ord. No. 762, att.(12.36.100), 4-13-2021)

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CHAPTER 13.03. UTILITY BILLING AND COLLECTION**Sec. 13.03.010. Purpose.**

The city supplies city utility services for the citizens of the city. This chapter will provide the procedures for initiating, discontinuing, billing and collection of these services.
(Ord. No. 759, att.(13.03.010), 4-27-2021)

Sec. 13.03.020. Scope.

(a) This chapter shall apply to all property within the city or any property outside the city that has retail city utilities furnished by the city. This chapter will also apply to any water system regardless of if it is owned and operated by the city.

(b) This chapter shall compliment other chapters of this Code, and city rules and regulations regarding water and sewer service.
(Ord. No. 759, att.(13.03.020), 4-27-2021)

Sec. 13.03.030. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the mayor or the mayor's appointed designee.

Applicant means any person who desires to receive water and/or sewer service, and who will generate actual water and/or wastewater demand.

Approved means accepted by the administrator as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

Approved backflow prevention device means a device that has been certified by the American Society of Sanitary Engineers (ASSE), the International Association of Plumbing/Mechanical Officials (IAPMO), or the Foundation for Cross connection Control and Hydraulic Research, University of Southern California (USC-FCCCHR) in accordance with state department of environmental quality water quality chapter 12 rules and regulations.

Authorized agent means the mayor and his designees.

Auxiliary water supply means any water supply on or available to the consumer's premises other than the supplier's approved public potable water supply. Auxiliary water may include water from another supplier's public potable water supply or any natural source such as a well, spring, river, stream, etc., or used waters or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source of which the water supplier does not have sanitary control.

Backflow means the flow of water or other liquids, mixtures or substances under positive or reduced pressure into the distribution pipes of the potable water supply from any source other than its intended source.

Backflow assembly tester means an individual certified to perform backflow/back siphonage device testing by the American Society of Sanitary Engineers (ASSE), or the American Backflow Prevention Association (ABPA). In addition, individuals licensed by a state certification program in the state or other states approved by the state department of environmental quality shall be considered acceptable for backflow/back-siphonage device testing, provided that the individual holds a current license from the respective state certification program.

Backflow preventer means a device or means designed to prevent backflow or back-siphonage events from contaminating the potable water supply system and most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, double detector check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, and double check with intermediate atmospheric vent.

- (1) *Air gap* means a physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. The term "air gap" is physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one inch.
- (2) *Atmospheric vacuum breaker* means a device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in the water system. These devices are not suitable for protection against back-pressure events. These devices shall be installed vertically, must not have shut-off downstream, and must be installed at least six inches higher than the final outlet.
- (3) *Double check valve assembly* means an assembly of two independently operating spring-loaded check valves with resilient-seated gate valves or ball shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. To be approved, these devices must be readily accessible for in-line testing and maintenance.
- (4) *Double check valve with intermediate atmospheric vent* means a device having two spring-loaded check valves separated by an atmospheric vent chamber.
- (5) *Double detector check valve assembly* means an assembly consisting of a double check valve assembly in parallel with a bypass line assembly consisting of a water meter in series with a double check valve, and two ball shut-off valves. These devices are commonly used for low-hazard fire sprinkler systems.
- (6) *Pressure vacuum breaker* means a device containing one or two independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check. The device includes resilient-seated or ball shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve. These devices are not suitable for protection against back-pressure events.
- (7) *Reduced pressure principle backflow preventer* means an assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, and resilient-seated or ball shut-off valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve.

- (8) *Reduced pressure principle detector backflow preventer* means an assembly consisting of a reduced pressure principle backflow preventer in parallel with a bypass line assembly consisting of a water meter in series with a reduced pressure principle backflow preventer, and two ball shut-off valves. These devices are commonly used for high-hazard fire sprinkler systems.

Backpressure means a condition in which the consumer's system pressure is greater than the supplier's system pressure.

Back-siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source, caused by the sudden reduction of pressure in the potable water supply system.

Backwater valve means a device installed in a building sewer system to prevent reverse flow.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to the municipal stormwater conveyance system and/or waters of the state. The term "best management practices (BMPs)" includes, but is not limited to:

- (1) Treatment requirements;
- (2) Treatment facilities to remove pollutants from stormwater;
- (3) Operating and maintenance procedures;
- (4) Facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage;
- (5) Erosion and sediment control practices; and
- (6) The prohibition of specific activities, practices, and procedures and such other provisions as the city determines appropriate for the control of pollutants.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1½ meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Business office means the City of Mills, City Hall, 704 4th St., Mills, Wyoming.

City means the city council.

Clean Water Act means the Federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

Combined sewer means a sewer receiving both surface runoff and sewage.

Commercial means property for business enterprises as retailers, wholesale facilities, hotels, motels, restaurants, travel-trailer parks, hospitals, and other similar business establishments. The term "commercial" does not imply a specific rate. The term "commercial," for purposes of this chapter, also

includes, but is not limited to, multifamily dwelling units, townhouses, condominiums, apartments, schools, daycares (adult, family, and group), parks, playgrounds, historical sites, golf courses, and other similar recreational facilities.

Construction activity means clearing and grubbing, grading, demolition, construction or excavation projects which result in land disturbance of one or more (not necessarily contiguous) surface acres. The term "construction activity" also includes the disturbance of less than one acre of total land when that disturbance is part of a larger common plan of development or the sale is part of a larger common plan that will ultimately disturb one acre or more.

Consumer means any residential, commercial, industrial owner, or other user of water where the water supply is physically connected to the public potable water system.

Containment means a method of backflow prevention which requires a backflow preventer at the water service entrance.

Contaminant means a substance that will impair the quality of the water to a degree that creates a serious health hazard to the public or that may lead to poisoning or the spread of disease.

Contiguous means that property that can be assumed to be in a physical position for annexation within three years from the date of line extension request.

Cross connection means any actual or potential connection between the public water supply and a source of contamination or pollution.

Customer means any person receiving city retail water and/or sewer service, either directly or indirectly, from the city water supply system and city wastewater system. The term "customer" shall also mean any owner or lessee of real property.

Domestic non-residential consumer means water service connections using potable water for ordinary living processes and not for commercial or industrial uses. Examples of domestic non-residential consumers include, but are not limited to, churches, office buildings, schools, and commercial and industrial businesses with only toilet and domestic kitchen facilities (no potable water used anywhere in operations).

Domestic non-residential fire sprinkler system means a fire sprinkler system installed for a domestic non-residential consumer. Fire sprinkler systems installed for a domestic non-residential consumer with a water service line and meter one inch in size or smaller may be integral to the building plumbing system if allowed by building code or be a separate fire sprinkler system. In cases where the fire sprinkler system is separate and can be accommodated by a water service line and meter one inch in size or smaller, it shall be connected after the incoming water meter for the building.

Domestic septage means the mixed liquid and solid contents pumped from septic tanks used for receiving domestic wastewater or wastes from sanitary convenience units.

Fixture isolation means a method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service entrance.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Hazard classification means a determination by a hazard classification surveyor as to high hazard or low hazard and the potential cause of backflow as either back-pressure or back-siphonage.

Hazard classification survey means an inspection of a premises to identify the potable water system, the location of any potential cross connections to the potable water system, the hazard of the potential backflow, the physical identification of any backflow devices or methods present and the inspection status of any backflow devices or methods. The hazard classification survey results must be recorded and certified by a qualified hazard classification surveyor.

Hazard classification surveyor means an individual who is certified by one of the following: the USC-Foundation for Cross connection Control and Hydraulic Research as a cross connection control specialist, the American Association of Sanitary Engineers (ASSE) as a cross connection control surveyor, a Wyoming or other state certification program approved by the state department of environmental quality, or by a water distribution system operator also certified as a backflow device tester employed by the city. Typically, the surveyor will be the city plumbing inspector and/or city public utilities water distribution staff.

Hazardous material means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 13.12.090.

Illicit connection means:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow certain non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from sinks, regardless of whether said connection had been previously allowed, permitted, or approved by a government agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city.

Industrial discharge means the discharge or the introduction of domestic pollutants from any source. This includes partial domestic and partial nondomestic wastewater, into the city's collection and treatment system (including holding tank waste discharged into the system).

Industrial fluid means a fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. The term "industrial fluid" may include, but is not limited to, polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis, circulating cooling waters connected to an open cooling

tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for firefighting purposes.

Manager means the mayor or the mayor's designee.

Mayor means the mayor or the mayor's appointed designee.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New construction means a building, structure, facility or installation constructed at a site that will generate new water and sewer demand or any building, structure, facility, or installation which will connect to the water and/or wastewater system and which will generate actual water and/or wastewater demand.

Noncontiguous means that property that will, in three years or more, have the potential for annexation.'

Non-hazardous industrial sump waste means the liquid and solids contents pumped from sumps, oil and sand interceptors, or grease interceptors receiving industrial wastes considered non-hazardous in accordance to any state or federal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Water Act, the Resource Conservation and Recovery Act, and state statutes.

Non-stormwater discharge means any discharge to the storm sewer system that is not composed entirely of stormwater.

One acre includes any land disturbance of less than one acre of total land when that disturbance is part of a larger common plan of development or the sale is part of a larger common plan that will ultimately disturb one acre or more.

Owner means any person who has legal title to, or license to operate or habitat in, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.

Permit means written authorization issued by the city, duly executed, which authorizes the permittee to construct, install or modify the facilities as set forth in this chapter.

Person means an individual, partnership, firm, association, joint venture, private corporation, trust, estate, commission, board, private institution, utility, cooperative, or any other legal entity. The term "person," for purposes of this chapter, does not include any public corporation, or other political subdivisions of the state.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant means any substance or hazardous material that causes or contributes to pollution. The term "pollutant" may include, but is not limited to:

- (1) Paints, varnishes, and solvents;

- (2) Oil and other automotive fluids;
- (3) Nonhazardous liquid, solid wastes and yard wastes;
- (4) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution;
- (5) Floatables;
- (6) Pesticides, herbicides, and fertilizers;
- (7) Hazardous substances and wastes;
- (8) Sewage, fecal coliform and pathogens;
- (9) Dissolved and particulate metals;
- (10) Animal wastes;
- (11) Wastes and residues that result from constructing a building or structure (including, but not limited to, sediments, slurries, and concrete rinsates); and
- (12) Noxious or offensive matter of any kind.

Pollution means the human-made or human-induced alteration of the quality of waters by a pollutant or waste to a degree which affects, or has the potential to affect, either the waters for beneficial uses, the facilities which serve these beneficial uses, or results in a violation of water quality standards of the state.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Pressure-reducing valve means auxiliary equipment furnished, owned, operated, and maintained by the customer which is installed downstream of the city water meter for the purpose of reducing city water supply pressure for residential and commercial building use.

Private facilities means those systems or facilities connected or proposed to be connected to the city water distribution or sewage collection system or facilities which are not owned or controlled by the city and are generally outside of public streets, roadways, alleys and easements.

Projected land use plan means a general land use plan establishing boundaries for specific land uses beyond the corporate limits of the city and mutually agreed upon by the city and the county.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1.2 inches (1.27 centimeters) in any dimension.

Public facilities means any part of the water distribution or sewage collection system or facilities owned or controlled by the city and which are within public streets, roadways, alleys and easements.

Public sewer means a sewer in which all owners of abutting properties have equal rights and which is owned and controlled by the city, and is understood to have a manhole at each end.

Rate description means the amount of money that will be charged for a certain service, dependent upon the kind of service received, rather than the property designation. All rates and fees shall be established by resolution of the city council.

Residential means a property designation as listed in title 17, including, but not limited to, single-family dwellings; moveable mobile homes; modular homes; multifamily dwelling units, such as duplexes; townhouses; condominiums; apartments; churches; schools; day cares (adult, family and group); parks; playgrounds; historical sites; golf courses; and other similar recreational facilities used during daylight hours. The term "residential" does not imply a specific rate.

Residential fire sprinkler system means a fire sprinkler system installed for a residence having a water service line and meter one inch in size or smaller. The fire sprinkler system may be integral to the residence plumbing system if allowed by building code or be a separate fire sprinkler system. In cases where the fire sprinkler system is separate, it shall be connected after the incoming water meter for the residence.

Sanitary sewer means a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, and institutions together with such groundwaters, surface waters and stormwaters as may be present.

Sewage collection system or facility means a sewerage system, including pipelines, conduits, pumping stations, force mains, and all other construction; devices, appurtenances and facilities used for collection or conducting wastewater to the wastewater treatment plant.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Sludge means any discharge of any wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Storm drain or storm sewer means a sewer, which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Storm drain system means any publicly or privately owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the city.

Stormwater means any stormwater runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Sub-metering means meters which are furnished, owned, operated, and maintained by a customer, which are installed downstream of the city water meter for the purpose of proportioning city water and/or sewer charges between various tenants or residents.

Surface waters of the state means all permanent and intermittent defined drainages and lakes, reservoirs, and wetlands which are not manmade retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private, which are wholly or partially within the boundaries of the state. The term "surface waters of the state" includes all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

Suspended solids means a total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Temporary fire hydrant usage means a fire hydrant used for delivering water needed for public or private works or new building construction purposes (compaction, dust control, etc.).

Used water means the condition of water purveyors' supplied water after it has passed through the point of delivery of the customer's water system, the used water being no longer under the sanitary control of the water purveyor.

Water distribution system or facility means pipelines, conduits, pumping stations, storage facilities and all other construction, devices, appurtenances and facilities used for conducting water from the water production facilities.

Water emergency means any fire, flood, storm, earthquake, drought, civil disturbance or other emergency of significant magnitude, which seriously and directly affects the ability of the city to supply water to the general public, and which is a serious and immediate threat to the health, safety and welfare of the general public.

Water purveyor means the city in this chapter.

Water service connection means the terminal end of a service connection from the public potable water system, i.e., the point at which the water purveyor loses jurisdiction and sanitary control over the water, said point being the point of delivery to the customer's water system (service connection curb stop). There shall be no connections to the service line ahead of any meter or backflow prevention device located on the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Water supply system means the structures, equipment and processes owned by the city and required to collect, treat and distribute water to and for the residents of the city.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

Wyoming Pollutant Discharge Elimination System permit (WYPDES) means general, group, and individual stormwater discharge permits that regulate facilities located within the state which are, or may, discharge stormwater associated with construction activities. The WYPDES permit issued by the state department of environmental quality authorizes discharge to surface waters of the state upon compliance with the requirements of the state department of environmental quality.

Wyoming water quality standards means the state department of environmental quality published Water Quality Rules and Regulations (chapter 1), as they may be amended from time to time.
(Ord. No. 759, att.(13.03.030), 4-27-2021)

Sec. 13.03.040. New construction.

(a) Applications for new construction installations for water and sewer service shall be made to the city hall, 704 4th St., Mills, Wyoming, between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except holidays); calling the city at (307) 234-6679. All applicable charges for new services, including, but not limited to, system investment charges for new services, will be assessed at the time of application in accordance to other chapters of this Code and city rules and regulations regarding water and sewer service.

(b) Upon application, the minimum charge for services will be billed until the meter is installed. If water is used for landscaping before the meter is installed, the customer will be charged for 25,000 gallons of water for the billing period.

(Ord. No. 759, att.(13.03.040), 4-27-2021)

Sec. 13.03.050. Connection or change of service.

(a) The property owner, tenant or agent of the owner may request changes in existing services. If a tenant occupies the property, the property owner or agent of the owner may only request changes in existing services with the written approval of the tenant.

(b) Service can be obtained by contacting the city hall, 704 4th St., Mills, Wyoming, between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except holidays); calling the city at (307) 234-6679, between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except holidays). The request for service will include name of occupant, physical address, mailing address, social security number, day and nighttime telephone number, employer and requested date of service. The request must be made at least three working days prior to a request starting date.

(c) All new utility customers will be required to make a deposit unless they have one year of previous service with the city indicating good credit.

(d) Any new occupant, owner or agency is granted a 72-hour notice before services will be disconnected to allow the customer time to transfer the utilities to their name without a break in service.

(Ord. No. 759, att.(13.03.050), 4-27-2021)

Sec. 13.03.060. Refusal of service.

The city reserves the rights to refuse service to any customer until all federal, state and city regulations governing city utility service have been complied with by the applicant.

(Ord. No. 759, att.(13.03.060), 4-27-2021)

Sec. 13.03.070. Discontinuance of service.

(a) Service may be discontinued for nonpayment. In order to re-establish service, a delinquent turn-on fee and a deposit may be required before service is restored. If the service is to be restored during non-working hours, the fee and deposit must be in city hall, 704 4th St., Mills, Wyoming, no later than 10:00 a.m. the next working day, or service will be disconnected, and additional applicable charges may be imposed. Service will not be provided if there are any outstanding bills or fees or any violations of this chapter.

(b) Customers will be charged a fee if an insufficient funds check is received by the city. The bank automatically redeposits insufficient funds checks. If an insufficient funds check has been redeposited and is returned to the city, the amount will be automatically reversed and applied to the customer's account. The customer will be responsible for any additional charges, interest or penalties accrued to the account. The unpaid balance will be subject to any interest or penalty charges associated with a past due account. The account will be subject to the city general billing and collection policy, adopted by resolution of the city council. When an account has registered two non-sufficient funds (NSF) checks, all future utility charges will be required to be paid by cash, certified funds or money order.

(c) If water service is disconnected because of any misrepresentation, deliberate meter tampering, curb stop tampering or unauthorized connections, service may be restored after the city has received payment for water used, damages to materials, reconnection charges, proper system investment charges and other fees and costs incurred by the city.

(d) A property owner may have water service transferred to their name automatically when a tenant discontinues services or is shut off, at the landlord's request. The landlord will remain in effect until a new property owner requests service, or the landlord notifies the city to terminate the landlord request.

(e) When water service is temporarily shut off at the request of the customer and turned on at a later date at the request of the customer, a reconnect fee shall be charged to the customer. There will be no reconnect fee when the water service is shut off for less than 24 hours for repairs to the customer's plumbing system.

(Ord. No. 759, att.(13.03.070), 4-27-2021)

Sec. 13.03.080. Rates; classifications.

(a) All classification of users will be set by resolution of the council;

(b) All rates for monthly service will be set by resolution of the council;

(c) All rates for connection to the system or systems will be set by resolution of the council; and

(d) All collection and billing policies for utilities will be set by resolution of the council.

(Ord. No. 759, att.(13.03.080), 4-27-2021)

Sec. 13.03.090. Billing.

(a) All bills and notices mailed by the city will be mailed to the street addresses of the property, unless the customer has provided a different mailing address.

(b) All sewer and garbage billing will be based upon a rate definition rather than a property definition. Property may be designated as commercial in this Code; however, they may be charged a residential rate for any of the utilities. Rates to be determined by resolution.

(c) Water billing will be based on meter readings. The bills shall indicate the consumption in 1,000-gallon increments.

(d) Residential and commercial sewer billing will be reevaluated each year, based on actual water usage during the billing period starting after January 1.

(e) Each and every property location will receive a separate bill.

(f) Water and sewer minimum charges are not prorated when the billing period is shorter than 30 days.

(g) Customers will be charged any applicable minimum charges for all utility services during billing periods with no water usage. Minimum charges will be established by resolution.

(h) There may be charges for additional unsubstantiated re-reads. If the meter test reveals that the customer has been over-billed by three percent or more, the customer's bill may be adjusted. If the customer has been billed correctly, or has been under-billed, the city will bill the customer for the meter test. The amount billed will be determined by resolution.

(Ord. No. 759, att.(13.03.090), 4-27-2021)

Sec. 13.03.100. Adjustments.

(a) Sewer adjustments may be given if a leak occurred during the sewer evaluation periods.

(b) A bill may be adjusted for a water leak if the following condition applies. The usage on the customer's bill with the leak exceeds by three times the usage amount on the customer's bill for the same period one year previous. The leak adjustment is calculated at 40 percent of the difference between the current period usage and the usage billed for the same time period one year previous.

(Ord. No. 759, att.(13.03.100), 4-27-2021)

Sec. 13.03.110. Credit, payment terms and collection efforts.

(a) Bills will be considered delinquent if not paid 20 days after the bill date. Authorized interest and penalty charges will start accruing on this date. A delinquent notice will be mailed to the customer on or shortly after the 21st day after the bill date. If the bill remains unpaid ten days after the bill date, all utility services will be discontinued.

(b) If the customer's service is disconnected due to lack of payment and remains unpaid for 60 days, the account shall be closed and turned over for collection.

(Ord. No. 759, att.(13.03.110), 4-27-2021)

Sec. 13.03.120. Temporary fire hydrant usage.

(a) A fire hydrant usage permit must be obtained from the city.

(b) At the time the fire hydrant usage permit is obtained, a hydrant deposit shall be paid for an auxiliary valve, wrench, meter and hose. Upon return of the valve, wrench, meter, and hose, in good condition, the hydrant deposit will be credited toward the amount due for water usage from the hydrant. If equipment is lost or damaged due to customer neglect, appropriate fees shall be charged. The mayor or the mayor's designee reserves the right to rescind this privilege at any time.

(c) All water will be metered. Hydrant meters may be obtained from the city at a price set by resolution of the city council. The current city retail water rate will be charged for erosion control, reinstatement of vegetation of disturbed areas, compaction water, and flushing water used by developers, contractors, and others in addition to the hydrant permit. The current retail water rate will be charged in addition to the hydrant permit for all other uses, including, but not limited to, sod watering and parking lot washing. Payment and collection policies as listed in section 13.03.090 will apply.

(Ord. No. 759, att.(13.03.120), 4-27-2021)

**CHAPTER 13.04. PERMITS TO CONSTRUCT, INSTALL OR MODIFY WATER
DISTRIBUTION OR SANITARY SEWAGE COLLECTION FACILITIES****Sec. 13.04.010. Authority.**

The state department of environmental quality has delegated to the city, via W.S. 35-11-304, the authority to administer and enforce within its service boundaries W.S. 35-11-301 (a)(iii) and (v). Specifically, W.S. 35-11-301 stipulates that no person, except when authorized by permit, shall construct, install or modify any public water supply, sewage system, treatment works, disposal system or other facility capable of causing or contributing to pollution.

(Ord. No. 759, att.(13.04.010), 4-27-2021)

Sec. 13.04.020. Scope.

This chapter shall apply to all publicly owned or controlled water distribution facilities and sanitary sewage collection facilities within the service boundaries as agreed upon by the state department of environmental quality and the city.

(Ord. No. 759, att.(13.04.020), 4-27-2021)

Sec. 13.04.030. Prohibitions.

No person, except when authorized by permit issued pursuant to W.S. 35-11-301 and this chapter, shall:

- (1) Construct, install or modify any publicly owned or controlled water distribution or sanitary sewage collection facility within the designated boundaries.
- (2) Construct, install or modify any publicly owned or controlled water distribution or sewage collection facility in noncompliance with the terms and conditions of an issued permit.

- (3) Construct, install or modify any publicly owned or controlled facility with a permit that has expired or has been suspended or revoked.

(Ord. No. 759, att.(13.04.030), 4-27-2021)

Sec. 13.04.040. Permit required.

(a) Construction, installation or modification of publicly owned or controlled water distribution and sewage collection facilities shall be allowed solely in accordance with the terms and conditions of permits issued pursuant to this chapter.

(b) No construction, installation or modification of a water distribution or sewage collection facility shall be allowed unless a permit to construct, install or modify has been obtained from the city.

(c) The issuance of a permit to construct, install or modify does not relieve the applicant of his responsibility to properly plan, design and construct the facility described in the application and permit conditions.

(Ord. No. 759, att.(13.04.040), 4-27-2021)

Sec. 13.04.050. Application requirements and procedures.

The following procedures will be followed in an application for the permit:

- (1) Any person who proposes to construct, install or modify a facility required to be permitted under section 13.04.040 shall submit a written application on forms provided by the city.
- (2) The initial application for a permit must be accompanied by two complete sets of plans and specifications, design data and any additional information required by the city. After the plans and specifications have been reviewed by the city, the applicant's engineer shall make such revisions as are required and submit five revised sets for final review. All plans and specifications submitted shall carry the seal or signature of the design engineer in accordance with W.S. 33-29-101 through 33-29-113. All plans and specifications shall conform to city water distribution facilities design standards, city sanitary sewage collection facilities design standards, and the state department of environmental quality, Water Quality Rules and Regulations. The city shall review every application and take final action within 30 days from the date the application is received.
- (3) If an application is incomplete, additional information shall be requested in detail or, if requested, the application may be returned to the applicant. The applicant shall have 90 days to comply with the request for additional information. After this time period, if no information is submitted, the entire application shall be returned.
- (4) The mayor or the mayor's appointed designee shall promptly notify the applicant in writing of the final action taken on the application. If the conditions of the permit are different from the proposed application submitted by the applicant for review, the notification shall include reasons for the changes made.
- (5) If, upon review of an application, the city determines that a permit is not required under this chapter, the mayor or the mayor's appointed designee shall notify the applicant of this determination in writing. Such notification shall constitute final action on the application.

- (6) If, upon review of an application, the city determines that a permit should not be granted, the mayor or the mayor's appointed designee shall notify the applicant in writing of the permit denial and state the reasons for denial.
 - (7) If the applicant is dissatisfied with the conditions or denial of any permit issued by the city, he may request a hearing in accordance with section 13.04.080.
- (Ord. No. 759, att.(13.04.060), 4-27-2021)

Sec. 13.04.060. Construction and operation in compliance with issued permit.

(a) The applicant will conduct all construction, installation or modification of any facility permitted consistent with the terms and conditions of the permit. Unauthorized changes, deviations or modifications will be a violation of the permit. A new application or amended application must be filed with the city to obtain modification of a permit. No modification shall be implemented until a new or modified permit has been issued or a waiver given pursuant to section 13.04.040(b).

(b) The applicant shall request in writing authorization to utilize materials and/or procedures different from those specified in the terms of the issued permit. Such requests shall be directed to the mayor or the mayor's appointed designee. The mayor or the mayor's appointed designee shall consult with the state department of environmental quality prior to issuing a waiver. A waiver may be granted if materials and/or procedures specified in the permit cannot be obtained or accomplished and alternative materials and procedures meet minimum standards. In order to prevent undue delay during construction, the mayor or the mayor's appointed designee may grant a waiver orally, upon oral request, provided that this request is followed by a written request within five days.

(c) The applicant shall conduct the operation in accordance with statements, representations and procedures presented in the complete application and supporting documents, as accepted and authorized by the mayor or the mayor's appointed designee.

(Ord. No. 759, att.(13.04.060), 4-27-2021)

Sec. 13.04.070. Permit duration, termination and transfer.

(a) The duration of a permit issued under this chapter shall be two years from the issuance, and all construction authorized under the permit shall be completed within that period unless an extension is obtained, as provided in subsection (e) of this section.

(b) Permits will be issued to the official applicant of record for only the type of construction of record, and shall be automatically terminated:

- (1) Within 60 days after sale or exchange of the facility unless application for transfer is received pursuant to subsection (c) of this section;
- (2) When construction is completed and final acceptance is obtained from the city; upon final acceptance, public water distribution and public sewage collection systems or facilities shall become the property of the city;
- (3) Upon issuance of a new permit;
- (4) Upon written request of the permittee.

(c) Permits shall be transferred to new owners by completion and submittal of ownership transfer forms by the new owner to the city. The new owner may also submit a written request from the existing owner to transfer ownership. The city shall act by approving or denying the transfer application within 30 days after receipt of the request.

(d) Any conditions established in a construction permit will be automatically transferred to the new owner whenever a transfer of ownership of the facility is approved.

(e) A permit may be renewed where construction has not been completed by filing an affidavit with the city stating that there will not be any changes in the plans of a permitted system no less than 30 days prior to the expiration date of the permit.

(Ord. No. 759, att.(13.04.070), 4-27-2021)

Sec. 13.04.080. Permit denial.

(a) The mayor or the mayor's assigned designee may deny a permit for the following reasons:

- (1) The application is incomplete or does not meet applicable city design criteria and construction standards.
- (2) The project, if constructed, would result in hydraulic and/or organic overloading of wastewater facilities.
- (3) The project, if constructed, would result in public water supply demand in excess of source, treatment or distribution capabilities.
- (4) The project does not comply with an approved state or local water quality management plan.
- (5) Other justifiable reasons.

(b) The mayor or the mayor's assigned designee shall notify the applicant in writing the reason for denial.

(c) If the applicant is dissatisfied with the conditions or denial of any permit issued by the mayor or the mayor's assigned designee, he may request a hearing before the city council.

- (1) A request for hearing shall be made in writing within 20 days of notification of this denial to the city mayor and shall state the grounds for the request. The hearing shall be conducted pursuant to the regulations of the city council and may be conducted as part of the board's regular monthly meeting.
- (2) If the applicant is dissatisfied with the actions of the city council, he may request a hearing to the city council.
- (3) A request for hearing shall be made, in writing, within 20 days of notification of this denial to the city mayor and shall state the grounds for the request. The city council, through its mayor, is authorized to appoint one or more hearing examiners/officers to preside at and make a record of hearings in contested cases. Such examiners/officers shall have those powers prescribed by law and as set forth in W.S. 16-3-112(b). The city council shall fix a reasonable time and place for the hearing of the appeal, such date shall not be less than ten nor more than 60 days from the date the request for hearing is filed.

- (4) The city council shall render its decision following the hearing. The actions of the city council are not appealable.
(Ord. No. 759, att.(13.04.080), 4-27-2021)

Sec. 13.04.090. Permit modification.

(a) During the review of an application or during construction, the city may modify a permit to construct, install or modify for the following reasons:

- (1) Changing site conditions which would prevent construction and resultant operation from compliance with city or department of environmental quality rules and regulations;
- (2) Receipt of additional information;
- (3) Incomplete application on review items where the engineer/applicant agrees with the modification;
- (4) Review items not in compliance with minimum standards where the engineer/applicant agrees with the modification;
- (5) Any other reason necessary to effectuate the purpose of the applicable statutes, standards or regulations.

(b) The mayor or the mayor's assigned designee shall notify the applicant by registered or certified mail of its intent to modify the permit.

(c) Such notification shall include the proposed modification and the reasons for modification and timeframe to have modifications constructed, installed or operational. Modification requirements shall be implemented before construction of a facility is completed.

(d) The modification shall become final within 20 days from the date of receipt of such notice unless within that time the permittee requests a hearing in accordance to section 13.04.080(c).

(e) A copy of the modified permit shall be forwarded to the applicant as soon as the modification becomes effective.

(Ord. No. 759, att.(13.04.090), 4-27-2021)

Sec. 13.04.100. Permit suspension and/or revocation.

(a) Any permit issued hereunder may be suspended and/or revoked.

(b) Any permit issued hereunder may be suspended when the mayor or the mayor's designee has a reasonable suspicion that the public health, safety or welfare will be endangered by a continuation of the project. Any such suspension shall last for no longer period than is necessary to conduct an expedited hearing before the city council, or a hearing examiner designated by the council for that purpose. The question at such hearing to be whether the permit should be revoked.

(c) Before a permit may be revoked, the applicant shall be given an opportunity to show compliance with all lawful requirements for the retention of the permit.

(d) The mayor or the mayor's assigned designee may revoke a permit before the construction of a system is completed for the following reasons:

- (1) Noncompliance with the terms of the permit;
- (2) Unapproved modifications in design or construction;
- (3) False information submitted in the application;
- (4) Changing site conditions which would result in violations of applicable regulations;
- (5) Any other reason necessary to effectuate applicable statutes, standards or regulations.

(e) The mayor or the mayor's assigned designee shall notify the applicant by registered or certified mail of the mayor's intent to revoke the permit.

(f) The notification shall include the reasons for revocation. The revocation shall become final 20 days from the date of receipt of the notice, unless within that period of time the applicant requests a hearing in accordance to section 13.04.080(c).

(Ord. No. 759, att.(13.04.100), 4-27-2021)

Sec. 13.04.110. Enforcement.

The city shall use any or all of the following methods to achieve compliance with this chapter:

- (1) Any person who constructs, installs or modifies a water distribution or sewage collection facility without the proper permit to construct, install or modify shall immediately cease such construction upon notification by the mayor or the mayor's assigned designee and obtain the proper permits.
- (2) Any person who constructs, installs or modifies a water distribution or sewage collection facility in nonconformance to the issued permit to construct, install or modify shall immediately cease such construction upon notification by the city. The mayor or the mayor's assigned designee may revoke the permit, in accordance with section 13.04.100.
- (3) The mayor or the mayor's assigned designee may recommend to the city building inspector to deny or revoke building and occupancy permits in areas served by the facilities in question.
- (4) The city reserves the right, in the event of noncompliance of its rules and regulations, to physically disconnect the water distribution or the sewage collection facility from its existing systems. The owner or developer shall be responsible for all costs associated with disconnecting and reconnecting the facilities.
- (5) The city has been given the authority to request that the Attorney General or the county attorney enforce the permit to construct, install or modify program pursuant to W.S. 35-11-901 in the event a violation occurs.
- (6) Any person violating the terms of this chapter is guilty of violating a city ordinance and may be charged in city court. Each day a person is in violation of any section of this chapter shall constitute a separate offense. A conviction under this chapter may be punished by a fine of up to \$750.00 or six months imprisonment, or both.

(Ord. No. 759, att.(13.04.110), 4-27-2021)

CHAPTER 13.05. WATER AND SEWER SERVICE**Sec. 13.05.010. Purpose.**

The purpose of this chapter is to ensure that retail customers of the city adhere to certain requirements and responsibilities concerning water and sewer service lines, water meters, pressure-reducing valves, and backflow prevention devices.

(Ord. No. 759, att.(13.05.010), 4-27-2021)

Sec. 13.05.020. Scope.

(a) This chapter shall apply to all lands within the city or outside the city within its environs being serviced by retail water or sewer service by the city.

(b) This chapter shall compliment other chapters of this Code and city rules and regulations regarding water and sewer service.

(Ord. No. 759, att.(13.05.020), 4-27-2021)

Sec. 13.05.030. General responsibilities.

(a) By accepting water and/or sewer service, the customer shall be deemed to have granted to the city and its designated representatives, permission to enter the customer's or property owner's premises at all reasonable times for the purpose of installing, replacing, reading, operating, inspecting, testing, repairing or removing any or all of the material or equipment belonging to the city, including, but not limited to, water service lines, water service line shut-off valve, water meters, remove readout device, and automatic meter reading equipment or for the purpose of ensuring that a customer is in compliance with this Code, ordinances, rules and regulations. By accepting water and/or sewer service, the customer shall be deemed to have granted to the city and its designated representatives' permission to enter the customer's or owner's premises at all reasonable times to operate, test, and inspect customer's valves, cross connection control devices, and pressure-reducing valves. Provided, however, nothing herein contained shall allow or authorize the city, except during a bona fide emergency, to enter a customer's residence or building being supplied city water or sewer service without the prior permission of the owner. In the event permission is unreasonably denied, the city shall have the absolute right to discontinue any such water or sewer service as provided in section 13.05.065(b).

(b) Townhouses may use a common water service line, a single city water meter, and a common sewer service line. However, in such situations, the city will not furnish, install, maintain, or read individual city house unit water service lines and sub-meters. As an alternative, separate water and sewer service lines and meters are also acceptable for townhouses. Individual townhouse water service lines may be connected into one service line extending to the water main if a shut-off valve exists on the one service line extending to the water main, and all individual water service shut-off valves are located in the front lot utility easement.

(c) The water service line (three-fourths inch through two inches) from the water main to and through the shut-off valve, generally located behind the curb walk within the front lot utility easement, shall be owned, operated, and maintained by the city. Water service lines three inches and larger shall generally

have the shut-off valve (owned by the city) located at or near the water main. The physical connection on the downstream side of the shut-off valve and the service line leading into and through the establishment receiving water service shall be owned, operated, and maintained by the customer.

(d) Water service lines for fire suppression or private fire hydrants shall generally have the shut-off valve (owned by the city) located at or near the water main. The physical connection, located on the downstream side of the shut-off valve, and the fire suppression or private fire hydrant service line leading to and through the establishment receiving fire suppression water service shall be owned, operated, and maintained by the customer.

(e) No person, except authorized city employees, shall turn on or off any water supply at city owned shut-off valves without the permission of the city. If a city owned shut-off valve is turned on by a customer or at the customer's direction without the permission of the city, and the valve or appurtenances are damaged, all costs to repair such equipment shall be billed to the customer by the city, and the customer shall be solely liable and responsible for such costs.

(f) It shall be the responsibility of the customer to maintain the water service line, fire suppression line, or private fire hydrant line from the shut-off valve into the premises receiving water service. In case of failure by the customer to repair any leak occurring in his water service line, fire suppression line, or private fire hydrant line within 48 hours after verbal or written notice has been given to the customer, the water will be shut off by the city and will not be turned on until the repairs have been made and the appropriate turn-on charge has been paid. When the waste of water is considered excessive, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of such notice by the city. The city shall also charge the customer the cost of the wasted water. The determination of wasted water being excessive or damage likelihood shall be made at the sole discretion of the city.

(g) The city shall not be liable for any loss or damage of any nature whatsoever caused by any defect in customer's water service line, fire suppression line, private hydrant line, or customer's equipment located on the real property of the customer. The customer shall be solely responsible for inspecting its service line, plumbing, and equipment.

(h) For polyvinyl chloride (PVC) sewer mains, the city's ownership, operation, and maintenance responsibility for sewer services shall cease at the sewer saddle wye or tee on the sewer main. The connection between the PVC sewer saddle and the sewer service line shall be the responsibility of the customer. The sewer service line from the sewer saddle wye or tee into the premises receiving sewer service shall be owned, operated, and maintained solely by the customer.

(i) For vitrified clay (VCP) sewer mains, the city's ownership, operation, and maintenance responsibility for sewer service shall cease with the sewer main. All directly connected hubs on VCP sewer mains shall be the ownership, operation, and maintenance responsibility of the customer. If a VCP or PVC sewer saddle wye or tee has been installed on a vitrified clay main, the sewer service line serving the premises receiving sewer service shall be owned, operated, and maintained solely by the customer.

(j) Water from the city's water supply system shall only be used on the customer's premises and no other premises, unless authorized by the city.

(k) No physical connection between the city's domestic water system and private irrigation wells will be permitted.

(l) No physical connection between another water supply and the city's distribution system will be permitted unless approved in writing by the city with appropriate cross connection control. The customer must meet all requirements of chapter 13.17.

(m) The city does not undertake or agree to furnish or supply continuous uninterrupted water or sewer service to its customers and shall not be liable for any deficiency or failure in the supply of water to customers or to the receiving of wastewater from customers whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In the case of fire, or alarm of fire, water may be shut off to ensure supply for firefighting. During construction or the making of repairs that may affect the city's water system, water may be shut off at any time for as long period as necessary to complete any such construction or repairs.

(n) Existing water and sewer service lines, which service more than one lot, or more than one building, shall be the ownership, operation, and maintenance responsibility of the customers using the service lines.

(o) When a building is erected on the site where an old building has been demolished or removed, the existing water service line may only be reused if inspected and approved by the city. Lead or iron water services will not be approved for reuse.

(p) Abandoned water service lines must be plugged at the water main and the shut-off box removed. The customer shall be responsible for all trenching, excavation, backfilling, compaction, and restoration of the surface to the same or better condition as it existed prior to the excavation. The city shall perform the work to plug the water main at no charge to the customer once the trench is excavated and the water main exposed.

(q) When a new building is erected on the site where an old building has been demolished or removed, the existing sewer service may only be reused if inspected and approved by the city. Existing "Orangeburg" sewer service lines shall not be approved for reuse. If it is necessary to install a new sewer service, the customer must plug the old sewer service at the property line.

(r) All water piping, pressure-reducing valves, customer backflow preventers, expansion tanks, pressure relief valves, pits, or vaults associated with metering equipment, shall be the sole responsibility of the customer. The customer is responsible for the shut-off valves located on each side of the water meter. The city shall own, operate, and maintain the water meter and remote reading devices.

(s) It shall be a misdemeanor for any unauthorized person to or in any way interfere with, tamper, or otherwise damage any metering equipment owned by the city.

(t) Frozen water service lines. Customers with frozen water service lines shall contract a private contractor for thawing out the service. If the private contractor's efforts are unsuccessful, the customer may contact the city for help in thawing his/her water service line. The city will place the customer on a priority list for service line thawing. At its discretion, city staff shall use either an electric welding device or a hot water thawing device to try to thaw the customer's service. The city does not assume and shall not be liable to the customer for any damage to property or persons caused directly or indirectly by the

thawing of the customer's service line. No such thawing work on a customer's service line will be performed until the customer has executed a full liability release in a form acceptable to the city. Following the thawing of the water service line, the customer shall continuously run water in order to prevent another frozen service line. Customers who let their service lines re-freeze shall be placed at the bottom of the priority list for customer service line thawing and shall be charged all costs for thawing the service line the second and subsequent times. The customer, each time, shall fill out and sign a new full liability release for thawing the water service line. If a private contractor's efforts can affirmatively demonstrate to the satisfaction of the city, that the freeze-up occurred between the water main and the city-owned shut-off valve, the city may reimburse the customer for a percentage of the private contractor's work dependent upon city council action at that time.

(u) Wintertime water usage to prevent water service line freeze-ups. At such time that city staff believes that shallow water service line freeze-ups may occur (dependent upon weather conditions, existing frost penetration, existing service line freeze-ups), it shall make its best efforts to contact known addresses with shallow service lines to recommend the continuous running of water in order to prevent the service line from freezing up. Notification of the customer shall be attempted by phone and, if the customer is not contacted by phone, then city staff shall leave a note on the residence. The city does not assume and shall not be liable for any failure to notify customers pursuant to this section. Under no circumstances shall the provisions of this chapter be considered as a waiver by the city of the liability limits or immunity as otherwise set forth in the Wyoming Governmental Claims Act, W.S. 1-39-101, and the city specifically reserves the right to assert any and all rights, immunities, and defenses it may have pursuant to the Wyoming Governmental Claims Act. The city may, in its sole discretion, grant a customer a credit for the cost of water used to prevent service line freeze-ups on a case-by-case basis. Customers who let their service line freeze after being notified by city staff that they need to run water to prevent freeze-up shall thereafter be subject to the provisions of subsection (t) of this section.

(v) Sewer system backwater valves. If the city determines that a customer has the potential to have a sewer system backup, a backwater valve shall be installed by the customer at his/her cost.

(w) Sewer system backwater valves for customer sewer systems shall be installed in accordance to the city's plumbing code.

(Ord. No. 759, att.(13.05.030), 4-27-2021)

Sec. 13.05.050. New construction.

(a) Each lot shall have separate water and sewer service lines, water meter, and shut-off valve serving it and no other lot. Water service shut-off valves shall generally be located at the property line or within the front lot utility easements.

(b) Any applicant who desires a water and/or sewer connection generating water or wastewater demand shall pay water tap charges, water service line charges, water meter charges, sewer tap charges, special subdivision charges, and other ancillary charges as appropriate in the manner set forth in this title and as set forth by resolution of the city. Special subdivision charges and recapture charges shall be paid and calculated in the manner set forth in the applicable subdivision agreement or water and sewer contract with the developer.

(c) No building permit for water or wastewater connections generating water or wastewater demand, which is required to pay water tap charges, water service line charges, water meter charges, sewer tap charges, special subdivision charges, and other ancillary charges pursuant to this title shall be issued by the city until the charges required by this title have been paid.

(d) All existing water and sewer connections that may need new water service lines, water meters, new sewer taps, or other services shall pay the appropriate charges prior to receiving the service.

(e) Customers are responsible for all new water service lines. The city does not guarantee that a water service line is extended into a lot. If there is no water service connection into the lot or parcel of land, the city shall install, at the cost of the customer as covered by fees set forth by resolution, a corporation stop on the main, the water service line from the water main to the customer's property, the shut-off valve, and the service box. All trenching, excavation, backfilling, compaction, surface restoration and related matters shall be performed by and at the cost and expense of the customer.

(f) Customers are responsible for all new sewer service lines. The city does not guarantee that a sewer service line is extended into a lot. If there is no sewer service connection into the lot or parcel of land, the city shall install, at the cost of the customer as covered by fees set forth by resolution, a sewer service saddle on the sewer main. The customer must then install the sewer service line from the saddle leading from the sewer main to the customer's property. All trenching, excavation, backfilling, compaction, surface restoration and related matters shall be performed by and at the cost and expense of the customer.

(g) All unused water and sewer service lines must be properly plugged and abandoned by the customer.

- (1) Unused water service lines must be removed at the water main, and the water main connection plugged. The customer must excavate and carefully expose the water main, and the city will plug the water main connection at no charge to the customer.
- (2) Unused sewer service lines must be plugged by the customer at the property line.
- (3) All trenching, excavation, backfilling, compaction, surface restoration and related matters associated with water or sewer service line abandonment shall be performed by and at the cost and expense of the customer.

(h) The water service line serving a building generally must be the same size as the water meter. The only exceptions are long service lines (over 100 feet) and areas of low pressure (less than 45 pounds per square inch). Exceptions must be approved by the city in writing.

(i) All plumbing and equipment of the customer, including outside hose bibs and irrigation systems shall be connected, at the expense of the customer, to the service piping in such a manner that all water used by the customer shall pass through the meter.

(j) It is the responsibility of the customer of the property serviced to maintain the service box for the shut-off valve in a plumbed and operable condition, flush with the ground level at all times. In the event the customer fails to restore the service box and the shut-off valve in a plumbed and operable condition

within ten days after written notice from the city, the city may make the necessary repairs to bring the service box and shut-off valve plumb, operable, and flush with the ground level, the cost of which shall be the responsibility of the customer, which will be billed to the customer by the city.

(k) Pressure-reducing valves are required for residential and commercial buildings, which make new connections to the city's water system if the static pressure is over 65 pounds per square inch.
(Ord. No. 759, att.(13.05.050), 4-27-2021)

Sec. 13.05.060. Water meter installations.

(a) *General.*

- (1) All water meters under two inches, except sub-meters, are to be installed by the city. Licensed plumbers shall install all other piping (and meters larger than two inches necessary for the installation in accordance with this title and the city plumbing code. All water meters (except sub-meters) shall be purchased from the city.
- (2) The customer shall provide a suitable location in the building which is acceptable to the city where the city water meter is easily accessible and convenient for the installation, reading, operation, protection, and maintenance of the meters and equipment in accordance with requirements of the city, which, in all instances, must protect the water meters from freezing.
- (3) Meter pits shall be required for manufactured homes, mobile homes, and other special circumstances approved by the city, and shall be located generally within the front lot utility easement behind the shut-off valve. The customer shall own and maintain meter pits.
- (4) Meter installations in outside vaults must have prior written authorization from the city. Evidence must be provided showing that it is not practical to place the meter inside a building. Plans shall be submitted to the city for all outside meter vaults.
- (5) The city is responsible for the operation and maintenance of the meter and remote reading device for residential services. All other valves, piping, meter pits, vaults, backflow preventers, pressure-reducing valves, etc., are the responsibility of the customer to own, operate, and maintain.
- (6) All building fire protection systems 1½ inches or less in size shall be installed after the city meter serving the building. The fire protection system shall be provided with a backflow preventer. Building fire protection systems for single-family dwellings which are integral to the building plumbing system as allowed by city building code do not require a backflow preventer. Building fire protection systems two inches or larger in size shall have a separate service line from the main. No meter will be needed, but a backflow preventer will be required for fire protection systems two inches and larger.

(b) *Sizing.* Water meters shall be sized in accordance with the following table:

<i>Size</i>	<i>Maximum Peak Flow Allowable— Gallons Per Minute (GPM)</i>
¾ inch	15 GPM
1 inch	25 GPM

<i>Size</i>	<i>Maximum Peak Flow Allowable— Gallons Per Minute (GPM)</i>
1½ inches	50 GPM
2 inches	100 GPM
3 inches	200 GPM
4 inches	450 GPM
6 inches	950 GPM
8 inches	1,550 GPM
10 inches	2,450 GPM

(c) *Meters up to two inches.* (See Figure 1 in section 13.05.085.)

- (1) The water service line installed from the water main to the meter shall be brought up through the floor in a vertical position. An approved valve must be installed where the service line enters the building, about 12 inches above the floor; an approved valve shall also be installed on the outgoing side of the meter immediately adjacent to the meter.
- (2) The meter shall be located so that the bottom of the meter is from six inches to 18 inches above the finished floor line and shall be installed in the horizontal position. The meter shall be set in a laundry area, furnace room, or other area not normally considered as living area. The meter shall not be installed in crawl spaces or other areas of inconvenient access.
- (3) Meters up to and including one inch may be supported by the piping. All others must be supported by a suitable mounting bracket, blocking, or metal stand.
- (4) Meters shall be installed within four feet of a floor drain, when available, unless an alternate location is approved by the city.
- (5) Clearances for accessibility to the meter must be provided. Normally an area two feet by two feet is required with a clearance of at least 12 inches on both sides of the meter. Adequate access, as determined by the city, to the meter location is also required.
- (6) Meters must be installed inside the building in a heated area.
- (7) Any connection to the service before the meter or any bypass around the meter is prohibited. Unless specifically allowed by the city, bypasses around the meter will not be allowed. Any customer who is found with an illegal bypass around the meter shall immediately have his water service turned off until the bypass is removed.
- (8) Valves before and after the meter shall be gate, globe, angle, or ball valves made of brass, copper, or other city approved materials up through two inches in size.
- (9) Automatic meter reading equipment will be installed near the meter inside the residence, or at a suitable location outside the building.
- (10) Meter pits may be allowed for two-inch and smaller meters. Frost-proof coil meter pits must be used for all manufactured homes or mobile homes. The meter pit shall generally be installed within the front lot utility easement behind the water service line shut-off valve. Meter pits, including lids, located in sidewalks or paved areas must be specifically designed to accommodate AASHTO H-20 traffic loading. The customer shall own and maintain the meter pit. Meter pits

and setters shall be prefabricated and must be designed for cold weather conditions. Automatic meter reading equipment, suitable for meter pits, will be installed. (See coil meter pit detail — Figure 3 in section 13.05.085.)

(d) *Meter setups three inches and larger.* (See Figure 3 in section 13.05.085.)

- (1) The same general requirements apply for installation as for smaller meters. Meters should be installed in a mechanical room of the building, near a floor drain, if available, and in a horizontal position. Valves must be installed on both sides of the meter.
- (2) All meters larger than two inches must have at least 36 inches clearance above the meter, 18 inches below the meter, and 18 inches clearance on the sides. The piping must include couplings or other arrangement to provide for easy removal of meters.
- (3) A minimum straight distance of ten pipe diameters is required upstream of each meter setup larger than two inches, unless an approved strainer is used.
- (4) All meter setups three inches and larger shall have a two-inch test plug on the discharge side to allow for meter testing. This test plug shall be placed before the valve on the customer side.
- (5) A compound meter, a single-jet meter, or a parallel turbine-displacement meter setup (if a bypass is absolutely needed by the customer) may be used for three-inch and larger services. Magnetic flow meters may be used for services six inches and larger.
- (6) Turbine meters alone may be used for irrigation-only services, if approved by the city.
- (7) Check valves used in the parallel turbine-displacement meter setup shall be internal spring-loaded check valves. They shall have a cast iron body, stainless steel five-pound springs, stainless steel hinge pins and stops, Teflon spring and hinge bearings, and Buna-N or equal seals.
- (8) Three-inch valves may be gate, globe, angle or ball valves made of brass, and copper or other approved material. Gate valves meeting AWWA C500 or C509 or butterfly valves meeting AWWA C504 are also acceptable for three-inch valves.
- (9) All valves four inches and larger shall be gate valves meeting AWWA C500 or C509 or butterfly valves meeting C504.
- (10) All meters, valves, and piping must be supported by suitable blocking or metal stands.

(e) *Meter vaults.* (See Figure 4 in section 13.05.085.) The same general installation requirements for meter setups (subsections (c) and (d) of this section) apply to meter vault installations. Vaults must meet the following requirements:

- (1) Vaults must be constructed of reinforced concrete with a minimum depth of seven feet floor to ceiling. The minimum length and width shall be four feet. The floor must be concrete and the entire vault must be watertight and insulated as necessary. A floor drain to daylight or a dry sump is necessary.
- (2) Separate water services (and meters) for irrigation only purposes are not permitted in outside vaults, except for public parks, city house developments and other special circumstances, specifically approved by the city.

- (3) The meter setup must have 18-inch clearance to the floor and 18-inch clearance on all sides.
- (4) The piping must include couplings or other arrangements to provide for easy removal of the meter.
- (5) Valves must be provided on both sides of the meter, inside the vault, and with sufficient clearance for operation and maintenance.
- (6) All meters, valves, and piping must be supported by suitable blocking or metal stands.
- (7) A suitable locking hatch will be provided in one corner of the vault for access. The hatch must be provided with hold up arms. Manhole castings are not acceptable. Minimum size shall be a 24-inch opening. Aluminum steps or ladders shall be provided.

(f) *Sub-metering.* Sub-meters are meters downstream of the city water meter installed for the purpose of proportioning city water/wastewater charges between various tenants or residents. Customers desiring one or more sub-meters for various tenants or residents shall furnish, install, maintain, read, and bill on such meters at their own expense.

(Ord. No. 759, att.(13.05.060(1)), 4-27-2021)

Sec. 13.05.065. Water meter maintenance.

(a) General. The city shall own, operate and maintain all water meters, remote readout devices and automatic meter reading equipment. Clearances for accessibility to the meter must be provided by the customer in accordance to section 13.05.050.

(b) Should damage result to metering equipment, including water meters, remote readout devices and automatic meter reading equipment, from molestation or willful neglect by the customer, the water service may be discontinued. In addition to other costs of discontinuing the service, the city will repair or replace such equipment and bill the customer for all costs incurred, for which the customer shall be solely liable.

- (1) If a meter is damaged due to freezing, repair costs shall be billed to the customer in accordance to fees set by resolution for the first freezing incident, and each succeeding incident during a three-year period.
- (2) Repair of larger meters (1½-inch and larger) damaged by freezing may require additional costs to be assessed to the customer.

(c) When a customer makes a complaint that the city water/wastewater charges for any particular billing period are excessive, the city shall, upon request, have the water meter reread. If the customer remains dissatisfied and desires that the meter be tested, the city shall then test the meter for accuracy. The city shall test the meter once every three years at no cost to the customer. The customer may be present when such test is made.

- (1) In the event that the meter test shows an error of over three percent of the water consumed in favor of the city, a correctly registering meter will be installed, with a possible water and sewer bill adjustment. Such adjustments shall not be retroactive for more than one year without specific approval of the city council. The minimum charge, or base charge, will not be affected.

(2) If the customer desires the meter to be tested greater than once every three years and the test shows accurate measurements of water, or an error in favor of the customer, the customer shall be billed to cover the expense of making the meter accuracy test.

(d) When the water meter fails to register for any period and the reason for the malfunction is beyond the reasonable control of the city, the city may estimate the charge for city water and wastewater service during the period in question.

(e) The city may inspect, test, repair, or replace the water meter, water service line shut-off valve, remote readout device, and automatic meter reading equipment at any reasonable time, as provided in section 13.05.030(a). The city may shut off the water service to a customer who denies the city access to the equipment described in this section for any such test, repair or replacement, and the city may further temporarily shut off water service to a customer for the purposes of any such repair or replacement.

(f) It is prohibited for any person to bypass or tamper with the water meter. If the meter seal is broken, or the working parts of the meter have been tampered with, or the meter has been damaged or bypassed, the city will, in addition to any other penalties provided by law, estimate the time period the tampering took place and will render an estimated bill for that time period to the customer involved. The city will also bill the customer for the full cost of repairing such damage to the meter and accessories, and may refuse to furnish water until the customer's account is paid in full.

(g) A customer requesting relocation of a water meter shall bear all costs associated with relocating the water meter, remote readout device, automatic meter reading equipment, dual check valve, and expansion tank.

(h) The customer shall, at his/her expense, keep his/her outside meter pit or vault and appurtenances in good repair, readily accessible, and in a safe and useable condition at all times. Failure to do so shall be deemed just cause to discontinue water and wastewater service to the customer.

(Ord. No. 759, att.(13.05.060(2)), 4-27-2021)

Sec. 13.05.070. Pressure-reducing valves.

(a) Pressure-reducing valves will be required for new residential and commercial buildings inside the city where the static pressure is greater than 65 pounds per square inch. Their purpose is to save water and reduce wastewater flow.

(b) The valve shall be located on the discharge side of the water meter after the shut-off valve and a minimum of four pipe diameters from the shut-off valve. All inside house fixtures must be served by the pressure-reducing valve. Outside hose bibs and outside landscape irrigation connections may be left at full main pressure if desired.

(c) The pressure-reducing valve, if required in conjunction with a backflow prevention device, shall be installed downstream of the backflow prevention device.

(d) The pressure-reducing valve shall be set to limit inside house pressure to a maximum of 65 pounds per square inch.

(e) Pressure-reducing valves must be approved by the city building inspection division.

(Ord. No. 759, att.(13.05.070), 4-27-2021)

Sec. 13.05.080. Backflow prevention assemblies.

(a) General. Backflow prevention assemblies will be required for new residential and commercial buildings will be required by the city and for any service which could conceivably contaminate the city's water system in the event of back pressure or back-siphonage in accordance with the requirements of chapter 13.17.

(b) This installation may be in addition to those assemblies required by the International Plumbing Code for internal building plumbing.

(c) Backflow prevention assemblies shall be furnished and installed by, and at the expense of, the customer. Auxiliary equipment needed to prevent internal pressure build-up such as expansion tanks, pressure relief valves, etc. shall be installed by, and at the expense of, the customer.

(d) Customers shall be responsible for ownership, operation, and maintenance for all backflow preventers.

(e) Backflow prevention assemblies shall be installed immediately downstream from the water meter. Approved valves shall be installed on each end of the backflow preventer (except for atmospheric vacuum breakers and dual check valve backflow preventers) at the expense of the customer.

(f) All requirements for water meter installations also apply to backflow prevention assemblies. The city shall be allowed to test these devices for adequacy at any time.

(g) All backflow preventers must be installed near a suitable floor drain, unless an alternate location is approved by the city. Drains for reduced pressure backflow prevention assemblies must be sized to accommodate the probable discharge from the assembly. Drains specifically installed for reduced pressure backflow prevention assemblies can be plumbed to daylight.

(h) All backflow prevention assemblies required shall be a model and size approved by the city. These assemblies shall be certified by:

- (1) American Society of Sanitary Engineers (ASSE);
 - (2) International Association of Plumbing/Mechanical Officials (IAPMO); or
 - (3) Foundation for Cross connection Control and Hydraulic Research, University of Southern California (USC-FCCCCHR).
- (Ord. No. 759, att.(13.05.080), 4-27-2021)

Sec. 13.05.085. Meter and vault details and illustrations.

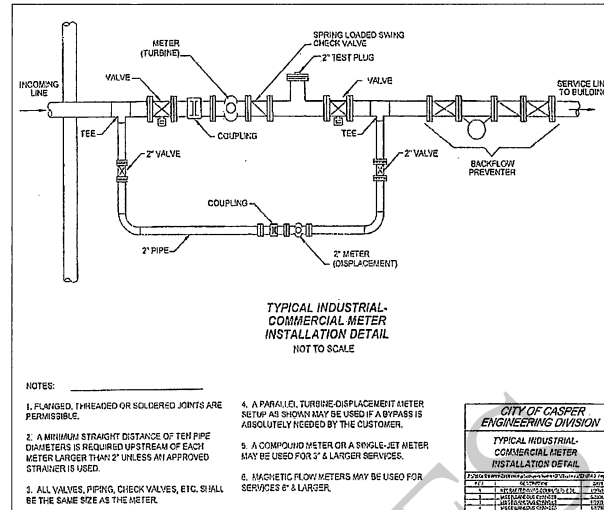


Figure 1. Typical industrial-commercial meter installation detail.

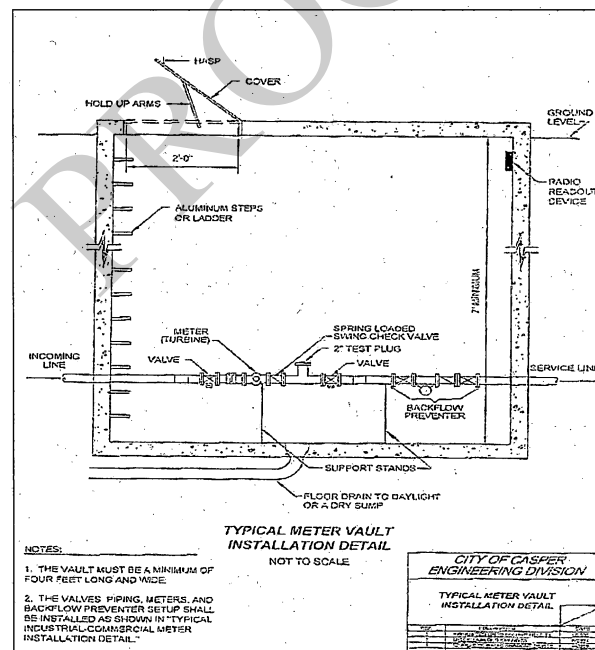


Figure 2. Typical meter vault installation detail.

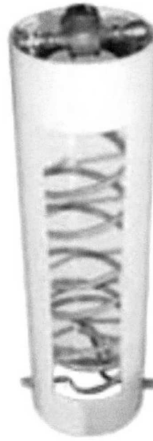


Figure 3. Coil meter
pit detail.

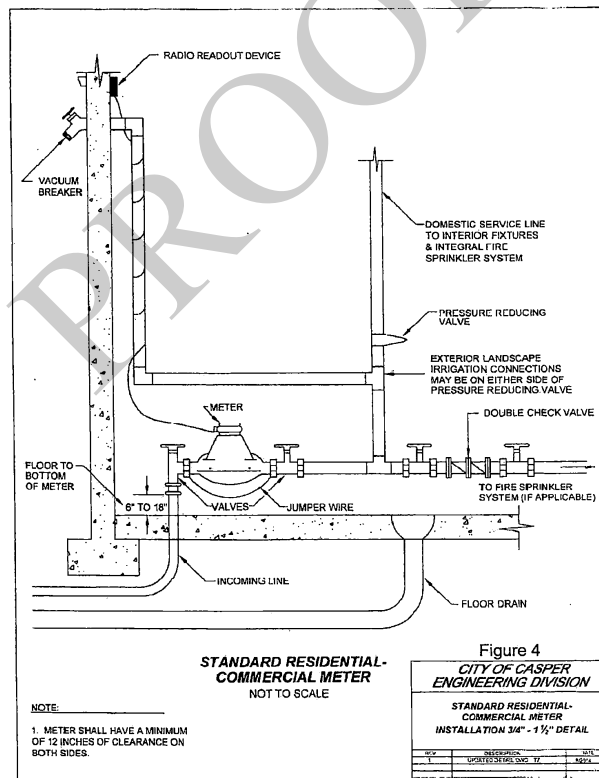


Figure 4. Standard residential-commercial meter.

CHAPTER 13.08. WATER USE REGULATIONS**Sec. 13.08.010. Purpose.**

The following provisions shall govern water use in the city.
(Ord. No. 759, att.(13.08.010), 4-27-2021)

Sec. 13.08.020. Unlawful activities designated.

It is unlawful and a violation of this chapter for any person, firm or corporation, either alone and/or in consort with others, to do any of the following:

- (1) To use water from the water supply system unless a valid application for service has been approved and all applicable fees and charges paid for said service;
- (2) Turn on any water supply at the stop-box without a valid permit issued by the city, or its authorized agents, unless said person is an authorized city employee;
- (3) Use water from the water supply system or permit water to be drawn therefrom, unless the same is metered by passing through a meter supplied or approved by the city, or its authorized agents, or a hydrant-use permit has been obtained, except for the extinguishment of fires or said person using said water is an authorized city employee who is engaged in authorized city work;
- (4) Refuse to give permission to the city, or its authorized agents, to enter the person's, firm's or corporation's premises, where the service is being received, at all reasonable times for the purpose of installing, reading, operating, inspecting, repairing or removing any or all of its apparatus used in connection with the supply and metering of water;
- (5) Operate fire hydrants or interfere in any way with the city water system without obtaining a permit, unless said person is an authorized employee of the city who is engaged in authorized city work;
- (6) Tap any distribution main or pipe of the water supply system or operate any valve or make any connection to such system, unless said person, firm or corporation is authorized by the city, or its authorized agents, to do so, or is employed by the city;
- (7) Permit water from the city water supply system to be used for any purpose except upon his or its own premises or for the extinguishment of fires, unless said use is authorized by the city, or its authorized agents;

(8) Permit a physical connection between a private water supply and the water supply system.
(Ord. No. 759, att.(13.08.020), 4-27-2021)

Sec. 13.08.030. Fireplug restrictions.

The taking of water from, the use of, or the interference with any of the fireplugs belonging to the city without the express permission of the chief of the fire department or of the city, or its authorized agents, is prohibited.

(Ord. No. 759, att.(13.08.030), 4-27-2021)

Sec. 13.08.040. Ownership to be prima facie evidence.

Whenever water from the water supply system is being used upon a lot, tract or parcel of land, or in any building situated thereon, or a connection to said system is made and said connection serves any lot, tract or parcel of land, or any building situated thereon, and said use or connection is unlawful and a violation of this chapter, then the fact of said use or connection shall be prima facie evidence that the owner of said lot, tract or parcel, or building situated thereon, is the person using said water, or was the person who made said connection.

(Ord. No. 759, att.(13.08.040), 4-27-2021)

Sec. 13.08.050. Violation; penalty.

Any person, firm or corporation violating any provision of this chapter shall be punished in accordance with chapter 1.03 and any amendments thereto. If any violation be continuing, each and every day's violation shall be deemed a separate offense.

(Ord. No. 759, att.(13.08.050), 4-27-2021)

CHAPTER 13.12. EXTRATERRITORIAL EXTENSIONS**Sec. 13.12.010. Purpose.**

The provisions in this chapter shall govern extraterritorial extensions in regard to the city.

(Ord. No. 759, att.(13.12.010), 4-27-2021)

Sec. 13.12.020. Approval and denial.

All extraterritorial water and sewer line extensions or improvements, whether contiguous or noncontiguous, shall have the approval of the city council. If it denies an extension or improvement request in keeping with the standards herein established or for other reasons, the improvements will not be made.

(Ord. No. 759, att.(13.12.020), 4-27-2021)

Sec. 13.12.030. Existing water lines—General policy guidelines.

The policy guidelines as they relate to existing extraterritorial water lines are as set out in sections 13.12.040 and 13.12.050.

(Ord. No. 759, att.(13.12.030), 4-27-2021)

Sec. 13.12.040. Existing water lines—Contiguous main lines.

(a) All requested improvements must be completely financed by the area served or through joint financing by the city and all property owners potentially benefited.

(b) All city engineering standards shall be met and required easements granted to the city in the event that existing service taps are requested to be increased in size by the receiving property owner.

(c) A sewage treatment or transportation plan shall be approved by the city, or its authorized agents, in conformance with current regulations of the city/county health department to be totally financed by the owner/developer of the contiguous land.

(d) In the event that service taps are increased in size or number after meeting all city requirements, the receiving property owner must provide a recorded commitment to immediately annex to the city without objection.

(e) The property owner must further commit to city building, zoning, and street improvement requirements, and must conform to the projected land use plan for all new construction.
(Ord. No. 759, att.(13.12.040), 4-27-2021)

Sec. 13.12.050. Existing water lines—Noncontiguous main lines.

(a) All requested improvements must be completely financed by the area served or through joint financing by the city and all property owners potentially benefited.

(b) All city engineering standards shall be met and required easements granted to the city in the event that existing service taps are requested to be increased in size by the receiving property owner.

(c) The city shall be assured that the intended volume-use of water will not affect water service demands within the corporate limits of the city for a minimum of three years.

(d) A sewage treatment or transportation plan shall be approved by the city, in conformance with current regulations of the city/county health department to be totally financed by the owner/developer of the contiguous land.

(e) In the event that service taps are increased in size or number after meeting all city requirements, the receiving property owner must provide a recorded commitment to immediately annex to the city without objection.

(f) The property owner must commit to adherence to the projected land use plan and to construct arterial streets through or on the property in conformance with city standards.
(Ord. No. 759, att.(13.12.050), 4-27-2021)

Sec. 13.12.060. New line extensions—General policy guidelines.

The policy guidelines as they relate to new line extensions are as set out in section 13.12.070 and 13.12.080.

(Ord. No. 759, att.(13.12.060), 4-27-2021)

Sec. 13.12.070. New line extensions—Contiguous line extensions.

(a) All requested improvements must be completely financed by the area served or through joint financing by the city and all property owners potentially benefited.

(b) All city engineering standards shall be met and required easements granted to the city for all service lines and taps.

(c) A sewage treatment or transportation plan shall be approved by the city, or its authorized agents, in conformance with current regulations of the city/county health department to be totally financed by the owner/developer of the contiguous land.

(d) The owner/developer shall submit a preliminary subdivision plat and commit to immediate annexation meeting all standards of city ordinances and of the city council.
(Ord. No. 759, att.(13.12.070), 4-27-2021)

Sec. 13.12.080. New line extensions—Noncontiguous line extensions.

(a) All improvements must be completely financed by the area served or through joint financing by the city and all property owners potentially benefited.

(b) All city engineering standards shall be met and required easements granted to the city for all service lines and taps in noncontiguous areas.

(c) A sewage treatment or transportation plan shall be approved by the city in conformance with current regulations of the city/county health department and is to be totally financed by the owner/developer of the noncontiguous land.

(d) The city shall be assured that intended volume use of water will not affect water service within the corporate limits of the city for a minimum of three years.

(e) The owner/developer shall provide a recorded commitment to annex to the city at the discretion of the city council.

(f) The owner/developer must commit to adhering and conforming to the project land use plan, city zoning restrictions, and street improvement requirements for all dedicated streets and projected arterial streets.

(Ord. No. 759, att.(13.12.080), 4-27-2021)

Sec. 13.12.090. City standards to be met as prerequisite to extension.

In no event will approval be granted for water and sewer line extensions to other incorporated areas until standards of land use, zoning and construction, compatible to the city are established and adhered to by such incorporated areas.

(Ord. No. 759, att.(13.12.090), 4-27-2021)

CHAPTER 13.13. PUBLIC WATER SYSTEMS OPERATING WITHIN THE CITY OF MILLS

Sec. 13.13.010. Purpose and application.

(a) Effective immediately upon adoption of the ordinance from which this title is derived, the provisions in this chapter shall come into effect which are designed and enacted to ensure the safe conveyance of water within the city for the public and with its safety in mind. Further, the city declares that the ongoing operation and presence of water delivery systems within the city that are outside of its regulation and jurisdiction constitutes a public health and safety emergency. Therefore, the provisions in this chapter are set into effect immediately upon the passage of the ordinance from which this chapter is derived.

(b) This chapter shall apply to any public water or sewer system located within the city's municipal boundaries and shall include both water or sewer systems that deliver their services to properties within the city and those which maintain means of conveying their services to properties that run through or under the city.

(Ord. No. 759, att.(13.13.010), 4-27-2021)

Sec. 13.13.020. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any person, company, municipality, service district, improvement district, group, association, governmental entity, joint powers board, or any other possible organization that is involved in the exchange of money and goods and services as part of its daily operating practices.

Occurrence means one day.

Public water or sewer system means any person, entity, company, municipality, district, service district, improvement district, group, association, governmental entity, joint powers board, or any other organization which has its sole or partial purpose to distribute and or sell water or sewer through a permanent means of conveyance and infrastructure. The term "public water or sewer system" shall not include any water or sewer systems that are subject to joint powers agreements which the city is a party to. Nor shall it include water wells with conveyance systems that are properly permitted with the state, provide water for irrigation purposes, and which are located upon the property which they serve.

(Ord. No. 759, att.(13.13.020), 4-27-2021)

Sec. 13.13.030. All water systems subject to contract/franchise.

(a) No water or sewer system shall be operated or maintained in the city without first acquiring a contract or franchise agreement with the city which shall allow it to operate and which consents to the jurisdiction of the city. This shall include any water or sewer system which delivers services to properties within the city or which runs its conveyances through the city.

(b) In such instances in which an area is annexed into the city in which such a system is operating, said system shall obtain a contract or franchise agreement with the city within 30 days of the effective date of annexation.

(c) Any such system which exists within the city at the time of the adoption of the ordinance from which this chapter is derived shall obtain a contract or franchise with the city within 30 day so of the effective date of the ordinance from which this chapter is derived taking effect.

(d) All such contracts or franchise agreements shall include:

- (1) The water or sewer systems' owner's consent to the jurisdiction of the city over the delivery and conveyance of services by the system's owners and agrees to annual obtain or renew a license from the city's public works department to operate the system.
- (2) A legal description of the system's means of conveyance.

- (3) a. A description of the systems charges for services, with the same to include rates that are such as set forth in W.S. 41-10-113(a)(xxvi), and which shall match as nearly as feasible the rates charged by the city for such services, where applicable, and which are not to depart from the same without a substantial and bona fide reason for the same. Further, said rates shall not exceed the actual costs of treating, delivering or transporting the water or sewer to the point of connection.
- b. As used in this subsection, actual costs of treating, delivering or transporting water or sewerage shall include a proportionate share of the following costs related to the water or sewer system:
1. Fees, including tap fees, interest charges and principal payments on all bonds issued and other indebtedness incurred to construct, purchase or improve the system;
 2. Salaries and wages of employees;
 3. The cost of materials, supplies, utilities and outside services;
 4. Other costs directly related to the water delivery or sewer system;
 5. The cost for providing and maintaining a depreciation fund, a fund for emergencies and a fund for acquisition and development of new water rights and water sources;
 6. Administrative and overhead expenses; and
 7. The cost of acquiring, treating, delivering or transporting water or sewer.
- c. Rate consideration will include cost to operate the system, mill levies imposed if any, cash reserves, and any other item the council deems reasonably applicable. The city may be the billing agent for any system collecting revenue if it so desires on a case-by-case basis for each system after its officials consider wherein doing so will benefit the users of the system. No employee of any public system will have any contact with any member of the public in which they represent themselves as having any authority over the system, unless expressly authorized to do so, in writing, by an executive city official.
- d. The council at its discretion may choose to not set the rates for certain systems if it deems there is no benefit in doing such. In such case the annual charges in this chapter will apply. If the council sets the rates the annual charges do not apply.
- (4) For all such systems which are proposed to operate within the city on an extended basis, a summation of a plan for acquisition of the system by the city or, should there be no proposal for the city to acquire the system, an explanation of why the system will remain outside of that owned and operated by the city.
- (5) An acknowledgement that the system is to be permitted and inspected by the city building official and the city engineer of the city and that all final permitting and inspections are to be done by the city and not the district.
- (6) The initial fee for said agreements shall be \$150,000.00 per year. The city council may set the fees following the fiscal year of the adoption of the ordinance from which this chapter is derived at a different rate if it wishes to.

(Ord. No. 759, att.(13.13.030), 4-27-2021)

Sec. 13.13.040. Infrastructure and operation.

(a) Any system operating within the city shall meet the same standards and specifications as applies to the systems owned and operated or operated by the city. The city may inspect any system to ensure compliance with this subsection. All work done by the system operator shall be inspected by the city before being put into operation. Inspections by the system operator shall not substitute for inspections by the city. All work or infrastructure which requires inspections or permitting shall have done the same through the city pursuant to its codes and regulations. Determinations made by the city in regard to inspections and permitting shall be determinative of the same.

(b) Any system that is annexed into the city shall submit to inspection within 30 days of annexation. Any deficiencies shall be addressed within 90 days of a notice of noncompliance being issued by the city. The city may extend this period upon a finding of a good faith attempt to comply or upon a finding that compliance will exceed 90 days, providing that a plan of compliance is submitted and approved by the city engineer and such other individuals as the city may designate for the same.

(c) Any system owner must provide a survey or plat of its infrastructure lying within the city within 30 days of annexation. Said information must also provide recordation data on any easements that serve the system. Should the system lack recorded easements where the same would be generally required, the system's owners must provide a plan to obtain the same at the point at which such information is submitted.

(d) Any system that exists within the city at the time at which the ordinance from which this title is derived goes into effect must comply with the same requirements set forth in subsections (a) through (c) of this section within 30 days of the ordinance from which this title is derived going into effect.

(e) The operator of any system subject to this chapter must obtain an annual license from the city to operate the same. The city may inspect any operator prior to issuance of the license. The fee for the annual license shall be \$150,000.00 and may be reset by the city council as it sees fit.

(f) Upon declaration of an emergency by the mayor of the city, the system operator furnishing water shall do so at the rate of \$2.00 per 1,000 gallons, or at costs, whichever are lower, for the duration of the emergency. During any such emergency, the city may require said water to be sent to the city municipal water system.

(Ord. No. 759, att.(13.13.040), 4-27-2021)

Sec. 13.13.050. Penalties.

(a) It shall be a misdemeanor to knowingly violate any provision of this chapter. The penalty for violation of this chapter shall be, for any person, company, municipality, service district, improvement district, group, association, governmental entity, joint powers board, or any other possible organization found guilty of violating this chapter \$750.00 per occurrence.

(b) Irrespective of whether a party is charged with a criminal violation of this section, the city may levy a civil penalty for violating this chapter of up to \$10,000.00 per day, or the limits of any amount which a state municipality may charge at law.

(c) Upon a determination that a system is operating in a manner which constitutes a risk to the health or safety of any person, or which constitutes a danger to public or private property, the city, through a code enforcement officer or other individual designated by the city to do so, may order the system owner to cease operations or to create a plan to be approved by the city's official to come into compliance, within 60 days of the providing notice of the same. For purposes of this section, such conditions constituting a violation of this section would include:

- (1) Operating a system which is contaminated with biological or chemical constituents that creates a public health hazard.
 - (2) Operating a system which falls below the system standards which are applicable to the city.
 - (3) Operating a system which contains means of conveyances which run under real residential or commercial structures which is not designed to serve those structures.
 - (4) Operating a system under a street or alley dedicated to the city without an agreement to do so.
- (Ord. No. 759, att.(13.13.050), 4-27-2021)

CHAPTER 13.16. WATER EMERGENCIES

Sec. 13.16.010. Purpose.

The provisions in this chapter shall govern water emergencies in the city.
(Ord. No. 759, att.(13.16.010), 4-27-2021)

Sec. 13.16.020. City council authorized to restrict water usage.

The city council shall have the right, at any time, to place such restrictions, including, but not limited to, moratoriums, on the use of city water as are deemed necessary.
(Ord. No. 759, att.(13.16.020), 4-27-2021)

Sec. 13.16.030. Notice of restrictions required.

Restrictions adopted by the city council, as provided in section 13.16.020, shall be published in a newspaper of general circulation within the city and shall become effective within 48 hours after such publication. In the event of a water emergency, as provided in section 13.16.040, notice of any restrictions on the use of water shall be given as soon as reasonably possible through the use of local radio and television stations, and newspapers of general circulation within the city.
(Ord. No. 759, att.(13.16.030), 4-27-2021)

Sec. 13.16.040. Water restrictions designated.

In the event of a water emergency, as defined in section 13.03.30, the mayor, upon the advice of the manager, is authorized to declare a water emergency and may place into immediate effect any or all of the following restrictions upon the use of water from the city's water system:

- (1) Restrict the amount to be supplied to wholesale customers to the amount required for domestic use only;

(2) Restrict lawn and garden irrigation to the following:

- a. Restrict park and public irrigation to the hours between 8:00 p.m. and 10:00 a.m.;
- b. Restrict all irrigation use to the hours between 8:00 p.m. and 10:00 a.m.;
- c. Restrict all irrigation use to the hours between 8:00 p.m. and 10:00 a.m. on alternate days;
- d. Prohibit all lawn and garden irrigation for a period not to exceed 48 hours.

(Ord. No. 759, att.(13.16.040), 4-27-2021)

Sec. 13.16.050. Declaration of emergency; council authority.

In the event that the mayor declares a water emergency, the city council shall take action to confirm or to deny the declaration of the emergency at its next regular meeting.

(Ord. No. 759, att.(13.16.050), 4-27-2021)

Sec. 13.16.060. Violation; penalty.

(a) Failure to comply with the provisions of this chapter shall be deemed a misdemeanor, and the penalty therefor shall be as set forth in chapter 1.03.

(b) In addition, the manager may place flow-restriction devices to limit the flow of water to minimum domestic needs in the service line of any person convicted of one violation of this chapter, during any one period of restricted use; and for persons who are convicted of two or more violations of this chapter during any one period of restricted use, the city may discontinue water service to such person.

(c) In the event any flow-restriction devices are placed in service lines, or if water service is discontinued as provided in this chapter, the manager shall, after payment of affixed service charges, remove such flow-restriction devices or shall reconnect and provide full water service in the case of discontinued service, when the period of restricted use ceases.

(Ord. No. 759, att.(13.16.060), 4-27-2021)

CHAPTER 13.17. CROSS CONNECTION AND BACKFLOW CONTROL

Sec. 13.17.010. Purpose.

The purpose of this chapter is as follows:

- (1) To protect the public potable water supply of the city from the possibility of contamination or pollution by isolating, within its customers' internal distribution systems, such contaminants or pollutants which could backflow or back-siphon into the public water system;
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water systems and non-potable systems, plumbing fixtures, and industrial piping systems; and

- (3) To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems by cross connection.

(Ord. No. 759, att.(13.17.010), 4-27-2021)

Sec. 13.17.020. Authority.

(a) The Federal Safe Drinking Water Act of 1974 and subsequent amendments provide that water suppliers have the primary responsibility for preventing water from unapproved sources, or any other substances, from entering public potable water systems.

(b) The state department of environmental quality in its water quality rules and regulations, chapter 12, Design and Construction Standards for Public Water Supplies, specifies requirements for cross connection control for public water supplies.

(Ord. No. 759, att.(13.17.020), 4-27-2021)

Sec. 13.17.030. Scope.

This chapter shall apply to all water service by the city.

(Ord. No. 759, att.(13.17.030), 4-27-2021)

Sec. 13.17.040. Responsibility.

(a) The implementation of this chapter requires the full cooperation of the consumer and the city (represented by the city building inspection office and the public utilities office).

(b) The interests and responsibilities of each are delineated as follows:

- (1) Consumer. The consumer has the primary responsibility for preventing pollutants and contaminants from entering his potable water system or the public water system. The consumer's responsibility starts at the point of delivery (service connection curb stop) and includes all of his internal water system. The consumer, at his own expense, shall install, operate, test, and maintain approved backflow prevention devices as required by this chapter.
- (2) City building inspection office. The city, through the plumbing inspector of the city building inspection office, has the responsibility to review building plans and inspect plumbing as it is installed, so as to prevent cross connections from being designed and built into structures within the plumbing inspector's jurisdiction. The plumbing official's inspection responsibility begins at the curb stop connection or water meter pit (on the customer side at this location) and continues throughout the entire extent of the customer's potable water system. Where any possibility that a cross connection might be made or where one is actually indicated by the plans, it shall be mandatory that approved backflow prevention devices be indicated by the plans, as determined by the degree of hazard that the inspector reasonably determines will be present, and such devices shall be properly installed.
- (3) Public utilities office. The city, through its public utilities office, has the responsibility of owning, operating and maintaining the public water system beginning at the source of supply and including adequate treatment facilities, a public water distribution system and service piping,

and ending at the point of delivery to the consumer's water system (service connection curb stop). In addition, the city public utilities shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. If, in the judgment of the administrator, an approved backflow device is required at the city's water service connection to any customer's premises, the administrator, or his delegated agent, may require by notice in writing to said customer, that approved backflow prevention devices be installed.

(Ord. No. 759, att.(13.17.040), 4-27-2021)

Sec. 13.17.050. Administration.

(a) The city will operate a cross connection control program, including the keeping of necessary records.

(b) The consumer shall allow his property to be inspected for possible cross connections and shall follow the provisions of this chapter if a cross connection is permitted.

(c) If the administrator requires that the public potable water supply to be protected by containment, the consumer is responsible for water quality beyond the outlet end of the containment device and shall utilize fixture outlet protection with backflow preventors in accordance to chapter 15.24 for that purpose. The consumer may utilize public health officials, or personnel from the public utilities office, or their delegated representatives, to assist him in the hazard classification survey of his facilities and to assist him in the selection of proper fixture outlet devices, and the proper installation of these devices. Additionally, the consumer must follow all requirements of title 15 and, specifically, chapter 15.24.

(d) Existing and future residential properties and existing and future domestic non-residential consumers shall be specifically excluded from the requirements of this chapter unless determined otherwise by a hazard classification. However, all new and/or modified residential properties or new and/or modified non-residential consumers having fire sprinkler systems may be required to have a backflow preventer in accordance to this chapter.

(Ord. No. 759, att.(13.17.050), 4-27-2021)

Sec. 13.17.060. Requirements.

(a) *City.*

- (1) For new installations, a hazard classification surveyor will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required and will perform an inspection of installation. Cross connection or backflow control devices installed for new or remodeled premises shall be as required by title 15 and, specifically, chapter 15.24, and this chapter. Under no circumstances is this chapter to be construed as superseding any of the requirements of title 15 and, specifically, chapter 15.24.
- (2) For existing commercial or industrial premises, the hazard classification surveyor will perform hazard classification surveys and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, a suggested method of achieving the correction, and the time allowed for the correction to be made. The time allowed for actual installation

of backflow/back-siphonage equipment shall be determined based on the hazard classification presented by each individual situation, as determined by the administrator, or his delegated agent. Premises found to be in need of cross connection or backflow prevention devices, but also noted by the administrator to exhibit a low hazard classification, shall be allowed no more than 30 months to provide the necessary cross connection or backflow prevention device. Failure or refusal to install the required devices shall constitute grounds for enforcement in accordance to section 13.17.100, which includes discontinuing water service to the premises until such devices have been properly installed.

- (3) The administrator will not allow any cross connection to remain unless it is protected by an approved backflow preventer, which will be regularly tested by a backflow assembly tester in accordance to section 13.17.090 to ensure satisfactory operation.
 - (4) If the administrator determines at any time that a high hazard classification is present and a serious threat to the public health exists, the water service for that premises will be terminated immediately.
 - (5) Existing and future residential properties shall be specifically excluded from the requirements of this chapter unless determined otherwise by a hazard classification. However, all new and/or modified residential properties having a separate residential fire sprinkler system shall be required to have a backflow preventer.
 - (6) Under no circumstances shall this chapter be construed to require existing or future domestic non-residential consumers commercial or industrial premises of no known hazard to the potable water system from cross connections or backflow events to install or operate cross connection or backflow prevention equipment unless determined otherwise by a hazard classification and/or unless a separate domestic non-residential fire sprinkler system is installed.
- (b) *Consumer.*
- (1) The consumer shall be responsible for the elimination or protection of all cross connections on his premises.
 - (2) The consumer, after having been informed by a letter from the administrator, shall at his expense install, maintain and test, or have tested, any and all backflow preventers on his premises. Backflow preventers shall be tested at the consumer's cost by a backflow assembly tester at intervals in accordance to section 13.17.090.
 - (3) The consumer shall correct any malfunction of the backflow preventer which is revealed by periodic testing.
 - (4) The consumer shall inform the administrator of any proposed or modified cross connections and also of any existing cross connections of which the consumer is aware, but has not been identified by the city public utilities office or the city plumbing inspector.
 - (5) The consumer shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Consumers who cannot shut down operation for testing of the device must supply additional devices necessary to allow testing to take place.

- (6) The consumer shall install an approved backflow prevention device in accordance with chapter 13.05 and other chapters of this Code, and in a manner approved by the public services department and the city building inspection office. Drains for reduced pressure principle backflow preventers or reduced pressure principle detector backflow preventers must be sized to accommodate the probable discharge from the preventer. Drains, specifically installed for reduced pressure principle backflow preventers or reduced pressure principle detector backflow preventers, can be plumbed to daylight.
 - (7) Any consumer having a private well or other private water source shall inform the administrator if the well or source is cross connected to the city's potable water system. Permission to cross connect may be denied by the administrator. The consumer may be required to install a backflow preventer at the service connection if a private water source is maintained, even if it is not cross connected to the city's potable water system.
 - (8) In the event the consumer installs plumbing to provide potable water for domestic purposes which is on the public utilities' side of the backflow preventer, such plumbing must have its own backflow preventer installed.
 - (9) The consumer shall be responsible for the payment of all fees for annual (or more frequent) device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for noncompliance with this chapter.
 - (10) A residential fire sprinkler system or a domestic non-residential fire sprinkler system having a water service meter one inch in size or smaller and having a separate fire sprinkler system shall have the sprinkler system connected after the incoming water meter. In addition, a proper backflow preventer will be required on the separate fire sprinkler line.
 - (11) All fire sprinkler systems 1½ inches and larger shall have a separate service line from the water main to the building.
- (Ord. No. 759, att.(13.17.060), 4-27-2021)

Sec. 13.17.070. Hazard classification.

(a) The city recognizes the threat to the public water system arising from cross connections. All threats will be categorized by hazard classification and will require the installation of approved cross connection or backflow prevention devices.

(b) Fire sprinkler systems shall generally be considered a low hazard classification and a double detector check valve assembly shall be used. If the system requires the use of an anti-freeze solution, only water solutions of pure glycerin or propylene glycol, meeting Table 3-5.2.1 of the National Fire Protection Association (NFPA) 13, Installation of Sprinkler Systems, latest edition, as it may be amended from time to time, shall be utilized. The non-hazardous anti-freeze must meet all requirements of the national sanitation foundation (NSF). Residential fire sprinkler systems or domestic non-residential fire sprinkler systems shall generally be considered a low-hazard classification and a double check valve assembly shall be used for the sprinkler system unless determined otherwise by a hazard classification.

- (1) If other anti-freeze solution, such as ethylene glycol are used in the fire sprinkler system, this is considered a high-hazard classification, and a reduced pressure principle detector backflow preventer shall be used.

(2) If existing fire sprinkler systems to be retrofitted have head loss problems, the owner shall consult with the administrator to develop a solution.
(Ord. No. 759, att.(13.17.070), 4-27-2021)

Sec. 13.17.080. Existing in-use backflow prevention devices.

Any existing backflow preventer shall be allowed by the administrator to continue in service unless hazard classification is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the hazard classification has increased, as in the case of a residential installation converting to an at-risk business establishment, the existing backflow preventer must be upgraded to a device providing protection for the new hazard classification present, as determined by the administrator.

(Ord. No. 759, att.(13.17.080), 4-27-2021)

Sec. 13.17.090. Periodic testing.

(a) It shall be the duty of the consumer at any commercial or industrial establishment where backflow prevention devices are installed to have certified inspections and operational tests made at least once every year. In those instances where the administrator deems the hazard classification to be great enough, he may require certified inspections at more frequent intervals. Double check valves used for residential or domestic non-residential fire sprinkler systems with water service lines and meters one inch in size or smaller will not have to be tested. However, it is up to the owner to ensure the device is working.

(b) Periodic inspections and tests shall be at the sole expense of the consumer.

(c) Inspections shall be performed by a backflow assembly tester as certified (section 13.03.30). It shall be the duty of the consumer to see that these tests are made in a timely manner, and that the results of these tests are submitted to the administrator within one month of the expiration of the prescribed time period, the actual test having been performed not more than three months prior to the expiration of the prescribed time period.

(d) Any backflow preventer which fails during a periodic test shall be repaired or replaced at the expense of the consumer. When repairs are necessary, upon completion of the repair the device will be retested at owners' expense to ensure correct operation. High-hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately unless a short compliance date is granted by the administrator. In other low-hazard situations, a compliance date of not more than 30 days after the test date will be established by the administrator. The consumer is responsible for spare parts, repair tools or a replacement device.

(e) Backflow prevention devices will be tested more frequently than specified in section 13.17.080 in cases where the hazard classification indicates a high hazard or there is a history of test failures. The administrator shall determine the testing schedule based upon the degree of hazard. Cost of the additional tests will be borne by the consumer.

(Ord. No. 759, att.(13.17.090), 4-27-2021)

Sec. 13.17.100. Enforcement.

The city may use any or all the following methods to achieve compliance with this chapter:

- (1) The city building inspector may deny or revoke building and/or occupancy permits on property where the consumer has not installed the proper backflow preventers.
- (2) The city may, in the event of noncompliance, physically disconnect the water service from its existing water facilities. The consumer or owner shall be responsible for all costs associated with disconnecting and reconnecting the water service.
- (3) A violation of this chapter shall be a misdemeanor, punishable according to chapter 1.03. In addition to any criminal prosecution, the city may sue for relief in civil court to enforce the provisions of this chapter.
- (4) Knowingly furnishing false information to the administrator on any matter relating to the administration of this chapter shall constitute a misdemeanor punishable according to chapter 1.03.

(Ord. No. 759, att.(13.17.100), 4-27-2021)

CHAPTER 13.18. SEWERS GENERALLY

Sec. 13.18.000. Purpose.

The provisions of this chapter shall apply in the city.

(Ord. No. 759, att.(13.18.000), 4-27-2021)

Sec. 13.18.020. Use of public sewers required.

(a) No person shall place, deposit, or permit any human or animal excrement, garbage or other objectionable waste to be deposited in any unsanitary manner on public or private property within the city, or on any city property outside the city.

(b) No person shall discharge any sewage or other polluted waters into any natural outlet within the city, or in any area under the jurisdiction of the city, except where suitable treatment has been provided in accordance with this provision.

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so by the city, provided that such public sewer is within 300 feet (91 meters) of the property line by way of road rights-of-way and easements.

(e) City water service may be terminated to any property which has not hooked up to the sewer system in compliance with the provisions of this chapter or any other applicable law, rule or regulation. (Ord. No. 759, att.(13.18.020), 4-27-2021)

Sec. 13.18.30. Responsibility of uninterrupted service.

(a) The city shall only be responsible, and it is hereby made the duty of the city and of the officers thereof, to make all reasonable effort to furnish continuous and uninterrupted main line sewage service to each and every user having a legal right to hook on or attach to the main line. This section shall not apply to any user who has, by reason of nonpayment of charges assessed against him, or by violation of any provision of this chapter or of any related ordinance, forfeited his right to the service. The city shall not be liable to any suit for damage or other claim against the city arising from, or based upon, any unavoidable interruption of the main line sewage service, but shall make every reasonable effort to restore the service as soon as possible.

(b) It is unlawful for any officer of the city to make, permit, or allow to be made, any hook-on attachment to the main line sewer system or to any line thereof, beyond the number of attachments that the sewer is estimated to properly and adequately accommodate. For the purposes of this subsection, the decision shall rest with the mayor and council, subject to reference to competent state authority. (Ord. No. 759, att.(13.18.030), 4-27-2021)

Sec. 13.18.040. Building sewers and connections.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining permission from the city.

(b) All taps or connections into any sewer main of the city shall be completed under the direction and supervision of an authorized employee of the city and subject to material and method approval by the city. No substitutions are allowed unless approval in writing is granted by the public works director.

(c) Any cost for taps, including excavation, materials, tools, backfill, compaction and resurfacing of street, and replacement of curb, gutter and sidewalks, shall be done at the full expense of the property owner, developer or contractor.

(d) A separate and independent building sewer shall be provided for each building.

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and any required test by the city, to meet all requirements of this chapter.

(f) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the International Building Code and applicable rules and regulations of the city.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

(h) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be permanently repaired and restored in accordance with construction standards used by or adopted by the city.

(Ord. No. 759, att.(13.18.040), 4-27-2021)

Sec. 13.18.050. Federal Categorical Pretreatment Standards.

Upon the promulgation of the categorical standard for a particular industrial subcategory, the standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The city shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12, as enacted or hereafter amended.

(Ord. No. 759, att.(13.18.050), 4-27-2021)

Sec. 13.18.060. State requirements to apply when.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(Ord. No. 759, att.(13.18.060), 4-27-2021)

Sec. 13.18.070. Specific pollutant limitations designated; local limits.

(a) Maximum total allowable industrial loading that can be accepted at the POTW for treatment in accordance with guidance established by federal law is limited to:

<i>Pollutant</i>	<i>Maximum Allowable Industrial Loading (lbs./day)</i>
Arsenic	43.142
Cadmium	2.010
Chromium Total	272.207
Chromium (VI)	24.397
Copper	17.908
Lead	21.979
Molybdenum	1.575
Nickel	9.232
Selenium	3.403
Silver	26.681
Zinc	52.276
Pollutant	Maximum industrial effluent discharge
Mercury	0.007 mg/L

(b) Any other specific pollutants identified by the city may also have specific effluent permit limitations set by the city to restrict their discharge into the system.

(c) The maximum allowable industrial loadings in pounds per day listed under subsection (a) of this section will be distributed using criteria established in the city's report on the development of local limits under the pretreatment program, June 1994, and EPA Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, December, 1987 (as they now exist or as they are hereafter revised).

(d) Best available technology (BAT) shall be used for pretreatment of any discharges to the POTW from the cleanup activities of soil, aquifer, or groundwater table associated with leaking underground storage tanks of spills of any petroleum products. The BAT shall be capable of reducing the benzene concentration to less than 0.05 milligrams per liter and the total benzene, toluene, ethyl benzene, and xylene (BTEX) to less than 0.750 milligrams per liter. This is in accordance with guidance established in EPA's Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks, June 1989.

(e) The city may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement local limits and the requirements of section 13.18.080. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludges or waste disposal, or drainage from raw materials storage.

(f) The city reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter.

(Ord. No. 759, att.(13.18.070), 4-27-2021)

Sec. 13.18.080. Prohibited substances designated; general prohibitions.

(a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes pass-through or will interfere with the operations or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, waste streams with closed up flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius), using test methods in 40 CFR 261.21, as enacted or hereafter amended. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the POTW system), be more than five percent, nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city/district/county, the state or the EPA has notified the user is a fire hazard or a hazard to the system.
- (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to,

grease, garbage with particles greater than one-half inch in any dimension, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone, or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining, or processing of, fuel or lubricating oil, mud or glass-grinding or -polishing wastes.

- (3) Petroleum-based oil in sufficient enough amounts that cause pass-through or interference to the system, and in no cases, exceeding 100 milligrams per liter.
- (4) Any wastewater having a pH less than 5.0 or greater than 12.0, unless the POTW is specifically designed to accommodate such wastewater or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.
- (5) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, result in toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems, create a toxic effect in the receiving waters of the POTW or to exceed the limitation set forth in a categorical standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.
- (6) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the public sewers for maintenance and repair.
- (7) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (8) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- (9) Any wastewater with objectionable color which cannot be removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (10) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature above 65 degrees Celsius (150 degrees Fahrenheit) or a temperature that causes the POTW influent to exceed 40 degrees Celsius (104 degrees Fahrenheit), unless the POTW treatment plant is designed to accommodate such temperature.

- (11) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed limits set by the city.
 - (12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.
 - (13) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (14) Any discharge of trucked or hauled wastes is prohibited except at discharge points designated by the POTW. Designation points shall be pursuant to rules and regulations of the city.
 - (15) Any wastewater that causes the influent to the POTW to exceed the maximum allowable industrial loadings specified in section 13.18.070(a).
- (b) When the city determines that a user is contributing to the POTW any of the substances listed in subsections (1) through (15) of subsection (a) of this section in such amounts as to interfere with the operation of the POTW, the city shall:
- (1) Advise the user of the impact of the contribution on the POTW; and
 - (2) Develop effluent limitation for such user to correct the interference with the POTW; provided, however, nothing contained herein shall be interpreted to prohibit the city from taking immediate enforcement action against a user who is contributing in violation of this chapter.
- (Ord. No. 759, att.(13.18.080), 4-27-2021)

Sec. 13.18.090. Discharge of unpolluted waters.

- (a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, or subsurface drainage to any sanitary sewer.
- (b) Stormwaters and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city and other regulatory agencies.
- (Ord. No. 759, att.(13.18.090), 4-27-2021)

Sec. 13.18.100. Increasing or diluting discharge to avoid proper treatment prohibited.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the pretreatment standard, or in any other pollutant-specific limitation developed for the industrial user.

(Ord. No. 759, att.(13.18.100), 4-27-2021)

Sec. 13.18.110. Tenant responsibility.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter.

(Ord. No. 759, att.(13.18.110), 4-27-2021)

Sec. 13.18.120. Damaging or tampering with wastewater facilities.

Any person who maliciously, willfully or negligently breaks, damages, destroys, uncovers, defaces or tampers with any structure, appurtenance or equipment, which is a part of the wastewater facilities is guilty of a misdemeanor and subject to punishment pursuant to chapter 1.03.

(Ord. No. 759, att.(13.18.120), 4-27-2021)

Sec. 13.18.130. Pretreatment conditions.

(a) Users shall provide and maintain in a safe and proper manner, at their own expense, necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical standards and additional standards required by this chapter within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to an acceptable level shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(b) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, state, or city, upon request. These records shall remain available for a period of at least three years after their collection. This period shall be extended during any litigation concerning compliance or permit conditions.

(Ord. No. 759, att.(13.18.130), 4-27-2021)

Sec. 13.18.140. Grease, oil and sand interceptors.

(a) Grease, oil and sand interceptors shall be provided or modified when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. Modifications to existing interceptors may be required when violations of this chapter exist. All interceptors shall be of a type said capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the city. Any removal and hauling of the collected materials not performed by the owner must be performed by waste disposal firms.

(b) The following are subject to this chapter:

- (1) All new construction;
- (2) Renovations to existing interceptors or related plumbing fixtures to the interceptor;
- (3) Existing interceptors that are not operating properly;
- (4) Existing interceptors that are causing blockages or flow obstruction in the POTW;

- (5) Existing industrial users without interceptors who are causing blockages or flow obstructions to the POTW.
 - (c) Proper construction and operation of grease interceptors, oil and sand interceptors, and inspection manholes (monitoring facilities) is required.
 - (d) The city may alter specifications in the following situations:
 - (1) When outside interceptors are placed on public rights-of-way because no private property is available;
 - (2) When inside interceptors are placed within buildings;
 - (3) When the proposed alterations provide minimum retention time of 15 minutes, a minimum total water capacity of 750 gallons, and have the same basic proportional dimensions, comparable volumes and functional capabilities as outlined in figure 1 below section 13.18.210.
- (Ord. No. 759, att.(13.18.140), 4-27-2021)

Sec. 13.18.150. Grease, oil and sand interceptors; general requirements.

- (a) All wastewater discharged must comply with all provisions of this chapter.
 - (1) The user, owner and tenant shall be jointly and severally responsible for the proper inspection, removal and disposal of the material captured by any interceptor installed, and shall maintain records of the dates and means of disposal of this material. These records shall be made available to the city manager, or his designee, upon request. The collected intercepted materials shall be disposed of in accordance with the appropriate local, state and federal regulations and laws.
 - (2) All interceptors shall be maintained by the user, owner or tenant, by a regular maintenance schedule, which shall be performed before the retention capacity of the interceptor is exceeded. At a minimum, a monthly inspection of the interceptor by the user, owner, or tenant shall be performed to assess the need for cleaning. Documentation will be maintained by the user, owner, or tenant on site, in order to verify when the interceptor was inspected and cleaned.
 - (3) The user, owner or tenant shall allow city personnel ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, record examination, or in the performance of any other duties related to the interceptor on the premises.
- (b) This chapter shall supplement all requirements of the International Plumbing Code as adopted by the city. All interceptor and inspection manhole installations shall meet the requirements of International Plumbing Codes and/or all other local government requirements. The city is not responsible for violations of these requirements.
- (c) The complete interceptor installation, including equipment, structural design, backfilling, safety provisions, etc., shall be the responsibility of the user, owner or tenant, and any licensed contractor utilized by the user.

(d) It shall be the responsibility of the user, owner or tenant to contact the city for the purpose of plan review. The plan review shall determine the need, method, and size of interceptor required to pretreat or otherwise control the wastes in order to make them acceptable for discharge into the POTW. Upon completion of the review, users shall submit a set of complete plans and details of the proposed installation along with computations relative to sizing. Users shall retain a duplicate set of such records for the life of the interceptor. The records shall remain with the property through changes of ownership or tenancy.

(e) The time allowed for actual installation or modification of a grease interceptor, oil and sand interceptor, and inspection manhole units shall be determined based on degree of urgency presented by each individual situation, as determined by the city. Premises found to be in need of these units, but also noted by the city to exhibit low degree of urgency, shall be allowed no more than 30 months to provide the necessary units.

(f) Users, or tenants who are dissatisfied with city staff decisions regarding grease interceptors, oil and sand interceptors, or inspection manholes, have the right to appeal by requesting a hearing before the public utilities board. The request for a hearing shall be made in writing to the city manager within ten days of the city staff decision and shall state the grounds for the request. The hearing will be conducted as part of the board's regular monthly meeting.

- (1) If the user, owner, or tenant is dissatisfied with the actions of the city utilities advisory board, they may request a hearing before the city council. The request for hearing shall be in writing, within ten days of the city utilities advisory board's decision, to the city manager and shall state the grounds for the request. The city council shall fix the time and place for the hearing of the appeal. Such date shall not be less than ten or more than 60 days from the date that the request for hearing is filed.
 - (2) The city council shall render its decision following the hearing. The decision of the city council is final and not appealable.
 - (3) At any hearing, the user, owner, or tenant shall be entitled to present evidence; ask questions of staff and any witnesses; and make argument regarding the decision, the evidence and the appropriate outcome. City staff shall be entitled to present evidence; ask questions of the petitioners and any witnesses; and make argument regarding the decision, the evidence and the appropriate outcome.
 - (4) In any appeals to city council, all documents and other evidence presented at the hearing to the public utilities board shall be forwarded to council along with either a transcript or recording of the utilities board hearing and any written decisions made by the utilities board.
- (g) The city shall use any or all of the following methods to achieve compliance with this chapter:
- a. Any user who constructs, installs, modifies or operates a grease interceptor, oil and sand interceptor or inspection manhole in noncompliance with this chapter, shall immediately cease such construction or operation upon notification by the city.
 - b. The city may suspend wastewater service when such suspension is necessary to stop an actual or threatened endangerment to the wastewater system (including sewer main backups).

- c. Enforcement may be invoked by the city.
- d. The city may recommend to deny or revoke building and occupancy permits for buildings served by the facilities in question.
- e. The city reserves the right, in the event of noncompliance, to physically disconnect the grease interceptor, oil and sand interceptor or inspection manhole from its existing sewer system. The user, owner and tenant shall be responsible for all costs and expenses incurred by the city associated with disconnecting and reconnecting the facilities.

(Ord. No. 759, att.(13.18.150), 4-27-2021)

Sec. 13.18.160. Grease interceptors; specific requirements.

(a) Grease interceptors shall provide for and meet the following requirements:

- (1) Wastes discharged from fixtures and equipment in establishments which may contain grease, including, but not limited to, scullery sinks, pot and pan sinks, dishwashing machines, soup kettles, and floor drains located in areas where grease-containing equipment may exist, shall be drained through grease interceptors. Drains from toilets, restroom sinks, and showers shall not be connected to the grease interceptor, but shall connect to the POTW separately from any grease interceptor installation.
- (2) Garbage grinders shall not be connected to grease interceptors, shall not be used for disposal of any grease/oil, and shall connect to the POTW separately from any grease interceptor installation.
- (3) All grease interceptors shall be installed and connected in such a manner as to at all times be easily accessible for inspection, cleaning, and removal of the intercepted grease. A grease interceptor may not be installed near food-handling facilities. Outside grease interceptors shall be designed for traffic loading, as referenced in section 13.18.215.
- (4) When required by this Code, grease interceptors shall contain two compartments and shall be located outside the building on private property.
- (5) Grease interceptors may be constructed of cast iron, steel, reinforced fiberglass, or concrete.
- (6) Generally, the minimum cleaning frequency of any outdoor interceptor shall be quarterly, (90-day period) or semiannually (six-month period), or as directed by the city. A written record of all cleaning shall be kept on-site for verification purposes. The cleaning frequency shall be more frequent if grease trap loading is exceeded or the city's POTW is blocked or indicates heavy accumulation of grease.
- (7) The city may not require installation of an interceptor for facilities that do not cook the food that is served, and do not wash equipment or utensils associated with the preparation or service of cooked food.

(b) When determining the minimum size of a required interceptor, the following will be considered (these sizing criteria represent minimum requirements and do not reflect special circumstances, which may necessitate increased sizing):

- (1) The minimum acceptable volume shall not be less than 750 gallons (with automatic dishwasher not less than 1,000 gallons).

- (2) The following table will determine a total rate of flow in gallons per minute from kitchen facilities, based on a fixture unit count. Using this flow, the required size of the grease interceptor can be estimated. The total rate of flow shall be multiplied by 15 minutes of minimum retention time, with the resulting volume expressed in gallons.

<i>Size of Interceptor—Total Flow Rate Times 15 Minutes of Retention Time</i>	
<i>Type of fixture</i>	<i>Flow rate, in G.P.M.</i>
Floor drain/sink	10
Restaurant kitchen sink	15
Single-compartment sink	20
Double-compartment sink	25
Three-compartment sinks	35
2 Single-compartment sinks	25
2 Double-compartment sinks	35
2 Three-compartment sinks	45
Dishwasher for restaurants:	
Up to 30-gallon water capacity	15
30- to 50-gallon water capacity	25
50- to 100-gallon water capacity	40

- (3) The city will consider alternate interceptor designs, based on a minimum retention time of 15 minutes and a minimum total water capacity of 750 gallons. Other combinations of tank dimensions may be submitted to the city for approval. Any alternate design shall have the same basic proportional dimensions, comparable volumes, and functional capabilities as outlined in figure 1 below section 13.18.210.

(c) Grease interceptors within buildings may be allowed for existing buildings where renovations are proposed and an outside interceptor is not feasible to install due to space problems if the following conditions are met:

- (1) Sufficient ventilation is provided to remove potential odors;
- (2) Outside access for cleaning;
- (3) Sufficient space around interceptor to allow for proper cleaning of the interceptor;
- (4) A monthly cleaning schedule is followed and a written record of all maintenance shall be available on-site;

(d) The sizing of inside traps will be determined by the city on a case-by-case basis.
(Ord. No. 759, att.(13.18.160), 4-27-2021)

Sec. 13.18.170. Oil and sand interceptors; specific requirements.

- (a) Oil and sand interceptors shall provide for and meet the following requirements:
- (1) Provide for the proper handling of building wastewater containing flammable wastes, oils, sands, solids, or other ingredients harmful to the POTW;

- (2) Two-compartment oil and sand interceptors, as detailed in figure 2 below section 13.18.210, shall be required for each bay in any existing or proposed vehicle or equipment washing or cleaning operation;
- (3) All oil and sand interceptors shall be installed and connected in such a manner that they shall be easily accessible at all times for inspection, cleaning, and removal of the intercepted material (oil and sand, etc.). If warranted, the oil and sand interceptor shall be designed for traffic loadings as referenced in section 13.05.060(c)(10);
- (4) All facilities used for cleaning vehicles, equipment, or machine parts shall be constructed to prevent the entrance of stormwater or surface water into the POTW;
- (5) Oil and sand interceptors may be constructed of cast iron, steel, reinforced fiberglass or concrete.

(b) Oil and sand interceptors shall be designed with a minimum retention time of ten minutes. Alternate designs will be considered, provided that the proposed design shall have the same basic proportional dimensions, comparable volumes, and functional capabilities as outlined in figure 2 below section 13.18.210 or International Plumbing Code guidelines.

(Ord. No. 759, att.(13.18.170), 4-27-2021)

Sec. 13.18.180. Inspection manholes (monitoring facilities).

(a) An inspection manhole (monitoring facility) shall be required on the service line of all nondomestic users who are required to have any interceptor under this chapter, unless an exception has been granted by the city. The inspection manhole shall allow for proper inspection, sampling, temperature monitoring and flow measurement of the waste within the building sewer. All wastewater from the building shall go through the inspection manhole. Two individual discharge lines, one containing domestic discharge and the other originating from the interceptor, must discharge separately into the inspection manhole. The purpose for two separate lines is to ensure that the interceptor is properly functioning, properly maintained and that no excessive accumulation of grease, oil or sand is being released to the POTW.

(b) The inspection manhole shall normally be installed on the user's premises. The city may allow the inspection manhole to be constructed within the public right-of-way when it is deemed impractical to do otherwise.

(c) The inspection manhole (monitoring facility) shall be located in such a manner as to allow easy access for inspection and sampling purposes.

(d) The inspection manhole shall be designed to allow traffic loadings. All manholes less than five feet in depth may be constructed of reinforced concrete pipe with a diameter of not less than 36 inches (See figure 3 below section 13.18.210.). All manholes over five feet in depth must be constructed in accordance with public utilities standard manhole detail (See figure 4 below section 13.18.210.).

(e) Inspection manholes may not be required if, in the judgment of the city, other appropriate facilities are available.

(Ord. No. 759, att.(13.18.180), 4-27-2021)

Sec. 13.18.190. Grease, oil and sand interceptor; construction specifications.

The following apply to the construction of interceptors:

- (1) The standards set forth in Figures 1 through 4 in section 13.18.215 are shown to convey the conceptual standard dimensional requirements for interceptors.
 - (2) The volume of the secondary compartment shall be one-third of the total capacity.
 - (3) Walls, bottom and top shall be constructed for the appropriate traffic loads and solid loads and shall be watertight.
 - (4) All rebar for reinforced concrete interceptors shall have a two-inch minimum cover to the outside concrete surface.
 - (5) Designs shall be submitted for approval and shall be certified by a licensed engineer.
 - (6) Inlet and outlet pipe sizes shall be determined by user's or owner's architect/engineer but shall not be less than four-inch diameter. The outlet pipe invert is to be two inches lower than inlet pipe.
 - (7) Closed compartments shall be vented in accordance with International Plumbing Code requirements.
 - (8) All joints in pre-cast sections shall be sealed with flexible sealing compound.
 - (9) Vent pipe materials and location shall be in accordance with the International Plumbing Code.
 - (10) The top slab may be of one-piece construction or of multiple segment construction, at the discretion of the owner.
 - (11) The drawings (Figures 1 through 4) as found in section 13.18.215 are not to scale.
- (Ord. No. 759, att.(13.18.190), 4-27-2021)

Sec. 13.18.200. Trucked or hauled wastes removal and transportation.

(a) No person, firm or corporation engaged in trucked or hauled waste removal or transportation shall be allowed to discharge or dispose waste into the POTW unless they comply with the following hauling requirements:

- (1) Hold a valid hauling account from the city.
- (2) Carry liability insurance of such kind and in such amounts as the city may require to protect itself from loss or damage that may directly or indirectly be occasioned by the discharge of hauled waste into the POTW.
- (3) Complete a waste manifest obtained from the city or its designee.
- (4) Commingling of industrial, process, and domestic wastewater is prohibited, unless authorized by the city or its designee.
- (5) Any waste collected from a business or industry must receive an authorization from the city before disposal into the POTW is allowed.

(b) The city or its designee shall have the right to inspect and sample any trucked or hauled waste before allowing discharge to the POTW to verify compliance with the provisions of this chapter and any applicable federal or state laws.

(c) The city shall have the right to refuse the discharge of any trucked or hauled waste to the POTW if it determines within its absolute discretion that the discharge of such trucked or hauled waste would not comply with the provisions of this chapter and any applicable federal or state laws.

(d) The discharge of any trucked or hauled waste containing hazardous wastes, as defined under applicable federal and state laws and regulations, to the POTW shall be strictly prohibited.
(Ord. No. 759, att.(13.18.200), 4-27-2021)

Sec. 13.18.210. Trucked or hauled waste disposal.

(a) Trucked or hauled waste shall be introduced into the POTW at a designated receiving area or discharge point. Such wastes shall not violate any applicable provision of this Code or any other requirements established by the city and applicable federal or state laws.

(b) The city or its designee may issue wastewater discharge permits to the waste generator or the hauler.

(c) All nondomestic hauled wastes must have prior authorization from the city or its designee for disposal at the POTW. The city or its designee may collect samples of each load or sample randomly to ensure compliance with applicable standards.

(d) The applicable waste hauler or the generator must complete the city's waste-tracking manifest for every load and furnish the listed required information.

(e) In all cases, the city reserves the right to accept or reject any waste as it deems necessary. The city or its designee may stop or cease a discharge or disposal from a truck or other device at any time.

(f) A hauled waste disposal permit may be suspended or revoked for any violations of these regulations.

(Ord. No. 759, att.(13.18.210), 4-27-2021)

Sec. 13.18.215. Grease, sand and oil interceptor and inspection manhole detail illustrations.

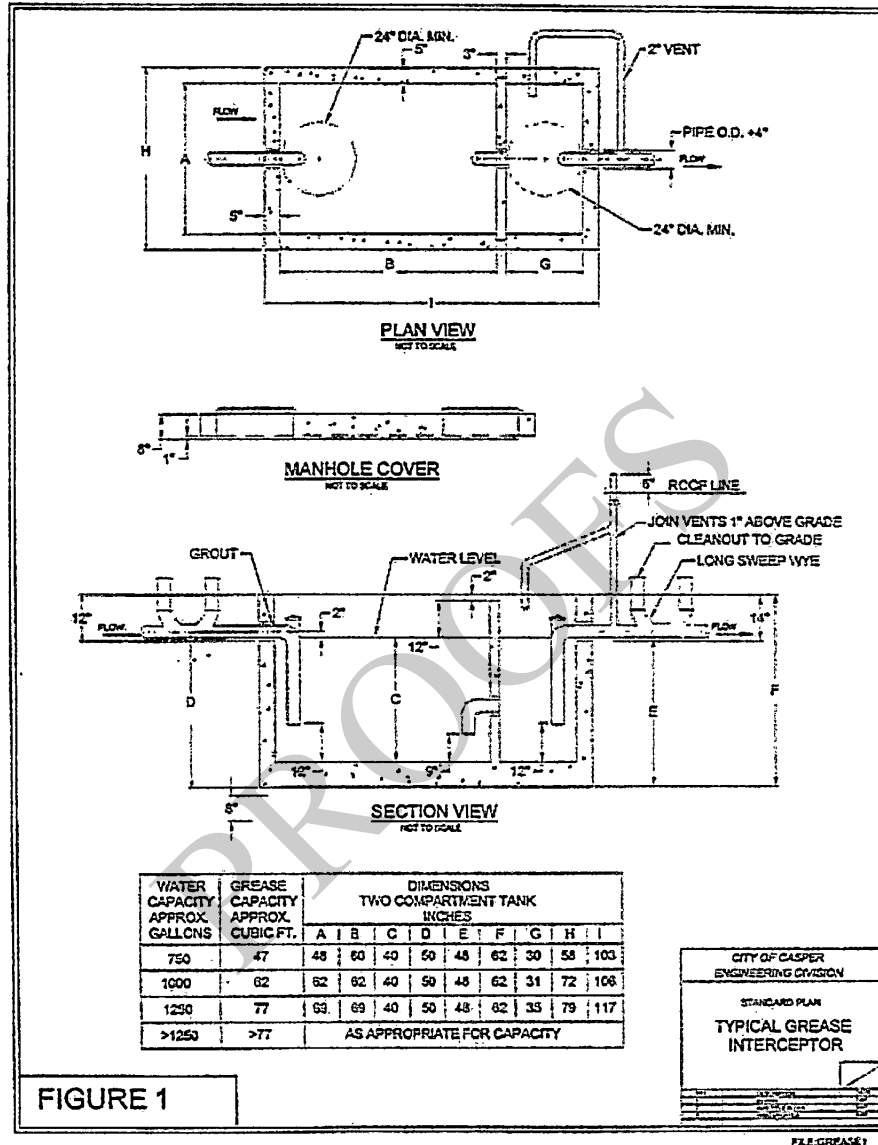


FIGURE 1

Figure 1. Typical grease interceptor

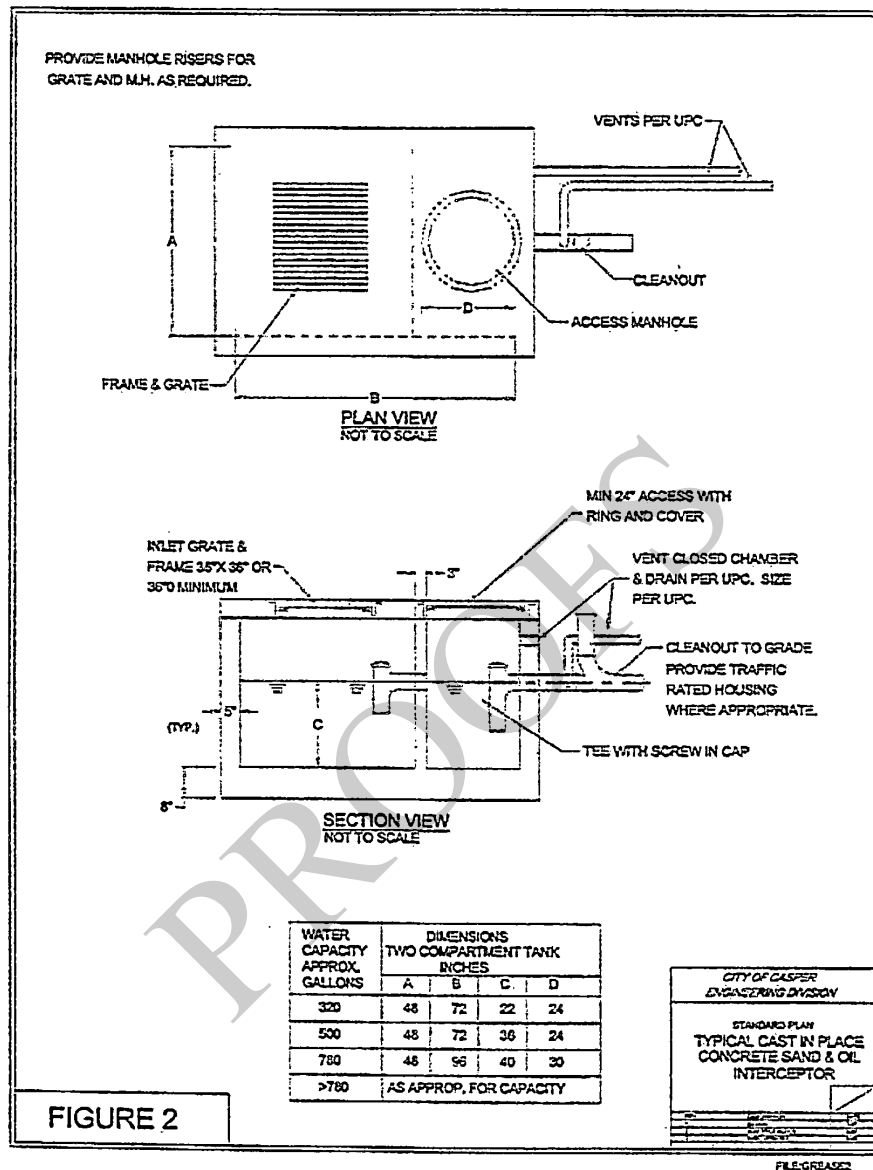


FIGURE 2

Figure 2. Typical cast in place concrete sand & oil interceptor

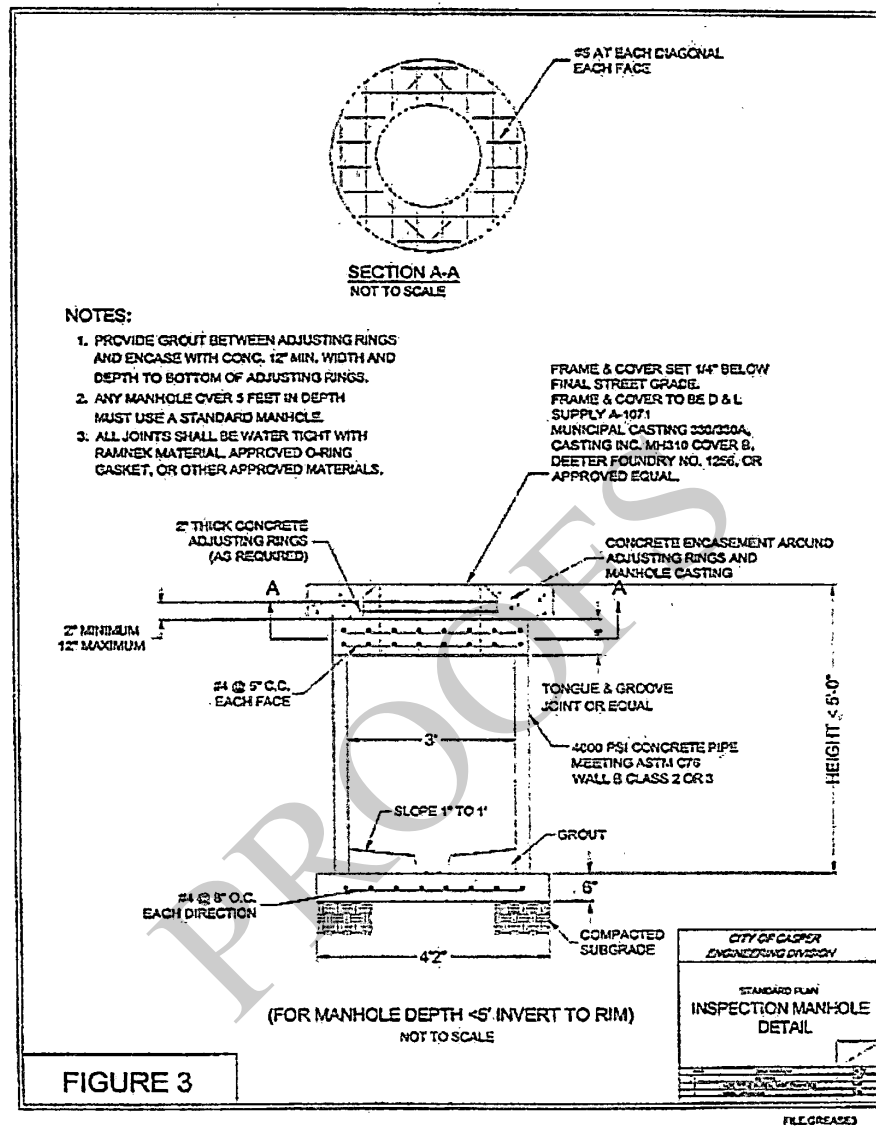


Figure 3. Inspection manhole detail

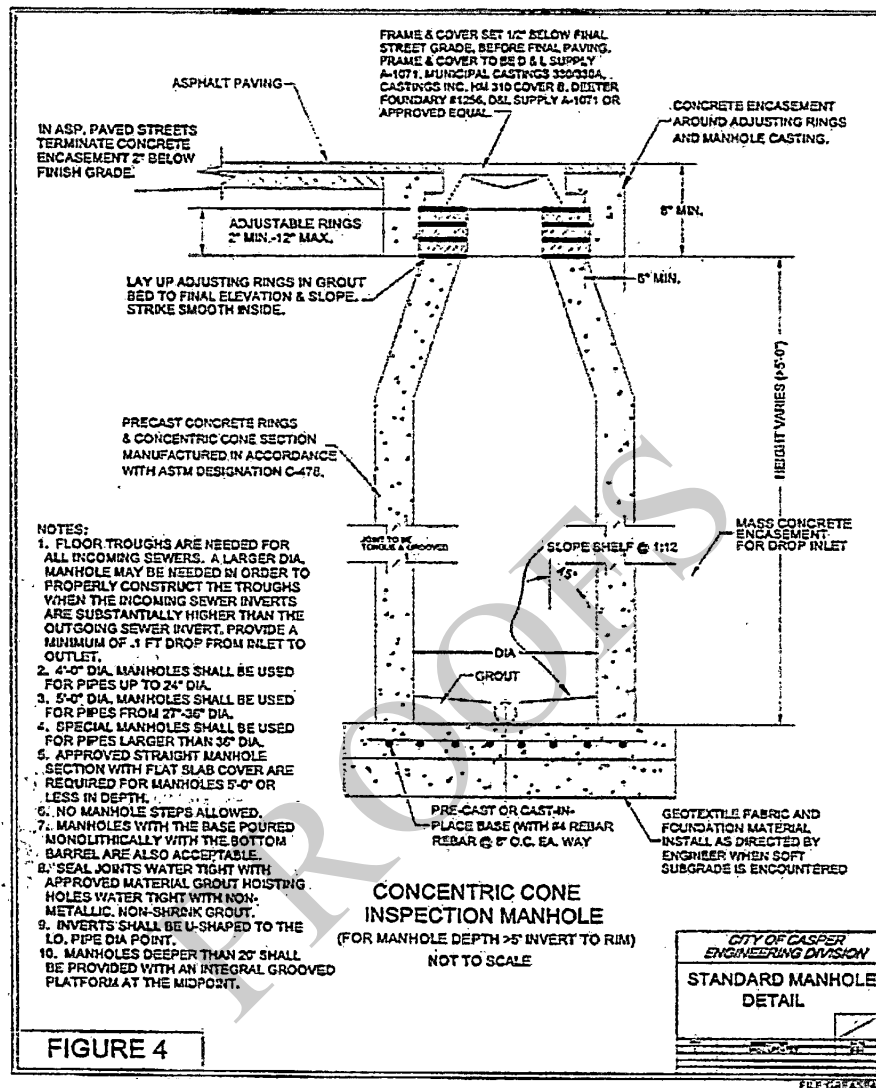


Figure 4. Concentric cone inspection manhole

Sec. 13.18.220. Protection from damage.

No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the sewage works.

(Ord. No. 759, att.(13.18.220), 4-27-2021)

Sec. 13.18.230. Powers and authority of inspectors.

(a) The city shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the city shall observe all safety rules applicable to the premises established by the company.

(c) The city shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspections, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 759, att.(13.18.230), 4-27-2021)

Sec. 13.18.240. Penalties and costs.

(a) *Penalties.* Willful or intentional violation of this chapter is a Class A misdemeanor. Negligent failure to comply with any provision of this chapter, and the orders rules, regulations and permits issued hereunder, is a violation punishable by a fine up to \$1,000.00 per day. Each day on which either category of a violation or offense shall occur or continue shall be deemed a separate and distinct offense.

(b) *Costs.* In addition to the penalties provided in this chapter, the city may recover reasonable attorney fees, court costs, court reporters' fees and other costs and expenses of litigation by appropriate civil suit at law against the person found to have violated this chapter or the orders, rules, and regulations, and permits issued hereunder and fees.

(c) *Falsifying information.* Any person or entity that knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or industrial discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be deemed guilty of and punished for a Class A misdemeanor.

(Ord. No. 759, att.(13.18.240), 4-27-2021)

Sec. 13.18.259. Sewer tap fees.

(a) Any person desiring the tapping of a sewer main belonging to the city, for the purpose of attaching an individual line thereto, shall be required to pay a sewer tap fees as set forth by resolution.

(b) Upon payment of other fees, together with such street cut fees as are provided by ordinance or rule, the public works director shall, within reasonable time following the contractor's completion of the excavation and site preparation, complete the connection to the sewer main.

(c) In the event it is necessary to install a service line of a size greater than four inches, the person desiring same shall be required to pay, in advanced, to the city the fees as determined by resolution or as set forth in the applicable subdivision agreement with the developer.

(d) Notwithstanding anything in this section to the contrary, the city council may, by written agreement, allow payment of a lower connect fee to be paid for connection in those instances where un-subdivided property is being developed or in the event of annexation to the city where the developer installs utility services at the developers' sole cost and liability.

(Ord. No. 759, att.(13.18.259), 4-27-2021)

CHAPTER 13.19. URBAN STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL

Sec. 13.19.010. Title.

This chapter shall be known as the "Stormwater Quality Management and Discharge Control Ordinance" of the city and may be so cited.

(Ord. No. 759, att.(13.19.010), 4-27-2021)

Sec. 13.19.020. Purpose and intent.

The purpose and intent of this chapter is to ensure the health, safety, and general welfare of citizens, protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 USC 1251 et seq.) by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the municipal separate storm sewer system (MS4) and to establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance.

(Ord. No. 759, att.(13.19.020), 4-27-2021)

Sec. 13.19.030. Applicability.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

(Ord. No. 759, att.(13.19.030), 4-27-2021)

Sec. 13.19.040. Responsibility for administration.

The city mayor shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the city mayor may be delegated by the city mayor to persons or entities acting in the beneficial interest of or in the employ of the city.

(Ord. No. 759, att.(13.19.040), 4-27-2021)

Sec. 13.19.060. Regulatory consistency.

This chapter shall be construed to ensure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations by the state department of environmental quality.

(Ord. No. 759, att.(13.19.060), 4-27-2021)

Sec. 13.19.070. Ultimate responsibility of discharger.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into surface waters of the

state caused by said person. This chapter shall not create liability on the part of the city, or any agent or employee thereof, for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 759, att.(13.19.070), 4-27-2021)

Sec. 13.19.080. Prohibition of illegal discharges.

(a) No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of state water quality standards, other than stormwater.

(b) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except as described as follows:

- (1) Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to surface waters of the state when properly managed to ensure that no potential pollutants are present, and therefore, they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Clean Water Act, the state water quality standards, or this chapter: potable water line flushing; unpolluted pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; unpolluted foundation and footing drains; unpolluted water from crawl space pumps; air conditioning condensation; unpolluted non-industrial roof drains; springs; individual residential car washing; flows from riparian habitats and wetlands; unpolluted street wash waters; and flows from firefighting.
- (2) The prohibition shall not apply to any non-stormwater discharge permitted under a WYPDES permit, waiver, or waste discharge order issued to the discharger and administered by the state under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the city for any discharge to the storm drain system.
- (3) With written concurrence from the state department of environmental quality, the city may exempt in writing other non-stormwater discharges which are not a source of pollutants to the storm drain system, nor surface waters of the state.

(Ord. No. 759, att.(13.19.080), 4-27-2021)

Sec. 13.19.090. Prohibition of illicit connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the storm sewer system or allows such a connection to continue.
(Ord. No. 759, att.(13.19.090), 4-27-2021)

Sec. 13.19.100. Waste disposal prohibitions.

No person shall throw, deposit, leave, dump, maintain or keep, or permit to be thrown, deposited, left, dumped, maintained or kept, or otherwise expose any chemical, fuel, animal waste, septic waste, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, in or upon any public driveway, parking area, street, alley, sidewalk, component of the storm drain system, or surface waters of the state, so that the same may cause or contribute to pollution. Wastes deposited in proper waste receptacles for the purposes of collection are exempted from this prohibition. Any spills, discharge, or residues shall be removed as soon as possible and disposed of properly.
(Ord. No. 759, att.(13.19.100), 4-27-2021)

Sec. 13.19.110. Discharges in violation of industrial or construction activity WYPDES stormwater discharge permit.

Any person subject to an industrial or construction activity WYPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city mayor prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause.
(Ord. No. 759, att.(13.19.110), 4-27-2021)

Sec. 13.19.120. Requirement to prevent, control, and reduce stormwater pollutants.

(a) *Authorization to adopt and impose best management practices.* The Erosion and Sediment Control Best Management Practices Manual for the City of Mills, Wyoming (2004), as it may be amended from time to time, details the best management practices that may be implemented to reduce erosion, sediment and pollution to stormwater. Where best management practices requirements are promulgated by the city or any federal, state, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or surface waters of the state, every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

(b) *New development and redevelopment.* The city may adopt requirements identifying appropriate best management practices to control the volume, rate, and potential pollutant load, such as sediment loading, of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The city shall incorporate such requirements in any land use agreement, entitlement, construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use agreements or entitlements and building permits as required in this chapter. New development and redevelopment projects shall also meet the requirements of chapter 12.20 in effect at the time of the development or redevelopment.

(c) *Responsibility to implement best management practices.*

- (1) Notwithstanding the presence or absence of requirements promulgated pursuant to section 13.19.110, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or surface waters of the state shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
- (2) Best management practices required by the city can be obtained from the public services department by requesting the BMP list or the Erosion and Sediment Control Best Management Practices Manual for the city. Best management practices for urban stormwater quality management and discharge control may include, but are not limited to, one or more of the following listed practices:
 - a. Vegetated buffers.
 - b. Vegetated swales.
 - c. Catch basin inserts.
 - d. Catch basin filter covers.
 - e. Infiltration trenches.
 - f. Oil skimmers.
 - g. Pollutant separators.
 - h. In-line filters; silt fencing.
 - i. Wind erosion control.

(Ord. No. 759, att.(13.19.120), 4-27-2021)

Sec. 13.19.130. Requirement to eliminate illegal discharges.

Notwithstanding the requirements of section 13.19.180, the city mayor may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

(Ord. No. 759, att.(13.19.130), 4-27-2021)

Sec. 13.19.140. Requirement to eliminate or secure approval for illicit connections.

(a) The city mayor may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of the ordinance from which this chapter is derived.

(b) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request city approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

(Ord. No. 759, att.(13.19.140), 4-27-2021)

Sec. 13.19.150. Watercourse protection.

Every person owning property through which a watercourse passes or abuts, or such person's lessee, shall keep and maintain that part of the watercourse free of trash, debris, and other obstacles that would pollute or contaminate the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within, abutting, or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within or abutting their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

(Ord. No. 759, att.(13.19.150), 4-27-2021)

Sec. 13.19.160. Requirement to remediate.

Whenever the city mayor finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the storm drain system, or surface waters of the state, the city mayor may require, by written notice to the owner of the property and/or the responsible person, that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of section 13.19.200 through 13.19.220.

(Ord. No. 759, att.(13.19.160), 4-27-2021)

Sec. 13.19.170. Requirement to monitor and analyze.

The city mayor may require, by written notice of requirement, that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drain system or surface waters of the state, to undertake, at said person's expense, such monitoring and analyses and furnish such reports to the city as deemed necessary to determine compliance with this chapter.

(Ord. No. 759, att.(13.19.170), 4-27-2021)

Sec. 13.19.180. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or surface waters of the state from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material, said person shall immediately notify

emergency response officials (dial 911) of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify emergency response officials (dial 911) within two hours of the discovery of the discharge. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence.

(Ord. No. 759, att.(13.19.180), 4-27-2021)

Sec. 13.19.190. Authority to inspect.

The city mayor, or the mayor's designee, may make periodic inspections for the purpose of seeing that this chapter is complied with, and it is unlawful for any owner or occupant of any business building or premises to refuse such inspection, provided that the same are made at reasonable times.

(Ord. No. 759, att.(13.19.190), 4-27-2021)

Sec. 13.19.200. Authority to sample, establish sampling devices, and test.

During any inspection as provided in this chapter, the city mayor, or the mayor's designee, may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

(Ord. No. 759, att.(13.19.200), 4-27-2021)

Sec. 13.19.210. Notice of violation.

(a) Whenever the city mayor, or the mayor's designee, finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city mayor, or the mayor's designee, may order compliance by written notice of violation to the responsible property owner and the occupant thereof. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation or maintenance of source control or treatment BMPs.

(b) Whenever it shall come to the attention of the city that any of the provisions of this chapter are being violated, the city mayor, or the mayor's designee, shall serve upon the owner and the occupant of such business building or premises, a notice in writing pointing out the specific violation and requiring such person to comply with the appropriate provisions of this chapter. Such notice shall fix a time limit for compliance therewith and shall notify the recipient of their due process rights as established herein.

(c) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the city or a contractor designated by the city mayor and the expense thereof shall be charged to the violator.

(Ord. No. 759, att.(13.19.210), 4-27-2021)

Sec. 13.19.220. Abatement by city.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or in the order of the hearing examiner, if applicable, then the city or a contractor designated by the city mayor may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth in section 13.19.210.

(Ord. No. 759, att.(13.19.220), 4-27-2021)

Sec. 13.19.230. Appeals.

(a) Within ten days of receiving written notice pursuant to section 13.12.200, an affected owner or occupant may appeal the decision of the city mayor and request a hearing by filing written notice of the appeal with the city mayor. Such notice of appeal shall contain the owner or occupant's name, address, contact information and the nature and reason for their appeal. Upon receipt of said appeal request, the mayor's office shall request that the municipal court schedule a hearing in front of a municipal court judge in his or her capacity as an administrative hearing examiner to determine what remediation, if any, must be accomplished, and a deadline for said remediation as well as for reimbursement to the city of any costs incurred by the city, if applicable. Said hearing shall be conducted under the state Administrative Procedure Act. The municipal court shall notify the city mayor's office, the city attorney's office, and the owner and occupant of the property of the date, time and location of said hearing and any matters incident thereto. Said hearing shall be electronically recorded by the municipal court and the municipal court shall be responsible for maintaining any files and records related to said hearing.

(b) If the hearing examiner upholds the decision of the city mayor or otherwise requires repair, abatement, or remediation of a violation of this chapter, then the owner or occupant of the property affected shall complete such remediation or abatement within the time period set by the hearing examiner. If such action is not completed within the designated timeframe, the city may, without further notice or proceedings, enter upon the premises and effect such repairs, remediation, or abatement and may assess and charge any and all costs related thereto to the property owner, the occupant thereof, and/or the effected real property as a lien thereon, collectable as provided by the law and any such unpaid costs shall constitute a lien against the subject property.

(Ord. No. 759, att.(13.19.230), 4-27-2021)

Sec. 13.19.240. Emergency abatement.

The city mayor is authorized to require immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is

not abated immediately as directed by the city mayor, the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the city from seeking other and further relief authorized by law.

(Ord. No. 759, att.(13.19.240), 4-27-2021)

Sec. 13.19.255. Violations, failure to comply constitute a misdemeanor.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of or failure to comply with any of the requirements of this chapter shall constitute a misdemeanor and shall be punished as set forth in chapter 1.03.

(Ord. No. 759, att.(13.19.270(1)), 4-27-2021)

Sec. 13.19.260. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the city.

(Ord. No. 759, att.(13.19.260), 4-27-2021)

Sec. 13.19.270. Acts potentially resulting in a violation of the Federal Clean Water Act.

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

(Ord. No. 759, att.(13.19.270(2)), 4-27-2021)

Sec. 13.19.280. Submission of final record drawings; preparation and required information.

(a) The owner/contractor/engineer/developer shall submit digital and hard copy drawings of all subdivisions, site construction, building construction or other construction that modifies existing stormwater infrastructure or includes the addition of stormwater infrastructure. The digital and hard copy drawings must be prepared by a registered state land surveyor or engineer and be clearly drawn on a sheet of tracing cloth or other transparent, stable base material, and shall include the following:

- (1) The name of the subdivision, site plan or other construction, legal description, name and signature of owner, developer and engineer, placed in the lower right-hand corner of the drawing.
- (2) Date of preparation, written scale, graphic scale (one inch equals 50 feet or a multiple thereof) and north sign designated as a true north.
- (3) Location of existing stormwater conveyances and all newly installed stormwater conveyances.

- (4) A layout including the following:
 - a. Boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.
 - b. Where applicable, curve data, so labeled, showing the radii, central angles, arc length, notation of non-tangent curves, and location of points of curvatures and intersections.
 - c. Location of existing and proposed easements (including drainage easements), designated as to use and size.
 - d. The right-of-way lines, widths, locations and street names of all existing and proposed streets or roads within the proposed subdivision.
- (5) A vicinity map indicating the location of the construction/subdivision with respect to a recognizable larger area, at a scale of one inch equals 600 feet unless written approval of the engineering director is obtained for another scale.
- (6) A size conforming to one of the following:
 - a. 22 by 36 inches (1½-inch margin left-hand, short side; one-half-inch margin all other sides).
 - b. 21½ by 30 inches (1½-inch margin left-hand, short side; one-half-inch margin all other sides).
 - c. 35 by 40 inches (three-fourths-inch margin all around).
 - d. 36 by 24 inches (1½-inch margin left-hand, short side; one-half-inch margin all others).
 - e. 18 by 24 inches (1½-inch margin left-hand, long side; three-eighths-inch margin all other sides).
- (7) A digital copy of the construction/building site/subdivision construction shall be submitted as part of the final record construction drawing requirement and shall be in an electronic format that has been adopted by the city council, by resolution.
- (8) File names shall be a maximum of eight characters with the appropriate file type designator (E00) as the suffix characters. Files may be compressed into a zip file format.
- (9) Each digital submission shall have a clearly defined layering convention in which all entities or drawing components of like type are grouped into distinct layers. At a minimum, the components that must be grouped into distinct layers are the boundary, street centerlines, street rights-of-way, lot lines, easements, street names, lot dimensions, manhole type and size, storm sewer sizes and material types for each stormwater element including all catch basins, catch leads, manholes, outfalls, and main line storm sewers. Included with each DXF file shall be a list in an ACSII text file that contains the layer names used in the submitted file. Each layer name shall be followed with a description of the type of entity found on each layer.
- (10) Each digital submission shall show at least four corners with state plane coordinates (X, Y and Z) in NAD 83 datum. The convergence angle and combination factor shall be shown on all final drawings.

(11) In the event that an applicant does not have the means to submit a digital plat or map, the city shall perform the work to convert a plat into a digital format for the applicant at a fee to the applicant of the actual cost of the city to do so.

(b) The owner/subdivider/engineer/contractor shall provide record drawings, signed and stamped by the engineer providing observations services, depicting the actual configuration and conditions after construction. Record drawings shall include locations and elevations for all stormwater conveyances and structures. One set of reproducible record drawings on Mylar and one set in digital format compatible with the city's drafting and GIS programs shall be provided to the city engineer's office prior to issuance of the letter of completion and start of the warranty period.

(Ord. No. 759, att.(13.19.280), 4-27-2021)

PROOFS

Title 14

RESERVED

PROOFS

PROOFS

Title 15

BUILDINGS AND CONSTRUCTION

Chapter 15.02. International Residential Code

- Sec. 15.02.010. Short title.
- Sec. 15.02.020. Document adopted by reference; applicability.
- Sec. 15.02.030. Amendments and changes to the International Residential Code.
- Sec. 15.02.040. Building permit issuance.
- Sec. 15.02.050. Work exempt from permit.
- Sec. 15.02.060. Section R302.7 amended; under-stair protection.
- Sec. 15.02.070. Section R302.6 and Table 302.6 amended; dwelling/garage separation fire separation.
- Sec. 15.02.080. Table R702.3.5 amended.
- Sec. 15.02.090. Fire sprinklers.
- Sec. 15.02.100. Automatic fire sprinkler systems.
- Sec. 15.02.110. Fire protection of floors.
- Sec. 15.02.120. Structures unsafe for human occupancy.
- Sec. 15.02.130. Testing.

Chapter 15.04. International Building Code

- Sec. 15.04.010. Short title.
- Sec. 15.04.020. Building permit issuance.
- Sec. 15.04.030. Signature of registered engineer or architect required.
- Sec. 15.04.040. Document adopted by reference; applicability.
- Sec. 15.04.050. Amendments and changes to International Building Code.
- Sec. 15.04.060. Section 103.2 amended; appointment of building official.
- Sec. 15.04.070. Section 105.1; structures unsafe for human occupancy.
- Sec. 15.04.080. Section 105.3.3; paragraph 8 added; application requirements.
- Sec. 15.04.090. Section 111.1 amended; certificate of occupancy.
- Sec. 15.04.100. Building permit fees.
- Sec. 15.04.110. Paragraph 1301.1.2 added; energy efficiency.
- Sec. 15.04.120. Section 903.3 amended; automatic sprinkler system.
- Sec. 15.04.130. Section 2504.1.3; vertical and horizontal assemblies.
- Sec. 15.04.140. Section 1511.3.1; roof recover.
- Sec. 15.04.150. Violation; penalty.

Chapter 15.06. International Existing Building Code

- Sec. 15.06.010. Short title.
- Sec. 15.06.020. Document adopted by reference; applicability.
- Sec. 15.06.030. Violation; penalty.

Chapter 15.08. Building Permits

- Sec. 15.08.010. Purpose of chapter provisions.
- Sec. 15.08.020. Definitions.
- Sec. 15.08.030. Building and foundation permits; issuance conditions.

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- Sec. 15.08.040. Occupancy permit conditions.
- Sec. 15.08.050. Violation of chapter; penalty.

Chapter 15.12. Board of Examiners and Appeals; Contractor Licensing

- Sec. 15.12.010. Purpose.
- Sec. 15.12.020. Definitions.
- Sec. 15.12.050. License required; contents.
- Sec. 15.12.060. Exceptions.
- Sec. 15.12.070. Classifications.
- Sec. 15.12.080. Application.
- Sec. 15.12.090. Experience and examination criteria.
- Sec. 15.12.140. Licensee responsibility.
- Sec. 15.12.150. Insurance requirements.
- Sec. 15.12.200. Board of appeals.

Chapter 15.16. Construction Regulations

- Sec. 15.16.010. Building construction prohibited during certain hours; exceptions.
- Sec. 15.16.020. Excavations; fencing requirements.
- Sec. 15.16.030. Sign requirements.

Chapter 15.18. International Fuel Gas Code

- Sec. 15.18.010. Code adopted.
- Sec. 15.18.020. Amendments, additions and deletions.
- Sec. 15.18.030. Administration.
- Sec. 15.18.040. Code official and duties.
- Sec. 15.18.050. Dangerous and unsafe construction.
- Sec. 15.18.060. Permits required.
- Sec. 15.18.070. Validity of permits.
- Sec. 15.18.080. To whom permits may be issued.
- Sec. 15.18.090. Application for permit.
- Sec. 15.18.100. Cost of permit.
- Sec. 15.18.110. Unvented appliances.
- Sec. 15.18.120. Reserved.
- Sec. 15.18.130. Reserved.
- Sec. 15.18.140. Test pressure measurements.
- Sec. 15.18.150. Equipment not required to be vented.
- Sec. 15.18.160. Unvented room heaters.
- Sec. 15.18.170. Violation; penalty.

Chapter 15.20. International Mechanical Code

- Sec. 15.20.010. Short title.
- Sec. 15.20.020. Code adopted; applicability.
- Sec. 15.20.030. Amendments, additions and deletions.
- Sec. 15.20.040. Violation; penalty.

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Chapter 15.24. International Plumbing Code

- Sec. 15.24.010. Code adopted.
- Sec. 15.24.020. Amendments, additions and deletions.
- Sec. 15.24.030. International Plumbing Code chapter I deleted and replaced.
- Sec. 15.24.040. Code official.
- Sec. 15.24.050. Dangerous and unsanitary construction.
- Sec. 15.24.060. Permits required.
- Sec. 15.24.070. Validity of permits.
- Sec. 15.24.080. Work not requiring permit.
- Sec. 15.24.090. To whom permits may be issued.
- Sec. 15.24.100. Application for permit.
- Sec. 15.24.110. Cost of permits.
- Sec. 15.24.120. Section 202 amended; definitions.
- Sec. 15.24.130. Section 305.4.1 amended; sewer depth.
- Sec. 15.24.140. IPC section 306 is deleted and replaced; trenching, excavating and backfill.
- Sec. 15.24.150. Section 312 added; tests and inspection.
- Sec. 15.24.160. IPC section 406.3 added; automatic clothes washer; floor drain.
- Sec. 15.24.170. Section 428 added; accessible working space.
- Sec. 15.24.180. Section 504.7.3 added; water heater; floor drain.
- Sec. 15.24.190. Section Tables 605.3 and 605.4 amended; material, joints and connections.
- Sec. 15.24.200. Section 703.7 added; sewer required.
- Sec. 15.24.210. Section 708.3.2 added; building sewers.
- Sec. 15.24.220. Section 712.1 added; sumps and ejectors.
- Sec. 15.24.230. Section 715.1 deleted and replaced; backwater valves.
- Sec. 15.24.240. IPC section 13.
- Sec. 15.24.250. Section 918 amended; air admittance valves.
- Sec. 15.24.260. Section 1001.1 deleted and replaced; traps, interceptors, separators.
- Sec. 15.24.270. Section 1109 deleted; combination sanitary and storm system.
- Sec. 15.24.280. Violation; penalty.

Chapter 15.28. National Electrical Code

Article I. Code Adoption and Administration

- Sec. 15.28.010. National Electrical Code adopted.
- Sec. 15.28.020. Limited contractor's license.
- Sec. 15.28.030. City electrical inspector; qualification; appointment; unlawful activities designated.
- Sec. 15.28.040. City electrical inspector; powers and duties.
- Sec. 15.28.050. Permit required.
- Sec. 15.28.060. Permit fees.
- Sec. 15.28.070. Definitions.
- Sec. 15.28.080. License or registration requirements; fees to be set by ordinance.
- Sec. 15.28.090. Private work.
- Sec. 15.28.100. Temporary work permit.
- Sec. 15.28.110. Plans and specifications.
- Sec. 15.28.120. Certificate of approval; issuance conditions.
- Sec. 15.28.130. Code provisions not to apply to prior existing lawful work.
- Sec. 15.28.140. Board of appeals; interpretative authority.

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- Sec. 15.28.150. Board of appeals designated.
- Sec. 15.28.160. Violation; penalty.

Article II. Installation Materials and Specifications

- Sec. 15.28.170. Compliance required.
- Sec. 15.28.180. Underwriters or other testing required.
- Sec. 15.28.190. Ampere service requirements; new buildings and utility poles.
- Sec. 15.28.200. Wire size required; aluminum conductors prohibited when.
- Sec. 15.28.210. Separate circuitry required when.
- Sec. 15.28.215. GFCI outlets in commercial crawl spaces.
- Sec. 15.28.220. Raceways.
- Sec. 15.28.230. Metal conduit or raceway required when.
- Sec. 15.28.240. Metallic tubing installment and coating requirements.
- Sec. 15.28.250. Nonmetallic sheathed cable.
- Sec. 15.28.255. GFCI accessibility; spa, hot tub disconnects.
- Sec. 15.28.260. Service entrance switches.
- Sec. 15.28.270. Three-phase and single-phase panels.
- Sec. 15.28.280. Circuit breakers.
- Sec. 15.28.290. Isolation circuits.
- Sec. 15.28.300. Grounding.
- Sec. 15.28.310. Load calculations.
- Sec. 15.28.320. Extension to existing facilities.
- Sec. 15.28.330. Disconnects.
- Sec. 15.28.340. Modular or prefabricated building requirements.
- Sec. 15.28.350. Services for mobile homes and other approved service installations.
- Sec. 15.28.360. Electrified fences prohibited.
- Sec. 15.28.370. Electric signs and outline lighting.
- Sec. 15.28.380. TV satellite dish antennas.
- Sec. 15.28.390. Smoke detectors.
- Sec. 15.28.400. Temporary construction service.
- Sec. 15.28.410. Temporary decorative lighting.
- Sec. 15.28.420. Nails to secure electrical equipment.
- Sec. 15.28.430. No wiring to be attached to trees or shrubs.
- Sec. 15.28.440. Carnivals, circuses, fairs, and similar events.

Chapter 15.32. Solar Energy

- Sec. 15.32.010. Statutory authority.
- Sec. 15.32.020. Title for citation.
- Sec. 15.32.030. Purpose of provisions.
- Sec. 15.32.040. Definitions.
- Sec. 15.32.050. Interpretation of provisions.
- Sec. 15.32.060. Solar rights; establishment and applicability.
- Sec. 15.32.070. Permit application—Contents.
- Sec. 15.32.080. Permit application—Plans and specifications.
- Sec. 15.32.090. Permit for additions to existing system.
- Sec. 15.32.100. Permit for existing solar collectors.
- Sec. 15.32.110. Application review; corrections.
- Sec. 15.32.120. Notice requirements.

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- Sec. 15.32.130. Fees.
- Sec. 15.32.140. Form; contents.
- Sec. 15.32.150. Issuance conditions; recordkeeping.
- Sec. 15.32.160. Applications to void permits.
- Sec. 15.32.170. Correction of errors in permits.
- Sec. 15.32.180. Location of solar collectors.
- Sec. 15.32.190. Beneficial use policy.
- Sec. 15.32.200. Solar rights; time restrictions and priority.
- Sec. 15.32.210. Solar rights; vesting and certification.
- Sec. 15.32.220. Recordation.
- Sec. 15.32.230. Appeals board; establishment; organization.
- Sec. 15.32.240. Right to appeal.
- Sec. 15.32.250. Appeals procedure generally.
- Sec. 15.32.260. Scope of hearings.
- Sec. 15.32.270. Effect of failure to appeal.

Chapter 15.40. International Fire Code

- Sec. 15.40.010. Adoption of the International Fire Code.
- Sec. 15.40.020. Establishment and duties of community risk reduction division.
- Sec. 15.40.030. Definitions.
- Sec. 15.40.040. Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited.
- Sec. 15.40.050. Establishments of limits in which bulk storage of liquefied petroleum gases is to be restricted.
- Sec. 15.40.060. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.
- Sec. 15.40.070. Establishment of limits of districts in which the storage of hazardous materials is to be prohibited or limited.
- Sec. 15.40.080. Amendments made in the International Fire Code.
- Sec. 15.40.085. Nuisance fire alarms.
- Sec. 15.40.090. Appeals.
- Sec. 15.40.100. New materials, processes or occupancies which may require permits.
- Sec. 15.40.110. Penalties.

Chapter 15.44. Moving Buildings

- Sec. 15.44.010. Permit required.
- Sec. 15.44.020. Application; inspection; conformance agreement.
- Sec. 15.44.030. Equipment; bond; deposit; fee requirements.
- Sec. 15.44.040. Permit fee.
- Sec. 15.44.050. Issuance conditions.
- Sec. 15.44.060. Permit revocation.
- Sec. 15.44.070. Permit receipt.
- Sec. 15.44.080. Streets, trees and other public property; inspection charge.
- Sec. 15.44.090. Application and route approval by city officials; permit holder's responsibility.
- Sec. 15.44.100. Wire, pole and service line cutting restrictions.
- Sec. 15.44.110. Occupation of building while in transit prohibited.

PROOFS

CHAPTER 15.02. INTERNATIONAL RESIDENTIAL CODE**Sec. 15.02.010. Short title.**

The code adopted by the ordinance from which this chapter is derived shall be known as the "Residential One- and Two-Family Dwelling Building Code" of the city.
(Ord. No. 769, att.(15.02.010), 10-26-2021)

Sec. 15.02.020. Document adopted by reference; applicability.

There is hereby adopted by the city for the purpose of prescribing regulations for minimum standards to safeguard life, health, property and public welfare, that certain suggested code known as the 2021 International Residential Code for One- And Two-Family Dwellings, and the whole thereof, with the exception of part V, titled "Mechanical," more specifically chapters 12 through 23; part VI, titled "Fuel Gas," more specifically chapter 24; part VII, titled "Plumbing;" more specifically chapters 25 through 33; part VIII, titled "Electrical," more specifically chapters 34 through 42, which are hereby repealed; and, except such portions as are hereinafter modified, repealed or amended by this chapter, not less than two copies which have been and are now filed within the office of the building inspectors, and the same are adopted and incorporated as fully as if set at length herein and, from the date on which the ordinance from which this chapter is derived, shall take effect the provisions thereof shall be the controlling within the limits of the city.
(Ord. No. 769, att.(15.02.020), 10-26-2021)

Sec. 15.02.030. Amendments and changes to the International Residential Code.

The International Residential Code for One- and Two-Family Dwellings, 2021 edition, is amended in the following respects, as set out in sections 15.02.020 through 15.020.090.
(Ord. No. 769, att.(15.02.030), 10-26-2021)

Sec. 15.02.040. Building permit issuance.

No building permit shall be issued for a building on any unplatted property in the city except upon written application with complete plans showing in detail all proper approaches to street, alleys, and upon deeding such streets and alleys and approaches to the city, and after acceptance of streets, alleys and approaches, by vote of the city council.
(Ord. No. 769, att.(15.02.040), 10-26-2021)

Sec. 15.02.050. Work exempt from permit.

One-story detached accessory building under 200 square feet in area as measured at the maximum exterior wall dimension is exempt from requiring a building permit.
(Ord. No. 769, att.(15.02.050), 10-26-2021)

Sec. 15.02.060. Section R302.7 amended; under-stair protection.

Section R302.7 reference to "½ inch gypsum board" is amended and replaced to read "⅝ inch Type X gypsum board."

(Ord. No. 769, att.(15.02.060), 10-26-2021)

Sec. 15.02.070. Section R302.6 and Table 302.6 amended; dwelling/garage separation fire separation.

Table R302.6 amended to read as follows:

All references in Table 302.6 of "½ inch gypsum board" are amended and replaced to read "⅝ inch Type X gypsum board."

(Ord. No. 769, att.(15.02.070), 10-26-2021)

Sec. 15.02.080. Table R702.3.5 amended.

Table R702.3.5 amended; minimum thickness and application of gypsum board; create footnote "E" to Table R702.3.5 to read: All ceiling applications for gypsum board with 24-inch spacing of framing members must be a minimum of five-eighths inch in thickness.

(Ord. No. 769, att.(15.02.080), 10-26-2021)

Sec. 15.02.090. Fire sprinklers.

Section R309.5, Fire Sprinklers—Deleted in its entirety.

(Ord. No. 769, att.(15.02.090), 10-26-2021)

Sec. 15.02.100. Automatic fire sprinkler systems.

Section R313.2, One- and Two-Family Automatic Fire Sprinkler Systems—Deleted in its entirety.

(Ord. No. 769, att.(15.02.100), 10-26-2021)

Sec. 15.02.110. Fire protection of floors.

Section R302.13, Fire Protection of Floors—Deleted in its entirety.

(Ord. No. 769, att.(15.02.110), 10-26-2021)

Sec. 15.02.120. Structures unsafe for human occupancy.

(a) *Applicability.* This section shall not apply to owner occupied residential properties.

(b) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because the structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(c) *Conditions.* Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress, inadequate light, ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper

occupancy or hazardous maintenance as defined herein, shall be deemed unsafe. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.

- (1) *Inadequate means of egress.* Means a safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code. Locked doors shall be able to be readily opened from the side from which egress is to be made without the use of keys, special knowledge or effort, except where permitted by the International Building Code. Emergency escape openings shall be maintained in accordance with the code in effect at the time of construction.
- (2) *Multifamily egress lighting.* Every common hall and stairway in residential multifamily occupancies shall be lighted at all times. Interior and exterior means of egress, stairways shall be illuminated at all times with not less than one footcandle at floors, landings and treads.
- (3) *Ventilation.* Every habitable space shall be ventilated by natural or mechanical means. Natural ventilation means each habitable space shall have not less than one operable window. Mechanical ventilation requires supply and return or exhaust air be provided by approved equipment and produce equal amounts of supply and return or exhaust air. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
- (4) *Fire hazard; multifamily dwellings and rental units.* The required fire-resistant-rated construction, including walls, fire stops, shaft enclosures, partitions, smoke barriers, floors, ceilings and sprayed fire-resistant materials shall be maintained to limit the spread of fire and smoke. Existing fire protection systems shall be inspected and maintained. Smoke alarms shall be installed and maintained in institutional and residential dwellings where required. Carbon monoxide alarms shall be installed and maintained when applicable.
- (5) *Heating facilities.*
 - a. Dwellings shall be provided with an approved heating appliance such as a furnace or boiler capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel burning space heaters be used, as a means to provide required heating. Electrical space heaters are allowed for supplemental heat only.
 - b. Exception: Fuel burning space heaters shall be allowed for emergency use only, until repairs are complete on the required approved heating appliance.
- (6) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacles and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
- (7) *Water system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved

private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

(8) *Sanitary drainage.*

- a. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage septic system. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- b. Prohibited: Sanitary waste shall not be collected, stored or disposed of on any property other than as referenced herein.

(9) *Vacant structures.* A vacant structure that is not secured against entry shall be deemed unsafe.

(d) *Structures unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by ordinance or code, or because the location of the structure or the facility or equipment within the structure constitutes a hazard to the occupants of the structure or to the public.

(e) *Unlawful structure.* An unlawful structure is one found whole or in part to be occupied by more persons than permitted by code, or was erected, altered or occupied contrary to law.

(Ord. No. 769, att.(15.02.120), 10-26-2021)

Sec. 15.02.130. Testing.

Section N1102.4.1.2, Testing—Deleted in its entirety.

(Ord. No. 769, att.(15.02.130), 10-26-2021)

CHAPTER 15.04. INTERNATIONAL BUILDING CODE

Sec. 15.04.010. Short title.

The code adopted by the ordinance from which this chapter is derived shall be known as the building code of the city.

(Ord. No. 769, att.(15.04.010), 10-26-2021)

Sec. 15.04.020. Building permit issuance.

(a) No building permits shall be issued for a building on any unplatted property in the city except upon written application with complete plans showing in detail all proper approaches to streets, alleys and upon deeding such streets and alleys and approaches to the city, and, after acceptance of streets and alleys and approaches, by vote of the city council.

(b) No building permit will be issued except when a site plan has been submitted and approved in accordance with requirements of section 17.10.35; except that, in lieu of site plan approval, the city engineer may, upon written request of the applicant, waive the site plan requirement based on a

determination by the city engineer that all necessary site improvements are existing and will not be altered by the proposed construction. Consideration of site improvements will include drainage control, traffic control, driveways, curb and gutter, sidewalks and street features. In the event a site plan is not required, the city engineer will issue a letter waiving the site plan requirement.

(c) Financial surety must be provided for any off-site improvements, on-site drainage improvements and other improvements required in accordance with the approved site plan provided under subsection (b) of this section. No building permit may be issued prior to receipt by the city of any required financial surety.

(Ord. No. 769, att.(15.04.020), 10-26-2021)

Sec. 15.04.030. Signature of registered engineer or architect required.

No building permit will be issued or plan review undertaken for a building or structure or addition thereto that provides for the employment, housing, or assembly of 50 or more persons, or covers more than 5,000 square feet of floor area, including basement, if any, intended for use by the general public, unless the plans and specifications for such building or structure bear the signature of a registered engineer or architect licensed by the state to practice as such.

(Ord. No. 769, att.(15.04.030), 10-26-2021)

Sec. 15.04.040. Document adopted by reference; applicability.

There is adopted by the city for the purpose of prescribing regulations for minimum standards, to safeguard life, health, property and public welfare that certain suggested code known as the International Building Code, 2021 edition, and except such portions as are hereinafter modified, deleted or amended by this chapter, not less than two copies of which have been and are now filed in the office of the building inspector, and the same are adopted and incorporated as fully as if set out at length herein and from the date on which the ordinance from which this chapter is derived shall take effect the provisions thereof shall be controlling within the limits of the city.

(Ord. No. 769, att.(15.04.040), 10-26-2021)

Sec. 15.04.050. Amendments and changes to International Building Code.

The International Building Code, 2021 edition, is amended and changed in the following respects, as set out in sections 15.04.060 through 15.04.150.

(Ord. No. 769, att.(15.04.050), 10-26-2021)

Sec. 15.04.060. Section 103.2 amended; appointment of building official.

Section 103.2 is amended to read as follows:

Section 103.2 Building Official General; The city mayor, or the mayor's duly authorized representative is hereby authorized and directed to enforce all of the provisions of this Code.

Where used in this Code, the term building official shall be defined as in this amended section.

(Ord. No. 769, att.(15.04.060), 10-26-2021)

Sec. 15.04.070. Section 105.1; structures unsafe for human occupancy.

Section 105.1, which shall not apply to owner occupied residential structures, is amended to read:

Section 105.1 Structures unsafe for human occupancy.

- (1) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because the structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (2) *Conditions.* Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress, inadequate light, ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or hazardous maintenance as defined herein, shall be deemed unsafe. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.
 - a. *Inadequate means of egress.* Means a safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code. Locked doors shall be able to be readily opened from the side from which egress is to be made without the use of keys, special knowledge or effort, except where permitted by the International Building Code. Emergency escape openings shall be maintained in accordance with the code in effect at the time of construction.
 - b. *Multifamily egress lighting.* Every common hall and stairway in residential multifamily occupancies shall be lighted at all times. Interior and exterior means of egress, stairways shall be illuminated at all times with not less than one footcandle at floors, landings and treads.
 - c. *Ventilation.* Every habitable space shall be ventilated by natural or mechanical means. Natural ventilation means each habitable space shall have not less than one operable window. Mechanical ventilation requires supply and return or exhaust air be provided by approved equipment and produce equal amounts of supply and return or exhaust air. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
 - d. *Fire hazard; multifamily dwellings and rental units.* The required fire-resistant-rated construction, including walls, fire stops, shaft enclosures, partitions, smoke barriers, floors, ceilings and sprayed fire-resistant materials shall be maintained to limit the spread of fire and smoke. Existing fire protection systems shall be inspected and maintained. Smoke alarms shall be installed and maintained in institutional and residential dwellings where required. Carbon monoxide alarms shall be installed and maintained when applicable.
 - e. *Heating facilities.*
 1. Dwellings shall be provided with an approved heating appliance such as a furnace or boiler capable of maintaining a room temperature of 68 degrees Fahrenheit in all

habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel burning space heaters be used, as a means to provide required heating. Electrical space heaters are allowed for supplemental heat only.

2. Exception: Fuel burning space heaters shall be allowed for emergency use only, until repairs are complete on the required approved heating appliance.
 - f. *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacles and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
 - g. *Water system.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.
 - h. *Sanitary drainage.*
 1. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage septic system. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
 2. Prohibited: Sanitary waste shall not be collected, stored or disposed of on any property other than as referenced herein.
 - i. *Vacant structures.* A vacant structure that is not secured against entry shall be deemed unsafe.
- (3) *Structures unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by ordinance or code, or because the location of the structure or the facility or equipment within the structure constitutes a hazard to the occupants of the structure or to the public.
- (4) *Unlawful structure.* An unlawful structure is one found whole or in part to be occupied by more persons than permitted by code, or was erected, altered or occupied contrary to law.
- (5) *Unlawful activity.* It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure in the city, or cause or permit the same to be done, in violation of this Code.

(Ord. No. 769, att.(15.04.070), 10-26-2021)

Sec. 15.04.080. Section 105.3.3; paragraph 8 added; application requirements.

Add new Paragraph 8 to section 105.3.3 to read as follows:

8. Said application shall be accompanied by a letter from the public works director of the city certifying to the building official the availability of water and sewer service for said land.
(Ord. No. 769, att.(15.04.080), 10-26-2021)

Sec. 15.04.090. Section 111.1 amended; certificate of occupancy.

Section 111.1 is amended to read as follows:

Section 111.1. Use or Occupancy—No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein, and providing that all off-site improvements required by the subdivision code have been completed.
(Ord. No. 769, att.(15.04.090), 10-26-2021)

Sec. 15.04.100. Building permit fees.

Fees shall be established by resolution of the city council of the city.
(Ord. No. 769, att.(15.04.100), 10-26-2021)

Sec. 15.04.110. Paragraph 1301.1.2 added; energy efficiency.

Paragraph 1301.1.2 is added to section 1301 to read as follows:

A Comcheck Compliance Report using the 2021 edition of the International Energy Conservation Code shall be submitted with the proposed building plans for the building envelope only at the time of application for review and comment. The Comcheck Compliance Report will be required for all occupancies within the 2021 International Building Code, except for S-1, S-2, F-1, F-2 and U occupancies.
(Ord. No. 769, att.(15.04.110), 10-26-2021)

Sec. 15.04.120. Section 903.3 amended; automatic sprinkler system.

Section 903.3 is amended to add paragraph 903.1.2 which shall read as follows:

An automatic fire sprinkler system shall be installed when the fire flow requirements exceed 2,500 gallons per minute, as determined by appendix B, International Fire Code, 2021 edition.
(Ord. No. 769, att.(15.04.120), 10-26-2021)

Sec. 15.04.130. Section 2504.1.3; vertical and horizontal assemblies.

Section 2504.1.3, vertical and horizontal assemblies, is created to read as follows:

Section 2504.1.3 All single ply gypsum wall board installed on ceilings with 24 inch spacing of framing members shall be a minimum of five-eighths inch thickness.
(Ord. No. 769, att.(15.04.130), 10-26-2021)

Sec. 15.04.140. Section 1511.3.1; roof recover.

Amend section 1512.2.1, Roof recover, and add subparagraph 5, to read as follows:

1511.3.1 Asphalt shingle application. Not more than one overlay of asphalt shingles shall be applied over an existing asphalt shingle roof.

(Ord. No. 769, att.(15.04.140), 10-26-2021)

Sec. 15.04.150. Violation; penalty.

Any person violating any of the provisions of the code adopted by this chapter shall be deemed guilty of a misdemeanor. Each and every such day or portion thereof during which any violation of any of the provisions of such code is committed, continued, or permitted shall be a separate offense. Upon conviction of any such violation, such person may be punished as set forth in chapter 1.03.

(Ord. No. 769, att.(15.04.150), 10-26-2021)

CHAPTER 15.06. INTERNATIONAL EXISTING BUILDING CODE**Sec. 15.06.010. Short title.**

The code adopted by the ordinance from which this chapter is derived shall be known as the "International Existing Building Code" of the city.

(Ord. No. 769, att.(15.06.010), 10-26-2021)

Sec. 15.06.020. Document adopted by reference; applicability.

To provide minimum standards to safeguard life, health, property, and public welfare, the city hereby adopts the 2021 edition of the International Existing Building Code. The provisions of the code shall apply to the repair, alteration, change of occupancy, addition to, or relocation of existing buildings within the limits of the city. A copy of the adopted international existing building code is on file in the office of the city clerk.

(Ord. No. 769, att.(15.06.020), 10-26-2021)

Sec. 15.06.030. Violation; penalty.

Any person violating any of the provisions of the code adopted by the ordinance from which this chapter is derived shall be deemed guilty of a misdemeanor. Each and every such day or portion thereof during which any violation of any of the provisions of such code is committed, continued, or permitted shall be a separate offense. Upon conviction of any such violation, such person may be punished as set forth in chapter 1.03.

(Ord. No. 769, att.(15.06.030), 10-26-2021)

CHAPTER 15.08. BUILDING PERMITS

Sec. 15.08.010. Purpose of chapter provisions.

The purpose of the provisions set out in this chapter is to regulate and control the issuance of building permits within the city, and to require final inspections prior to the issuance of occupancy permits for all structures.

(Ord. No. 769, att.(15.08.010), 10-26-2021)

Sec. 15.08.020. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-weather roadway means a standard street section constructed in accordance with city ordinances and standards for construction of streets, excluding the required asphalt surfacing.

City engineer means the city engineer or his designated representative.

Construction phase means a particular area of construction activity, or planned construction activity, within a platted subdivision.

Curb stop means a valve or other device located on individual water service connections to a publicly owned water main for the purpose of regulating the flow of water from the main to the individual customer.

Final plumbing inspection means the final inspection of plumbing in a structure, required by city ordinances regulating construction and inspection of plumbing.

Foundation permit means a permit issued by the engineering director for the construction of a building foundation only.

Off-site improvement means all public improvements required by city ordinances to be constructed upon publicly dedicated streets and rights-of-way, including, but not limited to, streets, sanitary sewers, water mains, storm sewers, curbs, gutters and sidewalks.

Person means any individual person, partnership, corporation, association, governmental agency, estate, trust, or two or more individual persons having a joint or common interest in property.

Subdivision means an area of land within the city divided into lots, tracts or parcels, and for which a subdivision plat has been approved by the city in accordance with city ordinances, and recorded in the office of the county clerk.

Subdivision agreement means an agreement between the persons who own land comprising a subdivision and the city, the purpose of which is to ensure completion of public improvements within the subdivision, and which is required by chapter 17.18 and other pertinent provisions of this Code.

(Ord. No. 769, att.(15.08.020), 10-26-2021)

Sec. 15.08.030. Building and foundation permits; issuance conditions.

No building permit or foundation permit may be issued by the building department prior to completion of all off-site improvements in any city subdivision, except as follows. A foundation or building permit may be issued under the following conditions:

- (1) A foundation permit, including construction of necessary underground utility connections, including, but not limited to, water, sewer, natural gas and electricity, may be issued upon commencement of construction of off-site improvements in any subdivision or construction phase of a subdivision.
- (2) A building permit for the completion of any building may be issued upon completion of all-weather roadways, acceptance of the public water and sewer mains and appurtenant facilities, and payment of all required fees, including connection charges for connection to the water and sewer mains in a subdivision, or construction phase of a subdivision.

(Ord. No. 769, att.(15.08.030), 10-26-2021)

Sec. 15.08.040. Occupancy permit conditions.

(a) No person shall occupy a building for which a building permit is required prior to obtaining an occupancy permit for the building. An occupancy permit may be issued upon completion of a final inspection of a building, as required by city ordinances, and upon completion of all off-site improvements in a subdivision or construction phase of a subdivision, and upon compliance with all city ordinances, except as provided in subsection (b) of this section. Upon completion of the final plumbing inspection as required by city ordinance for any structure for which a building permit has been issued, the person making such inspection shall shut off water service to the building at the curb stop and lock the same. The person to whom the building permit is issued is required to notify and request a final plumbing inspection upon completion of the plumbing and prior to occupancy of the building. At the time of issuance of any occupancy permit, water service shall be turned on to the building for which the occupancy permit is issued, and any lock on the curb stop for such water service shall be removed.

(b) Occupancy permits may be issued upon completion of a building for which a building permit is issued prior to November 15, and prior to completion of off-site improvements from the period between November 15 to March 1, under the following conditions:

- (1) All-weather roadways in the subdivision, or in a construction phase of a subdivision, must be completed and approved by the city engineer. Such all-weather roadways shall, at a minimum, provide access to and be immediately adjacent to the property and building for which an occupancy permit is issued. The all-weather roadway shall be constructed so that an acceptable base material is placed to the lip of the gutters. All curb stops, manholes and other appurtenances shall be protected in a manner approved by the city engineer.
- (2) The person responsible by city ordinance and applicable subdivision agreement for completion of off-site improvements shall notify the city engineer on or before October 15 of his intention to construct or use all-weather roadways during the period of November 15 to March 1. Such all-weather roadways shall be completed to the satisfaction of the city engineer prior to November 15.

- (3) In addition, such person must submit for approval by the city engineer, a plan for maintenance of the all-weather roadways, including, but not limited to, the equipment to be used in such maintenance, a specific person who will be responsible directly for the supervision and actual maintenance of the all-weather roadways, including addresses and phone numbers, and provisions for protecting improvements located in the all-weather roadways, including, but not limited to, manholes, valve boxes, curb stops, curb, gutter and sidewalk.
 - (4) The owner/subdivider is obligated to maintain the improvements during the period between November 15 to March 1. Providing that the owner/subdivider immediately installs traffic controls to prevent hazards associated with a deficiency, the owner/subdivider shall have one week from the time it is notified of a deficiency to correct the deficiency. The city shall have the right, in the event the owner/subdivider does not perform maintenance and construction obligations in accordance with the plans submitted to the city engineer within one week of the time the owner/subdivider is notified of a deficiency, to complete maintenance and construction of off-site improvements, using a financial surety. The city may perform the necessary construction by itself or by using third parties. The city may collect any amount over and above the amount provided for, in the event the financial surety deposit is insufficient to pay for the city's costs in maintaining or constructing the improvements. In the event the financial surety deposit is insufficient to pay the city's costs, the city may also collect, and the owner/subdivider shall be responsible for, any attorney's fees, costs and expenses incurred by the city in collecting such amounts. In addition, the owner/subdivider shall enter into a hold harmless agreement with the city, upon a form prepared by the city prior to beginning any improvements.
 - (5) As of March 1, weather conditions permitting, any person responsible for completion of off-site improvements in a subdivision in which occupancy permits have been issued under this section, shall commence and complete construction of all off-site improvements.
- (Ord. No. 769, att.(15.08.040), 10-26-2021)

Sec. 15.08.050. Violation of chapter; penalty.

(a) Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and shall be punished as provided in chapter 1.03.

(b) In addition, any building contractor who has been licensed by the city who violates any of the terms of this chapter may have his building contractor's license suspended or revoked.

(Ord. No. 769, att.(15.08.050), 10-26-2021)

CHAPTER 15.12. BOARD OF EXAMINERS AND APPEALS; CONTRACTOR LICENSING

Sec. 15.12.010. Purpose.

The purpose of this chapter is:

- (1) To regulate and control the issuance of building permits within the city to licensed contractors;
- (2) To provide for the various classifications of contractors; and

- (3) To require strict adherence to the various codes and ordinances of the city relative to building construction and alteration.
(Ord. No. 769, att.(15.12.010), 10-26-2021)

Sec. 15.12.020. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative authority means the city mayor or the mayor's authorized representative.

Affidavit means a properly notarized written statement from former employers, governmental entities, or firm representatives which will corroborate the number of years claimed to have been worked at the trade. This statement must describe the work performed and be written on the firm stationery or on an affidavit furnished by the administrative authority.

Board means the contractor licensing board of examiners and board of appeals as set forth by this chapter.

Boiler operator, high pressure, means a person entrusted with the operation, care and management of steam boilers not in excess of 250 psi or water boilers not in excess of 375 psi.

Boiler operator, low pressure, means a person entrusted with the operation, care and management of steam boilers not in excess of 15 psi gauge pressure or water boilers not in excess of 50 psi.

Building contractor means a person who builds, constructs, alters, repairs, adds to or demolishes a building or structure for a fixed sum, price, fee, percentage or other compensation, and for which a permit is required.

Commercial building means a structure intended to be used for the barter of goods, office facilities, warehousing or other commercial purpose, as opposed to a residence, which shall mean a structure intended to be used for human habitation.

Demolition contractor means a person who demolishes or removes a building or structure for a fixed sum, price, fee, percentage or other compensation and for which a permit is required.

Department means the city building inspection department.

Electrical contractor means any person who contracts or offers to contract for another the planning, laying out, supervising and installing, or the making of additions, alterations and repairs in the installation or wiring of apparatus and equipment for electric light, heat and power. Such contractor shall hold a current state electrical contractor's license and be, or employ, a master electrician. Any person who only plans or designs electrical installations need not be classed as an electrical contractor.

Electrical contractor, limited, means a person engaged in the installation of sound systems, burglar alarms, fire alarm systems and other low voltage systems of under 90 volts.

Electrical wiring means the fixed installation of electrical wires, appliances, fixtures or utilization equipment used or to be used or to be maintained, on or in any building or property for electric heat, light, power, electric signs, smoke detectors, electric generation plants, electric heaters, fire alarms,

burglar alarms, electric bells, electric signal and communication systems, telegraph messenger call systems, lighting fixtures or electrical utilization equipment of any kind or description, and is not intended to include portable appliances, portable fixtures or utilization equipment capable of being readily removed except portable signs, where established practices or the condition of use make it necessary or convenient for it to be detached from its source of current by means of flexible cord and attachment plug.

Electrician, apprentice, means a person being taught and laboring at the electrical trade as an employee under the supervision and in the presence of a master or journeyman electrician.

Electrician, journeyman, means a person having at least four years' experience in the electrical wiring industry with technical knowledge to wire, supervise, install and repair electrical apparatus and equipment for light, heat, power and other purposes, in accordance with the National Electrical Code, the city electrical ordinance and holding a current state journeyman's license.

Electrician, master, means a person having at least eight years practical experience in the electrical wiring industry with technical knowledge to properly plan, lay out and supervise the physical installation and repair of wiring apparatus and equipment for electrical light, heat, power and other purposes in accordance with the National Electrical Code, the city electrical ordinance, and holding a current state master electrician's license.

Full-time employee means a person who is employed in an active full-time capacity as his principal employment. A qualifying person shall represent no more than one firm or corporation and must be available during regular business hours.

Gasfitter means a person who labors at the trade of installing gas piping as an employee of a plumbing contractor or gas utility.

Gas utility contractor means a gas utility company may conduct, carry on, or engage in the business of installation of appliances, except for water heaters and boilers, as defined by the International Mechanical Code, latest edition, and must have a licensed gas utility installer as a full-time employee.

Gas utility installer means a person who is employed in the trade of installation of gas appliances, except for water heaters and boilers, as defined by the International Mechanical Code, latest edition.

License means the authority granted by the city to a person to whom it is issued authorizing said person to perform certain work as provided in this chapter.

Mechanical apprentice means a person who labors at the trade of heating, air conditioning, refrigeration ventilation and associated sheet metal as an employee under the supervision and in the presence and instruction of a master or journeyman.

Mechanical contractor means a person who may conduct, carry on or engage in the business of heating, air conditioning, ventilation, refrigeration and associated sheet metal work, as identified by the International Mechanical Code, latest edition, and must have a licensed master mechanical as a full-time employee.

Mechanical journeyman means a person who labors at the trade of heating, air conditioning, refrigeration ventilation and associated sheet metal as an employee of a licensed mechanical contractor.

Mechanical master means a person skilled in the planning, superintending and practical installation of heating, air conditioning, refrigeration ventilation and associated sheet metal.

Mobile home contractor means a person who may conduct, carry on or engage in the business of connecting, blocking, leveling, skirting and all other above-ground requirements necessary to place a mobile home in established parking areas.

Mobile home installer means a person who labors at the trade of connecting gas, waste and/or water in a mobile home as an employee of a mobile home contractor.

Permit means the written authority given by the city to build, construct, alter, repair, move, improve, remove, convert or demolish any building or structure or appurtenances thereto in the city as required by city ordinance.

Plumber, apprentice, means a person who labors at the trade of plumbing as an employee under the supervision and in the presence of a master plumber or journeyman plumber.

Plumber, journeyman, means a person who labors at the trade of plumbing as an employee of a licensed plumbing contractor.

Plumber, master, means a person skilled in the planning, superintending and practical installation of plumbing, and who is familiar with the laws, rules and regulations governing the same.

Plumbing contractor means a person who may conduct, carry on or engage in the business of plumbing, together with steam or hot water boiler installations, and must have a master plumber in his full-time employment.

Qualified person means an individual person who qualifies, as provided in this chapter, for a license on behalf of a partnership, corporation or association.

Roofing contractor means a person who solely constructs, alters, repairs, or is engaged in the business of installation and repair of roofs for a fixed sum, price, fee, percentage or other compensation, and for which a permit is required.

Sewer cleaning contractor means a person who may conduct, carry on or engage in the business of cleaning sewer lines, drain lines, sludge pits or sand traps.

Utility contractor means a person who may engage in the business of installing and repairing of water and sewer lines and the installation and repair of septic systems, and must have a licensed utility installer in his full-time employment.

Utility installer means a person who labors at the trade of installing and repairing of water and sewer lines and septic systems from the building out and is an employee of a licensed utility contractor.

Water conditioning contractor means a person who may conduct, carry on or engage in the business of installation and repair of water piping as a part of a water treatment system.
(Ord. No. 769, att.(15.12.040), 10-26-2021)

Sec. 15.12.050. License required; contents.

(a) No person shall perform work as a contractor, or be issued a permit to do work within the city for which a permit is required, who has not met the qualifications for licensing and is found to be competent by examination to perform the duties of the trade for which he has applied, and received a license so to act.

(b) A license issued to a partnership, corporation or association shall state the name, address and telephone number of the qualified person upon whose competency it is issued, and the name and address of the partnership, corporation or association to whom it is issued.

(Ord. No. 769, att.(15.12.050), 10-26-2021)

Sec. 15.12.060. Exceptions.

(a) The provisions of this chapter shall not apply to:

- (1) Steam-heating boilers operated at not over 15 pounds per square inch gauge pressure in private residences or apartments of six or less families or to hot water heating or supply boilers operated at not over 50 pounds per square inch gauge pressure and temperatures not over 250 degrees Fahrenheit when in private residences or apartments of six or less families;
- (2) A person who constructs, alters or repairs his own residence for his personal use, and not for resale, without the aid of a building contractor may secure a permit without the necessity of being registered; a person who alters or repairs his own commercial building, without the aid of a building contractor, may secure a permit without the necessity of being registered; provided, however, that such alterations or repairs shall not exceed 25 percent of the building value, as determined by the administrative authority; in making such determination, the administrative authority shall consider and use appropriate guidelines published by national building trade organizations and comparative building values in the immediate area of the building for which a permit is sought;
- (3) An owner of a residence and its accessory buildings, who makes ordinary repairs which can be considered as routine maintenance of his residence and accessory buildings, and which do not involve the structural soundness of the building, shall not be considered to be a building contractor;
- (4) Any person who constructs, repairs or alters more than one building or structure in any one-year period and for which a permit is required, shall be required to become a registered building contractor as provided herein, except for owner-occupied single-family residence;
- (5) Work performed by any person for which a plumbing permit is required and is within the exception set forth in section 26(A) 1408 of the Plumbing Code as adopted by city ordinance;
- (6) Buildings constructed by a school or community college district as part of an industrial arts curriculum under the direct supervision of a qualified industrial arts instructor; provided, however, that the school or community college district shall have the installations inspected as required by law;

- (7) Licensed electrical contractors employing master or journeyman electricians, or apprentice electricians supervised by a master or journeyman electrician shall install all electrical equipment. This requirement is waived for:
- Installation by person or persons on their own residential property if the property is not for immediate resale;
 - Oilfield operations, railroads, petroleum, refineries, mines and their appurtenant facilities;
 - Liquefied petroleum, gas, electric or communication facilities exercising their function as public utilities;
 - Cable TV, AM or FM radio stations, television stations and related services.

(b) The exceptions in subsection (a) of this section shall not apply to any person who contracts or subcontracts to or for any exempt person.

(Ord. No. 769, att.(15.12.060), 10-26-2021)

Sec. 15.12.070. Classifications.

(a) There shall be the following class of licenses, and the holder of each license shall be authorized to do the following:

- (1) Building contractor, Class I: To contract for the construction, alteration or repair of any type or size of structure permitted by the city building codes.
- (2) Building contractor, Class II: To contract for the construction, alteration or repair of all residential and commercial structures up to 12,000 square feet.
- (3) Building contractor, Class III: To contract for the repairing, remodeling or altering of a single-family residence or structure in an amount not to exceed 25 percent of the assessed value of the structure when such repair, remodel or alteration requires a permit as provided by city ordinances.
- (4) Demolition contractor: To contract for the demolition or removal of any structure or building.
- (5) Electrician's license, master: The right and privilege to do any electrical wiring that may be required of a master electrician within the city limits and shall be a valid qualification for obtaining a contractor's license upon proper application and payment of fees. A master electrician's license shall be issued to the applicant upon presentation of a valid master electrician's license issued by the state electrical licensing board and the payment of the required fee. A master electrician shall be the master of record for only one contractor at a time.
- (6) Electrician's license, journeyman: The right and privilege to do any electrical wiring that may be required of a journeyman electrician within the city limits. A journeyman's electrical license shall be issued to the applicant upon presentation of a valid journeyman electrician's license issued by the state electrical licensing board and the payment of the required fee.
- (7) Electrician's license, apprentice: A licensed electrical contractor may employ registered apprentice electricians to assist master or journeyman electricians. Such apprentices shall be registered

with the state and the city upon the payment of the required fee, and shall work under the immediate supervision of a master or journeyman electrician. No contractor shall have more than two apprentices for each master or journeyman electrician.

- (8) Electrical contractor's license: The right and privilege to contract for the installation of any electrical wiring within the city limits. An electrical contractor's license shall be granted upon presentation of a valid electrical contractor's license issued by the state electrical licensing board and the payment of the license fee.
- (9) Limited electrical contractor's license: The right and privilege to contract for installation of limited electrical wiring within the city limits. Limited electrical wiring is that wiring for which a limited contractor's license shall be obtained as defined in section 15.28.020. A limited contractor's license shall be granted upon presentation of a valid limited contractor's license issued by the state electrical licensing board and the payment of a fee.
- (10) Gasfitter's license: The right and privilege to install gas piping as an employee of a plumbing contractor or gas utility, within the city. A gasfitter's license shall be issued to the applicant upon the successful completion of a review by the board and the payment of the required fee.
- (11) Gas utility contractor: The right and privilege to conduct, carry on, or engage in the business of installation and service of gas appliances, except for water heaters and boilers, as defined by the International Mechanical Code, latest edition. A license shall be issued to the applicant upon the payment of the required license fee and proof of employment of a full-time gas utility installer.
- (12) Gas utility installer: The right and privilege to do installation of gas appliances, except for water heaters and boilers, as defined by the International Mechanical Code, latest edition. The utility installer license shall be issued to the applicant upon the successful completion of a written examination and the payment of the required license fee.
- (13) High-pressure boiler operator's license: The right and privilege to operate steam boilers not in excess of 250 psi gauge saturated steam pressure or water boilers operating not in excess of 375 psi gauge pressure and 450 degrees Fahrenheit temperature within the city. A high-pressure boiler operator's license shall be issued to the applicant upon the successful completion of a written examination, a review by the board and the payment of the required fee.
- (14) Low-pressure boiler operator's license: The right and privilege to operate steam boilers not in excess of 15 psi gauge pressure or water boilers not in excess of 50 psi gauge pressure and 250 degrees Fahrenheit temperature within the city. A low-pressure boiler operator's license shall be issued to the applicant upon the successful completion of a written examination, a review by the board and the payment of the required fee.
- (15) Mechanical contractor's license: The right and privilege to conduct, carry on or engage in the business of heating, ventilation, air conditioning, refrigeration and associated sheet metal work and as outlined in the International Mechanical Code, latest edition, within the city. A license shall be issued to the applicant upon the payment of the required fee, and proof of employment of a full-time licensed mechanical master.

- (16) Mechanical master license: The right and privilege to do any heating, venting, air conditioning and refrigeration work that may be required within the city and shall be a valid qualification for obtaining a mechanical contractor's license. Such license shall be issued to the applicant upon the successful completion of a written examination and the payment of the required fee.
- (17) Mechanical journeyman's license: The right and privilege to do any heating, venting, refrigeration and air conditioning work that may be required of a mechanical journeyman within the city, as an employee of a mechanical contractor. Such license shall be issued to the applicant upon the successful completion of a written examination and the payment of the required fee.
- (18) Mechanical apprentice license: The right and privilege to work as an apprentice for a mechanical contractor within the city, provided such work time is in the presence and under the instruction of a licensed master or journeyman. An apprentice license shall be issued to the mechanical contractor in the name of the applicant upon payment of the required fee. Such license shall be valid only for the term of his employment with that contractor. No mechanical contractor shall have more than one apprentice for each city/county-licensed journeyman or master mechanical.
- (19) Mobile home contractor: The right and privilege to install mobile homes and the related exterior work of plumbing connections, blocking, leveling, skirting and all other above-ground requirements. The license will be issued upon proof of full-time employment of a mobile home installer and payment of required fees.
- (20) Mobile home installer: The right and privilege to do plumbing, blocking, leveling and skirting work related to the outside of a mobile home. A mobile home installer's license will be issued upon the successful completion of a written exam and the payment of required fees.
- (21) Plumbing contractor's license: The right and privilege to contract for the installation of any plumbing work, including the installation of steam or water boilers, within the city. A plumbing contractor's license shall be granted upon the payment of a license fee.
- (22) Master plumber's license: The right and privilege to do any plumbing work that may be required of a master plumber within the city and shall be a valid qualification for obtaining a plumbing contractor's license. A master plumber's license shall be issued to the applicant upon the successful completion of a written examination and the payment of the required fee.
- (23) Journeyman plumber's license: The right and privilege to do any plumbing work that may be required of a journeyman plumber, as the employee of a plumbing contractor within the city. A journeyman plumber's license shall be issued to the applicant upon the successful completion of a written examination and the payment of the required fee.
- (24) Apprentice plumber's license: The right and privilege to work as an apprentice plumber for a plumbing contractor within the city. An apprentice plumber's license shall be issued, in the name of the applicant, to the plumbing contractor with whom he is employed. Such license shall be valid only for the term of his employment with that contractor. No plumbing contractor shall have more than one apprentice for each city-licensed journeyman or master plumber.
- (25) Roofing contractor's license: The right and privilege to repair, alter, and install roofs, roofing material and related decking material.

- (26) Sanitary sewer cleaning contractor's license: The right and privilege to clean sanitary sewers or drain lines, sludge pits and sand traps within the city. A sanitary sewer cleaning contractor's license shall be issued to the applicant upon the payment of a fee.
 - (27) Utility contractor's license: The right and privilege to repair and install sewer and water lines from the building out. Such license shall be issued to the applicant upon the successful completion of a written examination and the payment of the required fee, and proof of employment of a full-time licensed utility installer.
 - (28) Utility installer's license: The right and privilege to repair and install sewer and water lines from the building out. Such license shall be issued to the applicant upon the successful completion of a written examination and the payment of the required fee.
 - (29) Water conditioning contractor's license: The right and privilege to install water conditioning and softening systems within the city. Such license shall be issued to the applicant upon the payment of the required fee.
 - (b) Each contractor must have and maintain during the effective period of his license:
 - (1) Telephone service where he may be contacted during normal business hours; and
 - (2) All motor vehicles owned or leased by a contractor must carry identifying signs showing the contractor's name.
 - (c) A licensed contractor shall be responsible for all work included under his permit whether or not such work is done by him or his subcontractor.
- (Ord. No. 769, att.(15.12.070), 10-26-2021)

Sec. 15.12.080. Application.

- (a) All persons required to be licensed by this chapter shall apply for said license upon a form approved by the board. The board shall provide different application forms for different trades which are regulated by city ordinance.
 - (b) The application shall measure the applicant's knowledge of the applicable codes, laws and ordinances adopted by the city for the particular trade for which a license is being applied for. The board shall set the application standards and establish procedures which shall be approved by the city council prior to the issuance of any license.
 - (c) The determination of eligibility for licenses or other matters pertaining thereto shall be by the board. Each applicant shall be required to complete and pass an examination approved by the board which shall test the competency of the applicant.
 - (d) Every person subject to the licensing requirements of this chapter shall make an application for such license within 30 days from the effective date of the ordinance from which this chapter is derived. All building construction in progress by such persons may continue until action has been taken by the board of the prospective licensee's application. Should such application be denied by the board, the person will be allowed to complete any work under construction, but no further permits will be issued, nor work be allowed until said person has obtained the necessary license.
- (Ord. No. 769, att.(15.12.080), 10-26-2021)

Sec. 15.12.090. Experience and examination criteria.

(a) The board will license without examination, an applicant for a category of license who holds a valid license issued by another state entity which has or had at the time the applicant was licensed, requirements for licensure substantially similar to those of this chapter. All tests given by the state association of municipalities for applicant's trade and proof of a passing score will be accepted by the board.

(Ord. No. 769, att.(15.12.090), 10-26-2021)

Sec. 15.12.140. Licensee responsibility.

A licensee shall be responsible for work requiring a permit under the provisions of this chapter or other applicable city ordinance without limitation to the items as herein listed, and shall do or cause to be done the following:

- (1) To present his license when requested by the administrative authority;
- (2) To obtain a permit when the same is required;
- (3) To faithfully construct, without substantial departure from or disregard of drawings and specifications, when such drawings and specifications have been filed and approved by the building department and a permit issued for same, unless such changes are approved by the building department;
- (4) To complete all work authorized on the permit issued by the department unless good cause is shown;
- (5) To obtain inspection services when the same are required by city ordinances;
- (6) To pay any fee assessed under the authority of the building code adopted by the city;
- (7) To build in compliance with all applicable codes;
- (8) To warrant the workmanship, structural soundness and code compliance of the residence or building for a period of one year from the date of occupancy of such residence or building or, in case of a remodeling, one year from the date of final inspection.

(Ord. No. 769, att.(15.12.140), 10-26-2021)

Sec. 15.12.150. Insurance requirements.

Every contractor granted a license of any kind under the terms of this chapter shall be required as a condition of receiving and holding said license to maintain, at all times, employer's liability insurance and workman's compensation insurance (if employees are hired by such contractor) and public liability insurance of a minimum limit of not less than \$250,000.00 for personal injury or death of one person; \$500,000.00 for personal injury or death of all persons arising out of any one incident; property damage insurance with a minimum limit of not less than \$250,000.00 for one incident; and shall furnish the city a certificate that such insurance is maintained.

(Ord. No. 769, att.(15.12.150), 10-26-2021)

Sec. 15.12.200. Board of appeals.

(a) It shall be the duty of the board of examiners to act as the board of appeals.

(b) Any person may appeal a decision of the administrative authority with regard to the suitability of alternate materials, methods of construction or interpretation of the building, mechanical, electrical, plumbing and fire codes adopted by the city. Appeals shall be commenced by the person by giving written notice of such appeal and stating therein the decision and reasons for the appeal to the secretary of the board of appeals within a period of five working days of the decision. The administrative authority shall present, in writing, to the board within five working days thereafter, all facts pertaining to the decision rendered by him.

(c) The board of appeals shall, within 30 calendar days thereafter, hold a hearing and follow the approved hearing procedures.

(Ord. No. 769, att.(15.12.200), 10-26-2021)

CHAPTER 15.16. CONSTRUCTION REGULATIONS**Sec. 15.16.010. Building construction prohibited during certain hours; exceptions.**

The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, is declared to be unlawful except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(Ord. No. 769, att.(15.16.010), 10-26-2021)

Sec. 15.16.020. Excavations; fencing requirements.

(a) No person shall own, lease, operate, maintain or conduct within the city for commercial purposes, for a period of more than four days, any pit, hole in the ground, pool or other excavation without first having such pit, hole in the ground, pool or other excavation securely fenced. Such fence shall be not less than five feet high and constructed of woven wire at least 26 inches high with four strands of wire above the woven wire equal distances apart to the top of each post with a wooden or steel guard arm one foot long extending from each fence post, with one strand of wire attached to each such guard arm. The fence posts shall be at least five feet above the ground, eight feet apart and set at least two feet in the ground, with two stays of wire between each post, securely attached to the woven wire below.

(b) In the event woven wire cannot be obtained, then such fence shall consist of wire every six inches apart commencing three inches above the ground and extending to the top of the fence posts with wire stays every two feet between such fence posts and with a wooden or steel guard arm one foot long extending from each fence post, with at least one strand of wire attached thereto.

(Ord. No. 769, att.(15.16.020), 10-26-2021)

Sec. 15.16.030. Sign requirements.

The fence required in section 15.16.020 shall have posted thereon a proper "no trespassing" sign.
(Ord. No. 769, att.(15.16.030), 10-26-2021)

CHAPTER 15.18. INTERNATIONAL FUEL GAS CODE

Sec. 15.18.010. Code adopted.

There is adopted by the city, for the purpose of prescribing regulations governing the installation, alteration or repair of fuel gas and gas appliance systems as prescribed in this Code and inspection thereof, that certain suggested code known as the International Fuel Gas Code, 2021 Edition, and including appendices A, B, C, and D, and the whole thereof, save and except such portions as are herein deleted, added, modified or amended. Not less than three copies of each code have been, and now are filed, in the office of the city clerk, and the same are adopted and incorporated as fully as if set out at length herein and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city.

(Ord. No. 769, att.(15.18.010), 10-26-2021)

Sec. 15.18.020. Amendments, additions and deletions.

The International Fuel Gas Code, 2021 edition, and including appendices A, B, C, and D, as adopted by this chapter, is amended as set out in sections 15.18.030 through 15.18.160.

(Ord. No. 769, att.(15.18.020), 10-26-2021)

Sec. 15.18.030. Administration.

IPC chapter I, Administration, is deleted in its entirety and replaced with sections 15.18.040 through 15.18.100.

(Ord. No. 769, att.(15.18.030), 10-26-2021)

Sec. 15.18.040. Code official and duties.

(a) Whenever the term "code official" is used in this code, it shall be construed to mean the city mayor or the duly authorized representative of the city mayor.

(b) The code official shall maintain public office hours necessary in its discretion, to efficiently administer the provisions of this code and amendments thereto, and may perform the following duties:

- (1) Require submission of permit applications on a form designated by the authority and to examine and check plans and specifications, drawings, descriptions, and diagrams when neces-

sary in discretion of the authority, to demonstrate the character, kind, and extent of work covered by said application and upon approval of the application to issue the permit applied for.

- (2) Keep a permanent, accurate account of all fees for permits issued and other monies collected and received, as provided by this code, the names of persons upon whose account the same were paid, the date and amount thereof, together with the location or premises to which they relate.
- (3) Administer and enforce the provisions of this code in a manner consistent with the intent thereof and shall inspect all fuel gas and gas appliances systems authorized by any permit to ensure compliance with provisions of this code or amendments thereto, approving or condemning said work in whole or in part as conditions require.
- (4) Issue upon request a certificate of approval for any work approved by the code official.
- (5) Condemn and reject all work done or being done, or materials used or being used, which do not in all respects comply with the provisions of this code and amendments thereto.
- (6) Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this code.
- (7) Investigate any construction or work regulated by this code and issue such notices and orders as provided in section 15.18.050.
- (8) Keep a complete record of all the essential transactions of his office.
- (9) Transfer all fees collected by him to the proper authority provided by law to receive such funds.
- (10) Maintain an official register of all persons, firms, or corporations lawfully entitled to carry on or engage in, the business of installation of fuel gas piping and fuel gas appliances, or to labor at the trade of the installation fuel gas piping and fuel gas appliances to whom a license has been issued in accordance with chapter 15.12.

(Ord. No. 769, att.(15.18,040), 10-26-2021)

Sec. 15.18.050. Dangerous and unsafe construction.

(a) Any portion of the fuel gas system found by the code official to be unsafe, as defined herein, is hereby declared to be a nuisance.

(b) Whenever brought to the attention of the department having jurisdiction that any unsanitary conditions exist or that any construction or work regulated by this code is dangerous, unsafe, nuisance, or a menace to life, health, or property, or otherwise in violation of this code, the said department may request an investigation by the code official who, upon determining such information to be fact, shall order any person, firm, or corporation using or maintaining any such condition, or responsible for the use or maintenance thereof, to discontinue the use or maintenance thereof or to repair, alter, change, remove, or demolish same as he may consider necessary for the proper protection of life, health, or property; and in the case of any gas piping or gas appliance may order any person, firm, or corporation supplying gas to such piping or appliance to discontinue supplying gas thereto until such piping or appliance is made safe. Every such order shall be in writing, addressed to the owner, agent, or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order sent certified mail, return receipt required.

(c) Refusal or failure to comply with any such notice or order shall be considered a violation of this code.

(d) When any fuel gas system is maintained in violation of this code and in violation of any notice issued pursuant to the provisions of this section and such continuing violation, in the discretion of the code official, constitutes a nuisance, the code official may institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance. In the case of fuel gas piping and fuel gas appliances, the code official may issue an order directing the utility company to discontinue supplying fuel gas until such piping system or appliances are made safe to life, health, or property.

(e) Any fuel gas system lawfully installed prior to the effective date of the ordinance from which this code is derived may have its existing use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to the public health, safety, or welfare has been created by such system.

(Ord. No. 769, att.(15.18.050), 10-26-2021)

Sec. 15.18.060. Permits required.

(a) It shall be unlawful for any person to install, remove, alter, repair, or replace, or cause to be installed, removed, altered, repaired, or replaced any fuel gas or fuel gas appliances in a building or premises without first obtaining a permit to do such work from the code official. A separate permit shall be obtained for each building or structure.

(b) No person shall allow any other person to do or cause to be done, any work under a permit secured by a permittee, except persons in his employ.

(Ord. No. 769, att.(15.18.060), 10-26-2021)

Sec. 15.18.070. Validity of permits.

(a) The issuance or granting of a permit, or approval of plans and specifications, shall not be deemed or construed to be a permit for, or an approval of any violation of any of the provisions of this code. If any permit is issued, and the issuance results in the violation of the provisions of the code, that permit shall be amended, and the violation abated within 30 days of the date of notice sent to the permit holder by certified mail, return receipt required.

(b) The issuance or granting of a permit, or approval of plans, shall not prevent the code official from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of this code or of any ordinance, or from revoking any certificate of approval when issued in error. Violation shall be abated within 30 days of the date of notice sent to the permit holder by certified mail, return receipt required.

(c) Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall be first obtained.

(Ord. No. 769, att.(15.18.070), 10-26-2021)

Sec. 15.18.080. To whom permits may be issued.

(a) No permit shall be issued to any person to do or cause to be done any work regulated by this code, except to a person holding a valid contractor's license as required by chapter 15.12 for the type of work to be done, unless otherwise hereinafter provided in this section.

(b) Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for his living purposes, including the usual accessory buildings in connection with such building in the event that such person is the bona fide owner of any such dwelling and accessory buildings, and not for immediate resale, and that said owner shall purchase all material and shall personally perform all labor in connection therewith.

(Ord. No. 769, att.(15.18.080), 10-26-2021)

Sec. 15.18.090. Application for permit.

(a) Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. The applicant shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy, and use of the premises in connection therewith. The code official may require plans, specifications, or drawings, and such other information as he may deem necessary.

(b) If the code official determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant is in compliance with this code, the permit applied for shall be issued upon payment of the required fee as hereinafter fixed.

(Ord. No. 769, att.(15.18.090), 10-26-2021)

Sec. 15.18.100. Cost of permit.

Fees shall be established by resolution of the city council of the city.

(Ord. No. 769, att.(15.18.100), 10-26-2021)

Sec. 15.18.110. Unvented appliances.

Section 303.0 amended and language added—Unvented appliances.

Section 303.3. All unvented appliances permitted by this section must have prior approval of the code official before installation.

(Ord. No. 769, att.(15.18.110), 10-26-2021)

Sec. 15.18.120. Reserved.

Sec. 15.18.130. Reserved.

Sec. 15.18.140. Test pressure measurements.

Section 406.4, subparagraphs 406.4.1 and 406.4.2, Test Pressure Measurements, are deleted, and section 406.4 is amended to read as follows:

Section 406.4. All installation of fuel gas piping in new construction shall be tested at 30 psi for a duration not less than 30 minutes, and existing piping including new piping added to an existing system shall be tested at not less than 15 psi. The code official may approve alternative methods of fuel gas testing with prior approval.

(Ord. No. 769, att.(15.18.140), 10-26-2021)

Sec. 15.18.150. Equipment not required to be vented.

Section 501.8. Equipment Not Required to be Vented—Amended.

Section 501.8 amended and language added: All unvented appliances permitted by this section must have prior approval of the code official before installation.

(Ord. No. 769, att.(15.18.150), 10-26-2021)

Sec. 15.18.160. Unvented room heaters.

Section 621 Unvented Room Heaters—Amended.

Section 621 amended and language added: All unvented appliances permitted by this section must have prior approval of the code official before installation.

(Ord. No. 769, att.(15.18.160), 10-26-2021)

Sec. 15.18.170. Violation; penalty.

Any person, firm or corporation violating any of the provisions of the code adopted by this chapter shall be deemed guilty of a misdemeanor. Each and every day or portion thereof during which any violation of any of the provisions of such code is committed, continued, or permitted shall be a separate offense. Upon conviction of any such violation, such person may be punished as set forth in chapter 1.03.

(Ord. No. 769, att.(15.18.170), 10-26-2021)

CHAPTER 15.20. INTERNATIONAL MECHANICAL CODE**Sec. 15.20.010. Short title.**

The code adopted by the ordinance from which this chapter derives shall be known as the "International Mechanical Code" of the city.

(Ord. No. 769, att.(15.20.010), 10-26-2021)

Sec. 15.20.020. Code adopted; applicability.

There is adopted by the city for the purpose of prescribing standards to safeguard life and limb, health, property, and public welfare, the certain suggested code known as the "International Mechanical Code" being particularly the 2021 edition thereof, save and such portions as hereby modified, deleted, or

amended by section 15.20.030, not less than three copies of which have been and are now filed in the office of the city clerk, and the same as adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance from which this chapter is derived shall take effect, the provisions thereof shall be controlling within the limits of the city.

(Ord. No. 769, att.(15.20.020), 10-26-2021)

Sec. 15.20.030. Amendments, additions and deletions.

The International Mechanical Code, 2021 edition, is amended and changed in the following respects:

- (1) IMC subparagraph 103.1 is repealed and amended to read: Subparagraph 103.1 General. The city mayor, or the mayor's duly authorized representative, is hereby authorized and directed to enforce all provisions of the code.

- (2) After subparagraph 106.1, section 106, of the 2006 International Mechanical Code, add the following section:

106.1.1. No permit shall be issued to any person to do or cause to be done any work regulated by this code, except to a person holding a valid, unexpired, and unrevoked mechanical contractor's license for the type of work to be done, unless otherwise hereinafter provided in this section.

Any permit required by this code may be issued to any person to do any work regulated by this code in a one-family dwelling used exclusively for his/her living purposes, including the usual accessory buildings in connection with such building, and such person is the bona fide owner of any such dwelling and accessory buildings.

- (3) IMC Subparagraph 106.5.2, Fee Schedule, is repealed and amended to read: Subparagraph 106.5.2. Mechanical Permit Fees. Fees shall be established by resolution of the city council of the city.

(Ord. No. 769, att.(15.20.030), 10-26-2021)

Sec. 15.20.040. Violation; penalty.

Any person violating any of the provisions of the code adopted by this chapter shall be deemed guilty of a misdemeanor. Each and every day or portion thereof during which any violation of any of the provisions of such code is committed, continued, or permitted shall be a separate offense. Upon conviction of any such violation, such person may be punished as set forth in chapter 1.03.

(Ord. No. 769, att.(15.20.040), 10-26-2021)

CHAPTER 15.24. INTERNATIONAL PLUMBING CODE

Sec. 15.24.010. Code adopted.

There is adopted by the city, for the purpose of prescribing regulations governing the installation, alteration or repair of plumbing and drainage systems and inspection thereof, that certain suggested code known as the International Plumbing Code, 2021 edition. Not less than three copies of each code

have been, and now are filed, in the office of the city clerk, and the same are adopted and incorporated as fully as if set out at length herein and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city.

(Ord. No. 769, att.(15.24.010), 10-26-2021)

Sec. 15.24.020. Amendments, additions and deletions.

The International Plumbing Code, 2021 edition, as adopted by this chapter is amended as set out in sections 15.24.030 through 15.24.120.

(Ord. No. 769, att.(15.24.020), 10-26-2021)

Sec. 15.24.030. International Plumbing Code chapter I deleted and replaced.

Chapter I, Administration, is deleted in its entirety and replaced with section 15.24.040 through 15.24.100 of this chapter.

(Ord. No. 769, att.(15.24.030), 10-26-2021)

Sec. 15.24.040. Code official.

(a) Whenever the term "code official" is used in this code, it shall be construed to mean the city mayor or the duly authorized representative of the city mayor.

(b) Duties of the code official. The code official shall maintain public office hours necessary in its discretion, to efficiently administer the provisions of this code and amendments thereto, and may perform the following duties:

- (1) Require submission of permit applications on a form designated by the authority and to examine and check plans and specifications, drawings, descriptions, and diagrams, when necessary, in discretion of the authority, to demonstrate the character, kind, and extent of work covered by said application and upon approval of the application to issue the permit applied for.
- (2) Keep a permanent, accurate account of all fees for permits issued and other monies collected and received, as provided by this code, the names of persons upon whose account the same were paid, the date and amount thereof, together with the location or premises to which they relate.
- (3) Administer and enforce the provisions of this code in a manner consistent with the intent thereof and shall inspect all plumbing and drainage work authorized by any permit to ensure compliance with provisions of this code or amendments thereto, approving or condemning said work in whole or in part as conditions require.
- (4) Issue upon request a certificate of approval for any work approved by the code official.
- (5) Condemn and reject all work done or being done, or materials used or being used, which do not in all respects comply with the provisions of this code and amendments thereto.
- (6) Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this code.
- (7) Investigate any construction or work regulated by this code and issue such notices and orders as provided in section 15.18.050.

- (8) Keep a complete record of all the essential transactions of his office.
 - (9) Transfer all fees collected by him to the proper authority provided by law to receive such funds.
 - (10) Maintain an official register of all persons, firms, or corporations lawfully entitled to carry on or engage in, the business of plumbing, or to labor at the trade of plumbing to whom a plumber's license has been issued in accordance with this code.
- (Ord. No. 769, att.(15.24.040), 10-26-2021)

Sec. 15.24.050. Dangerous and unsanitary construction.

(a) Any portion of the plumbing system found by the code official to be unsanitary, as defined herein, is hereby declared to be a nuisance.

(b) Whenever brought to the attention of the department having jurisdiction that any unsanitary conditions exist or that any construction or work regulated by this code is dangerous, unsafe, unsanitary, a nuisance, or a menace to life, health, or property, or otherwise in violation of this code, the said department may request an investigation by the code official who, upon determining such information to be fact, shall order any person, firm, or corporation using or maintaining any such condition, or responsible for the use or maintenance thereof, to discontinue the use or maintenance thereof or to repair, alter, change, remove, or demolish the same as he may consider necessary for the proper protection of life, health, or property; and in the case of any gas piping or gas appliance may order any person, firm, or corporation supplying gas to such piping or appliance to discontinue supplying gas until such piping or appliance is made safe. Every such order shall be in writing, addressed to the owner, agent, or person responsible for the premises in which such condition exists and shall specify the date or time for compliance with such order sent certified mail, return receipt required.

(c) Refusal or failure to comply with any such notice or order shall be considered a violation of this code.

(d) When any plumbing system is maintained in violation of this code and in violation of any notice issued pursuant to the provisions of this section and such continuing violation, in the discretion of the code official, constitutes a nuisance, the code official may institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance. In the case of any water piping, fixture, or plumbing outlet, the code official may issue an order directing the utility company to discontinue supplying water thereto until such piping fixtures or outlets are made safe to life, health, or property.

(e) Any plumbing system lawfully installed prior to the effective date of this code may have its existing use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to the public health, safety, or welfare has been created by such system.

(f) Any person, firm, or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor. Each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted shall be a separate offense. Upon conviction of any such violation, such person may be punished as set forth in chapter 1.03.

(Ord. No. 769, att.(15.24.050), 10-26-2021)

Sec. 15.24.060. Permits required.

(a) It shall be unlawful for any person to install, remove, alter, repair, or replace, or cause to be installed, removed, altered, repaired, or replaced, any plumbing, gas, or drainage piping work, or any fixture, water heating, or treatment equipment in a building or premises without first obtaining a permit to do such work from the code official.

(b) A separate permit shall be obtained for each building or structure. No person shall allow any other person to do or cause to be done, any work under a permit secured by a permittee, except persons in his employ.

(Ord. No. 769, att.(15.24.060), 10-26-2021)

Sec. 15.24.070. Validity of permits.

(a) The issuance or granting of a permit, or approval of plans and specifications, shall not be deemed or construed to be a permit for, or an approval of any violation of any of the provisions of this code. If any permit is issued, and the issuance results in the violation of the provisions of the code, that permit shall be amended, and the violation abated within 30 days of the date of notice sent to the permit holder by certified mail, return receipt required.

(b) The issuance or granting of a permit, or approval of plans, shall not prevent the code official from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of this code or of any other ordinance, or from revoking any certificate of approval when issued in error. Violation shall be abated within 30 days of the date of notice sent to the permit holder by certified mail, return receipt required.

(c) Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall be first obtained.

(Ord. No. 769, att.(15.24.070), 10-26-2021)

Sec. 15.24.080. Work not requiring permit.

No permit shall be required in the case of any repair work as follows: The stopping of leaks in drains, soil, waste, or vent pipe; provided, however, that should any trap, drainpipe, soil, waste, or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as such new work and a permit shall be procured and inspection made, as provided in section 15.24.040. No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(Ord. No. 769, att.(15.24.080), 10-26-2021)

Sec. 15.24.090. To whom permits may be issued.

(a) No permit shall be issued to any person to do or cause to be done any work regulated by this code, except to a person holding a valid plumbing contractor's license for the type of work to be done, unless otherwise hereinafter provided in this section.

(b) Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for his living purposes, including the usual accessory buildings in connection with such building in the event that such person is the bona fide owner of any such dwelling and accessory buildings, and not for immediate resale, and that said owner shall purchase all material and shall personally perform all labor in connection therewith.

(c) Permits shall be required for tapping and connecting a building sewer to the public sewer and shall be issued only to a person holding a valid plumbing contractor's license or utility contractor's license. (Ord. No. 769, att.(15.24.090), 10-26-2021)

Sec. 15.24.100. Application for permit.

(a) Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. The applicant shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy, and use of the premises in connection therewith. The code official may require plans, specifications, or drawings, and such other information as he may deem necessary.

(b) If the code official determines that the plans, specifications, drawings, descriptions, or information furnished by the applicant is in compliance with this code, the permit applied for shall be issued upon payment of the required fee as hereinafter fixed. (Ord. No. 769, att.(15.24.100), 10-26-2021)

Sec. 15.24.110. Cost of permits.

Fees shall be established by resolution of the city council. (Ord. No. 769, att.(15.24.110), 10-26-2021)

Sec. 15.24.120. Section 202 amended; definitions.

Amend the definition of "public sewer" in this section to read as follows:

A public sewer shall include all mains, laterals, and appurtenances located on public rights-of-way or easements directly controlled by public authority. (Ord. No. 769, att.(15.24.120), 10-26-2021)

Sec. 15.24.130. Section 305.4.1 amended; sewer depth.

Twelve inches is minimum depth for all sewer lines. (Ord. No. 769, att.(15.24.130), 10-26-2021)

Sec. 15.24.140. IPC Section 306 is deleted and replaced; trenching, excavating and backfill.

Section 306.3.1. All excavations shall be completely backfilled as soon after inspection as practical. Adequate precaution shall be taken to ensure proper compaction of backfill around piping without damage to such piping. Trenches shall be backfilled in thin layers to 12 inches above the top of the piping

with clean earth, which shall not contain stones, boulders, cinder fill, or other materials which would damage or break the piping or cause corrosive action. Mechanical devices such as bulldozers, graders, etc., may then be used to complete the backfill to grade with the following exceptions:

- (1) All street and alley excavations shall be completely backfilled in accordance with chapter 12.16.
 - (2) All excavations within ten feet of any sidewalk or other concrete flat work, shall be compacted to the density of the surrounding ground and backfill shall be placed in 12-inch layers during compaction.
 - (3) All other fill shall be properly compacted. Suitable precautions shall be taken to ensure the permanent stability for pipe laid in, filled, or made ground.
 - (4) No other utility shall be run or laid in the same trench with water service pipes or any underground water pipes and/or building sewer pipes, except for crossovers.
- (Ord. No. 769, att.(15.24.140), 10-26-2021)

Sec. 15.24.150. Section 312 added; tests and inspection.

Add section 312.1.2, to read as follows:

All testing of drain, waste, and vent systems, sewer lines, shower pan receptors and water piping will be at the discretion of the Code official.

(Ord. No. 769, att.(15.24.150), 10-26-2021)

Sec. 15.24.160. IPC Section 406.3 added; automatic clothes washer; floor drain.

Section 406.3. A floor drain shall be installed within six feet of every automatic clothes washer installation.

(Ord. No. 769, att.(15.24.160), 10-26-2021)

Sec. 15.24.170. Section 428 added; accessible working space.

Section 428.1. Each appliance typically found in the mechanical room of a single-family or multifamily residential structure shall have the minimum space available to allow for the adequate installation and repair of the appliance. There shall be adequate space to allow the appliance to be replaced or serviced with minimal or no disruption to the other appliances in the room. These space requirements are minimums and may vary with the specific equipment involved. The code official may approve different spacing with prior approval.

<i>Appliances</i>	<i>Minimum Space Per Appliance</i>
Water heater	4 square feet floor space
Water softener	8 square feet
Furnace	24 square feet
Hot water boiler	24 square feet

<i>Appliances</i>	<i>Minimum Space Per Appliance</i>
Central vacuum	9 square feet
Water meter	(CPU specifications section 39-4) 6" from floor to bottom of the meter; 9 square feet floor space total

(Ord. No. 769, att.(15.24.170), 10-26-2021)

Sec. 15.24.180. Section 504.7.3 added; water heater; floor drain.

Section 504.7.3. A floor drain shall be installed within six feet of every hot water heater or hot water boiler.

(Ord. No. 769, att.(15.24.180), 10-26-2021)

Sec. 15.24.190. Section Tables 605.3 and 605.4 amended; material, joints and connections.

Delete galvanized steel pipe from Tables 605.3, 605.4 and steel from Table 605.5.

(Ord. No. 769, att.(15.24.190), 10-26-2021)

Sec. 15.24.200. Section 703.7 added; sewer required.

Section 703.6. When the public sewer is not available as described under section 1101(d), then a permit shall be secured from the city-county health department, as well as from the code official.

(Ord. No. 769, att.(15.24.200), 10-26-2021)

Sec. 15.24.210. Section 708.3.2 added; building sewers.

(a) Section 708.3.2. All building sewers shall have cleanouts installed at each change in direction in excess of 22½ degrees.

(b) Except as required by section 708.3.2 of this code, no additional cleanouts shall be required between 22½ degrees changes of directions provided a minimum distance of 12 inches is maintained between fittings except as required in section 708.2 of this code.

(Ord. No. 769, att.(15.24.210), 10-26-2021)

Sec. 15.24.220. Section 712.1 added; sumps and ejectors.

Section 712.1.1. All sumps and receiving tanks shall be automatically discharged, and when in public use or any multiple-family dwelling, shall be provided with dual pumps or ejectors arranged to function independently in case of overload or mechanical failure. The lowest inlet shall have a minimum clearance of two inches from the high water or starting level of the sump.

(Ord. No. 769, att.(15.24.220), 10-26-2021)

Sec. 15.24.230. Sec. 715.1 deleted and replaced; backwater valves.

(a) Section 715.1. Drainage piping serving floor drains or fixtures, which have flood level rims located more than four feet below the elevation of the top rear curb face, shall drain by gravity into the main sewer, and shall be protected from backflow of sewage by installing an approved type of backwater valve.

The backwater valve shall be installed only in that branch or section of the drainage system which receives the discharge from fixtures. The elevation of the top rear curb face and the proposed elevation of the lowest floor level shall be indicated on the building plans before a plumbing permit will be issued.

(b) It shall be the responsibility of the building contractor and/or the building owner to determine the elevation of the lowest floor level.

(Ord. No. 769, att.(15.24.230), 10-26-2021)

Sec. 15.24.240. IPC Section 13.

IPC section 13 is hereby deleted entirely.

(Ord. No. 769, att.(15.24.240), 10-26-2021)

Sec. 15.24.250. Section 918 amended; air admittance valves.

Section 918.2. Air admittance valves permitted by this section must have prior approval of the code official before installation in the plumbing system.

(Ord. No. 769, att.(15.24.250), 10-26-2021)

Sec. 15.24.260. Section 1001.1 deleted and replaced; traps, interceptors, separators.

Section 1001.2. All traps, interceptors, and separators shall comply with section 13.18.150, and code requirements of chapter 10, IPC, are adopted and may be utilized with prior approval of the code official.

(Ord. No. 769, att.(15.24.260), 10-26-2021)

Sec. 15.24.270. Section 1109 deleted; combination sanitary and storm system.

Section 1109, IPC is deleted entirely.

(Ord. No. 21-12, § 8, 7-2-2012; Ord. No. 769, att.(15.24.270), 10-26-2021)

Sec. 15.24.280. Violation; penalty.

Any person violating any of the provisions of the code adopted by this chapter shall be deemed guilty of a misdemeanor. Each and every day or portion thereof during which any violation of any of the provisions of such code is committed, continued, or permitted shall be a separate offense. Upon conviction of any such violation, such person may be punished as set forth in chapter 1.03.

(Ord. No. 769, att.(15.24.280), 10-26-2021)

CHAPTER 15.28. NATIONAL ELECTRICAL CODE

ARTICLE I. CODE ADOPTION AND ADMINISTRATION

Sec. 15.28.010. National Electrical Code adopted.

(a) A certain document, two copies of which are on file in the office of the city clerk being marked and designated as the National Electrical Code, 2023 edition, including all appendixes, as the regulating NEC of the city for regulating construction, alteration, movement, enlargement, replacement, repair, equip-

ment, location, and proper removal or demolition of said buildings and structures; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said NEC on file in the office of city clerk are hereby referred to, adapted, and made a part hereof, as if fully set out in this section.

(b) Unsafe electrical systems or equipment.

- (1) Electrical systems or equipment regulated by this code which are unsafe, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Use of electrical systems or equipment regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.
- (2) Unsafe electrical systems or equipment are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings, as adopted, or an alternative procedure as may be adopted by this jurisdiction. As an alternative, the electrical inspector or other employee or official of this jurisdiction as designated by the council, may institute other appropriate action to prevent, restrain, correct or abate the violation.

(Ord. No. 769, att.(15.28.010), 10-26-2021; Ord. No. 795, § 1(15.05.010), 6-27-2023)

Sec. 15.28.020. Limited contractor's license.

A limited contractor's license shall be obtained for the following purposes:

- (1) The installation of sound systems, fire alarms, burglar alarms, satellite TV antennas and other low-voltage systems of under 90 volts;
- (2) The installation of electrical signs, not to extend past the load side of the sign disconnect, within sight of and attached to the sign;
- (3) The installation of elevator wiring, not to extend past the load side of the elevator disconnect, within sight of the controllers; and
- (4) The installation of electrical wiring for water wells and irrigation systems, not to extend past the load side of the disconnect, within sight of the controllers for the well or systems.

(Ord. No. 769, att.(15.28.020), 10-26-2021)

Sec. 15.28.030. City electrical inspector; qualification; appointment; unlawful activities designated.

(a) There is created the office of city electrical inspector. The person chosen to fill the office of city electrical inspector shall be a competent electrician, shall have at least four years' experience as a wireman or electrical contractor, and shall obtain certification as an electrical inspector by the International Code Council and/or other competent authority.

(b) The electrical inspector shall be appointed by the city mayor. It is unlawful for the city electrical inspector to engage in the business of the installation and the maintenance of electrical wiring and appliances, either directly or indirectly, and he shall have no financial interest in any concern engaged in such business in the city, at any time, while holding the office of city electrical inspector.
(Ord. No. 769, att.(15.28.030), 10-26-2021)

Sec. 15.28.040. City electrical inspector; powers and duties.

(a) The city electrical inspector is given the authority to refuse to issue a certificate of approval of any addition or extension to any wiring system, in or on any building, structure or property where, in his professional opinion, the wiring is in an unsafe condition. In case the work does not comply with this chapter and the 2023 edition of the National Electrical Code, he shall issue and mail a written statement and telephone the electrical contractor within 24 normal business hours, stating the changes necessary to bring the work up to the required standard.

(b) Whenever any electrical wire or other piece of electrical utilization equipment is defective, by reason of improper or insufficient insulation, or for any other cause becomes dangerous, the city electrical inspector shall at once notify the owner or the agent of the owner of the electrical utilization equipment to repair or remove the same, and upon the owner's failure to repair or remove the wire or utilization equipment within a reasonable time, the city electrical inspector shall cause the turning off of all electrical current.

(c) Whenever there are practical difficulties involved in carrying out the provisions of this code, the electrical inspector may grant modifications for individual cases, provided that a special individual reason makes the strict letter of this code impractical and the modification is in conformity with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

(d) Every company, firm, partnership or individual owning or controlling electrical wires and utilization equipment for the transmission of light, heat or power shall, as soon as possible after receipt of notice of a fire, have an agent or representative at the fire whose duty shall be to cut, deaden and test any of the power wires that might endanger the lives or property of anyone in that vicinity.

(e) Upon request of the property owner, lessee or occupant, the city electrical inspector shall inspect, for electrical safety, any old wiring or electrical utilization equipment in, or on, any building, structure or property within the corporate limits of the city, upon payment of a fee of as listed in the permit fee schedule. In case the installation does not comply with this chapter, he shall file a report of his inspection with the property owner, lessee or occupant, identifying the areas of noncompliance. Code compliance inspections shall also be required when the meter or service drop has been removed or disconnected from any structure or building, by the electric utility company or as ordered by the electrical inspector, his authorized representative or the fire department.

- (f) (1) It is unlawful for any light or power company to make any electrical connections to any building or property until a certificate of approval has been issued by the city electrical inspector. All such firms, corporations or individuals shall, upon written notice from the city electrical inspector, disconnect from any service as designated by such notice, and shall not reconnect such service, except upon written notice from the city electrical inspector.
- (2) The city electrical inspector is also authorized and shall have the authority to order the termination of all electric current and cut, or disconnect, in cases of emergency or hazard, any wire where such electrical currents are dangerous to life or property, or may interfere with the work of the fire department.

(g) After inspection of the electrical wiring of any building, the city electrical inspector shall leave notice in the form of a tag attached in a prominent location. This notice shall clearly state that the work has, or has not, passed the inspection by the city electrical inspector. On new or remodeled construction, no workman shall lath, seal or in any manner conceal any electric wiring, until he knows that it has passed the city electrical inspector's inspection. If the wiring is in such a position as to interfere with the completion of the building as called for by the plans, the electrical contractor must be notified, within 24 hours, of the necessary changes to be made. The city electrical inspector must, in all cases when such is practical, inspect all electrical wiring within the corporate limits of the city within 48 hours of the receipt of notice from the electrical contractor, stating that the work is completed. Saturdays, Sundays and holidays shall not be included in this time.

(h) The city electrical inspector shall have the general supervision over the placing, stringing and attaching of telephone, telegraph, electric light or other wires, only insofar as fire prevention, accident or injury to persons or property is concerned, and any or all of such wires or electrical utilization equipment now existing, and hereafter constructed and placed, shall be subject to such supervision.

(i) Right of entry.

- (1) Whenever necessary to make an inspection to enforce the provisions of this code, or whenever the electrical inspector or an authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the electrical inspector or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the electrical inspector by such codes, provided that if such building or premises be occupied, the electrical inspector shall first present proper credentials and request entry. If such building or premises is unoccupied, the electrical inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises, and request entry. If entry is refused, the electrical inspector or an authorized representative shall have recourse to every remedy provided by law to secure entry.
- (2) When the electrical inspector or an authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or other person having charge, care or control of the building or premises, shall not fail or neglect, after proper request is made, as herein provided, to promptly permit entry therein by the electrical inspector or authorized representative for the purpose of inspection and examination pursuant to this code.

(j) Liability. This code shall not be construed to relieve from or lessen the responsibility of a person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming such liability by reason of the inspection authorized by this code or approvals issued under this code.

(k) Suspension or revocation. The electrical inspector may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of the jurisdiction.

(Ord. No. 769, att.(15.28.040), 10-26-2021)

Sec. 15.28.050. Permit required.

(a) All companies, firms, partnerships, corporations, individuals or entities who do electrical wiring for electric signs, electric fixtures, appliances or utilization equipment installed in or on any buildings or property, or removed from the interior or exterior on any building or property (except as allowed by section 15.28.080(a)(2) through (4)), shall procure a permit from the city electrical inspector. Permits shall only be issued to a contractor holding a valid, unexpired or unrevoked contractor's license of the proper category, as covered in section 15.28.080, or an individual for private work, as covered in section 15.28.090. Permits may also be issued for all work requiring a permit, where the person doing said work is exempted from the licensing requirements provided in section 15.28.080.

(b) It is unlawful for all contractors, workmen or individuals to in any way interfere with any electric wiring, except as allowed by section 15.28.080(a)(2) through (4), in or on any building or property, in any manner whatsoever, without first having secured a permit therefore. Failure to obtain a permit prior to the start of the work shall result in the applicable permit fees being doubled. Permits shall expire by limitations and become null and void if the work authorized by such permit is not commenced within 180 days and completed within one year from the date of the permit, unless an extension is granted by the building/code enforcement mayor or authorized representative. Before such work can be recommenced, a renewal permit shall be obtained, and the fee therefore shall be one-half the amount of the original permit; provided work is recommenced within 30 days of the ending of the original permit. A permit for private work is defined in section 15.28.090.

(c) Changes in building occupancy. Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the building code, shall comply with the requirements of this code which are applicable to the new use or occupancy.

(d) Moved building. Electrical systems and equipment which are a part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this code for new installations.

(e) Maintenance.

(1) All electrical systems and equipment, both existing and new, and all parts thereof shall be maintained in a proper operating condition in accordance with the original design and in a safe and hazard-free condition. All devices or safeguards which are required by this code shall be

maintained in conformance with this code. The owner shall be responsible for the maintenance of the electrical system. To determine compliance with this subsection, the electrical inspector may cause any electrical system to be re-inspected.

- (2) Persons other than the building owner shall have the proper electrical license for the type of electrical system being repaired or maintained.

(Ord. No. 769, att.(15.28.050), 10-26-2021)

Sec. 15.28.060. Permit fees.

Before any company, firm, partnership, corporation or individual shall do any electric wiring, either new work or any addition to old work, for which a permit is required under this chapter, a written application must be filed with the city electrical inspector for a permit. The fee for such permit shall be in accordance with the currently adopted building permit fee schedule, and shall be paid at the time the permit is issued. Valuation to be determined by multiplying the number of openings, motors, fixtures by the proper multiplier, and then adding all subtotals to provide a total valuation of the work. Total valuation to then be used to determine permit fee from table of permit fees. The determination of value or valuation under any of the provisions of this code shall be made by the electrical inspector. Fees required under this section shall be established by resolution of the city council.

(Ord. No. 769, att.(15.28.060), 10-26-2021)

Sec. 15.28.070. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice electrician means any person with insufficient qualifications to be a journeyman electrician, and who is hired by a licensed electrical contractor to assist a journeyman or master electrician, and under the direct supervision of a journeyman or master electrician, in accordance with W.S. 35-9-127.

Electrical contractor means any person, firm, partnership, corporation, association or combination thereof, who contracts, or offers to contract for another, the planning, laying out, supervising and installing or the making of additions, alterations and repairs in the installation or wiring of apparatus and equipment for electric light, heat and power. Such contractor shall hold a current state electrical contractor's license and be, or employ, a master electrician. Any person who only plans or designs electrical installations need not be classed as an electrical contractor.

Electrical wiring means the fixed installation of electrical wires, appliances, fixtures or utilization equipment used, or to be used, or to be maintained, on or in any building or property for electric heat, light or power, electric signs, smoke detectors, electric generation plants, electric heaters, fire alarms, burglar alarms, electric bells, electric signal and communication systems, telegraph messenger call systems, lighting fixtures or electrical utilization equipment of any kind or description and is not intended to include portable appliances, portable fixtures or utilization equipment capable of being readily moved, where established practices or the condition of use make it necessary or convenient for it to be detached from its source of current by means of flexible cord and attachment plug, except for portable signs.

Journeyman electrician means a person having at least four years' experience in the electrical wiring industry, with technical knowledge to wire, supervise, install and repair electrical apparatus and equipment for light, heat, power and other purposes, in accordance with the National Electrical Code, the electrical ordinance, and holding a current state journeyman's license.

Master electrician means a person having at least eight years practical experience in the electrical wiring industry, with technical knowledge to properly plan, lay out and supervise the physical installation and repair of wiring apparatus and equipment for electric light, heat, power and other purposes in accordance with the National Electrical Code, the electrical ordinance, and holding a current state master electrician's license.

(Ord. No. 769, att.(15.28.070), 10-26-2021)

Sec. 15.28.080. License or registration requirements; fees to be set by ordinance.

(a) A valid master's or journeyman's license of the proper category, or proper registration as an apprentice electrician, shall be required of any and all persons employed by an electrical contractor performing any electric wiring as defined in this chapter within the city limits, except as provided for in sections 15.28.100 and 15.28.160. A further exception from the licensing requirements are provided for:

- (1) Installation by persons on their own property, if the property is not for immediate resale, and is allowed under section 15.28.090;
- (2) Oilfield operations, railroads, petroleum refineries, mines and their appurtenant facilities;
- (3) A gas, electric or communication facility in the exercise of its function as a public utility, except as provided in section 15.28.040(d) and (f) and section 15.28.110; and
- (4) Cable TV, AM or FM radio stations, television stations and related service, but not including premises wiring systems.

(b) Subsections (a)(1) through (4) of this section shall not apply to anyone who contracts or subcontracts to or for any exempt person, partnership or corporation.

(c) Licenses and fees are as required by the current licensing ordinance.

(Ord. No. 769, att.(15.28.080), 10-26-2021)

Sec. 15.28.090. Private work.

(a) A permit to perform electrical work in or about his own residential property may be issued to the owner provided:

- (1) It is not a public place;
- (2) It is not a place of business;
- (3) It is not a place of worship; and
- (4) That all work therein shall be done with his own hands.

(b) A permit is not required under this section for normal maintenance work required on any building, structure or residence. Normal maintenance shall mean the routine, reoccurring work required to keep a facility in such a condition that it may be utilized at its original or designed capacity and efficiency for its installed purpose. Any extensions to, or modification of, existing electrical circuitry shall require a permit.

(Ord. No. 769, att.(15.28.090), 10-26-2021)

Sec. 15.28.100. Temporary work permit.

A temporary work permit may be issued upon presentation by the applicant of a temporary permit issued by the state electrical licensing board. The fee for a temporary work permit is to be one-half of journeyman's fee and is nonrenewable.

(Ord. No. 769, att.(15.28.100), 10-26-2021)

Sec. 15.28.110. Plans and specifications.

(a) Any person, firm, corporation, partnership, architect or builder is required, when drawing plans and specifications, to state in such plans and specifications the location and circuiting of all outlets. The location of the main distribution panel and service attachment point shall be approved by the city electrical inspector and a power company representative. All electrical work shown on plans and incorporated in the specifications shall conform to this chapter.

(b) Applicants for permits shall be required to furnish plans and specifications of the proposed work, as may be deemed necessary by the city electrical inspector, before a permit is issued. The city electrical inspector shall be notified of any revision or change orders prior to the implementation of any change. A copy of said change shall be filed with the city electrical inspector.

(c) Equipment installed under article 505 of the NEC shall only be installed under the direction of a registered licensed electrical engineer after the installation is approved by the city electrical inspector.

(d) Voltage drop of all branch circuits, feeder circuits, control circuits and service entrance conductors shall be properly calculated. In no case shall voltage drop of conductors be such as to damage or prevent the operation of equipment that is properly attached to a circuit.

(Ord. No. 769, att.(15.28.110), 10-26-2021)

Sec. 15.28.120. Certificate of approval; issuance conditions.

When requested by the owner, a certificate of approval shall be issued by the city electrical inspector, provided all electrical work covered by a permit is completed to the satisfaction of the city electrical inspector. It is further provided, but not limited, that all plumbing, heating and ventilation, furnace work, gas fitting, telephone wiring and alarm systems which are to be installed, or to be made a part of the construction, must be in place before a certificate is granted.

(Ord. No. 769, att.(15.28.120), 10-26-2021)

Sec. 15.28.130. Code provisions not to apply to prior existing lawful work.

No provision of this code shall be deemed to require a change in any portion of the electrical system, or any other work regulated by this code, in or on an existing building or lot, when such work was installed and is maintained in accordance with law in effect prior to the effective date of the ordinance from which this chapter is derived, except when any such electrical system, or other work regulated by this code, is determined by the administrative authority to be dangerous, unsafe and a threat to life, health or property.

(Ord. No. 769, att.(15.28.130), 10-26-2021)

Sec. 15.28.140. Board of appeals; interpretative authority.

All questions not provided for in this chapter or covered by the current National Electrical Code, pertaining to the installation of electrical wires and utilization equipment, and any questions that may arise concerning the interpretation of this chapter, shall be decided by the appeals board.

(Ord. No. 769, att.(15.28.140), 10-26-2021)

Sec. 15.28.150. Board of appeals designated.

The licensing board of the city shall serve as the board of appeals.

(Ord. No. 769, att.(15.28.150), 10-26-2021)

Sec. 15.28.160. Violation; penalty.

Any person, firm, partnership, corporation or other entity violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and the penalty for violation hereof shall be that set forth in chapter 1.03.

(Ord. No. 769, att.(15.28.160), 10-26-2021)

ARTICLE II. INSTALLATION MATERIALS AND SPECIFICATIONS**Sec. 15.28.170. Compliance required.**

All wiring within the corporate limits of the city shall be, at all times, installed in accordance with the requirements of the National Electrical Code (NFPA 70-2023 edition). In the interest of safety and sound construction practice the following requirements, as set out in this article, are also to be adhered to.

(Ord. No. 769, att.(15.28.170), 10-26-2021)

Sec. 15.28.180. Underwriters or other testing required.

All electrical materials, devices or appliances installed shall be listed or labeled by Underwriters Laboratories, Inc., or Factory Mutual Research Corporation or other nationally recognized testing agencies.

(Ord. No. 769, att.(15.28.180), 10-26-2021)

Sec. 15.28.190. Ampere service requirements; new buildings and utility poles.

(a) *Service requirements for installation on new buildings and utility poles.* All services installed within or on all new buildings, structures or utility poles, and all alterations in and additions to wiring in or on buildings now existing, shall be a minimum of 125 amperes when the computed load is not more than 100 amperes. Where the computed minimum load exceeds 100 amperes, the service size shall be increased by 125 percent. Wafer and tandem circuit breakers are not allowed on new construction. Basements shall be included when computing the square foot area of a building for the size of service required.

(b) *Exceptions.*

- (1) Individual service, when approved by the city electrical inspector due to limitations of supply source or load requirements, shall not be smaller than three No. 6 A.W.G. conductors, when serving no more than three circuits.
- (2) For installations to supply limited loads of a single branch circuit, when approved by the city electrical inspector, the conductors shall not be smaller than the conductors of the branch circuit, and shall be a minimum of three No. 6 A.W.G. conductors.
- (3) Billboards with not more than a 30-ampere computed load may be served by three No. 6 A.W.G. conductors.
- (4) For other installations and for temporary services on construction poles serving not more than two 20-ampere, 120-volt, circuits may be served by three No. 6 A.W.G. conductors. All 120-volt, single-phase, 15-ampere and 20-ampere receptacle outlets on construction sites shall have ground fault circuit interrupters. 230-volt outlets shall only be used for 230-volt utilization equipment.

(c) *Protection of ungrounded conductors.*

- (1) Protection of ungrounded conductors shall be provided by an overcurrent device in series with each ungrounded service conductor having a rating or setting not higher than the allowable ampacity of the conductor.
- (2) Where more than one and not more than six overcurrent devices provide the required protection for the ungrounded conductors, their total ampacity shall not exceed the allowable ampacity of the ungrounded conductors. Refer to section 240.4(b) and (c) of the National Electrical Code for overcurrent protection of wire.

(d) *Service requirements on manufactured (mobile) homes.* Services on manufactured (mobile) homes shall be allowed when all of the following requirements are met:

- (1) Service will be of the meter and exterior main type of no less than 125 amps.
- (2) The manufactured (mobile) home is owner-occupied and not located on leased property.
- (3) The smallest conductor in the manufactured (mobile) home is #12 copper wire.
- (4) The manufactured (mobile) home is permanently set on a foundation designed to meet all of the local jurisdiction's requirements.

(Ord. No. 769, att.(15.28.190), 10-26-2021)

Sec. 15.28.200. Wire size required; aluminum conductors prohibited when.

No wires smaller than No. 12 A.W.G. copper shall be used in wiring nominal 120 volts or over within the corporate limits of the city, except for remote control circuits. No aluminum conductors smaller than No. 2 A.W.G. shall be used for wiring or services.

(Ord. No. 769, att.(15.28.200), 10-26-2021)

Sec. 15.28.210. Separate circuitry required when.

(a) Separate circuits shall be provided for furnaces, ranges, dryers, dishwashers, disposals and any appliances exceeding 50 percent of the circuit capacity. Ranges, dryers, dishwashers, disposals and washing machines in residences may be cord-connected. Built-in ovens and cook-top units may be direct-wired with flexible conduit from a junction box not more than three feet away and the conductors shall have an ampacity equal to the branch circuit overcurrent protection device. All furnaces and boilers shall have overcurrent devices responsive to the motor current and shall be rated or selected to trip at not more than 125 percent of motor current. Range and dryer receptacles shall be three-pole, four-wire, when the branch circuit originates from a feeder panel.

(b) A separate 20-amp 125-volt circuit shall be provided for each three-quarter or full bathroom in a dwelling and for every two half bathrooms in a dwelling. Where commercial non-dwelling bathrooms have outlets there shall be a separate 20-amp 125-volt circuit for every two bathrooms.

(Ord. No. 769, att.(15.28.210), 10-26-2021)

Sec. 15.28.215. GFCI outlets in commercial crawl spaces.

Commercial crawl spaces containing receptacle outlets in commercial structures shall have ground fault circuit interrupter protection of those receptacles.

(Ord. No. 769, att.(15.28.215), 10-26-2021)

Sec. 15.28.220. Raceways.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Metal raceways means galvanized rigid conduit (heavy-wall conduit) intermediate metal conduit, electrical metallic tubing (thin-wall conduit, metal molding, metal troughing, metal ducts, and flexible metallic conduit (as allowed by section 15.28.320)). Flexible metal conduit shall not be installed outdoors, exposed to weather.

(b) Metal raceways shall be used for electric power, light, heat and all wiring supplying 90 volts and over in all commercial, industrial or public types of buildings, and in buildings or any part of buildings whose use is changed from residential to any other use. Armored cable shall be permitted for use in commercial buildings, for branch circuits, and shall be required to have a copper equipment grounding conductor as an integral part from the factory.

(c) Fiber duct, PVC or equivalent raceways may be installed underground, and in concrete slabs, in accordance with the National Electrical Code. PVC may be installed in corrosive atmospheres by special permission from the city electrical inspector.

(d) PVC and electrical nonmetallic tubing (ENT) may be installed only in structures where combustible construction is allowed, including commercial and public buildings, with the following limitations:

- (1) ENT may be installed in buildings of no more than three floors. ENT shall not be permitted for exposed work, high temperature areas or exposed to physical damage. All bends in runs of ENT shall count in the total degrees of bend, which shall not exceed 360 degrees between boxes.
- (2) Bushings shall be installed when run in metal studs.
- (3) Metal plates of the proper type shall be used for protection of ENT, when run in wooden stud walls and unable to be run in the center of the stud.
- (4) Tie wire shall not be used as a strapping method for ENT. Article 362 of the National Electrical Code shall apply for other installation requirements.
- (5) PVC (rigid nonmetallic conduit) may be installed only in structures where combustible construction is allowed, and in accordance with article 352 of the National Electrical Code, with the following limitations: PVC may be installed in slabs, and in buildings of no more than three floors. PVC shall not be permitted for exposed work (except as allowed by this section), high-temperature areas or exposed to physical damage. Short runs for protection of ground wires on exterior of buildings shall be permitted. All bends in runs of PVC shall count in the total degrees of bend, which shall not exceed 360 degrees between boxes. Metal plates of the proper type shall be used for protection of PVC when run in wooden stud walls and unable to be run in the center of the stud. Tie wire shall not be used as a strapping method for PVC.

(e) All raceways installed below grade shall have approved expansion joints installed within one foot immediately above grade on each end. All underground raceways shall have a sleeve installed where passing through concrete or masonry. A junction box shall be sized and constructed to power company requirements and may be above ground or underground, but in no case shall junction boxes be smaller than 12 inches wide by 18 inches high by six inches deep above ground or 13 inches by 24 inches by 18 inches deep underground. Meter bases that provide room for 18 inches of slack within the meter base shall not be required to have a junction box.

(Ord. No. 769, att.(15.28.220), 10-26-2021)

Sec. 15.28.230. Metal conduit or raceway required when.

All wiring exposed on the outside, or exposed on inside concrete or masonry walls of any building within the corporate limits of the city, shall be installed in a metal conduit or raceway system (rigid conduit, intermediate or electrical metallic tubing). All service entrance wires hereafter installed from the public utilities service drop conductors into the building or structure to be served, shall be in an approved metal conduit or raceway system (rigid conduit, intermediate or electrical metallic tubing) equipped at the outer end with a service head fitting. When a mast is required, it shall be at least two-inch galvanized rigid metal conduit. Service laterals may be installed with rigid nonmetallic conduit approved for the purpose. Service drop and lateral installation and meter location shall be in accordance with the power company specifications.

(Ord. No. 769, att.(15.28.230), 10-26-2021)

Sec. 15.28.240. Metallic tubing installment and coating requirements.

Electrical metallic tubing shall not be installed in contact with the earth, or in concrete at ground level or below. Rigid and intermediate conduits shall be PVC coated or taped, and coated when buried or when subject to direct contact with earth. Rigid nonmetallic conduit approved for the purpose may be buried or installed in concrete.

(Ord. No. 769, att.(15.28.240), 10-26-2021)

Sec. 15.28.250. Nonmetallic sheathed cable.

(a) Nonmetallic sheathed cable with ground wire may be used in wood frame, one-family and two-family dwellings and wood frame multifamily dwellings not exceeding three floors above grade. Flexible armored cable (BX) shall not be installed in residential structures within the corporate limits of the city. Nonmetallic sheathed cable shall not be used to wire assembly areas of multifamily dwellings.

(b) Exposed nonmetallic sheathed cable installed in accessible attics, unfinished garages and basements shall be routed either parallel or perpendicular to structural members and walls, protected from physical damage and avoiding proximity to sources of heat such as flues, ducts and hot water lines.

(Ord. No. 769, att.(15.28.250), 10-26-2021)

Sec. 15.28.255. GFCI accessibility; spa, hot tub disconnects.

(a) All ground fault circuit interrupters shall be readily accessible. They shall not be installed in any attic, crawl space, behind panels or any other similar area, except for those outlets required for service of equipment in such areas.

(b) An emergency switch or shutoff shall be located as required by article 680.41 of the National Electrical Code, regardless of the type of occupancy. The emergency switch or shutoff shall be clearly labeled in an effective and permanent manner acceptable to the city electrical inspector.

(Ord. No. 769, att.(15.28.255), 10-26-2021)

Sec. 15.28.260. Service entrance switches.

Service entrance switches or any service distribution equipment, including branch circuit panels, shall not be installed within or have the only access through a bathroom, toilet room or clothes closet.

(Ord. No. 769, att.(15.28.260), 10-26-2021)

Sec. 15.28.270. Three-phase and single-phase panels.

A three-phase panel with 120/250 volt, four-wire delta wiring shall not be permitted for use as a lighting and appliance panel. Separate panels shall be furnished for three-phase and single-phase loads.

(Ord. No. 769, att.(15.28.270), 10-26-2021)

Sec. 15.28.280. Circuit breakers.

(a) Back-fed main circuit breakers will not be permitted on main-lug-only panels used as service equipment.

(b) Back-fed main circuit breakers that are factory installed in panels, or listed factory main breaker kits, will be permitted in residential services.

(c) Back-fed main circuit breakers or plug in main lug devices that are back-fed shall be secured in place by an additional mechanical fastener that is approved for the purpose, whether the device is field or factory installed.

(Ord. No. 769, att.(15.28.280), 10-26-2021)

Sec. 15.28.290. Isolation circuits.

Orange shall only be used to designate the high leg on a delta service, or as required by section 517.160 of the National Electrical Code, for isolation circuits. Orange shall be permitted in any building with no three-phase delta power or isolation circuits.

(Ord. No. 769, att.(15.28.290), 10-26-2021)

Sec. 15.28.300. Grounding.

Equipment and service grounds will be rigidly inspected by the city electrical inspector, and inspection tags will not be attached to any installation which is not adequately grounded in accordance with the grounding requirements contained in the 2023 edition of the National Electrical Code. The main system service ground shall be a minimum of No. 6 A.W.G. copper, and connected to the waterpipe on the street side of the water meter, if feasible, or to the nearest cold waterline. A minimum No. 6 A.W.G. copper bonding jumper shall be installed around the water meter. A minimum No. 6 A.W.G. copper bonding jumper shall be installed between the hot and cold water pipes on water heaters and water softeners (if applicable). Bonding requirements of services shall be determined by article 250-28 of the National Electrical Code. All grounding electrode conductors shall be copper.

(Ord. No. 769, att.(15.28.300), 10-26-2021)

Sec. 15.28.310. Load calculations.

Load calculations shall be provided to the city electrical inspector when derating the grounded conductors for a reduction in size and reducing it by more than one size.

(Ord. No. 769, att.(15.28.310), 10-26-2021)

Sec. 15.28.320. Extension to existing facilities.

Where extensions are made to commercial or residential installations which have been originally wired in metal raceways, flexible metallic conduit (green field) of the type allowing the pulling and withdrawing of wires when the conduit is in place may be used; provided existing circuits are adequate. Where extensions are made to residential installations which are originally wired in knob and tube, nonmetallic sheathed cable may be used for extension; provided existing circuits are adequate and provided that such building or structure is not of a commercial nature where metal raceways are required. Flexible metal conduit shall not be installed outdoors exposed to weather.

(Ord. No. 769, att.(15.28.320), 10-26-2021)

Sec. 15.28.330. Disconnects.

A maximum of six main disconnects will be permitted at one service entrance location served by a service drop or service lateral. Additional services at the same location shall not increase the maximum number of service disconnecting means at that location.

(Ord. No. 769, att.(15.28.330), 10-26-2021)

Sec. 15.28.340. Modular or prefabricated building requirements.

(a) A modular or prefabricated building shall be inspected for conformance with this chapter, either by the city electrical inspector or by a certifying agency or authority acceptable to the city council. This modular or prefabricated building shall be inspected at the plant where being built or fabricated. The owner, builder or fabricator shall arrange with the city or a certifying agency for inspection, pay all required fees and, if approved, have the certifying agency furnish to the city electrical inspector written certification that the electrical wiring does conform to the requirements of this chapter.

(b) The city electrical inspector shall inspect each building to determine the point of service attachment.

(c) Any electrical wiring required to be done at the building erection site shall be in accordance with this chapter, including payment of permit fee to the city and inspection by the city electrical inspector.

(Ord. No. 769, att.(15.28.340), 10-26-2021)

Sec. 15.28.350. Services for mobile homes and other approved service installations.

(a) Where permanent overhead services are mounted on poles for serving mobile homes or other approved service installations, the pole shall be at least 20 feet long so that when buried, the top of the pole will be at least 16 feet above the ground, and must not be less than 5½ inches by 5½ inches, if square, nor less than 5½ inches in diameter at the top if round. The pole shall be either rot-resistant wood (redwood, cedar, hemlock, etc.) or treated to resist rot with penta, creosote, or other substances or methods approved by the city electrical inspector.

(b) The method of identifying ungrounded conductors in buildings having two voltage systems shall be 277/480: brown, orange, yellow; 120/208: black, red, blue.

(Ord. No. 769, att.(15.28.350), 10-26-2021)

Sec. 15.28.360. Electrified fences prohibited.

No electrified fences of any sort shall be installed in the corporate limits of the city.

(Ord. No. 769, att.(15.28.360), 10-26-2021)

Sec. 15.28.370. Electric signs and outline lighting.

(a) All electric signs and outline lighting shall be wired to comply with article 600 of the 2023 edition of the National Electrical Code. All new signs or outline lighting shall be inspected by the city electrical inspector prior to connection to any electrical supply source.

(b) Portable electric signs shall have GFCI protection of the type approved for signs provided on the sign. Any portable sign without GFCI protection on the sign, shall have GFCI protection as an integral part of the supply cord to the sign, and be of the type approved for use with portable signs. Supply cords for portable signs shall be type S.O. cord, or equivalent, no longer than ten feet, sized for load, but not smaller than No. 14. Permits for connection of portable signs to outlets for power shall be applied for by the owner of the sign; the owner of the sign shall apply for the electrical permit for rented/leased signs. (Ord. No. 769, att.(15.28.370), 10-26-2021)

Sec. 15.28.380. TV satellite dish antennas.

Satellite TV reception dish antennas used for private TV reception shall be grounded with a No. 6 ground wire to the building's grounding electrode system. If the dish is more than 50 feet from the building, a five-eighths-inch by eight-foot ground rod shall be permitted. (Ord. No. 769, att.(15.28.380), 10-26-2021)

Sec. 15.28.390. Smoke detectors.

(a) Smoke detectors shall be installed in all hotels, motels and residential dwellings as required by the current International Building Code and International Residential Code, as adopted by the city, and all smoke detectors shall be supplied by line voltage, with battery backup, in all new construction and complete rewires.

(b) Number 14/2 and 14/3 nonmetallic cable shall be permitted for the wiring and interconnection of smoke detectors when used with a dedicated 15-amp branch circuit in one-family and two-family dwelling units. (Ord. No. 769, att.(15.28.390), 10-26-2021)

Sec. 15.28.400. Temporary construction service.

Temporary construction service shall be located on the same side of the alley, street or driveway as the construction for which the service is required. (Ord. No. 769, att.(15.28.400), 10-26-2021)

Sec. 15.28.410. Temporary decorative lighting.

(a) Temporary decorative lighting is exempt from this chapter and is the responsibility of the owner to maintain in safe operating condition.

(b) Extension cords shall not be left attached to buildings or through windows or doors more than 90 days once a year for decorative lighting. (NEC 400-8.) (Ord. No. 769, att.(15.28.410), 10-26-2021)

Sec. 15.28.420. Nails to secure electrical equipment.

Nails that pass through the interior of the box or equipment shall not be used to secure electrical boxes or equipment to walls, studs, poles or ceilings, unless they are installed as required by article 314.23 of the National Electrical Code. (Ord. No. 769, att.(15.28.420), 10-26-2021)

Sec. 15.28.430. No wiring to be attached to trees or shrubs.

In no case shall any method of electrical wiring be permanently attached to living trees or shrubs.
(Ord. No. 769, att.(15.28.430), 10-26-2021)

Sec. 15.28.440. Carnivals, circuses, fairs, and similar events.

(a) Electrical permits and inspections shall be obtained before any of the items included in article 525 of the 2023 edition of the National Electrical Code are open to the general public. The owner of the property on which the event takes place shall ensure that all permits are obtained and operators/owners of the equipment have passed inspection before allowing that equipment to be operated on their property.

(b) All International Building Code and National Electrical Code requirements shall be met, and the following items are also required:

- (1) All rides and amusement attractions and structures shall have a certificate of inspection from an acceptable certified amusement ride inspector not more than 60 days prior to the opening of the amusement ride.
- (2) There shall also be a certificate from an acceptable testing agency that shall have passed all amusement rides with a magna flux or other nondestructive test as required by manufacture not more than six months prior to the opening of the amusement ride.
- (3) All cords and wiring laid on the ground shall be protected by mats that are listed and labeled by an approved testing agency for that purpose or approved by the administrative authority.
- (4) Fees for inspection shall be as established by resolution of the city council.
- (5) Any repair or modification on site of items covered by this section shall be done by licensed electrical contractors.

(Ord. No. 769, att.(15.28.440), 10-26-2021)

CHAPTER 15.32. SOLAR ENERGY**Sec. 15.32.010. Statutory authority.**

The ordinance codified in this chapter was enacted pursuant to W.S. 34-22-105(b), which provides for the establishment by local governments of permits systems for the use and application of solar energy.
(Ord. No. 769, att.(15.32.010), 10-26-2021)

Sec. 15.32.020. Title for citation.

The ordinance codified in this chapter may be cited as the "solar permit ordinance."
(Ord. No. 769, att.(15.32.020), 10-26-2021)

Sec. 15.32.030. Purpose of provisions.

The city recognizes that economic benefits may be derived for the people of the city from the use of solar energy, and this chapter is intended to encourage use of the same. It is the further intent of this

chapter to provide a means for the balancing of the property rights of the citizens of the city, and to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners.

(Ord. No. 769, att.(15.32.030), 10-26-2021)

Sec. 15.32.040. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the city board of adjustment.

City mayor means the mayor of the city, or the mayor's designated appointee.

Engineering director means the engineering director of the city.

May means permissive.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

Owner means the person who holds a solar permit issued by the city mayor in accordance with this chapter.

Permittee means a person who holds a solar permit issued by the city mayor in accordance with this chapter.

Person means any person, partnership, corporation, association, governmental agency, estate, trust, two or more individuals having a joint or common interest in property, or any other recognized legal entity.

Possessor of real property means a person holding an interest in real property less than the fee simple interest, and who is entitled to take immediate possession or has possession of the property.

Prior use means any legal use of real property or appurtenances thereto made by the owner or possessor of such real property prior to the effective date of the ordinance from which this article is derived, or the date of application for a solar permit the granting of which may affect such legal use.

Property line means the legal boundary of any particularly described parcel of land under the ownership of an owner or possessor of real property.

Shall means mandatory.

Solar collector means one of the following, which is capable of collecting, storing or transmitting at least 25,000 BTUs (British thermal units) on a clear winter solstice day:

- (1) A wall, clerestory or skylight window designed to transmit solar energy into a structure for heating purposes;
- (2) A greenhouse attached to another structure and designed to provide part of the heating load for the structure to which it is attached;

- (3) A Trombe wall, drum wall or other wall or roof structural element designed to collect and transmit solar energy into a structure;
- (4) A photovoltaic collector designed to convert solar energy into electric energy;
- (5) A plate-type collector designed to heat air, water or other fluids for use in hot water or space heating, or for other applications; or
- (6) A massive structural element designed to collect solar energy and transmit it into internal spaces for heating.

Solar permit means an official document or certificate issued by the city mayor, establishing a solar right with respect to the particular solar collector it describes, and which conforms to city ordinances and applicable state statutes.

Solar right means a property right to an unobstructed line-of-sight path from a solar collector to the sun, which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by this chapter or state statutes.

Start of construction means the date application is made for a building permit or, in the event a building permit is not needed, the first placement of permanent construction of a structure on a site.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Winter solstice day means the solstice, on or about December 21, which marks the beginning of winter in the northern hemisphere, and is the time when the sun reaches its southernmost point.
(Ord. No. 769, att.(15.32.040), 10-26-2021)

Sec. 15.32.050. Interpretation of provisions.

The provisions of this chapter shall be held to be minimum requirements to meet the intent expressed in section 15.32.030. Where the provisions herein impose greater restrictions than those of any other ordinance or regulation, the provisions of this chapter shall prevail. Where the provisions of any other ordinance or regulation impose greater restrictions than those of this chapter, the provisions of such other ordinance or regulation shall prevail.

(Ord. No. 769, att.(15.32.050), 10-26-2021)

Sec. 15.32.060. Solar rights; establishment and applicability.

From and after the effective date of the ordinance from which this chapter is derived, no solar rights shall be established or changed except in conformity with the provisions of this chapter. Solar rights may be established in conjunction with solar collectors for which a solar permit has been issued, as provided in section 15.32.070. Solar rights in existence prior to the effective date of the ordinance from which this chapter is derived shall be limited to the terms of a solar permit issued for solar collectors, as provided in section 15.32.070; provided, however, that nothing in this chapter alters, amends, denies, impairs or

modifies a solar right, lease, easement or contract right which has vested prior to said effective date. Solar rights established by a solar permit are limited to and defined by the solar permit, this chapter, and applicable state statutes.

(Ord. No. 769, att.(15.32.060), 10-26-2021)

Sec. 15.32.070. Permit application—Contents.

Any person desiring a solar or wind permit authorized by this chapter shall apply to the city. The application shall be made upon a form prepared by the city, and the original and two copies shall be filed in the office of the engineering director of the city, and shall contain the following items:

- (1) The name and address of the applicant;
- (2) The common address and legal description of the property on which the solar collector is located or proposed to be located;
- (3) The legal description of property immediately adjacent to the property on which the solar collector is to be located, which may be affected by solar rights granted under the permit, and the names and addresses of the record owners of such properties;
- (4) The present or proposed use of the structure to which the solar collector is attached, and the zoning of the applicant's property and adjacent properties;
- (5) The type of solar collectors, as defined in this chapter, for which the permit is sought;
- (6) A description of the collector surface, or that portion of the collector surface for which the solar permit is sought, such description to include the following items:
 - a. The dimensions of the collector surface;
 - b. The direction of orientation;
 - c. The height above ground level; and
 - d. The location of a collector on the solar user's property;
- (7) Be accompanied by plans, diagrams, computations and specifications and all other data, as required in section 15.32.080.

(Ord. No. 769, att.(15.32.070), 10-26-2021)

Sec. 15.32.080. Permit application—Plans and specifications.

Plans and specifications shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this chapter. The following plans shall be submitted with the application:

- (1) Plans for the proposed solar energy system, including the solar collector and any heat storage and distribution facilities; such plans shall include calculations and the sum total as to collection and beneficial use of heat, expressed in BTUs per day;

(2) A site plan, showing the following:

- a. The boundaries of the parcels of land which either contain or are proposed to contain a solar collector, and all adjacent property the use of which may be affected by the solar right;
- b. The names of the owners and/or the possessor of the real property for the parcels shown;
- c. Where relevant to the solar permit requested, the topography of the land, location of structures, fixtures and vegetation in existence, or known by the applicant to be planned;
- d. The horizontal and vertical dimensions of such structures, fixtures and vegetation;
- e. The spatial and temporal boundaries of the solar rights to be established by the solar permit.

(Ord. No. 769, att.(15.32.080), 10-26-2021)

Sec. 15.32.090. Permit for additions to existing system.

In the event a permittee desires to obtain a solar permit for a solar collection system for which a solar permit has been granted because of the addition of new solar collectors, he shall apply to the city mayor for a new solar permit and shall be required to comply with sections 15.32.070 and 15.32.080.

(Ord. No. 769, att.(15.32.090), 10-26-2021)

Sec. 15.32.100. Permit for existing solar collectors.

(a) Any person who has a solar collector in existence and being beneficially used on the effective date of the ordinance from which this chapter is derived may apply for a solar permit, as provided in section 15.32.070 through 15.32.090. The applicant shall have the burden of proving to the satisfaction of the city mayor that the permit requested will not unreasonably or unnecessarily restrict the uses of neighboring property. The application shall further state the date upon which the solar collector was first beneficially used. Any permit granted for existing solar collectors shall define the beneficial use thereof, and the solar rights granted thereunder shall be limited to such beneficial use. The priority date for such solar rights shall be the first date the solar collector was beneficially used.

(b) All persons who own a solar collector being beneficially used on the effective date of the ordinance from which this chapter is derived must apply within five years of such effective date; otherwise, the use of the solar collector shall be without priority.

(Ord. No. 769, att.(15.32.100), 10-26-2021)

Sec. 15.32.110. Application review; corrections.

(a) Upon receipt of an application for a solar permit, it shall be the city mayor's duty to date the application and to make a record of receipt of the same in a suitable book in the office of the engineering director. It shall be the city mayor's duty to examine all applications to ascertain that they contain all the necessary information required by this chapter.

(b) If, upon examination, an application is found to be defective or incomplete, the city mayor shall return the application for correction by registered letter, with a return, reasons therefor, and the time allowed within which to make such corrections, which in all cases shall not be more than 90 days. A

record of such return shall be made in the book kept for recording of the receipt of the applications. Upon receipt of a corrected application, the date of the return of the same shall also be entered in the book provided for receipt of applications.

(c) If, at the expiration of time allowed within which to make corrections, the application has not been returned to the office of the engineering director with the corrections properly made, it shall be the duty of the city mayor to cancel the filings covered by such application, and the application shall be considered to be null and void.

(d) The city mayor may, upon request by the applicant for good cause shown, grant extensions of time for making corrections.

(Ord. No. 769, att.(15.32.110), 10-26-2021)

Sec. 15.32.120. Notice requirements.

(a) Upon receipt of an application for a solar permit, the city mayor or the mayor's designated appointee shall notify all persons named in the permit as adjacent property owners whose property rights may be affected by the issuance of the solar permit, and any other person whose rights may be affected by such permit. Notice shall be given by registered mailing a notice to all persons enumerated in this section, stating that an application for a solar permit has been received, and that the person's property rights may be affected by the issuance of the permit. The notice shall further contain the following information:

- (1) The application is on file at the office of the engineering director, and may be viewed during normal business hours;
- (2) The person notified may protest the issuance of the permit by filing a written objection thereto at the office of the engineering director; the written protest must be filed within 30 days after notification to the person, and must state with particularity the reasons for the protest;
- (3) Failure to file a written protest within the stated time shall constitute a waiver of the right to protest the issuance of the permit and of a right to a hearing on the matter;
- (4) Upon receipt of a written protest by the city mayor, the person protesting shall have a right to a hearing before the board on the matter, if the city mayor decides to issue the permit.

(b) Upon receipt by the city mayor of a written objection filed in accordance with this section, and when he decides whether to approve or reject the application, he shall immediately notify the person who filed the objection by certified mail, with a return receipt requested. An appeal of the city mayor's decision may be taken in accordance with sections 15.32.230 through 15.32.270. The notice to the person objecting to the permit shall state the reason for the approval or rejection of the application for the permit.

(c) In the event a written protest to the application for a solar permit is not received in the office of the city engineer within 30 days after notification to persons, as provided in this section, such persons shall be deemed to have waived the right to further protest the issuance of the solar permit and the right to a hearing on the matter.

(Ord. No. 769, att.(15.32.120), 10-26-2021)

Sec. 15.32.130. Fees.

(a) An application fee as set by resolution shall accompany each application for a solar permit relating to the establishment of a solar right which did not exist, to the extent requested in the permit, prior to the enactment of the ordinance from which this chapter is derived.

(b) An application fee as set by resolution shall accompany each application for a solar permit relating to the establishment of a solar right which did exist to the extent requested prior to the enactment of the ordinance from which this chapter is derived.

(c) An application fee as set by resolution shall accompany each application to void a solar permit.

(d) An application fee as set by resolution shall accompany each petition to correct a solar permit.

(e) If the city is the applicant, the application fee shall be waived.

(Ord. No. 769, att.(15.32.130), 10-26-2021)

Sec. 15.32.140. Form; contents.

(a) The solar permit issued by the city mayor shall contain at the minimum a description of the solar collector surface to which the permit is granted; such description shall include the dimensions of the collector surface, the direction of orientation, the height above ground level, and the location of the collector on the solar user's property. The solar permit shall contain a statement that it is limited to the contents of the application on file with the city engineer's office and approved by the city mayor.

(b) The solar permit shall further contain a statement that the permit and all rights granted thereby shall be null and void and of no further effect unless the solar collector for which the permit is issued is put to beneficial use within two years of the date of the permit, and such use is certified as provided in section 15.32.210.

(c) The solar permit shall be in a form which may be recorded in the office of the county clerk.

(Ord. No. 769, att.(15.32.140), 10-26-2021)

Sec. 15.32.150. Issuance conditions; recordkeeping.

(a) All applications which shall comply with the provisions of this chapter and with applicable state statutes shall be recorded in a suitable book kept for that purpose at the office of the engineering director. It shall be the duty of the city mayor to approve all applications made in proper form, and which comply with the provisions of this chapter and of applicable state statutes. All applications received shall be approved, rejected or returned for correction as soon as reasonably possible, but in no event later than 90 days after receipt.

(b) It shall be the duty of the city mayor to reject all applications, and refuse to issue a solar permit sought, for the following reasons:

- (1) The solar collector, or a portion thereof, will unreasonably or unnecessarily restrict uses of neighboring property;
- (2) The use by the owner of the solar collector for which the permit is sought will adversely affect the public health and safety;

- (3) The application is defective or incomplete, and the applicant has failed to make the necessary corrections within the time allowed;
- (4) The city mayor finds that the structure for which a solar permit is sought is not in fact a solar collector, as defined by this chapter;
- (5) The city mayor finds that the solar collector for which a permit is sought cannot be put to beneficial use within two years.

(c) The refusal or approval of an application shall be endorsed on the same and recorded in the office of the engineering director. The applicant shall be notified of the acceptance or rejection and, if rejected, a copy of the application shall be returned to the applicant. Upon approval, the applicant shall be authorized to take all steps necessary to put the solar collector to beneficial use and perfect the solar right, as provided in section 15.32.140. In such event the original and one copy of the application shall be returned to the applicant.

(d) In the event an application is rejected, the applicant may appeal the decision of the city mayor to the board of adjustment, and during the pendency of the appeal all further action on the application shall be stayed.

(Ord. No. 769, att.(15.32.150), 10-26-2021)

Sec. 15.32.160. Applications to void permits.

(a) An application shall be made to the city mayor by the owner or possessor of real property to whom a solar permit has been issued or transferred in accordance with state law, when such owner or possessor of real property desires to void, in whole or in part, such permit. The application shall identify the permit which is requested to be voided, and, in the event the person requesting the permit is not the person to whom the original permit was granted, the application shall be accompanied by an instrument or instruments showing that the applicant is the legal owner of the solar right. If the permit is to be voided only in part, the application shall specify with particularity that portion of the permit which is to be voided, and the city mayor may require that the application shall show information required in section 15.32.070 through 15.32.090. Upon partially voiding a solar permit, the city mayor shall issue an amended solar permit to the permittee.

(b) No application to void a solar permit wholly or in part shall be granted if the granting of such application will injuriously affect the property rights of another person, unless such person consents to the granting of such application in writing.

(c) The issuance of an amended solar permit shall not affect the priority of the original solar right granted and which is amended.

(Ord. No. 769, att.(15.32.160), 10-26-2021)

Sec. 15.32.170. Correction of errors in permits.

The city mayor is authorized, upon written petition of a permittee, to amend any solar permit for the purpose of correcting errors or otherwise when, in the mayor's opinion, such amendment appears desirable or necessary, provided that the amendment shall not have the effect of enlarging the solar right granted so that it will injuriously affect the property rights of an adjacent property owner. The city mayor

may require any and all reasonable information necessary to make such determination. When any permit is corrected, as provided in this section, the city mayor shall issue a corrected solar permit to the permittee, and the issuance of the corrected permit shall not affect the priority of the permit originally issued.

(Ord. No. 769, att.(15.32.170), 10-26-2021)

Sec. 15.32.180. Location of solar collectors.

Solar collectors shall be located on the owner's property so as not to unreasonably or unnecessarily restrict the uses of neighboring property. No solar right attaches to a solar collector, or a portion of a solar collector, which would be shaded by a ten-foot wall located on the owner's property line on a winter solstice day, or to a building or structure located on adjacent property which is built before or after the issuance of a solar permit in accordance with the city's zoning ordinance.

(Ord. No. 769, att.(15.32.180), 10-26-2021)

Sec. 15.32.190. Beneficial use policy.

Beneficial use shall be the basis, the measure and the limit of the solar right, except as may be otherwise provided by written contract, or as provided in this chapter, or the applicable state statutes. If the amount of solar energy which a solar user can beneficially use varies with the season of the year, then the extent of the solar right shall vary likewise. A solar right which is not applied to a beneficial use for a period of five years or more shall be deemed abandoned and without priority.

(Ord. No. 769, att.(15.32.190), 10-26-2021)

Sec. 15.32.200. Solar rights; time restrictions and priority.

The solar right to radiation of the sun before 9:00 a.m. or after 3:00 p.m., Mountain Standard Time, is de minimus, and may be infringed without compensation to the owner of the solar collector. Priority in time shall have the better right in disputes over the use of solar energy. The priority of new construction, with regard to interference in solar rights, shall vest as of the date the building permit for such construction is applied for.

(Ord. No. 769, att.(15.32.200), 10-26-2021)

Sec. 15.32.210. Solar rights; vesting and certification.

(a) Solar rights vest on the date which the city mayor grants the solar permit. The solar collector for which a solar permit has been granted shall be put to beneficial use within two years of the date of the permit, except the city mayor may allow additional time upon request of the permittee to certify within two years of the date of the permit to the city mayor, by sworn affidavit, that the solar collector for which the solar permit has been issued has been constructed and put to beneficial use in accordance with the solar permit.

(b) Upon the receipt of the city mayor of such sworn certification, the mayor shall have the authority to inspect the solar collection system, including the solar collector, to ensure that beneficial use is being made of the solar collector.

- (1) In the event that the city mayor does find that the solar collector is being beneficially used, the mayor shall certify the solar right and its beneficial use, in writing, and deliver such certification to the permittee. Such certification shall be a form which may be recorded in the office of the county clerk.

- (2) In the event the city mayor finds that the solar collector for which the solar permit has been issued is not being beneficially used as provided in the solar permit and the application for a solar permit, the mayor shall have the right to refuse to certify the solar right and its beneficial use.
- (3) In the event the city mayor refuses to certify the solar right and its beneficial use, as provided in this section, the permittee may appeal the mayor's decision to the board, as provided in this chapter.

(c) It shall be the duty and obligation of the permittee to record in the office of the county clerk the certification of the right and its beneficial use upon receipt of the same from the city mayor. When any solar right is certified, a record of the same shall be made in a book for that purpose in the office of the engineering director.

(d) In the event a permittee fails to put a solar collector to beneficial use within two years after a permit is issued for such solar collector, or fails to certify the beneficial use as provided in this section, the permit and all rights granted shall be thereby null and void, and of no further force and effect.
(Ord. No. 769, att.(15.32.210), 10-26-2021)

Sec. 15.32.220. Recordation.

Upon the grant of a solar permit to a permittee, it shall be his obligation and duty to record the same in the office of the county clerk, and neither the city mayor nor the city shall have any obligation to ensure that the permit is recorded. Upon the certification of the solar right and its beneficial use, it shall be the permittee's obligation to record the same.
(Ord. No. 769, att.(15.32.220), 10-26-2021)

Sec. 15.32.230. Appeals board; establishment; organization.

The city board of adjustment is established as an appeals board to hear all appeals from any decisions or interpretations of this chapter. The board shall consist of membership as provided in the city's zoning ordinance. The board shall have the power to hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the city mayor, when the same is made in accordance with this chapter or any amendments hereto. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, as necessary, and to that end has all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the duly appointed members of the board is necessary to reverse any order, requirement or decision of any official, or to decide in favor of the contestee on any matter which it is required to pass under this chapter.
(Ord. No. 769, att.(15.32.230), 10-26-2021)

Sec. 15.32.240. Right to appeal.

Any person aggrieved by an order, requirement, decision or determination of the city mayor, made in accordance with the provisions of this chapter, shall have the right to appeal to the board from the order, requirement, decision or determination made.
(Ord. No. 769, att.(15.32.240), 10-26-2021)

Sec. 15.32.250. Appeals procedure generally.

(a) Notice of appeal of the city mayor's order, requirement, decision or determination shall be filed in the office of the engineering director of the city within 15 days of the date the contestee is notified in writing of the order, requirement, decision or determination of the city mayor. The filing of the notice of appeals stays all proceedings in furtherance of the action appealed from.

(b) The written appeal shall be in a form substantially complying to the following:

- (1) A heading in the words "Before the Mills Board of Adjustment of the City of Mills;"
- (2) A caption reading: "Appeal of _____," giving the names of all contestants participating in the appeal;
- (3) A brief statement setting forth what legal rights or interests are affected by the order, requirement, decision or determination of the city mayor, as the same applies to each contestant;
- (4) A brief statement in ordinary and concise language of the specific order, requirement, decision or determination protested, together with any material facts claimed to support the contentions of the contestant;
- (5) A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order, requirement, decision or determination should be reversed, modified or otherwise set aside;
- (6) Signatures of all parties named as contestants, and their official mailing addresses;
- (7) The verification, by declaration under penalty of perjury of at least one contestant, as to the truth of the matter stated in the notice of the appeal.

(c) Upon the filing of the notice of appeal, the board shall be immediately notified, and the board shall fix a reasonable time and place for the hearing of the appeal. Such date shall be not less than ten days nor more than 60 days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each contestant by the secretary of the board, either by causing a copy of such notice to be delivered to the contestant personally, or by mailing a copy thereof, postage prepaid, addressed to the contestee at his address shown on the appeal. The notice shall include a statement of:

- (1) The time, place and nature of the hearing;
- (2) The legal authority and jurisdiction under which the hearing is to be held;
- (3) The particular sections of this chapter involved;
- (4) A short and plain statement of the matters asserted.

(d) All appeals to the board shall be considered contested cases and shall be conducted in accordance with the state Administrative Procedure Act.

(Ord. No. 769, att.(15.32.250), 10-26-2021)

Sec. 15.32.260. Scope of hearings.

Only those matters or issues specifically raised by the contestants shall be considered in the hearing of the appeal.

(Ord. No. 769, att.(15.32.260), 10-26-2021)

Sec. 15.32.270. Effect of failure to appeal.

Failure of any person to file an appeal in accordance with the provisions of section 15.32.230 through this section shall constitute a waiver of his right to an administrative hearing and adjudication of the order, requirement, decision or determination, or any portion thereof, and the order, requirement, decision or determination shall become final. Such person shall have no further rights to appeal.

(Ord. No. 769, att.(15.32.270), 10-26-2021)

CHAPTER 15.40. INTERNATIONAL FIRE CODE

Sec. 15.40.010. Adoption of the International Fire Code.

Pursuant to the authority granted by W.S. 15-1-119, as amended, there is adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the International Fire Code, published by the International Code Council being particularly the 2021 edition thereof, including B, C, D, F, H, and I, save and except such portions are hereinafter deleted, modified, or amended by sections 15.40.070 and 15.40.080, hereinafter referred to as the International Fire Code. A copy of the International Fire Code is on file in the office of the city clerk and the office of the fire chief of the city.

(Ord. No. 769, att.(15.40.010), 10-26-2021)

Sec. 15.40.020. Establishment and duties of community risk reduction division.

(a) The International Fire Code shall be enforced by the community risk reduction division of the city, which shall be operated under the supervision of the fire chief.

(b) The chief in charge of the community risk reduction division shall be appointed by the city mayor after consulting with the fire chief.

(c) The fire chief of the city may detail such members of the fire department as inspectors as shall, from time to time, be necessary. The fire chief shall recommend to the city mayor the employment of technical inspectors to assist the chief of the community risk reduction division.

(Ord. No. 769, att.(15.40.020), 10-26-2021)

Sec. 15.40.030. Definitions.

The following words, terms and phrases, when used in the International Fire Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Whenever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the city, and such city-owned property outside the city limits upon which the International Fire Code is made applicable.

(Ord. No. 769, att.(15.40.030), 10-26-2021)

Sec. 15.40.040. Establishment of limits of districts in which storage of flammable or combustible liquids in outside above-ground tanks is to be prohibited.

The limits referred to in section 5704.2.9.6.1 of the International Fire Code in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited, shall apply in all areas within the jurisdiction.

Exception: Outside above-ground tanks which are located within a special enclosure, as described in section 2306.2.6, or equivalent are permitted.

(Ord. No. 769, att.(15.40.040), 10-26-2021)

Sec. 15.40.050. Establishments of limits in which bulk storage of liquefied petroleum gases is to be restricted.

The limits referred to in section 6104.2 of the International Fire Code in which bulk storage liquefied petroleum gas is restricted, are all areas within the jurisdiction.

(Ord. No. 769, att.(15.40.050), 10-26-2021)

Sec. 15.40.060. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in section 5604 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, shall apply in all areas within the jurisdiction.

(Ord. No. 769, att.(15.40.060), 10-26-2021)

Sec. 15.40.070. Establishment of limits of districts in which the storage of hazardous materials is to be prohibited or limited.

The limits referred to in section 5001 of the International Fire Code in which the storage of hazardous materials is prohibited or limited, are established as follows: Quantities in excess of the amounts as listed in tables 5003.1.1(1), (2), (3) and (4) shall only be allowed in the general industrial zone (M-2) of the jurisdiction.

(Ord. No. 769, att.(15.40.070), 10-26-2021)

Sec. 15.40.080. Amendments made in the International Fire Code.

The following sections of the International Fire Code are deleted, modified or amended in the following respects:

- (1) Chapter 109.3 is deleted and replaced as follows:

Chapter 109.3. The fire chief and members of the community risk reduction division shall have authority to issue a written citation containing a notice to appear in municipal court to any person, who said fire chief or member of the community risk reduction division have probable cause to believe is committing a violation of any of the terms of this code.

- (2) Chapter 105 Permits. Any fees associated with the issuance of permits shall be established by resolution of the city council.

(3) Section 903.2 is amended as follows:

An automatic fire sprinkler system shall be installed when the fire flow requirements exceed 2,500 gallons per minute, as determined by appendix B, International Fire Code, 2021 edition.

(4) Section 5704.1 is amended as follows:

a. Section 5704.1 General.

1. Outside portable container storage of permitted flammable and combustible liquids shall only be allowed in the general industrial (M-2) zone of the jurisdiction.
2. Portable tank storage is prohibited.

b. Exceptions:

1. Portable tanks which are located within a special enclosure as described in section 2306.2.6, or equivalent are permitted.
2. Temporary storage of flammable and combustible liquids used at construction sites.
3. Permits for portable tanks are to be issued only after inspection and approval by the division chief of the community risk reduction division and pursuant to section 105.

(5) Chapter 319. General to be amended to read:

- a. Mobile food preparation vehicles, food stands, push carts or trailers that are equipped with appliances that produce smoke or grease-laden vapors shall comply with this section. However, non-enclosed food preparation vehicles, food stands, push carts and trailers are not required to install an exhaust hood and/or a fire protection system. Cooking appliances that have the manufacturers' built-in venting systems are not required to have additional hood systems installed.
- b. Intermediate appeals of city fire department inspections pursuant to this subsection shall be made to the city council, which shall act as a board of appeal. Final appeal shall be to the state fire marshal, in accordance with state statute. Any person or entity adversely affected may appeal the fire department's decision, with regard to the suitability of alternate materials, methods of construction or interpretation of the building, mechanical, electrical, plumbing and fire codes and amendment thereto adopted by the city. Appeal shall be commenced by the person by giving written notice of such appeal and stating therein the decision and reasons for the appeal to the city council as board of appeals within a period of five working days of the decision. The city fire department shall present, in writing, to the city council as board of appeals within five working days thereafter, all facts and laws pertaining to the decision rendered by it.
- c. The city council, as board of appeals, shall within 30 calendar days thereafter, hold a hearing and follow the hearing procedures set forth:
 1. When an appeal is requested by an applicant, the city council, as board of appeal, shall set a time, date and place for such hearing, and so notify the appealing party and the fire department in writing. Such notice shall include a statement of:
 - i. The time, place and nature of the hearing.

- ii. A copy of the written request for appeal and the fire department's response shall be attached as exhibits.
2. When a hearing is conducted, all interested parties may be in attendance and present testimony and exhibits and authorities upon which the parties rely. Each party may question witnesses.
3. Upon completion of the hearing, the city council or board shall render its decision, either affirming or reversing the decision of the fire department, or reversing in part or with qualifications of the decision of the fire department.

(Ord. No. 769, att.(15.40.080), 10-26-2021)

Sec. 15.40.085. Nuisance fire alarms.

(a) *Time periods.* For the purpose of determining the time periods imposed by this section, nuisance fire alarms, as defined by the International Fire Code, 2021 edition, shall be dated from the day of their occurrence.

(b) *Registered systems.* Alarm systems registered with the city finance department shall be defined as registered systems.

(c) *First response.* City fire-EMS response to a premises with a registered system at which no other nuisance alarms have occurred within the same calendar year shall be referred to as a "first response." No penalty or administrative sanction shall be imposed by any first response. However, non-registered systems are subject to penalties in article 4 upon first response and all subsequent responses.

(d) *Third and subsequent response; civil penalty.* When three or more nuisance alarms have occurred at any premises in any calendar year, the owner shall have committed the infraction of a "repetitive nuisance alarm." The civil penalty for a third and succeeding nuisance alarm in any calendar year shall be \$100.00 per occurrence, in addition to any fees imposed pursuant to section 15.40.110. Any nuisance alarm which results from a failure to take required corrective action to prevent such recurrence after notice thereof by the community risk reduction division and/or any nonpayment of any nuisance alarm penalty may result in the community risk reduction division providing written notice ordering the disconnection of such alarm until the required corrective action or payment of penalty has been made; provided, however, that no disconnection shall be ordered on any premises required by law to have an alarm system in operation.

(e) *Notice of violation.*

- (1) *Responsibility for issuance.* The community risk reduction division shall be responsible for the issuance of written notices of infraction to the owner following the second and each succeeding nuisance alarm in any calendar month. The community risk reduction division shall notify the city finance department of the amount of the penalties to be collected. It shall be the responsibility of the finance department to collect such penalties.
- (2) *Waive imposition.* In the event the community risk reduction division determines that the nuisance alarm occurred as a direct result of an interruption of electrical power, telephone

system malfunction, an alarm equipment malfunction, or other causes beyond the control of the owner, the community risk reduction division may waive imposition of the applicable nuisance alarm penalty or administrative sanction.

(Ord. No. 769, att.(15.40.085), 10-26-2021)

Sec. 15.40.090. Appeals.

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the state council on fire protection and electrical safety within 30 days from the date of the decision appealed.

(Ord. No. 769, att.(15.40.090), 10-26-2021)

Sec. 15.40.100. New materials, processes or occupancies which may require permits.

The city mayor, the fire chief, and the chief of the fire prevention bureau community risk reduction division shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The chief of the fire prevention bureau community risk reduction division shall make available such lists of permitted materials, processes or occupancies in and distribute copies thereof to interested persons upon request.

(Ord. No. 769, att.(15.40.100), 10-26-2021)

Sec. 15.40.110. Penalties.

Any person who shall violate any of the provisions of this code or fail to comply herewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications as plans submitted and approved hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the state council on fire prevention and electrical safety, or by a court of competent jurisdiction within the time fixed herein shall be severally, for each and every such violation and non-compliance, respectively, be guilty of a misdemeanor and the penalty for violation hereof shall be that set forth in chapter 1.03.

(Ord. No. 769, att.(15.40.110), 10-26-2021)

CHAPTER 15.44. MOVING BUILDINGS

Sec. 15.44.010. Permit required.

No person shall move any garage, house or other structure of similar size on or over any of the streets, alleys or other property in the city without first having secured a permit to do so from the city engineer.

(Ord. No. 769, att.(15.44.010), 10-26-2021)

Sec. 15.44.020. Application; inspection; conformance agreement.

Any person desiring or intending to move any structure shall make written application for such permit on a form furnished by the city engineer which shall set forth the kind, size and height of the structure to be moved, the location from which and to which the same is to be moved, the route to be followed as approved by the city engineer. The building shall be inspected and approved by the building inspector and the applicant shall agree to conform with the zoning, building, electrical, plumbing codes and all pertinent city ordinances.

(Ord. No. 769, att.(15.44.020), 10-26-2021)

Sec. 15.44.030. Equipment; bond; deposit; fee requirements.

Before a permit required by section 15.44.010 is issued, the applicant shall supply the following:

- (1) Assurance that he has adequate machinery, appliances and equipment for the proper move;
- (2) Personal and property damage bond in the amount of \$5,000.00 as protection to persons and property against damage by the moving operations, which bond shall be approved by the mayor or city council;
- (3) A cash deposit of \$100.00, which deposit will be held to ensure payment of the following fees, which shall be in addition to the permit fee set forth in section 15.44.040;
 - a. To cover the expenses of cutting wires and reuniting same and moving and replacing poles;
 - b. Any dispute arising as to the actual costs may be, by either party, referred to the city council who shall investigate the same and decide as to the rights of the parties;
- (4) A fee of \$5.00 per day for each and every day, or part thereof, that the structure is occupying any street, alley or public property while in transit.

(Ord. No. 769, att.(15.44.030), 10-26-2021)

Sec. 15.44.040. Permit fee.

(a) In addition to the fees set forth in section 15.44.030, the permit fee shall be paid for in cash at the time the permit is issued and shall be in accordance with the moving fee as established by the city council.

(b) Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the fees specified in subsection (a) of this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter.

(Ord. No. 769, att.(15.44.040), 10-26-2021)

Sec. 15.44.050. Issuance conditions.

When the required bond has been approved and the \$100.00 deposit required by section 15.44.030 is made, and upon payment of the permit fee prescribed in section 15.44.040, the city engineer is authorized to issue to the applicant a permit granting him the right to move the structure described in his application which will specify the route therefor as prescribed and approved by the city engineer.

(Ord. No. 769, att.(15.44.050), 10-26-2021)

Sec. 15.44.060. Permit revocation.

The city building inspector may revoke any permit granted under the terms of this chapter when it shall become known to him that the permittee is in any manner whatsoever failing to comply with the terms thereof. In the event of such revocation, any person to whom such permit was granted shall thereafter be operating without a permit and subject to punishment as provided in chapter 1.03.

(Ord. No. 769, att.(15.44.060), 10-26-2021)

Sec. 15.44.070. Permit receipt.

It is the duty of the city building inspector to issue his official receipt for all fees received by him under this chapter, and to indicate on such receipt the purpose for which each amount is collected.

(Ord. No. 769, att.(15.44.070), 10-26-2021)

Sec. 15.44.080. Streets, trees and other public property; inspection charge.

The permittee shall protect the street surface and trees as and if required by the city building inspector or designee. If necessary, the city building inspector or designee will provide an inspector to oversee the moving of such building for the protection of public property and other property located in the city. The permittee shall pay for such additional service, in addition to the fees prescribed in sections 15.44.030 and 15.44.040, a charge of not less than \$5.00 nor more than \$10.00 for each day's service.

(Ord. No. 769, att.(15.44.080), 10-26-2021)

Sec. 15.44.090. Application and route approval by city officials; permit holder's responsibility.

It is the duty of a permittee to move the structure for which a permit is granted as expeditiously as possible and no deviation from the assigned route shall be made except with the approval of the city engineer. The city engineer, before granting the permit, shall be sure that the application and route for moving has been approved in writing by the chief of the city fire department, chief of police and the city electrician, together with the local representatives of the power and telephone companies and radio and television stations, who shall receive a copy of the route to be traversed shown thereon. The moving permit shall disclose the time when moving operations will commence. If the cutting of wires or removing of poles is necessary for the moving of any structure, the person so desiring the same shall give the owner of such wires or poles at least 24 hours' written notice of such desire.

(Ord. No. 769, att.(15.44.090), 10-26-2021)

Sec. 15.44.100. Wire, pole and service line cutting restrictions.

No one other than the owner thereof, or the owner's agent or employee, shall cut, remove or injure any radio and television transmitter, telephone, telegraph, electric light and power wires or poles or service lines in the city.

(Ord. No. 769, att.(15.44.100), 10-26-2021)

Sec. 15.44.110. Occupation of building while in transit prohibited.

No building which is being moved upon or over streets, alleys or property of the city shall be occupied while in transit.

(Ord. No. 769, att.(15.44.110), 10-26-2021)

Title 16

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Title 17

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Chapter 17.19. Commercial Zoning Districts

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LAND DEVELOPMENT REGULATIONS

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CHAPTER 17.1. GENERAL PROVISIONS**Sec. 17.1.1. User guide.**

The city land development regulations (LDRs) have been designed and drafted to make it as easy as possible for the user to determine all land use regulations that apply to a particular piece of property and to uses, structures, and activities on that property. Follow the step-by-step procedure described below to find applicable regulations.

- (1) Find the subject property on the city's zoning map (the zoning map is on file at city hall). The subject property may be located within a zoning district, such as C-1 General Commercial, for example.
- (2) After determining the property's zoning district, then refer to the section that corresponds to the use district in which the subject property is located. Please consult with city planning and zoning staff for questions on a property's zoning designation.



- (3) Each of the use district sections contains a series of charts. Read down the first vertical column of each chart to find the use in which you are interested.
 - (4) After finding the appropriate use, then read across to find a variety of regulations that apply to the subject property. In addition, review all of the sections to which the use district chart refers.
 - (5) You now have the basic zoning regulations that apply to the subject property; however, you should review the following section to see if other regulations of this title may be applicable.
- (Ord. No. 813, att.(intro. ¶), 6-25-2024)

Sec. 17.1.5. General provisions.

(a) *Applicable regulations.* In addition to the regulations in the use district charts, this title contains a variety of regulations that may apply to the subject property or to a particular use or activity on the property. The following list of questions will help you determine what other factors of this title may contain regulations that may apply.

- (1) *Parking.* Are you planning to install parking stalls on your property? If so, you should read section 17.40.10.
- (2) *Subdivisions.* Do you want to subdivide your property into multiple parcels or consolidate multiple parcels into one lot? If so, you should read chapter 17.47.
- (3) *Fences.* Do you want to erect a fence or wall on the subject property? If so, you should read section 17.40.15.
- (4) *Signs.* Are you interested in erecting or having a sign of any kind on or for the subject property? If so, see section 17.40.25.
- (5) *Buffering.* Are you interested in buffering standards for your property? If so, you should read section 17.40.30.
- (6) *Downtown design overlay.* Is your property within the downtown design district overlay on the zoning? If so, see chapter 17.22.
- (7) *Caretaker housing.* Are you considering caretaker housing on site with your business? If so, you should read section 17.45.15.
- (8) *Annexation.* Would you like to have your property added to the city limits? If so, you should read chapter 17.46.
- (9) *Home occupations.* Do you want to conduct a home occupation out of your primary residence? If so, you should read section 17.45.20.
- (10) *Manufactured homes/parks.* Are you considering buying a manufactured home or are you thinking of developing a manufactured home park? If so, you should read section 17.45.25.
- (11) *Used car dealerships or heavy equipment sales.* Are you thinking of opening a used car dealership or conducting heavy equipment sales in the city? If so, you will need to obtain a conditional use permit and you should read section 17.10.60.
- (12) *Temporary uses.* Are you considering a temporary use for your property? If so, you should read section 17.10.30 on temporary use permits.
- (13) *RV parks.* Are you considering locating an RV on your property or developing an RV park in the city? If so, you should read section 17.45.40.
- (14) *Communication facilities.* Are you thinking about locating a telecommunication facility within the city? If so, you should read section 17.45.45.
- (15) *Day care and child care facilities.* Are you interested in operating a day care facility? If so, you should read section 17.45.50.

- (16) *Sexually oriented businesses.* Are you interested in operating a sexually oriented business? If so, you should read section 17.45.50.
- (17) *Development plans.* Are you required to complete a development plan review with your development proposal? If so, you should read section 17.10.40.
- (18) *Minor variances.* Would you like to slightly deviate from the required zoning district development standards? If so, you should read section 17.10.50.
- (19) *Variances.* Would you like to deviate from the development standards required for your property? If so, you should read section 17.10.55.
- (20) *Conditional uses.* Are you considering a use or activity that requires a conditional use permit for your property? If so, you should read section 17.10.60.
- (21) *Zoning amendments.* Would you like to change the zoning district and/or district development standards for your property? If so, you should read section 17.10.65.
- (22) *Nonconforming uses/structures.* Do you want to know what you can and cannot do with the nonconforming use or structure on your property? If so, you should read section 17.10.80.
- (b) *Aid in finding regulations.* The list in subsection (a) of this section has been provided as an aid to assist the reader in finding applicable regulations; however, you should review the table of contents of this title to find other sections that may be of interest to you.
(Ord. No. 813, att.(1.5), 6-25-2024)

CHAPTER 17.5. DEFINITIONS

Sec. 17.5.1. General terms.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-weighted sound level (dB(A)) means a measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band.

Abandonment means an action to give up one's rights of interest in property.

Accessory building or structure means a building or structure located on the same lot (or contiguous lot in the same ownership) as the principal building or structure to which it is related, and which is:

- (1) Clearly incidental to, and customarily found in connection with, such principal building or structure;
- (2) Subordinate to the permitted use or structure and allowed after the principal dwelling or structure is constructed; and

- (3) Operated and maintained for the use of occupants, employees, customers or visitors of the principal building or structure.

Accessory use means not a permitted use as authorized in the zoning district, but a subordinate use operated on the same lot as the permitted use, either in the same structure or building as the permitted use or an accessory structure or building.

Administrative officer means the person designated by the mayor and approved by city council to enforce and administer the provisions of this title, or their duly appointed representative.

Adult bookstore means a building, or portion thereof, used by an establishment under either of the following circumstances:

- (1) Where 25 percent or more of the floor space of the area of the building is open to the public, and used for the display of books, magazines, or other publications, and is devoted to the sale of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities, as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18 years; or
- (2) Where 25 percent or more of the total number of books, magazines, or other publications offered for sale to the public consist, of books, magazines, or other publications which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities, as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18 years.

Adult live theater means a building, or portion thereof, or an area, open or enclosed, which regularly features live performances distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities, as defined in this section, or specified anatomical areas, as defined in this section, for observation by patrons or customers.

Adult motion picture theater means a building or portion thereof or area, open or enclosed, which regularly features motion pictures distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities, as defined in this section, or specified anatomical areas, as defined in this section.

Adult uses means sexually oriented businesses.

Adult video store means a building, or portion thereof, used by an establishment under either of the following circumstances:

- (1) Where 25 percent or more of the floor space of the area of the building open to the public, and actually used for the display of video (tapes, DVDs, etc.), is devoted to the sale or rental of video which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities, as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18 years; or

- (2) Where 25 percent or more of the total number of videos offered for sale or rental to the public consists of videos which are distinguished or characterized by their emphasis on matters explicitly depicting, describing, or relating to specified sexual activities, as defined in this section, and which, because of their sexually explicit nature, may, pursuant to state law or county regulatory authority, be offered only to persons over the age of 18 years.

Agriculture, general, means use of a lot or portion of a lot to produce crops, livestock, or poultry for sale, barter, trade, or home consumption, including structures or other improvements incidental to such activities.

Agriculture, light, means use of a lot or portion of a lot for agricultural production for the primary use of the residents of the lot, including crop production, gardening and the raising of food animals, horses, and mules, and including 4-H and vocational agricultural projects. Swine are excluded from light agriculture, except for 4-H and vocational projects.

Agriculture, retail establishment, means uses that sell agricultural products either produced on the site or within the community. Such uses include, but are not limited to, agricultural supply stores and permanent roadside crop stands or fruit stands.

Airport means a facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway, but other common components are hangars and terminal buildings.

All-weather surface means an unpaved road, parking lot or storage area constructed of a material that does not create mud during rain or snow events. All-weather surfaces generally consist of crushed rock, scoria, crushed concrete, rotomill asphalt or a blend of various aggregate and must be a minimum of six inches in depth.

Alley means a public or private thoroughfare which is less than 30 feet wide, upon which the rear of land of building lots generally abut and which provides only a secondary means of access to abutting property and is not intended for general traffic circulation. An alley cannot serve as primary access to a lot.

Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.

Amusement place means establishments providing indoor or outdoor amusement and entertainment services for a fee or admission charge, including dance halls and ballrooms and electronic game arcades, as primary uses. Four or more electronic games or coin-operated amusements in any establishment or premises where 50 percent or more of the floor area is occupied by amusement devices are considered an electronic game arcade as described above; three or less machines are not considered a land use separate from the primary use of the site.

Animal hospital (or veterinary clinic) means an establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. The term "animal hospital" includes open kennels or runs.

Animal, domestic, means an animal which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domestic animals are household pets and are inclusive of fowl, reptiles and fish, such as dogs, cats, parakeets, and tropical fish.

Animals, ranch, means animals which have historically been bred, reared and utilized for the production of meat, wool, leather and similar products.

Annexation means the act of making a tract of land part of the city.

Annexation map means a map showing the boundaries of a parcel of property, surveyed dimensions and all other items required by this title.

Antenna means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure or is portable or movable. The term "antenna" shall include devices having active elements extending in any direction and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna, amateur radio, means any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna, building-mounted, means any antenna directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antennas are identified in two distinct categories herein as follows:

Roof-mounted means attached or affixed to the rooftop or top of the structure.

Wall-mounted means attached or affixed to the elevation of the structure.

Antenna, directional, (also *panel antenna*) means an antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

Antenna, ground-mounted, means any antenna with its base (either single or multiple posts) placed directly on the ground or a mast 12 feet or less in height and six inches in diameter.

Antenna, parabolic, (also *satellite dish antenna*) means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish-, cone-, horn-, bowl-, or cornucopia-shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. The term "parabolic antenna" include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

Apartment. See *Dwelling, multiple*.

Appeal or appellate review means a hearing, conducted by a single hearing body or officer authorized to conduct such hearings, in which testimony is restricted to information contained in the record developed in a prior open record hearing.

Applicable director means the city administrator, building code official, city planner or designee for these.

Applicant means a person who applies for any permit or approval to do anything governed by this title and who is the owner of the subject property, the authorized agent of the owner, or the city.

Approving authority means the individual or governing body given the authority under these regulations to render a decision regarding an application.

Armory means a place where military reservists are trained or headquartered, sometimes used for public functions. An armory can also be used for the storage or manufacturing of weapons and ammunition (classified as an institutional use for the purposes of this title).

Automobile body repair means the restoration, repair, and painting of the external bodies of passenger vehicles.

Automobile repair means the repair of internal, mechanical components of passenger vehicles.

Automobile sales means the sale of new and used passenger vehicles.

Automobile service means the minor repair, tune-up, and routine servicing of passenger vehicles, including retail sales of automotive fuels, lubricants and accessories.

Barn means an accessory building used primarily for the storage of agricultural products, agricultural equipment, and sheltering of animals and animal products.

Basement means a story having part, but not less than one-half, of its height below grade.

Bed and breakfast means a private home which is used to provide temporary accommodation for a charge to the public with not more than four lodging units or not more than a daily average of eight persons per night during any 30-day period.

Berm means an undulation in terrain creating a landform that is higher than the surrounding grade, generally utilized for screening, wind protection or aesthetic purposes.

Block means an area of land completely bounded by streets, railroad rights-of-way, natural barriers, subdivision or municipal boundaries or a combination thereof.

Board means the planning and zoning commission of the City of Mills, Wyoming.

Boardinghouse means a building other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding 20 persons. No separate cooking facilities for use of customer residents are allowed.

Buffing means the use of specific measures including screening, which are designed to separate and protect differing land uses.

Building means any permanently affixed, covered structure intended for the enclosure, shelter, or protection of persons, animals, or goods. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.

Building, attached, means a building attached to another building by a common wall and a common roof.

Building code means chapters 15.02, 15.03 and 15.04.

Building code official means the persons authorized and empowered by the governing body to administer title 15.

Building, detached, means a building having no common wall connection with another building.

Building, existing, means a building erected prior to the adoption of the ordinance from which this title is derived for which a legal building permit has been issued.

Building footprint means the visible area of the structure when viewed from above, measured from the outside of all exterior walls, not including stairs, patios or decks.

Building height means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building permit means the official document or certificate issued by the city authorizing the construction, repair or remodeling of a structure.

Building, principal, means one building housing the principal or primary use permitted for the lot upon which it is located.

Camp trailer. See *Recreational vehicle*.

Caretaker housing means a residence that is accessory to a site with a nonresidential primary use and that is needed for security, 24-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

Carport means a structure open on at least two sides, generally for covering vehicles. If a carport is not open on at least two sides, it shall be considered a garage and shall comply with all code requirements. Carports require a monolithic slab with vertical strapping and/or concrete anchors and must be approved by the building inspector.

Cemetery or *mausoleum* means land used for the burial of the dead and dedicated for cemetery purposes, including crematories, columbariums, and mausoleums. See *Mortuary* and *Funeral home*.

Child care means the care, control, supervision, or maintenance of a child provided for compensation by an individual other than a parent. Child care operations in the city are categorized as follows:

Child care center (CCC) means any business operated by a private person, partnership, association, or corporation that is operating a business for profit or otherwise, in a building used solely for commercial purposes, where 16 or more children receive care for part of the day. This definition and relevant regulations shall remain compliant with current and future state definitions of the term "child care center."

Family child care center (FCCC) means a care facility in which care is provided for a maximum of 15 unrelated persons for part of a day, which may be in a residential or commercial type structure. This definition and relevant regulations shall remain compliant with current and future state definitions of the term "child care facility."

Family child care home (FCCH) means a licensed child care facility in which care is provided for no more than ten persons in the primary residence of the provider. The maximum of ten children allowed includes the care provider's own infant, toddler, and preschooler. This definition and relevant regulations shall remain compliant with current and future state definitions of the term "family child care home."

Church means a building designed for public worship which is maintained and controlled by an organized religious body. The term "church" may include a day care and meeting space facilities open to the general public at the election of the owner.

Clinic. See *Medical, dental, or health clinic*.

Clubs, lodges, and private meeting halls means permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations; and other membership organizations.

Collocation means a wireless communication facility owned and operated by a communication service provider which is located on the same tower, building, accessory structure, or property as another communication facility owned or operated by a different communication service provider.

Commercial storage facility means a building, or group of buildings, that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of articles or goods. The term "commercial storage facility" does not include active retail uses, nor shall there be any activities allowed to be conducted within the structure other than the temporary storage of articles or goods. All storage shall be totally contained within the building, or group of buildings, with no outdoor storage of articles or goods allowed unless such articles and goods are adequately screened from adjacent properties, as determined by the appropriate director. No heavy equipment, nor farm implements, shall be allowed to be stored nor any part thereof. No hazardous materials shall be allowed to be stored.

Common area means any area or space designed for joint use of tenants or owners occupying a planned unit development or other development.

Common wall means an unbroken wall shared by two or more separate buildings.

Communication substation means a telephone switching station or similar facility used to route telecommunication signals from their origin to their destination. Wireless communication facilities are regulated in section 17.45.45.

Comprehensive plan means the plan, or any part thereof, adopted by the city council to guide development of land use, utilities, streets, community facilities, and other physical aspects of the city.

Conditional use permit means a permit to authorize uses not routinely allowed on a particular site subject to compliance with specified conditions.

Condominium means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership by the owners of those portions.

Construction camp means housing facilities designed and intended to be used for a temporary period of time to house construction-related workers. Such facilities are not intended to accommodate families with school-age children. Construction camps may include the use of bachelor dwellings, travel-trailers (recreational vehicles), campers, manufactured homes, or a combination of these.

Construction, new, means structures for which the start of construction occurred on or after the effective date of the ordinance from which this title is derived.

Construction, start of, means the first placement of permanent construction of a structure, not including grading, excavation or placement of accessory buildings. For mobile homes, start of construction is when the mobile home is placed on site and hooked up to utilities.

Contractor yard means a yard and/or building used by a general contractor, excavation contractor, landscaping contractor, building contractor, oil or well drilling or servicing contractor or similar, where vehicles, equipment and materials are stored or where a contractor performs maintenance, shop or assembly work. If a building is housed on the property, it may also contain operational offices of the contractor. The term "contractor yard" does not include wholesale or retail sales.

Contested case hearing means a public hearing conducted by a single hearing body or officer authorized to conduct such hearings that create a record through testimony and submission of evidence and information.

Convention center and places of assembly mean multipurpose meeting and recreational facilities, typically consisting of one or more meeting or multipurpose rooms, kitchens, and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Council means the city council of the City of Mills, Wyoming.

Decibel (dB) means the measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as zero dB (A-weighted). In general, this means the quietest sound a person can hear is near zero dB (A-weighted), and the loudest a person can hear without pain is near 120 dB (A-weighted).

Deciduous tree means a tree that typically loses its leaves for part of the year.

Direct broadcast satellite service (DBS) means a system in which signals are transmitted directly from a satellite to a small home receiving dish.

District means a portion of the area of the city in which certain uniform regulations, requirements, and combinations thereof apply under the provisions of this title.

Domestic water well means a water well permitted by the state engineer's office as a domestic water well.

Dwelling, accessory, means living quarters within a single-family zoned property (UAR, R-1 and R-2) that can be attached or detached from the principal structure.

Dwelling, manufactured home, means a structure, transportable in one or more sections, and which is built on a permanent chassis. Manufactured dwellings are built to U.S. Department of Housing and Urban Development (HUD) standards. For the purposes of these provisions, a mobile home shall be considered a manufactured home.

Dwelling, multiple, means a building having accommodations for and occupied or intended to be occupied by more than two families, providing individual cooking facilities for each dwelling unit.

Dwelling, seasonal, means property used temporarily or seasonally for the residential use employed to perform agricultural or industrial labor.

Dwelling, single-family, means a building having accommodations for and occupied exclusively by one family. The term "single-family dwelling" includes houses built on site or factory built modular homes which meet the International Residential Code.

Dwelling, townhouse, means three or more single-family attached dwellings with common walls, each having direct outside access.

Dwelling, two-family, means a building having accommodations for and occupied or intended to be occupied by two families.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement means a vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land. The term "easement" may include, but is not limited to, land areas necessary for a public utility company to access its equipment, drainage areas, streets, roads and highways, and similar rights and privileges.

Electrical substation means any structure with 100,000 volts or greater incoming capacity which:

- (1) Converts electrical energy to a lesser voltage for the purpose of sub regional or localized distribution;
- (2) Functions as a transition point from overhead to underground electrical transmission lines; or
- (3) Acts as the point of convergence for two or more transmission lines.

Electromagnetic means an electrical wave propagated by an electrostatic and magnetic field of varying intensity.

Equipment sales, rental, and service means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for sale, rental, or service (e.g., construction equipment).

Evergreen tree means trees and shrubs that retain their foliage throughout the year.

Explosives means materials or products which decompose by detonation or deflagration.

Explosives manufacturing means an industrial establishment for the purpose of manufacturing and storage of explosives.

FAA means the Federal Aviation Administration (FAA) of the United States Department of Transportation.

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over three persons; but further provided that domestic servants employed on the premises may be based on the premises without being counted as a family. The term "family" shall exclude a group occupying a hotel, club, fraternity, sorority, religious society, or similarly used structure.

Fence means a structure erected as a dividing marker, barrier or enclosure.

Fixed-base structures and facilities includes substations (both communication and electrical), portable water storage facilities, public water system wells, natural gas regulating and distribution facilities, and treatment plants.

Floor area means the area included within outside walls of a building or portion thereof, including habitable penthouses and attic space but not including vent shafts, courts, halls, basements, or uninhabitable areas.

Floor area, gross habitable, means the total area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured by the bases of interior walls, excluding common areas, such as stairways, storerooms, mechanical rooms, landings, etc.

Foster care means an activity regulated by the state department of family services that provides care for children in a facility or home on a 24-hour basis. Categories of foster care specified in this title include:

Foster home means a facility in which care is provided for up to five children, including the foster parent's biological children (unless waived by department of family services district manager).

Group/care foster home means a facility in which care is provided for up to ten children, including the staff's children.

Foundation means footings and foundations constructed of masonry, concrete, or treated wood in accordance with any applicable building code adopted by the city, extending below the frost line and made of solid material. Foundations made of wood shall extend six inches above the adjacent finish grade. Footings shall have a minimum depth as indicated in the applicable building codes adopted by the city, unless another depth is recommended by a foundation investigation.

Frontage means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street. Where a street is dead-ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

Front property line means any boundary line of a lot parallel to and abutting the right-of-way line of an officially approved street or highway. If the property does not directly abut a street or highway, then the front property line will be determined by the applicable director. Likewise, the front property line of

a corner lot, one which abuts two or more roadways, is generally defined as the line parallel to the main entrance of the primary structure on the property, unless otherwise determined by the applicable director.

Fuel storage and distribution means a large-scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

Garage, private, means an attached or detached accessory building designed or used for the storage of three or less motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Apartment houses may provide one space for each unit in a large structure.

Garage, public, means a building, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.

Garage, storage, means a building, or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.

Gasoline filling station. See *Vehicle fueling and service station*.

Golf course means golf courses and accessory facilities and uses, including clubhouses with bar and restaurant, locker and shower facilities, driving ranges, pro shops for on-site sales of golfing equipment, and golf cart storage and sales facilities.

Governing body means the city council of the City of Mills, Wyoming.

Government facility means a building or group of buildings and grounds that house government-related offices, services, equipment, and personnel.

Grade.

- (1) For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
- (2) For buildings having walls facing more than one street, the grade shall be the average of the grades as defined in subsection (1) of this definition of all walls facing each street.
- (3) For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.
- (4) Any wall approximately parallel to and not more than five feet from a street line is considered as facing the street. Where no sidewalk exists, the grade shall be established by the city engineer.

Grade, existing, means the natural grade in place prior to the preparation of property for development. For individual recorded lots, The term "existing grade" shall mean natural grade or the grade established as a part of the development of the subdivision.

Grade, finished, means the final contour of the ground surface of a site that conforms to the approved grading plan.

Greenhouse, commercial/nursery, means establishments providing for the cultivation and sale of trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

Greenhouse, residential, means an accessory structure largely made of glass, plastic, or a similar substance which uses solar heating, sunlight, or some form of temperature control for the purpose of protecting and/or cultivating vegetation for private use of the owner of the residence on the same lot, parcel, or tract.

Gross floor area means the sum of the areas of all floors of a building, measured between the exterior faces of the walls at each floor, excluding any floor area used exclusively as parking for motor vehicles.

Group care means a business that provides for or arranges support and services freely chosen by the individual or his representative to maintain and/or enhance cognitive and functional capacity, physical and mental health, and personal autonomy. The term "group care" also encompasses shared living residences for senior citizens, foster homes, and group foster homes.

Group care community means a housing unit or complex that provides group care services, directly or through agents, in addition to housing.

Group care facility means a group care community serving greater than 13 or more persons in a facility that may offer a variety of accommodations, such as apartment-like units, studios, or private rooms.

Group care family home means a group care community operated in a single-family dwelling serving up to six persons, where the person legally responsible for the home is the primary caregiver and resides in the home.

Group care small group home means a group care community operated in a single-family dwelling serving up to 12 persons, where the individual, partnership, corporation, or limited liability company provides staffing on a 24-hour basis.

Guy cable means any cable or wire that extends from a telecommunications pole or tower for the purpose of supporting the system structure.

Heavy equipment sales, service, and repair means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental (e.g., construction equipment).

Home occupation means a commercial occupation or activity incidental to the residential use of a property, carried on by the immediate members of the family residing on the premises and which is not harmful to the residential aspect of the neighborhood.

Hospital means facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care and may include on-site accessory clinics and laboratories, accessory retail uses, and emergency heliports.

Hotel and motel mean facilities providing lodging and related services for a charge, typically for a period of one month or less. The terms "hotel" and "motel" includes inns, residence or extended stay hotels, or other similar facilities. The terms "hotel" and "motel" do not include accessory dwelling units, assisted living facilities, bed and breakfast houses, convalescent centers, dwelling units, nursing homes, residential uses, or special needs housing.

Improvement means site grading, street work, utilities, or structures built on a lot.

Industrial service means industrial uses and areas primarily focused on repair, service, and small-scale manufacturing uses. The term "industrial services" includes printing and publishing, welding, and oilfield servicing businesses, slaughterhouses, dry cleaning, laundry plants, and other such uses.

Institution means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

Junkyard means a lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of various wastes, scrap metal, or discarded material; or the collection, dismantling, storing, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. The term "junkyard" includes auto wrecking and scrap processing.

Kennel, accessory, means a lot or premises at, in, or adjoining a private residence where less than three dogs are kept for pets or for guarding the householder's property. Said kennel shall be an accessory use.

Kennel, commercial, means those facilities providing boarding of four or more animals as the primary use of the facility; may also include daytime boarding and activity for animals (e.g., doggie day care) and ancillary grooming facilities.

Kennel, private, means facility for the keeping, boarding, or maintaining of four or more dogs (four months of age or older) or four or more cats. The term "private kennel" excludes dogs or cats for sale in pet shops or patients in animal hospitals. The term "private kennel" includes a kennel where the animals are owned or kept by the owner or occupant for personal, noncommercial purposes, including hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or for enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises.

Land use permit means a permit granted pursuant to these regulations to allow development or use of a specific project on a specific site under the terms and conditions imposed upon the development/project during the approval process.

Landscaped area means that area within the boundaries of a given lot, consisting primarily of plant materials, including, but not limited to, grasses, trees, shrubs, flowers, vines, ground covers, and other organic plant materials; or grass paver masonry units installed so that the appearance of the area is primarily landscaped.

Landscaping means the use of vegetation and inorganic durable materials, such as those identified within section 17.40.40, to enhance the visual attractiveness of a site and improve erosion control.

Laundry.

Commercial industrial laundry means a business that provides washing, drying and ironing services, operated by the employees on the premises.

Laundromat means a business that provides home-type washing, drying and ironing machines for hire, to be used by the customers on the premises.

Linear frontage means the frontage of the subject property adjacent or parallel to all open improved public rights-of-way. If the subject property does not have frontage on an open improved right-of-way, the frontage of any public access easements which serve the subject property and unopened rights-of-way which front on the subject property is the linear frontage of the subject property.

Liquor store (includes *package liquor store*) means the retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption.

Live/work facility means a structure or portion of a structure:

- (1) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and
- (2) Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

Lot, unless otherwise provided in this title, means a parcel of land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this title.

Lot area means the total square footage of the land area within the lines of a lot, measured as a horizontal plane.

Lot, corner, means a lot, as defined above, abutting upon two or more streets at their intersection.

Lot coverage means amount (calculated as percentage) of land that is covered by buildings, roadways, parking areas, or other impervious surfaces through which water cannot percolate into the underlying soils.

Lot, depth of, means the mean horizontal distance between the front and the rear lot lines.

Lot line, front, means the line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line, provided the front setback is not less than the average setback of existing buildings.

Lot line, rear, means the rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

Lot line, side, means any lot line other than front or rear lot lines. A side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot is called an interior side lot line.

Lot lines means the lines bounding a lot, as defined in this section.

Lot of record means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the county clerk.

Lot, through, means a lot having frontage on two parallel or approximately parallel streets.

Lot width means the mean horizontal width of the lot measured at right angles to its depth.

Lumberyard and building material sales and storage means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. The term "lumberyard and building material sales and storage" includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. The term "lumberyard and building material sales and storage" includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district.

Machinery and implement sales, service, and storage means establishments with outdoor storage and rental yards, which may offer a wide variety of materials and equipment for sales, storage, and rental (e.g., construction equipment).

Manufactured home means a single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained therein.

Manufactured home park means a residential facility arranged or equipped for the accommodation of two or more manufactured homes which provide lots, with spaces for such manufactured homes available for rent, lease, or purchase as part of a condominium arrangement wherein the land is held in common by a homeowner's association, and providing utility services and other facilities either separately or in common to manufactured home spaces herein. Manufactured home parks may also contain private accessory buildings such as sheds, garages, and other structures reasonable and customary to a single-family residential development as well as public accessory buildings, such as laundry, grounds maintenance shop, recreation, restroom, and swimming pool. The term "manufactured home park" does not include tourist facilities for travel trailers or campers. The term "manufactured home park" also does not include temporary housing for labor camps.

Manufactured home park lot means a defined land area in a manufactured home park on which a single manufactured home may be placed and which is described by boundary lines measured in terms of:

- (1) Its depth, expressed as a mean distance between the front and rear of the space, measured in the general direction of the side space lines.
- (2) Its width, expressed as a mean distance between the side lines of the space, measured in the general direction of the front and rear space lines.

Manufacturing means the process of making wares by hand, by machinery, or by other agency, often with the provision of labor and the use of machinery.

Manufacturing, heavy, means the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products characterized by one of the following traits:

- (1) The manufacturing plant generally has more than 100,000 square feet of floor area.
- (2) Due to the nature of the materials, equipment, or process utilized, the manufacturing operation is considered to be unclean, noisy, or hazardous, or is associated with other objectionable elements and may require mitigation measures to manage external effects of the use on the same or surrounding properties.

Manufacturing, light, means the production, processing, cleaning, testing, and distribution of materials, goods, food, and products which, by the nature of the materials, equipment, and process utilized, is to a considerable measure clean, quiet, and free of any objectionable or hazardous element and which takes place in plants with generally less than or equal to 100,000 square feet of floor area.

Master planned development means a development on a single parcel or multiple contiguous parcels treated as a single project and which may contain a mix of uses or densities, commonly including such features as an overall integrated design theme, internal transportation networks, and development and use of other shared resources. Master planned developments commonly emphasize interconnectivity between the various uses of the development and may include phased development plans.

Medical, dental, or health clinic means any building designed for use of one or more persons lawfully engaged in the diagnosis, care, and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, and podiatrists and in which no patients are lodged overnight.

Minimum depth means the minimum required dimension extending from and typically perpendicular to a property line, extending into the private development site.

Mixed use means a building or structure that contains two or more of the following basic land use types: commercial, office, or residential; which are vertically integrated and that are located over each other in whole or in part. Mixed uses may be integrated horizontally, provided that they are physically interrelated by pedestrian areas that are uninterrupted by vehicular traffic. In horizontal integration of mixed uses, roads or parking areas may not separate the uses.

Mobile home means a single-family residential dwelling manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Home Construction and Safety Standards Act, 42 USC 5401 et seq., that is transportable in one or more sections, that in traveling mode is eight body feet or more in width and 32 body feet or more in length or, when erected on a site, 256 or more square feet, and is built on a permanent chassis and designed to be used as a permanent residence on a temporary or permanent foundation when connected with the permanent utilities, including plumbing, heating, air conditioning and electrical systems.

Modular home means a dwelling constructed in accordance with the current adopted building code for site-built dwellings. The structure is transportable in one or more sections, designed for use as a residential dwelling unit, not built on a permanent chassis, and capable of being transported by an appropriate vehicle from place of fabrication to the site on which it is to be erected, where it is placed on a permanent perimeter foundation. When placed on a permanent perimeter foundation or slab, a modular home is functionally indistinct from a stick-built dwelling.

Mortuary and *funeral home* mean funeral homes and parlors where the deceased are prepared for burial or cremation and funeral services may be conducted.

Motor home means a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

Motor hotel or motel means a series of attached, semi-attached or detached sleeping or living units for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Motor vehicle sales means any business where two or more motor vehicles, including, but not limited to, automobiles, trucks, motorcycles, and recreational vehicles, are parked for sale.

Neighborhood commercial means a location for a limited number of retail commercial uses which serve the day-to-day needs of the residents of surrounding neighborhoods and having only a limited impact on nearby development.

Neighborhood meeting means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on a proposed project permit prior to the decision. A public meeting does not constitute an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

NIER (non-ionizing electromagnetic radiation) means electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

Nonconforming structure (illegal) means a structure which is not permitted under the regulations of this title (or any amendments thereto) and was not legally in place, with licenses and permits, at the effective date of the ordinance from which this title is derived or any subsequent ordinance.

Nonconforming structure (legal) means a structure (including signs) which is not permitted under the regulations of this title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance from which this title is derived or any subsequent ordinance.

Nonconforming use (illegal) means a use which is not permitted under the regulations of this title (or any amendments thereto) and was not legally in place, with licenses and permits, at the effective date of the ordinance from which this title is derived or any subsequent ordinance.

Nonconforming use (legal) means a use which is not permitted under the regulations of this title (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance from which this title is derived or any subsequent ordinance.

Nursing home means an establishment or agency licensed by the state for the reception, board, care, or treatment of three or more unrelated individuals.

Occupied dwelling house means a permanent building or fixed mobile home that is currently being used on a permanent or temporary basis for human habitation. The term "occupied dwelling house" does not include offices, shops, industrial warehouses or other structures not intended for human habitation.

Office means and includes offices of administrative businesses providing direct services to consumers, government agency and service facilities, professional offices, and offices engaged in the production of intellectual property. Outdoor storage of materials is prohibited.

Oil, gas or liquefied petroleum gas storage means an industrial establishment or area for the storage of gas or liquefied petroleum gas in approved portable metal cylinders for above-ground storage.

Oil, gas, or mineral processing includes refining, separation, or storage. The term "oil, gas, or mineral processing" means any establishment and appurtenant facilities utilized in the gas stripping process or coal gasification process to obtain a refined product from a natural resource.

Open space means that portion of a lot not occupied by a structure, not utilized for parking, and not otherwise used in the operation of the permitted use. Required setback areas meeting this definition shall be considered as open spaces.

Owner means the owner of record as recorded in the office of the county clerk.

Package liquor store. See Liquor store.

Park means public parks, including playgrounds and athletic fields/courts, and public plazas and outdoor gathering places for community use.

Parking space means a paved surfaced area for the purpose of storing one parked automobile.

Parking space, accessible, means a paved surfaced area for the purpose of storing one parked automobile that is occupied by a disabled occupant as described by the Americans with Disabilities Act of 1990.

Pawnshop means any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

Permit means any land use or environmental permit or license required for a project action, including, but not limited to, building construction, subdivisions, deviations, planned development district master plans, conditional uses, site plan approval, conditional use permits, or site-specific rezones authorized by an adopted land use plan.

Planning commission means the planning and zoning commission of the City of Mills, Wyoming.

Plat means the subdivision plat recorded at the office of the county clerk showing the location of property and property boundaries.

Plat, final, means the drawing or drawings and specific supporting materials showing the subdivider's plan for a subdivision submitted in accordance with the requirements of this title, to be recorded with the county clerk.

Plat, minor, means the adjusting or removal of interior lot lines, with the final number of lots being equal to or less than the number of lots originally platted.

Plat, preliminary, means the map of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this title, to permit the evaluation of the proposal prior to detailed engineering and design.

Potable water storage facility means a water tank or similar structure that collects and/or stores potable water after treatment to make the water safe for human consumption.

Premises means a lot, together with all the uses and buildings thereon.

Primary dwelling unit means an existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities occupied and intended for one household.

Primary highway means U.S. Highway 20/26 and State Highways 257 and 258 (SW Wyoming Blvd. and 254 Salt Creek Highway).

Printing and publishing means classified as an industrial service.

Professional office means any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, engineering, or other occupation customarily considered as a profession.

Property line means the boundary line between two pieces of property.

Public utility means any business which furnishes the general public:

- (1) Telephone service;
- (2) Cable television service;
- (3) Electricity;
- (4) Natural gas;
- (5) Water; and
- (6) Any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or political subdivision thereof.

Rated nameplate capacity means the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate on the equipment.

Recreation facility means facility for various indoor and outdoor participant sports and types of recreation where a fee is charged for use (e.g., amphitheaters, amusement and theme parks, golf driving ranges, health and athletic club with outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, water slides, and zoos).

Recreational vehicle means any pickup truck, camper, motor home, travel trailer, or mobile unit designed or modified to be used for vacation or recreational purposes; a vehicular-type unit primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. Recreational vehicles are allowed as a primary residence within established manufactured home parks up to 15 percent of the total allowable spaces in the park.

Recreational vehicle park means a parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as limited-term living quarters. This definition does not apply to temporary housing.

Recreational vehicle site means any area or tract of land, or portion of a recreational vehicle park, designed or used for the limited-term occupancy of one recreational vehicle.

Recreational vehicle storage facility or area, private or public, means a facility or area, designated for the parking of RVs, boats, or extra vehicles not in continual use owned by the residents of an immediate subdivision with the following conditions:

- (1) Neighboring residents may be permitted use of the facility by the subdivision authority.
- (2) Parked RVs, boats, and vehicles shall not obstruct view at an intersection and shall have a minimum setback of 20 feet from a corner.
- (3) Parked RVs, boats, and vehicles shall be maintained in a sanitary and orderly manner by subdivision authority.
- (4) All outside areas shall be surrounded by a six-foot security fence.

Recycling center means a building and/or premises used for the recycling, purchase, and donation of metals, paper, and glass to be packaged and sold for recycling purposes; exclusive of automobile parts, bodies, batteries, petroleum products and all materials defined as hazardous by federal, state and local regulations as they pre-exist or are hereafter amended, and exclusive of any operation that salvages motor vehicles or other similar equipment.

Regulations means this title 17, the city land development regulations.

Related equipment (telecommunication facilities) means all equipment ancillary to the transmission and reception of voice and data by means of radio frequencies. Such equipment may include cable, conduit, connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

Religious institution or parish house means places of religious worship, such as synagogues, temples, and churches; may include related accessory uses, such as offices, classrooms, auditoriums, social halls, and gymnasiums.

Restaurant means an eating establishment whose principal business is the sale of prepared food and beverages for consumption within the restaurant building or within a designated seasonal outdoor eating area attached to the primary building, and whose principal method of operation includes one or both of the following characteristics:

- (1) Customers are served their food and beverages by a restaurant employee at the table or counter at which it is consumed.
- (2) There is a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Restaurant, fast-food, means an establishment whose principal business is the sale of pre-prepared food and/or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the premises or off the premises, and whose principal method of operation includes one or both of the following characteristics:

- (1) Food and beverages are usually served in paper, plastic, or other disposable containers.
- (2) Food and beverages are served directly to the customer in a motor vehicle, either by drive-through window, carhop, or by other means, which eliminates the need for the customer to exit the motor vehicle.

Restaurant, drive-in, means any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, non-alcoholic beverages or any other food directly to patrons in parked vehicles.

Resubdivision means any amendment to a recorded subdivision plat, including the resubdivision of any lots, tracts or parcels, or the relocation or addition of roads within a subdivision.

Retail sales and services means stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include, but are not limited to, art galleries, bakeries (all production in support of on-site sales), clothing and accessories, collectibles, department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales, only); outdoor sales plant nurseries, furniture, home furnishings and equipment, general stores, gift shops, hardware, hobby materials, musical instruments, parts and accessories, newsstands, pet supplies specialty shops, sporting goods and equipment, stationery, and variety stores.

Review processes means the processes one through three, as described on Table 17.10.10-1. Each land use permit/action follows one of the listed review process procedures.

Reviewing authority means the individual or governing body given the authority under these regulations to review and determine appeals.

Roof means the external upper covering of a building.

Roominghouse means a house having self-contained furnished rooms or flats for renting.

Sanitary landfill, solid waste disposal, means a site for the disposal of refuse on land without creating a nuisance or hazard to public health and safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to regularly cover it with a layer of earth, on a daily or more frequent basis.

Security quarters means apartments, as a part of the main structure, or mobile homes necessary for safety or security reasons in conjunction with the principal use, located on the same lot as the principal use and occupied only by persons responsible for security of the principal use and on the payroll of the industry or business conducting the principal use. A mobile home may be located where permitted by the city as security quarters in an industrial district.

Sell or sale includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitation of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.

School, public or private, means public educational institutions, such as community colleges, universities, elementary, middle/junior high schools, high schools, and military academies.

Service station means a building, or group of buildings, and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs, or major overhaul.

Setback means the distance required to comply with the front, side, or rear yard and open space provisions set forth in this title, as measured from the property line. In cases where the property line is the center of the road, the setback shall be figured from the curb, edge of the road, or edge of the dedicated right-of-way or public access easement, whichever is closest to the primary structure.

Front setback means the distance between the front property line and the outermost wall of a structure.

Rear setback means the distance between the rear property line and the outermost wall of a structure.

Side setback means the distance between the side property line and the outermost wall of a structure.

Setback lines means the lines defining the buildable area of a lot and the inside limits of the required yards.

Sexually oriented business means an adult bookstore, adult video store, adult motion picture theater, or adult live theater, or any establishment that consists of any combination of such uses.

Sign means and includes any sign, billboard, or other device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an advertisement or announcement, which directs attention to an object, product, place, activity, person, institution, organization, or business but shall not include any display of official notice or official flag. The following definitions apply to specific types of signs:

Billboard. See Off-premises sign.

Sign, business, means a sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or a "For Rent" sign relating to the property on which it is displayed shall be deemed a business sign.

Sign, electronic graphic display, means any illuminated sign on which the artificial light is not constant in intensity and color at all times. The term "electronic graphic display sign" includes all signs, or portions thereof, that display electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light-emitting diodes (LEDs), fiber optics, lightbulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. The term "electronic graphic display sign" includes computer programmable, microprocessor controlled electronic, or digital displays. The term "electronic graphic display sign" includes projected images or messages with these characteristics onto buildings or other objects.

Sign, illuminated, means a sign designed to give forth artificial light or designed to reflect light derived from any source.

Sign, off-premises, means a sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment, or amusement conducted or produced which is bought

or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed. An off-premises sign may be a board, panel or tablet, either illuminated or non-illuminated.

Sign, pole, means a sign mounted on a freestanding pole or other support so that the bottom edge of the sign face is five feet or more above finished grade.

Sign, sandwich, means an advertising or business ground sign which is constructed in such a manner to form an "A" or a tent-like shape, hinged or not hinged at the top, and each angular face held at an appropriate distance by a supporting member.

Sign, temporary, means a sign approved for use on a temporary basis and subject to a temporary use permit, if applicable.

Slaughterhouse means a building where animals are butchered. See *Industrial service*.

Smoke shop means an establishment that devotes more than 15 percent of its total floor area to smoking, drug, and/or tobacco sales.

Stable means a roofed structure for the shelter of large animals, typically horses.

Stock water well means a water well permitted by the state engineer's office as a stock water well.

Story means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Street means a right-of-way or access easement which provides vehicular and pedestrian access to adjacent properties.

Street line means a dividing line between a lot, tract, or parcel of land and the contiguous street.

Street network. The following definitions apply to specific types of streets within a street network:

Arterial means a street which moves traffic at higher speeds and is intended to connect points of major destinations to provide for regional traffic movement.

Collector means a street which services neighborhoods and districts by connecting traffic movement between arterials and local streets.

Local means a street which provides circulation, parking, and access to adjoining properties and parking facilities.

Local, through, means a street which provides limited connectivity between residential subdivisions.

Structural alteration means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. The following shall not be considered structural alterations:

- (1) Attachment of a new front where structural supports are not changed.
- (2) Addition of fire escapes where structural supports are not changed.

- (3) New windows where lintels and support walls are not materially changed.
- (4) Minor repair or replacement of non-structural members.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground but not including fences, utility poles, lines, cables and other transmission or distribution facilities of public utilities.

Subdivider means any person who lays out any subdivision, or parts thereof, either for the account of the owner or others.

Subdivision means a creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The term "subdivide" or any derivative thereof shall have reference to the term "subdivision," including manufactured home parks, the creation of which constitutes a subdivision of land. The term "subdivision" includes resubdivision of land.

Tavern means an establishment in which the primary function is the public sale and serving of alcoholic beverages.

Taxidermy means a business which stuffs and/or mounts animal skins for preservation.

Temporary housing means a structure that, by the way that it has been built, is not expected to maintain its durability for as long a period of time as, but has some of the facilities of, a conventional dwelling.

Theater means a structure, room, or outdoor area for the presentation of plays, motion pictures, or other dramatic performances. The following definitions apply to specific types of theaters:

Indoor theater means a theater entirely contained within a structure.

Outdoor/drive-in theater means a theater located partially or entirely outdoors, within a roofed structure having sides open to the outdoors, or within a tent.

Tower means a mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. The term "tower" includes ground-mounted structures 12 feet or greater in height and building-mounted structures that extend above the roofline, parapet wall, or other roof screen with a mast greater than six inches in diameter supporting one or more antennas, dishes, arrays, or other associated equipment.

Tower height means the total height above finished grade of the fixed portion of the tower, including the wind turbine blades.

Townhome means a single-family dwelling unit constructed as a part of a series of two or more abutting single-family dwelling units sharing a common lot line and or/wall and located on a single, individually owned lot.

Trailer. See *Manufactured home*.

Transmission lines and pipelines means those facilities that transmit or transport electricity, potable water, reclaimed water, natural gas, petroleum products, sewage, and telephone, telegraph, cable television, and other communication transmission facilities that utilize direct physical conduits.

Travel trailer means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and a gross trailer area less than 320 square feet.

Truck camper means a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

Turbine means the parts of a wind system including the blades, generator and tail. The term "turbine" includes both horizontal axis wind turbines (HAWT) and vertical axis wind turbines (VAWT).

Use means the activity or purpose for which a lot and structures thereon are designed for or intended to be occupied.

Use, permitted, means uses which are in compliance with the regulations of this title and allowed without a special permit within a zoning district.

Use, principal, means the primary purpose for which a lot or structure is used, as opposed to subordinate accessory uses.

Used car lot means a zoning lot on which used cars, trailers or trucks are displayed for sale or trade.

Vehicle fueling and service station means a retail establishment engaged in the sale of automotive fuels, motor oil, or other automobile accessories and providing incidental services, including lubrication, hand washing and cleaning, or minor mechanical work and repairs, but shall not include painting or body work or the sale of butane or propane fuels.

Vehicle parking and storage means facilities for the storage of operative and inoperative vehicles for limited periods of time. The term "vehicle parking and storage" includes, but is not limited to, storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreation vehicles. The term "vehicle parking and storage" does not include vehicle dismantling or retail sales.

Vehicle sales and/or rental means retail establishments selling and/or renting automobiles, trucks, and vans. The term "vehicle sales and/or rental" includes the sales and rental of mobile homes, recreational vehicles, and boats; may also include repair shops and the sales of parts and accessories incidental to vehicle dealerships.

Vehicle service and repair means the repair, alteration, restoration, towing, painting, detailing, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. The term "vehicle service and repair" includes major repair and bodywork repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other bodywork, and painting services and may also include tire recapping establishments.

Veterinary clinic means an establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. The term "veterinary clinic" does not include open kennels or runs. See *Animal hospital*.

Warehouse/freight movement means uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors, associated with significant truck and rail traffic. Examples include freestanding warehouses; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust, or other aggregate and landscaping materials.

Wholesale means establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The term "wholesale" includes such establishments as agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers, and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, and heating and air conditioning supplies and equipment.

Wireless communication facility means a facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. The term "wireless communication facility" includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

Xeriscape means a landscape design technique that minimizes water consumption by using some or all of the following techniques: using low water demand plants; grouping plants by water demand or specific cultural characteristics; reducing turf areas or using turf materials that have low water demand; using mulches to cover soil and save moisture; using efficient irrigation layouts that zone plants that have specific watering needs; minimizing evaporation of water; and performing regular maintenance to maintain water conserving characteristics.

Yard means a space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

Yard, front, means a yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.

Yard, rear, means a yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building.

Yard, side, means a yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally, at 90 degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building.

Yard, street, means the area of a lot or parcel that lies between any public street right-of-way/property line and the fronting walls of buildings on the parcel oriented to that street. The street yard follows all irregularities, indentations, or articulations in the front wall of the building, excluding minor projections or indentations such as steps. For the purposes of defining the area of the street

yard, the front wall is extended from the outer corners of the building parallel with the fronting street, until intersecting the side property line. On lots with multiple buildings, the street yard area is defined by all building front walls having direct, visual frontage to the street.

Zone or district means a section of the city for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, open spaces, and other regulatory standards about buildings are herein established.

Zoning certificate means a certificate issued by the city disclosing the nature of the zoning of a property and the applicable regulations.

Zoning code means this title 17, the city land development regulations.

Zoning commission means the planning and zoning commission of the City of Mills, Wyoming.

Zoning map means the official zoning district map of the city, adopted by the city council, as a part of this title, together with all amendments subsequently adopted.

Zoning regulations means this title 17, the city land development regulations.
(Ord. No. 813, att.(5), 6-25-2024)

CHAPTER 17.10. ADMINISTRATION

Sec. 17.10.1. General overview.

This chapter establishes administrative elements of the land development regulations as follows:

- (1) Clarifies the purpose and authority of the regulations as a key implementation tool of city policy.
- (2) Provides procedures for land use permit applications.
- (3) Establishes which review body makes recommendations and final decisions to approve or deny a land use permit (i.e., the applicable director, planning commission, or city council).
- (4) Defines the type, size, and character of development projects and determines which land use permit (if any) is needed and which procedure to follow.

(Ord. No. 813, att.(10), 6-25-2024)

Sec. 17.10.5. Purpose and authority.

(a) *Title*. This title shall be known and cited as the "city land development regulations," referred to hereafter as these regulations.

(b) *Authority*. These regulations are enacted pursuant to the authority granted in W.S. 15-1-701 through 15-1-801.



(c) *Effective date.* The ordinance from which this title is derived shall be in full force and effect ten days following its passage and approval on third and final reading; however, the provisions of this title shall not be given retroactive effect with regard to any present or otherwise lawful building or structure within the city.

(d) *Repeal of conflicting ordinances.* All existing ordinances or parts of ordinances of the city are hereby repealed insofar as they may be inconsistent with the provisions of this title.

(e) *Purpose of the zoning regulations.* The purpose of these regulations is to set forth the city regulations governing the development and use of land in accordance with city policy. The land use regulations and districts, as herein set forth, have been made in accordance with a comprehensive zoning study with reasonable consideration, among other things, to the character of each district and its peculiar suitability of particular uses, with a view to conserving the value of properties and encouraging the most appropriate use of land throughout the city. The regulations are specifically intended to do the following:

- (1) Serve as the principal tool for implementing city land use policy in a manner that protects the health, safety, morals, and general welfare of the citizens of the city.
- (2) Facilitate prompt review of proposed development within the city and provide for public information, review, and comment on proposed development that may have a significant impact on the community.
- (3) Create a comprehensive and stable pattern of land uses to help ensure the provision of adequate water, sewerage, transportation, drainage, parks, open space, and other public infrastructure and facilities.

- (4) Ensure the provision of adequate separation between buildings and uses for light, air, privacy, and fire safety.
- (5) Support a transportation network that promotes safe and effective traffic circulation and adequate facilities for all transportation modes.
- (6) Require that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other human-made or natural hazards.
- (7) Ensure compatibility between residential and nonresidential development and facilitate the development of compatible mixed-use developments.
- (8) Support and further the goals and policies of other city policies, plans, and regulations.

(f) *Applicability of regulations.*

- (1) These regulations apply to any tract of land which is within the city and to all areas outside of the city limits which may be annexed to become a part of the city.
- (2) The use of land, and buildings or structures located upon the land, and the construction, reconstruction, alteration, expansion, or relocation of buildings or structures upon the land, shall conform to the regulations applicable to the district in which the land is located unless otherwise provided for in these regulations. The following shall apply:
 - a. It is the intent and requirement of these regulations that every principal building located within a zoning district in the city be located on a separate lot, as defined in chapter 17.5. The only circumstances under which more than one principal building shall be allowed on one lot is in the planned unit district or by administrative review for shopping centers.
 - b. Buildings and structures shall only be constructed, enlarged, altered, or moved, and land may only be used, as follows (unless otherwise approved):
 1. The use shall be listed as permitted, or conditionally permitted, in the district in which it is to be located;
 2. The height shall not exceed the limits established for the zoning district in which it is located;
 3. The maximum coverage and location of the building and other site improvements shall not exceed the lot limits as designated by the district in which the site is located;
 4. All site design standards as required by the zoning district in which the property is located shall be adhered to;
 5. Any special regulations as described in chapter 17.45 that apply to the proposed use or activity shall apply.
 - c. In the event a legal nonconforming structure is moved, altered, added to, or enlarged, and the proposed change exceeds 50 percent of the building's current value, then all improvements shall be in conformity with the development standards for the zone in which the property is located.

- d. No part of a lot area, open space, off-street parking area or yard required about or in connection with any building for the purposes of complying with these regulations may be included as part of a lot area, required open space, off-street parking area or yard similarly required for any other building or use.
- e. The city may issue building or other land use permits only when:
 - 1. The proposed land use and/or structures satisfy the requirements of subsection (f)(2)a of this section and all other applicable regulations; and
 - 2. The applicable director determines that the site was subdivided in compliance with the city subdivision requirements.
- f. Nothing in these regulations eliminates the need for obtaining permits, approvals, or land use permits required by any local, regional, state, or federal agency with such jurisdiction.
- g. Property within the city and/or within its jurisdiction shall be subdivided in conformance with this title.
- h. No person shall transfer, offer for sale or lease, or sell any land by reference to or by the use of a plat of a subdivision before such plat has been approved and recorded. The description of such land by metes and bounds shall not exempt the transaction from the provisions of this title.

(g) *Building permit requisite.*

- (1) A building permit for new residential construction or remodeling on a lot shall be issued only after a subdivision plat has met interim acceptance and a subdivision improvements agreement has been completed or all public improvements have been installed and accepted by city council. The public improvements consisting of water, sanitary sewer, and curb and gutter shall be installed and approved by the city engineer prior to interim acceptance being granted.
- (2) Other than residential. For projects other than residential, the public improvements consisting of water and sanitary sewer shall be installed and approved by the city engineer prior to a building permit being issued.

(h) *Certificate of occupancy.* In all zoning districts, certificates of occupancy shall not be issued until all subdivision improvements, except for sidewalks out of the lot for which the certificate of occupancy is sought, have been installed and approved by the city engineer.

(i) *Zoning plan adopted.* The zoning plan attached to the ordinance codified in this title, and identified as "Exhibit A" and, by this reference, made a part of this title, is adopted as the official zoning map of the city and shall govern the use and location of all land and structures within the city as specified in that plan. The city planner shall interpret boundary locations upon request of any person in such instances as lack of detail, legibility, or any uncertainty of the intended location of the district boundaries. Any person claiming grievance to such interpretation may appeal to the city council:

- (1) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, the centerlines of alleys, or the centerlines of highways, such district boundaries shall be construed as being the centerline of that street, alley, or highway.

- (2) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (3) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line.
- (4) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the center line of the stream, otherwise at the limit of the jurisdiction of the city unless otherwise indicated.
- (5) Where district boundaries are indicated as approximately following section lines, quarter section lines, quarter-quarter section lines or survey and claim lines, such lines shall be construed to be such boundaries.
- (6) Whenever any street, alley or other public way is vacated in the manner authorized by law, the ongoing district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation, and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

(j) *Pending projects.*

- (1) Any complete application that has been properly submitted, but upon which no final action has been taken prior to the effective date of the ordinance from which these regulations are derived, shall be processed in accordance with the regulations in effect on the date the application was submitted. The applicant may request the application be processed pursuant to current regulations, provided that the applicant complies with all requirements set forth herein.
- (2) Approved land use permits that are valid on the effective date of the ordinance from which the current regulations are derived shall remain valid until their expiration date, where applicable.
- (3) Any building or development for which a building permit was granted prior to the effective date of the ordinance from which these regulations are derived shall be permitted to proceed to construction, even if such building or development does not conform to the current regulations, as long as the building permit remains valid and the scope of the project remains unchanged.

(k) *Amendments to the regulations.* The city council, from time to time on its own motion or on written application of any party, may amend, supplement, change, modify, or repeal, by resolution, the regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the planning commission for its recommendation except upon the declaration of emergency circumstances made by the city council. Amendments adopted by the city council under emergency circumstances shall be considered by the planning commission at a regular meeting and a recommendation shall be made. Upon receipt of a recommendation from the planning commission relating to emergency amendments, the city council shall vote to ratify or rescind the previous action.

(l) *Severability.*

- (1) If any court of competent jurisdiction invalidates any provision of these regulations, then such determination shall not affect the validity of any other provision contained within these regulations.

- (2) If any court of competent jurisdiction invalidates the application of any provision of these regulations to a particular property, structure, or land use, then such determination shall not affect the application of that provision to any other building, structure, or land use not specifically identified.

(Ord. No. 813, att.(10.5), 6-25-2024)

Sec. 17.10.10. Approval authority.

(a) *Purpose.* The purpose of this section is to establish the administrative responsibilities of these regulations and to identify the basic responsibilities of the officials and bodies charged with its administration. This section describes the responsibility and decision-making authority for each review body (e.g., applicable director, planning commission, or city council) on land use actions.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Appeal or appellate review means a hearing, conducted by a single hearing body or officer authorized to conduct such hearings, in which testimony is restricted to information contained in the record.

Applicable director means the city administrator, city planner, building official, or designee, as designated by the mayor.

Contested case hearing means a hearing, conducted by a governing body or officer authorized to conduct such hearings, in which legal rights, duties, or privileges of a party are required by law or the regulations.

Public hearing means an opportunity to provide comment from the public or other agencies.

(c) *Officials and responsibilities.* The following roles and responsibilities apply to the enforcement of these regulations:

- (1) *Mayor.* The mayor shall be responsible to ensure city officials are abiding by the provisions of these regulations. The mayor shall at all times work to find a balance between the concerns of city officials and the property rights of the public.
- (2) *Applicable director.* The applicable director is responsible for the administration of all aspects of planning, zoning and annexation within the city, as designated by the mayor.
- (3) *Planning and zoning commission.* The planning and zoning commission shall consist of five members who are residents of the city. The planning and zoning commission shall review proposed land use permits as provided in these regulations and as established through the commission bylaws.
- (4) *Appointment of city planner.* To assist the city council, a city planner may be appointed. The city planner shall have any additional powers as granted by the city council.

(d) *Authority.* There are three review processes defined by who has the authority to render a decision on the matter. The review process for each application is found in the use district charts. Please refer to Table 17.10.10-1 for more information about each review process.

- (1) In general, decisions on applications which are under Review Processes 1 and 2 are made by the applicable director. Review Process 2 applications may be deferred by the applicable director to the planning and zoning commission for recommendation then to city council for review and final decision.
- (2) Review Process 3 decisions are made by the city council, following receipt of recommendation from the planning commission.

Table 17.10.10-1. Procedural Types and Review Processes

<i>Action</i>	<i>Administrative</i>		<i>City Council</i>
	<i>Process 1</i>	<i>Process 2</i>	<i>Process 3</i>
Pre-application meeting	None	Recommended	Recommended
Notification requirement (section 17.10.20)	None	Required	Required
Public hearing (section 17.10.70)	None	Required if elevated to planning commission	Required
Recommendation review	Applicable director	Applicable director/planning commission	Planning commission
Decision-maker	Applicable director	Applicable director/city council	City council
Administrative appeal	City council	City council	None

<i>Action</i>	<i>Administrative</i>		<i>City Council</i>
	<i>Process 1</i>	<i>Process 2</i>	<i>Process 3</i>
Judicial appeal	District court	District court	District court
	Example:	Example:	Example:
	Accessory uses (section 17.45.55)	Deviation (section 17.10.55)	Conditional use permit (section 17.10.60)
	Site plan approval (section 17.10.35)	Wireless communication facility (section 17.45.45)	Manufactured home park (section 17.45.25)
	Home occupation (section 17.45.20)	Child care facility (section 17.45.50)	Zoning or rezoning requests (section 17.10.65)
	Similar use determinations (section 17.10.45)	Temporary use permit (section 17.10.30)	Final subdivision plat (section 17.47.40(a))
	Zoning certificate/site plan review (section 17.10.25 and 17.10.35)	Buffering standards (section 17.40.30)	Annexation plat (chapter 17.46)

(Ord. No. 813, att.(10.10), 6-25-2024)

Sec. 17.10.15. Interpretation of regulations.

- (a) *Rules of interpretation.* As used in these regulations, the following shall apply:
- (1) *Abbreviations.* The following phrases, personnel, and document titles are shortened in these regulations:
- City of Mills shall be city.
 - Mills City Council shall be council.
 - Planning department shall be department.
- (2) *Terminology.* The following apply in these regulations:
- Language.* The words "shall," "will," "is to," and "are to" and similar words and phrases are always mandatory. The word "should" is not mandatory but is strongly recommended, and "may" is permissive.
 - Tense and number.* The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular unless the natural construction of the word indicates otherwise.
 - Conjunctions.* The word "and" indicates that all connected items or regulations shall apply. The word "or" indicates that the connected items or regulations may apply singly or in any

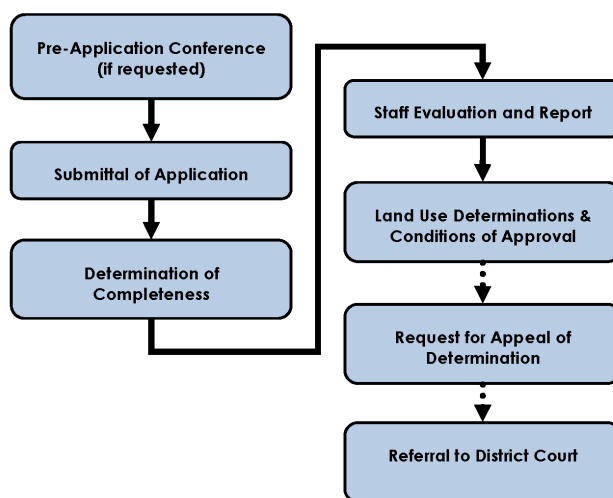
combination. The term "either . . . or" indicates that the connected items and regulations shall apply singly but not in combination. The words "includes" and "including" shall mean "including, but not limited to."

- d. *Number of days.* Whenever a number of days are specified in these regulations, or in any land use permit, condition of approval, or notice issued or given as provided in these regulations, the number of days shall be construed as calendar days, unless otherwise specified. Time limits will extend to the following business day when the last of the specified number of days falls on a day that the city is not open for business.
 - e. *Minimum requirements.* All requirements of these regulations are minimum requirements, unless specifically stated otherwise.
- (3) *Calculations; rounding.* Where any provision of these regulations requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded up to the nearest whole number.
- (4) *Zoning regulations.* Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted unless the applicable director determines the use to be similar to a listed use or use category.
- (b) *Elevation of review process.* At the discretion of the applicable director, the director can elevate the review process of any application to Review Process 3.
(Ord. No. 813, att.(10.15), 6-25-2024)

Sec. 17.10.20. Application processing of land use permits.

The following Figure 17.10.20-1 shows a flowchart of the land use permit process:

Figure 17.10.20-1. Land Use Permit Process



- (1) *Purpose.* This section describes the general procedures that apply to all applications submitted under these regulations. It describes the procedures governing all permits issued under these regulations.
- (2) *Consolidated review.* When an applicant makes a request that falls under more than one review process, the applicant may choose to have the matter considered in its entirety by the highest approving authority. For example, a zoning amendment can be consolidated with a conditional use permit, but the final decision for both applications will be made by the city council at the same public hearing.
- (3) *Pre-application conference.* A pre-application conference is available to acquaint applicants with the requirements of the regulations and other relevant information. To schedule a pre-application conference, the applicant shall submit a request and provide submittal requirements identified by the planning department in the application materials. Information provided by the city at a pre-application conference is not binding and may be modified as development review progresses. Pre-application conferences are generally not required but are highly encouraged; however, for certain complex applications, the applicable director may require the applicant to attend a pre-application conference.
- (4) *Inspections.*
 - a. *Pre-approval inspections.* Every applicant seeking a permit or any other action in compliance with these regulations shall allow the city officials handling the application access to any premises or property which is the subject of the application.
 - b. *Post-approval inspections.* If the permit or other action in compliance with these regulations is approved, the owner or applicant shall allow appropriate city officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.
- (5) *Who may apply.* Land use permit applications may be initiated by the following:
 - a. All owners and contract purchasers of the subject property, or any person authorized in writing to act as agent of the owner or contract purchasers, as evidenced by document of title or agency supplied with the application;
 - b. Public agencies or utilities that have statutory rights of eminent domain for projects that have the authority to construct;
 - c. The applicable director;
 - d. The planning commission; or
 - e. The city council.
- (6) *Application requirements.* To ensure timely review and approval, all applications for land use permits shall include the following materials and be submitted to the planning department:
 - a. *Application submittal.* All applications must be submitted during regular business hours to the planning department; however, in order to efficiently schedule Review Process 3 applications with the city council, it is recommended that such applications be submitted per the yearly submittal calendar, as provided each year by the city.

- b. *Complete application.* Completed application form, including applicant signature, agent authorization (as appropriate), and proof of property ownership or copy of contract for purchase.
 - 1. Required fee or deposit based on the land use permit requested.
 - 2. Plans, maps, legal description, and any other information deemed necessary by the applicable director to provide the approving authority with adequate information to make informed decisions. The applicable director will determine the format of the application materials and alter the format of these materials as appropriate.

(7) *Fees.*

- a. *Site plan.* Unless otherwise determined by the applicable director, a site plan is required for all new construction.
- b. *Other materials.* Materials listed on the application form:
 - 1. All applicants shall pay a fee for the review of land use permits. The fee schedule is established by resolution, which may be amended from time to time. All required fees shall be paid prior to consideration of the application by either the planning commission or the city council.
 - 2. Zoning applications: All application fees are due at the time of application submittal.
 - 3. Subdivision review fees:
 - (i) The subdivider shall pay the required nonrefundable fee at the time the application is submitted to the city for review.
 - (ii) The subdivider shall pay to the city, at the time the final plat is submitted, a fee established by the county clerk for the recording of the final plat.
 - (iii) In addition, the subdivider shall be responsible for associated surveyor technical review fees, which will be provided to the applicant by the city and must be paid prior to recording of the final plat.
 - 4. Development plans:
 - (i) The applicant shall pay a development plan review fee, as set by resolution, whether such plan approval is provided for by ordinance or by agreement between the city and the applicant.
 - (ii) The applicant shall pay to the city, at the time the development plan application is submitted, a fee for recording of the development plan in the county clerk's office.
 - (iii) The applicant shall pay a fee, set by resolution, for any land use permit, prior to consideration of the application by either the planning commission or the city council.

(8) *Determination of completeness.*

- a. Within ten business days of receipt of an application, the applicant shall be notified in writing if additional information is necessary to complete the application. The correspondence may identify preliminary information regarding the areas in which the submitted materials are not in compliance with city standards and requirements.

- b. Rejection by the applicable director at this time shall be based solely on completeness of the application.
 - c. Acceptance of an application as complete indicates only that the application is ready for review.
 - d. Information submitted by the applicant to the city after the date the application is considered complete that results in a substantial change from the original application shall require review as a new application. The applicable director shall determine, in their sole discretion, whether a substantial change from the original application is being proposed.
- (9) *Withdrawal.* The following procedure allows for the withdrawal of land use permit applications:
- a. *Request.* The applicant may withdraw its application, in writing, at any time prior to the final decision on the land use permit. Any fees paid will not be reimbursed.
 - b. *Incomplete applications.* An application determined to be incomplete for a period longer than six months from the date of receipt shall be deemed denied unless an extension is granted as set for below.
- (10) *Extension.* The applicable director, at the applicant's written request, may extend the time limits established under this title for processing a land use permit application, subject to the following:
- a. Requests for extension must be filed with the applicable director prior to the applicable expiration date.
 - b. No application shall receive an extension which exceeds two years.
 - c. Regardless of the grant of an extension, applications shall comply with the regulations in effect at time of initiation of development, including any land surface modification or construction of a structure or building.
 - d. The grant of an extension shall be in the sole discretion of the applicable director.
- (11) *Staff evaluation and report.*
- a. *Staff evaluation.* The applicable director shall review all applications to determine compliance with the regulations and other applicable regulations.
 - b. *Staff report.* When any of these regulations require city council action, the applicable director shall provide a written recommendation (staff report) to the planning commission and city council to approve, deny, or approve with conditions, the requested land use permit.
 - c. *Report distribution.* Each staff report shall be furnished to the applicant at the time it is provided to the approving authority.
 - d. The staff report may be amended as necessary at any time prior to the final action to address issues or information not reasonably known at the time the report is due. Substantial amendments will be distributed to the applicant and approving authority.
- (12) *Conditions of approval.* The approving authority shall have the authority to impose conditions upon any approval to ensure that adverse impacts are mitigated and all applicable criteria are, or can be, met.

- (13) *Revocation.* In the event an applicant, or the applicant's successor in interest, fails to comply with any of the conditions of a land use permit, the approving authority may institute revocation proceedings if the applicable director determines there is substantial likelihood that any of the following situations exist:
- a. One or more conditions of approval have not been implemented or have been violated; or
 - b. The activities, or the use itself, are substantially different from what was approved.
- (14) *Expiration.* Unless otherwise specified in this title, all land use permits shall expire two years from the date of approval if no development activity has taken place on the subject property. Any new permit shall conform to current rules and regulations.
- (15) *Transfer of permit.* Unless otherwise provided, an approved land use permit runs with the land and is transferred with ownership of that land. Any conditions, time limits, or other restrictions imposed in a land use permit shall bind all subsequent owners of the property for which the land use permit was granted.
- (16) *Notice and decision.* Notification of an application for a land use permit and notice of the final decision for a land use permit is as follows:
- a. *Administrative permits.*
 1. *Notice.* Review Process 1 applications do not require notice to anyone. The applicable director shall provide notice to all property owners within 1,000 feet of the subject parcel boundaries, excluding all rights-of-way, for any Review Process 2 and 3 applications. Property owners notified shall have 14 days to respond with comments.
 2. *Decision.* The applicable director shall provide written notice of the decision to the applicant.
 3. *Findings.* The applicable director's decision shall be based on standards set forth within these regulations and may be accompanied by brief findings if appropriate.
 4. *Appeal.* Review Processes 1 and 2 may be appealed to the city council.
 - b. *Planning commission.*
 1. *Notice.* Some Review Process 2 and all Review Process 3 applications will require a public hearing, with notice being provided as set forth in section 17.10.70.
 2. *Recommendation review.* The planning commission may recommend approval, approval with conditions, or deny an application.
 3. *Notice of decision.* The planning commission shall provide written notice of the recommendation to the applicant.
 4. *Appeal.* Planning commission decisions may be appealed to the city council.
 - c. *City council.*
 1. *Notice.* Review Process 3 applications will require a public hearing with notice being provided as set forth in section 17.10.70.

2. *Decision.* The city council may approve, approve with conditions, or deny an application.
3. *Notice of decision.* The city council shall provide written notice of the decision to the applicant.
4. *Appeal.* Decisions of the city council may be appealed to district court.

(Ord. No. 813, att.(10.20), 6-25-2024)

Sec. 17.10.25. Zoning certificate.

(a) *Purpose.* Zoning certification is Review Process 1 to certify that a proposed structure or land use is allowed in the applicable zoning district and that the project complies with all applicable requirements of the regulations. This includes building permit plan check, home occupations, siting of a manufactured home, sign permits, and other activities that require a compliance check with regard to this title.

(b) *Applicability.* Zoning certification is required prior to establishing a land use, completing site improvements, building a structure, installing a sign, or any other city permit that may have land use implications.

(c) *Requirements.* Zoning certification is required:

- (1) Prior to obtaining a construction permit where planning approval is required.
- (2) Prior to the establishment of an allowed land use as a permitted use that does not require a construction or other permit.

(d) *Approval.*

(1) *Application.* The zoning certification application shall include a site plan showing the following, prior to approval:

- a. Existing site improvements and/or structures comply with all applicable requirements of these regulations and other applicable regulations or have been determined to be legally nonconforming.
- b. New improvements comply with the standards and requirements of this title and other applicable regulations.

(2) *Approval.* Approvals shall be indicated by issuance of a signed zoning certificate.

(3) *Revocation or cancellation.* The applicable director may revoke any permit upon refusal of the permit holder to comply with the requirements of the permit. The applicable director shall provide written notice of noncompliance and provide at least 30 days to correct. This provision does not apply in the event that a structure, sign, tree, or other site or building feature, by nature of its physical condition, is an imminent and significant threat to public safety. If such imminent conditions exist, the property owner shall mitigate the condition within the prescribed time as determined by the applicable director.

(Ord. No. 813, att.(10.25), 6-25-2024)

Sec. 17.10.30. Temporary use permits.

(a) *Purpose.* Temporary use permits (TUPs) allow short-term activities that may not meet the normal development or use standards of the applicable zoning district but may be acceptable because of their temporary nature. The TUP applicant must demonstrate the application is consistent with zoning requirements. Regulations in this section may place restrictions on the duration of the temporary use, its location, and other development standards. The intent of these regulations is to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites or impact the general health, safety, and welfare of persons residing within the community.



(b) *Applicability.* A temporary use permit may be issued for the following short-term activities. Temporary use permits are granted through Review Process 3.

- (1) Construction office. A temporary construction office used during the construction of a main building or buildings on the same site. The construction office must be removed prior to the issuance of certificates of occupancy of the main building on the site.
- (2) Construction yards, off-site. Site contractors' construction yards, in conjunction with an approved construction project. Construction yards must be removed prior to certificate of occupancy for any buildings on site or within 30 days of any completed permit work when no structures suitable for occupancy are involved.
- (3) A manufactured home for temporary caretaker quarters during the construction of a subdivision, multifamily, or nonresidential project, while a valid building permit is in force. Temporary dwelling units in this instance must be removed prior to the issuance of the certificate of occupancy for the final, permanent residential structure.
- (4) Model homes. A model home or model home complex may be authorized before the completion of subdivision improvements. The model home may be the final unit converted into a for-sale residential unit.

- (5) Temporary real estate offices, including sales trailers and related facilities, may be established within the area of an approved residential subdivision project, solely for the first sale of homes. Temporary real estate offices must be removed at the time the subdivision is 50 percent sold. In addition, conditions of approval regulating the hours of operation, buffering, or other aspects as deemed necessary may be imposed as part of the temporary use permit.
 - (6) Outdoor displays/sales (e.g., sidewalk sales). Outdoor sales and display of goods, including promotional sales, may be conducted as part of an otherwise lawfully permitted or allowed permanent use. The temporary activity must be related to the on-site use, and all activities shall be conducted within the buildable portion of the lot. The use is limited to 30 days within the first 180 days of business and for other businesses shall be limited to one period not exceeding ten days within a given year. Sales and display may not occupy more than ten percent of the parking area and shall not substantially alter the existing circulation pattern of the site. Temporary sales and displays shall not obstruct any existing disabled accessible parking space.
 - (7) Seasonal sales lots. Temporary seasonal sales activities (e.g., Christmas trees, pumpkin sales, and other similar outdoor sales) may be permitted in any commercial or industrial zoning district, or on any religious facility or school site that abuts a designated collector or arterial roadway. Seasonal sales (e.g., Christmas tree sales, pumpkin sales) may be permitted in any nonresidential zoning district upon issuance of a temporary use permit. The term of permit shall not exceed 45 days per calendar year.
 - (8) Temporary dwellings, including manufactured homes, when a primary dwelling is being constructed or remodeled may be permitted, provided a valid building permit has been issued. The temporary dwelling shall be limited to a maximum of one year.
 - (9) Temporary signs. Banners and other signage displays are permitted for a period not to exceed 30 days. No more than four temporary use permits for temporary signs shall be issued for the same property per calendar year. Only stationary inflatable signs shall be allowed.
 - (10) Grand opening event/special day or weekend event (e.g., auction, craft fair, carnival, parking lot sale). The time period may not exceed ten days within a calendar year (either consecutive or intermittent). The use must be located on commercial or industrial zoned land.
 - (11) Farmers' markets. The market must be located within the buildable portion of the lot on which it is to be located. The temporary use permit may impose conditions limiting the length of the permit, days and hours of operation, and other development factors, as deemed appropriate.
- (c) *Exempt temporary uses.* The following temporary uses are exempt from the permit requirements of this section, provided they comply with the development standards listed herein:
- (1) Garage and yard sales. Permitted on any parcel where the sale operator resides, not to exceed three sales per calendar year and two consecutive days for each sale.
 - (2) Emergency facilities. Temporary facilities to accommodate emergency public health and safety needs and activities.

- (3) Construction yards, on-site. Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
 - (4) Fireworks stands. Other permits may be required by the city fire department and/or other regulatory agencies.
 - (5) Readerboard signs. Permitted with review and approval of the applicable director of the placement and size of any sign advertising a temporary event or sale.
 - (6) Activities conducted on public property or within the public right-of-way that are approved by the city or as otherwise required by this title.
- (d) *Application.* The following is required for all temporary use permit applications:
- (1) TUP application form and fee.
 - (2) A narrative describing the proposed temporary use.
 - (3) Site plan with dimensions, location of any temporary structures, and key features.
 - (4) Vicinity map identifying the type and location of all land uses adjacent to the subject property.
 - (5) All proposed parking and signage with dimensions.
 - (6) Time period and dates requested for activity.
- (e) *Review.* Temporary uses are reviewed through Review Process 3, and the city council may issue the TUP in compliance with this section.
- (f) *General development standards.* Each use granted a temporary use permit shall comply with all applicable zoning district and development standards as outlined in these regulations. The applicable director may review the following considerations in granting a temporary use permit:
- (1) Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by these regulations; and
 - (2) Limitation on the duration of approved temporary structures, to a maximum of one year, so that they shall not become permanent or long-term structures; and
 - (3) Other requirements as appropriate to minimize any adverse impacts of the use.
- (g) *Similar uses.* When a temporary use is not specifically listed in this section, the applicable director shall determine whether the proposed use is similar in nature to listed uses and shall establish the term and impose conditions deemed necessary for the particular use, consistent with the regulations for similar use determination in section 17.10.45.
- (h) *Approval.* The applicable director shall consider the following to approve or conditionally approve a temporary use permit application:
- (1) The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

- (2) The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
 - (3) Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by these regulations.
 - (i) *Conditions.* In approving a temporary use permit, the applicable director may impose conditions, as follows:
 - (1) Measures to minimize impact on adjacent uses, such as buffers, hours of operation, lighting requirements, noise limits, and/or parking standards.
 - (2) Property maintenance requirements to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
 - (3) Other conditions deemed reasonable and necessary.
- (Ord. No. 813, att.(10.30), 6-25-2024)

Sec. 17.10.35. Site plans.

- (a) *Purpose.* The purpose of a site plan is to determine whether proposed construction meets all zoning requirements or if it requires additional site and design considerations beyond the minimum standards of the regulations.



- (b) *Applicability.* Site plan review is through Review Process 1. Site plan review is required for the following:
 - (1) New single or two-family residential units and additions thereto.

- (2) Additions of less than 5,000 square feet to commercial and industrial buildings.
- (3) Construction or re-construction of parking lots and storage lots.
- (4) Changes in use of a parcel or structure.
- (5) Other proposed uses and development, as determined by the applicable director.

(c) *Exemptions.* The following structures and improvements are exempt from site plan review; however, such structures may require additional permits, such as a building permit, to ensure compliance with adopted building code standards and applicable regulations:

- (1) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or the floor area of the structure;
- (2) Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure.

(d) *Approval.* Decisions on a site plan review shall be made by the applicable director and granted only when the applicable director determines that the proposed project complies with applicable zoning regulations and applicable site development standards. The applicable director may elevate a site plan review to Review Process 3, if deemed necessary.

(e) *Conditions.* The applicable director may require modifications to plans in whole or in part and may condition the site plan review to ensure specific design features, construction materials, and conformance with all applicable regulations.

(Ord. No. 813, att.(10.35), 6-25-2024)

Sec. 17.10.40. Development plan review.

(a) *Purpose.* A development plan review is an elevated site plan review process for larger commercial, industrial or multifamily residential developments, enlargement of a parking lot or storage area, and additions over 5,000 square feet in size. Development plans are reviewed through Review Process 3. The development plan review process is used to determine whether a development requires additional site and design considerations beyond the minimum standards of the regulations.

(b) *Applicability.* Development plan review is through Review Process 3. Development plan review is required for the following:

- (1) Manufactured home parks.
- (2) Multifamily residential development and additions thereto.
- (3) Commercial development and additions thereto over 5,000 square feet.
- (4) Office development and additions thereto over 5,000 square feet.
- (5) Public or private schools.
- (6) Creation or enlargement of off-street parking lots or storage areas/facilities.
- (7) Industrial development and additions thereto over 5,000 square feet.
- (8) Other proposed uses and development, as determined by the applicable director.

(c) *Exemptions.* The following structures and improvements are exempt from development plan review; however, such structures may require additional permits, such as a building permit to ensure compliance with adopted building code, landscaping standards and other applicable regulations:

- (1) Single-family dwelling units.
- (2) Accessory structures consistent with section 17.45.55;
- (3) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or the floor area of the structure;
- (4) Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure.

(d) *Approval.* Decisions on a development plan review shall be made by the city council and granted only when the council determines that the proposed project complies with applicable zoning regulations and applicable development standards and that the proposed project will not create conflicts with vehicular, bicycle, or pedestrian circulation.

(e) *Conditions.* The city council may require modifications to plans, in whole or in part, and may condition the development plan review to ensure specific design features, construction materials, and conformance with all applicable regulations.

(Ord. No. 813, att.(10.40), 6-25-2024)

Sec. 17.10.45. Similar use determinations.

(a) *Purpose.* The land use district tables in chapters 17.11 through 17.20 are not comprehensive. When a use is not listed and it is unclear whether the use is permitted, the similar use determination allows the applicable director to determine whether or not a proposed use is substantially similar to a listed use and whether it may be permitted in a particular zoning district.

(b) *Authority.* The applicable director shall have the authority to make similar use determinations through Review Process 1.

(c) *Approval.* In determining whether or not a use is similar, the applicable director shall consider the following:

- (1) The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher intensity of activity or population density than the uses listed in the zoning district;
- (2) The proposed use will be consistent with the purposes of the applicable zoning district; and
- (3) The proposed use will be consistent with relevant city policies and these regulations.

(d) *Determinations.* The decision of the applicable director will be provided in writing to the applicant. The decision will include:

- (1) A brief statement explaining the criteria and standards considered relevant to the decision; and
- (2) A statement of the standards and facts relied upon in rendering the decision.

(Ord. No. 813, att.(10.45), 6-25-2024)

Sec. 17.10.50. Administrative adjustment.

(a) *Purpose.* This section allows minor variances to the regulations, as set forth in Table 17.10.50-1, to allow creative design solutions and to accommodate unique site conditions.

(b) *Applicability.* The applicable director shall have the authority to grant an administrative adjustment through Review Process 2.

Table 17.10.50-1. Standards Subject to Administrative Adjustment

<i>Standard</i>	<i>Maximum Reduction or Increase</i>
Parking or loading spaces (reduction)	10 percent
Setback (reduction)	15 percent
Maximum building or structure height (increase)	15 percent
Maximum residential density (increase)	25 percent
Fences (increase)	Up to 8 feet tall

(c) *Limitations.* Under no circumstances shall an administrative adjustment result in any of the following:

- (1) Allow a land use not otherwise permitted in the zoning district;
- (2) Waive a specific prohibition (e.g., prohibited sign);
- (3) Waive or modify a procedural requirement; or
- (4) Relieve impacts due to cost or time.

(d) *Approval.* The applicable director may approve an administrative adjustment, with or without conditions, after considering the following:

- (1) The proposed development is compatible with existing and proposed or expected land uses in the surrounding area.
- (2) Any exceptions to, or deviations from, the density requirements or other standards result in the creation of project amenities that would not be available through strict adherence to the regulations (e.g., additional open space, protection of natural resources, improved pedestrian connectivity, etc.).
- (3) Granting the administrative adjustment will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property.
- (4) The administrative adjustment is consistent with the adopted land use plan or any applicable development agreement.
- (5) The administrative adjustment is the minimum required or needed for customary enjoyment of the property.

(e) *Conditions.* In approving an administrative adjustment, the applicable director:

- (1) Shall impose such conditions necessary to ensure that the administrative adjustment does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located;

- (2) May impose any reasonable conditions (e.g., the placement, height, nature, and extent of the use, buffers, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the administrative adjustment meets the criteria set out in this section. (Ord. No. 813, att.(10.50), 6-25-2024)

Sec. 17.10.55. Deviation.

(a) *Purpose.* This section allows deviations from the development standards of these regulations when special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical conditions for which the strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity in the same zoning district.

(b) *Applicability.* A deviation may waive or modify any requirement of these regulations, but shall not:

- (1) Allow a land use not otherwise permitted in the zone;
- (2) Increase the maximum allowed residential density;
- (3) Waive a specific prohibition (e.g., prohibited sign);
- (4) Waive or significantly reduce parking requirements;
- (5) Waive or modify a procedural requirement; or
- (6) Relieve impacts due to cost or time.

(c) *Authority.* The applicable director shall have the authority to approve deviations through Review Process 2.

(d) *Approval.* The applicable director may approve a deviation, with or without conditions, after considering the following factors:

- (1) *General findings.*
 - a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of these regulations denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.
 - b. Granting the deviation will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
 - c. The deviation is consistent with adopted city policy.
- (2) *Conditions.* In approving a deviation, the applicable director:
 - a. Shall impose such conditions necessary to ensure the deviation does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located;

- b. May impose any reasonable conditions (e.g., the placement, height, nature and extent of the use, buffers, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the deviation meets the criteria set out in this section. (Ord. No. 813, att.(10.55), 6-25-2024)

Sec. 17.10.60. Conditional use permit.

(a) *Purpose.* The conditional use permit (CUP) provides for uses which require additional review prior to establishment or would otherwise not be allowed in a zoning district under these regulations.

(b) *Applicability.* This section shall apply to all land uses requiring Review Process 3, as indicated on the use district charts found in chapters 17.11 through 17.20.

(c) *Approval.* The city council shall approve, approve with conditions, or deny an application for a CUP or to enlarge or alter a conditional use based upon the following factors:

- (1) The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building location, mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, aesthetic, and similar considerations.
- (2) The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other regulation standards or other reasonable conditions of approval.
- (3) All required public facilities and/or infrastructure have adequate capacity to serve the use.
- (4) The project will not create excessive additional costs for public facilities and services.
- (5) The project meets the requirements of these regulations, including development standards, design guidelines, and any applicable special use regulations set out in chapter 17.45.
- (6) The project complies with the policies of the city comprehensive plan.
- (7) If structures and site plans are considered nonconforming, the elements of a project that are nonconforming have been brought into compliance with current land development regulations.

(d) *Conditions.* The city council may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

- (1) Limiting the hours, days, place, and/or manner of operation;
- (2) Requiring site or architectural design features which minimize nuisance impacts, such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
- (3) Requiring larger setback areas, lot area, and/or lot depth or width;
- (4) Limiting the building or structure height, size or lot coverage, and/or location on the site;
- (5) Designating the size, number, location, and/or design of vehicle access points or parking areas;

- (6) Requiring street right-of-way to be dedicated and street, sidewalks, curbs, planting strips, pathways, or trails to be improved;
 - (7) Requiring buffering, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
 - (8) Limiting the number, size, location, height, and/or lighting of signs;
 - (9) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
 - (10) Requiring and designating the size, height, location, and/or materials for fences;
 - (11) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or environmentally sensitive lands;
 - (12) Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/ bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same;
 - (13) Any conditions or special requirements imposed upon the development by the sheriff, local hospitals, department of health, county or state agencies, or any other agency with interest and standing; and
 - (14) Any other conditions deemed necessary.
- (Ord. No. 813, att.(10.60), 6-25-2024)

Sec. 17.10.65. Zoning map amendments.

(a) *Purpose.* The purpose of a zoning map amendment is to change the zoning designation of any parcel.

(b) *Procedure.* The applicant shall submit an application to the applicable director, who shall review it for completeness. If complete, the application shall be forwarded to the planning commission for its recommendation to the city council. Prior to the city council making a decision, it shall hold a public hearing pursuant to section 17.10.70.

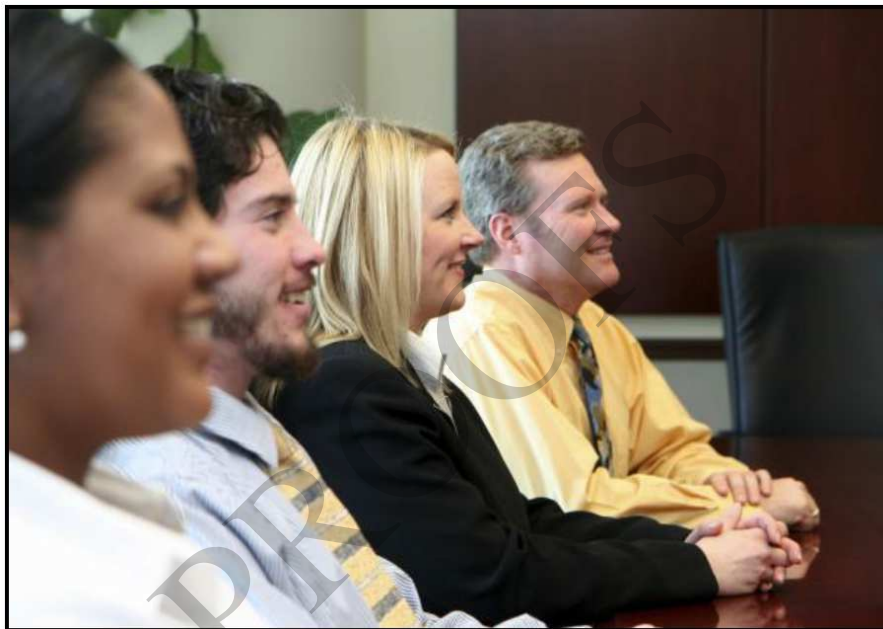
(c) *Approval.* The decision to approve or to deny an application for a zoning map amendment requires consideration of the following factors:

- (1) The proposed amendment is consistent with adopted city policy;
 - (2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city;
 - (3) The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning change and anticipated land uses/development.
- (Ord. No. 813, att.(10.65), 6-25-2024)

Sec. 17.10.70. Public hearings.

(a) *Purpose.* This section establishes the procedures for public hearings, as required by these regulations.

(b) *Notice of hearing.* Notice of a public hearing shall be given to all property owners within 1,000 feet of the subject parcel property boundaries, excluding all rights-of-way. Notice shall be given at least 14 days prior to the hearing date. In addition, notice will be published as required per Wyoming State Statutes, as amended. For purposes of review process elevation, property owners entitled to notice shall have 14 days to comment regarding the proposed land use permit or action.



(c) *Hearing procedures.* A hearing shall be held at the date, time, and place described in the required public notice. The following shall apply to all public hearings held under these regulations:

- (1) *Hearing comments.* The applicant for a project may represent themselves or be represented by counsel and present any information deemed necessary and relevant. Any other persons in attendance may provide comments regarding the application.
- (2) *Action of hearing body.* Following receipt of comments and information at the public hearing, the approving authority may approve, conditionally approve, deny, continue, table, or take under advisement the application.
- (3) *Continuances.* If a continuance is required, the presiding member of the approving authority may continue the hearing.
- (d) *Decisions.*
 - (1) *Decision.* The approving authority may render its decision at the conclusion of the hearing or continue the matter as needed. Notice of the decision shall be provided to the applicant.

- (2) *Denial.* If an application is denied, no new application for the same or similar request may be submitted within one year of the date of the decision, unless the applicable director finds that the conditions surrounding, or request of, the application has sufficiently changed to warrant a new application.

(Ord. No. 813, att.(10.70), 6-25-2024)

Sec. 17.10.75. Appeals.

(a) *Purpose.* This section establishes procedures for an appeal from a decision issued under these regulations.

(b) *Authority.* The approving authority of an appeal shall be as follows:

- (1) All decisions under Review Processes 1 and 2 are appealable to the city council.
- (2) All decisions by the city council are appealable to district court.

(c) *Who may appeal.*

- (1) Any person aggrieved or adversely affected by a final decision made under these regulations may file an appeal of a decision.
- (2) *Filing.* Appeals shall be filed with the reviewing authority within 30 days following the date of issuance of the final decision. All appeals shall be in writing and provide sufficient information for the basis for the appeal.
- (3) *Rights.* Pending a decision on an appeal, the decision of the approving authority may be stayed by the reviewing authority, upon appropriate terms and conditions.

(Ord. No. 813, att.(10.75), 6-25-2024)

Sec. 17.10.80. Nonconforming uses and structures.

(a) *Generally.* Any use or structure lawfully occupying a building or land at the effective date of the ordinance from which these regulations are derived, or subsequent amendments thereto, or at the time of rezone, which does not conform with the regulations of the district in which it is located shall be deemed a nonconforming use and may continue to operate as it did prior to the adoption of the effective date of the ordinance from which these regulations are derived and all previous regulations. A nonconforming use shall exist if the owner or developer of such use has lawfully, in reliance on existing laws, resolutions or permits, made substantial expenditures or otherwise committed himself or herself to a substantial disadvantage, before the law, resolution, or permit is changed.

(b) *Purpose and applicability.* This section establishes special regulations for nonconforming land uses and structures that were lawful before the adoption or amendment of the ordinance from which these regulations are derived, but which would be prohibited, regulated, or restricted differently under the current terms of these regulations or future amendments. It is the intent of these regulations to allow the continuation of nonconformities under limited conditions outlined herein and reconstruction in the event of natural disaster. Generally, any expansion or change of use of nonconforming uses or structures is prohibited; however, this section establishes special regulations for the potential expansion of nonconformities in limited areas of the city on a case-by-case basis where warranted.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Establishing a legal nonconforming use means a legal nonconforming use may be established upon application through Review Process 2, subject to verification submitted by the applicant. Following is a list of some, but not all, types of documentation which may be accepted as verification of a legal nonconforming use. Documentation:

- (1) Licenses, such as beer, liquor, retail, or professional occupation, showing dates of use.
- (2) Rental property receipts showing dates of use, directories, utility bills, etc.
- (3) Business receipts showing types of service or goods provided, dated phone directories, Polk's Directory, and other documentation as approved by the applicable director.
- (4) Statements from utilities, such as power, water, or gas, which indicate date and type of use, i.e., commercial, multifamily residential.
- (5) Affidavits from neighbors who have observed the nonconforming use over the required time period.

Illegal nonconforming structure means a structure (including signs) which is not permitted under the regulations (or any amendments thereto) and was not legally in place at the effective date of the ordinance from which these regulations are derived or any subsequently adopted or amended regulations.

Illegal nonconforming use means a use which is not permitted under the regulations (or any amendments thereto) and was not legally in place at the effective date of the ordinance from which these regulations are derived or any subsequently adopted or amended regulations.

Legal nonconforming structure means a structure (including signs) which is not permitted under these regulations (or any amendments thereto) but was legally in place, with licenses and permits in current status, at the effective date of the ordinance from which these regulations are derived or any subsequently adopted or amended regulations.

Legal nonconforming use means a use which is not permitted under these regulations (or any amendments thereto) but was legally in place at the effective date of the ordinance from which these regulations are derived or any subsequently adopted or amended regulations.

(d) *Continuation and maintenance.*

- (1) A nonconforming use may continue to operate in perpetuity, be transferred, or be sold, provided that the use shall not be changed, enlarged, or intensified, nor be expanded to occupy a greater area than it lawfully occupied before becoming nonconforming. Likewise, plans for any use approved as of the effective date of the ordinance from which this title is derived may be carried out as approved. Any extension of such approval for which the applicant was entitled to apply as of the effective date may be granted according to the regulations in effect prior to the effective

date; if granted, such extension will be considered the same as an approval granted before the effective date. The person asserting the nonconforming use must present evidence that the use existed before the enactment of these regulations prohibited the use.

(2) A nonconforming structure may be maintained or improved as follows:

- a. Maintenance and repair. A nonconforming structure may be maintained and repaired. Maintenance may include repair work necessary to keep the building or structure in sound condition, but maintenance shall not include the replacement of a building or structure.
- b. Seismic retrofitting and building code compliance. Repairs, alterations, or reconstruction to reinforce unreinforced masonry structures or to comply with building code requirements shall be allowed, provided that the work is exclusively to comply with applicable earthquake safety standards and the building code.
- c. Structural alteration of a nonconforming structure to improve safety or to reduce fire hazard.

(e) *Modification and expansion.* A legal nonconforming use or structure may be modified or expanded as listed below:

- (1) Structural modification. Addition, enlargement, extension, or relocation of a nonconforming structure may be allowed if the changes to the structure conform to these regulations. Such modifications may not expand the extent of the nonconforming aspect of the structure or result in any new nonconforming conditions for the subject property.
- (2) Exterior improvements or expansion of structures may require site plan review approval as set forth in section 17.10.35.

(f) *Destruction and replacement.* If a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, the structure may be repaired or rebuilt and reoccupied in the same manner in which it originally existed if the restoration is started within six months of the date of the damage and is completed within 17 months.

(g) *Loss of nonconforming use.*

- (1) If a nonconforming use is discontinued for a continuous period of six months or more, the nonconforming use shall terminate. A use shall be determined to have been abandoned if there is:
 - a. Evidence of an intention to abandon; and
 - b. An act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use.
- (2) Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.

(h) *Nonconforming use permit procedures.*

- (1) *Purpose.* The purpose of the nonconforming use permit is to allow for the expansion or modification of a nonconforming use in a manner that ensures compatibility with surrounding areas and uses.
- (2) *Permit requirements.* A nonconforming use permit is required for the expansion or modification of existing nonconforming structures or uses.
- (3) *Approving authority.* The applicable director shall have the authority to issue nonconforming use permits under Review Process 2.
- (4) *Decision.* A nonconforming use permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following:
 - a. The establishment, maintenance, or operation of the use expansion applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.
 - b. The benefit to the public health, safety, or welfare exceeds the detriment inherent in the expansion of nonconformity.
 - c. The modified or expanded nonconforming structure or use would not be incompatible with reasonably foreseeable uses as allowed under the applicable zoning regulations.
 - d. The modified or expanded nonconforming structure or use would be consistent with the adopted land use plan.
 - e. The modification or expansion does not exceed 50 percent of the original nonconforming use/structure square footage.
- (5) *Conditions/guarantees.* The designated approving authority may impose conditions and/or require guarantees for the nonconforming use permit to ensure compliance with this section and other applicable requirements of these regulations and to prevent adverse or detrimental impact to the surrounding neighborhood.

(Ord. No. 813, att.(10.80), 6-25-2024)

Sec. 17.10.90. Enforcement.

(a) *Purpose.* This section is to ensure compliance with these regulations to promote the city's efforts at protecting the public health, safety, and welfare of the city.

(b) *Violation of regulations.* Penalties shall be as provided in chapter 1.03; any person violating any provisions or failing to comply with any of the mandatory requirements of these regulations shall be guilty of a misdemeanor. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this title is committed, continued or permitted by any such person, and he shall be punished accordingly.

(c) *Penalty upon conviction.* Upon conviction by the municipal court of a misdemeanor violation of any ordinance of the city, such person shall be punished by a fine of no more than \$750.00, to which court costs and assessments may be added as set by the municipal court, unless otherwise specifically provided for herein for each violation.

(d) *Authority.* These regulations shall be enforced by the mayor or the designated applicable director who shall have the authority to grant building permits and certificates of occupancy and to make all inspections and decisions necessary to carry out property enforcement of the provisions of these regulations. No oversight or dereliction on the part of the mayor or the designated applicable director or on the part of any official or employee of the city shall legalize, authorize or otherwise excuse the violation of the provisions of these regulations.

(e) *Notice.*

- (1) The applicable director will issue notice of the violation of the regulations pertaining to the use of any land and the addition, alteration, construction, conversion, erection, moving, reconstruction, or use of any structure.
- (2) The notice of violation shall allow a period of 30 days to take corrective action unless the violation is deemed to constitute a hazard to public health or safety.

(f) *Violations.* Any structure constructed or maintained contrary to these regulations and any use of land or structure operated or maintained contrary to these regulations are hereby declared to be a Code violation, except as otherwise provided in these regulations.

- (1) *Code violation.* Any structure or use which is altered, constructed, or established contrary to these regulations or any applicable condition of approval imposed on a permit is unlawful and a code violation. Such violation shall be subject to the remedies and penalties identified in this section, and other remedies available to the county.
- (2) *Stop work order.* Any construction in violation of these regulations or any conditions imposed on a permit shall be deferred to the applicable director and may be subject to the issuance of a stop work order.

(3) *Remedies.*

- a. The owner or agent of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person or entity who commits, takes part, or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist shall be punished by a fine not to exceed \$750.00 for each offense. Each and every day that such violation continues shall constitute a separate offense.
- b. In case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any structure or land is used in violation of these regulations, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful

erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure, or land.

(g) *Revocation.* This section provides procedures for the revocation of a permit issued under these regulations. All permit revocation proceedings shall be before the city council.

(1) *Authority.* In considering the revocation of a permit issued under these regulations, the city council may modify the conditions of the permit rather than revoke the same. These modifications may include operation aspects related to buffers, duration of the land use permit, hours of operation, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.

(2) *Decision.* A permit may be revoked or modified if any of the following are shown:

- a. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the conditions contained in the original permit can no longer be met;
- b. The land use permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or any other materials supplied by the applicant;
- c. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;
- d. The use or structure for which the permit was granted has ceased to exist or has lost its legal nonconforming use status;
- e. The improvement authorized in compliance with the permit is in violation of any code, law, resolution, regulation, or statute; or
- f. The structure/use allowed by the permit has become detrimental to the public health, safety, and welfare, or the manner of operation constitutes or is creating a code violation.

(3) *Revocation proceedings.* Proceedings under this section shall be in accordance with the Wyoming Administrative Procedures Act for contested cases.

(Ord. No. 813, att.(10.90), 6-25-2024)

Sec. 17.10.95. Request to vacate.

(a) Any plat may be vacated by the owners thereof at any time before the sale of any lots by submitting a copy of the plat to the planning department, along with a written request to vacate the plat. In cases where lots have been sold, the written request shall be made by all owners within the plat. The planning and zoning commission shall make a recommendation on the request to vacate to the city council, and the council shall approve or deny the request. The recording of an ordinance vacating the plat nullifies the force and effect of the original plat. Only those subdivisions which have not had the public improvements accepted for ownership and maintenance by city council are eligible to vacate.

(b) The applicable director may initiate a request to vacate a public easement, city street or alley upon due consideration of its functionality and by providing property owner notification.

(c) Streets, alleys and other city owned properties, platted and laid out under the provisions of these regulations, or laid out under any prior law of the state regulating private plats, maybe altered or vacated in the manner provided by law for the alteration of discontinuance of said streets, alley and other city owned properties. The land shall be reasonably divided among adjacent property owners.

(d) Any part of a plat may be vacated under the provisions and subject to the conditions of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other owners in said plat, and provided that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request to vacate shall be made by all owners of lots within that portion of the overall plat sought to be vacated.

(e) Upon recording the ordinance vacating the plat or portion of the plat, the county clerk and recorder shall write the word "VACATED" in plain, legible letters across that part of the plat being vacated and also make a reference to the volume and page in which the instrument of vacation is recorded.

(f) Land covered by a vacated plat may be replatted, as described by these regulations. Any later replatting of an area already platted and not vacated shall be considered an act to vacate the original plat is replaced.

(Ord. No. 813, att.(10.95), 6-25-2024)

CHAPTER 17.11. UA URBAN AGRICULTURE ZONING DISTRICT

Sec. 17.11.5. Purpose.

The purpose of the UA district is to establish and preserve areas for semi-rural, low density residential and related or compatible uses. It is also the intent to provide within this zone an adequate amount of space for livestock and poultry, as is essential to meet appropriate health standards.

(Ord. No. 813, att.(11.5), 6-25-2024)

Sec. 17.11.10. UA use district chart.



(a) The following use district chart contains the basic zoning regulations that apply to property located within UA districts. Use this chart by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.



(b) This chart is meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the table of contents and to section 17.1.5 to determine what other regulations of this title may apply to the subject property.







Use District Chart

District UA

UA District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 20 acres Lot Width = None			Lot Coverage (percent)	Height of Structure (feet)		
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			Agricultural and Natural Resource Uses						
Agriculture, general		1	30	15	30	20	40 ¹	C	
Agriculture, light		1	30	15	30	10		C	
Agriculture, retail		1	30	15	40	20		D	
Accessory uses ⁷		1	30	10	30				

UA District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
Residential Uses ⁹									
Bed and breakfast		1	30	15	30	10	A		
Caretaker housing		2	30	15	30	10	None		
Child care home		2	30	15	30	10	A		
Dwelling, manufactured home		1	30	15	30	10	A		
Dwelling, single-family home		1	30	15	30	10	A		
Recreational vehicle park		3	40	25	50	50	C		
Accessory uses ⁷		1	30	5	10		17.45.40		

UA District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 20 acres Lot Width = None Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)			
										Front (feet)
Commercial and Service Uses										
Cemetery		1	30	30	30	15	40 ¹			D
Religious institution or parish house ¹		1	30	15	30	20				D
Golf course ⁶		1	40	15	30	15				E
Greenhouse/nursery		1	30	15	30	20				D
Stable/kennel ⁵		1	30	15	30	20				D
Veterinary clinic or animal hospital ⁵		1	30	15	30	20				D
Taxidermy		1	30	15	30	20				D
Accessory uses ⁷		1	30	5	20					D

UA District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 20 acres Lot Width = None			Lot Coverage (percent)	Height of Structure (feet)		
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			Public Facilities or Institutional Uses						
Institutional or government facility, except police firing ranges		1	100	75	100	50	E		
Playground or park		1	30	15	40	10	D		
Public utilities and infrastructure		1	30	15	40	50	D	17.45.45	
Recreation facility		3	100	75	100	35	E		
School, public or private, all types ³		1	30/50	30/50	30/50	35	E		
Wireless communication facilities		2	30	15	40	10	B	17.45.45	

Special regulations—UA district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² On corner lots, only one front yard must be a minimum of 30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 30-foot requirement.

³ Up to 49 students: requires 30-foot setbacks. Over 50 students: requires 50-foot setbacks.

⁴ Stockyards, feed lots, animal and livestock sales, and grain elevators are subject to Review Process 3.

⁵ All animal runs, pens and horse stables, must be located no closer than 20 feet from any property line abutting a residential zone or use.

⁶ Not including miniature golf courses and driving tees operated for commercial purposes.

⁷ See accessory uses (section 17.45.55).

(Ord. No. 813, att.(15.10), 6-25-2024)

CHAPTER 17.12. UAR URBAN AGRICULTURE RESIDENTIAL**Sec. 17.12.5. Purpose.**

The purpose of the UAR district is to establish and protect low- to medium-density residential neighborhoods. Manufactured homes are not allowed. This designation provides for stable and attractive suburban residential areas that have a full range of public service and facilities. To complement the residential nature of these zones, some nonresidential uses are permitted.

(Ord. No. 813, att.(12.5), 6-25-2024)

Sec. 17.12.10. UAR use district chart.



(a) The following use district chart contains the basic zoning regulations that apply to property located within UAR zoning districts. Use this chart by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.



(b) This chart is meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the table of contents and to section 17.1.5 to determine what other regulations of this title may apply to the subject property.





Use District Chart

District UAR

UAR District													
Directions: First, read down to find use, then across for regulations													
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)				
			Lot Size = 0.50 acres Lot Width = None			Lot Coverage (percent)				Height of Structure (feet)			
			Required Yard Setback			Front (feet)				Side (feet)		Rear (feet)	
Residential Uses													
Child care home		2	25	10	20	10	A		17.45.50				
Dwelling, single-family home ²		1	25	10	20	10							
Agriculture, light		1	25	10	20	10	40 ¹						
Accessory uses		1	25	5	10	10			17.45.55				
Accessory dwelling		1	25	10	20	10			17.45.55				

UAR District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 0.50 acres Lot Width = None			Lot Coverage (percent)				Height of Structure (feet)
			Required Yard Setback			Front (feet)	Side (feet)			Rear (feet)
Cemetery	1	25	30	30	15	40 ¹	D			
Religious institution or parish house ¹	1	25	15	30	20		D			
Greenhouse/nursery	1	25	15	30	20		D			
Accessory uses	1	25	5	20	10		17.45.55			

UAR District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 0.50 acres Lot Width = None			Lot Coverage (percent)	Height of Structure (feet)		
			Front (feet)	Side (feet)	Rear (feet)				
Public Facilities or Institutional Uses									
Institutional or government facility, except police firing ranges		1	100	75	100	50	E		
Playground or park		1	30	15	40	10	D		17.45.45
Public utilities and infrastructure		1	30	15	40	50	D		17.45.45
Recreation facility		3	100	75	100	35	E		
School, public or private, all types ³		1	30/50	30/50	30/50	35	E		

Special regulations—UAR district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² On corner lots, only one front yard must be a minimum of 30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 30-foot requirement.

³ Up to 49 students: requires 30-foot setbacks. Over 50 students: requires 50-foot setbacks.
(Ord. No. 813, att.(16.10), 6-25-2024)

PROOFS

CHAPTER 17.13. PLI PUBLIC LANDS AND INSTITUTIONS DISTRICT

Sec. 17.13.5. Purpose.

The purpose of the public lands and institutions district is to provide for publicly owned facilities and land areas, including parks, as well as semi-public institutional uses, including existing land reserves for future public and institutional uses. The district is also intended for the preservation of publicly established historical sites.



(Ord. No. 813, att.(13.5), 6-25-2024)



PROOFS

Sec. 17.13.10. PLI use district chart.

Use District Chart

District PLI

PLI District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums		Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = None Lot Width = None		Height of Structure (feet)				
			Required Yard Setback		Lot Coverage (percent)				
			Front (feet)	Side (feet)	Rear (feet)				
			Public Facilities or Institutional Uses						
Cemetery		1	25	30	30	15	D		
Religious institution or parish house ¹		1	25	15	30	20	D		
Hospitals		1	25	15	30	20	D		

PLI District													
Directions: First, read down to find use, then across for regulations													
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)				
			Lot Size = None Lot Width = None			Lot Coverage (percent)	Height of Structure (feet)						
			Required Yard Setback										
			Front (feet)	Side (feet)	Rear (feet)								
			Accessory Uses		1	25	5			20			17.45.55
			Institutional or government facility, except police firing ranges		1	25	15			25	50	E	
Playground or park		1	25	15	40	10	40 ¹	D					
Public utilities and infrastructure		1	25	15	40	50		D	17.45.45				
Recreation facility		3	100	75	100	35		E					
School, public or private, all types ²		1	30/50	30/50	30/50	35	E						

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² Up to 49 students: requires 30-foot setbacks. Over 50 students: requires 50-foot setbacks.
(Ord. No. 813, att.(17.10), 6-25-2024)

CHAPTER 17.14. RESIDENTIAL ZONING DISTRICTS**Sec. 17.14.5. Purpose.**

The purpose of the residential zoning districts is to provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population with sufficient choice of potential development products and sites. The residential districts are intended to promote the livability, stability, and improvement of neighborhoods. This section provides standards for land use and development for residential development based on the following principles:

- (1) Promote the orderly expansion and improvement of neighborhoods.
- (2) Make efficient use of land and public services.
- (3) Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
- (4) Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
- (5) Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and architecture existing in the community.
- (6) Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
- (7) Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- (8) Provide direct and convenient access to schools, parks, and neighborhood services.

- (9) Provide connections to and appropriate transitions between various residential development types and residential densities.
(Ord. No. 813, att.(18.5), 6-25-2024)

Sec. 17.14.10. Residential zoning district regulations.

The following regulations are provided for each residential zoning district and identify the characteristic uses and level of development intended for each district. To promote a variety of harmonious uses and the principles set forth in section 17.14.5, neighborhood commercial activities are allowed in all residential zones; however, they are subject to more stringent review processes within lower-density zones.

- (1) *R-1 Single-Family Dwelling District.* The R-1 district is established for the purpose of medium-density single-family dwelling control and to allow for certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order, or general welfare of persons residing in the district. Only single-family dwellings are allowed in this district. One single-family dwelling is allowed per lot.
 - (2) *R-2 One- and Two-Family Dwelling District.* The R-2 district provides for a compatible mixture of single- and two-family dwellings, as well as manufactured homes, on smaller lots, as originally platted, in order to preserve the existing character of the area.
 - (3) *R-3 Multiple-Family Dwelling District.* The R-3 district is established to provide for multiple-family, high density residential neighborhoods. Space should be provided on lots for openness, landscaping and play. The district also allows for neighborhood-scale commercial uses.
 - (4) *M-H Manufactured Home District.* The M-H district is intended primarily for one manufactured home on individual lots. Secondly, this district also allows conventional, single-family dwellings and neighborhood-scale commercial services.
 - (5) *M-P Manufactured Home Park.* The M-P district is intended to permit high-density manufactured home uses in a park-like atmosphere. The city encourages manufactured homes to concentrate within this residential zoning district. Recreational vehicles are permitted up to 15 percent of spaces within a manufactured home park. This district also allows other limited residential development and neighborhood-scale commercial uses.
- (Ord. No. 813, att.(18.10), 6-25-2024)



Sec. 17.14.15. Residential use district charts.



(a) The following use district charts contain the basic zoning regulations that apply to property located within residential zoning districts. Use these charts by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

(b) These charts are meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the table of contents and to section 17.1.5 to determine what other regulations of this title may apply to the subject property.

Use District Chart

District R-1

R-1 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 5,000 s.f. Lot Width = 40'			Height of Structure (feet)			
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			Bed and breakfast ²	1	20		5		
Child care home ⁷	2	20	5	10	60	A			
Dwelling, single-family ^{2, 6}	1	20	5	10	60	A			
Group care facilities	2	20	10	10	70	D	17.45.35		
Accessory uses	1	20	5	5			17.45.55		
Accessory dwelling	1	20	5	5			17.45.55		

R-1 District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 5,000 s.f. Lot Width = 40'			Height of Structure (feet)				
										Required Yard Setback
			Front (feet)	Side (feet)	Rear (feet)					
Commercial and Service Uses										
Child care facility		2	20	10	15	80		D	17.45.50	
Religious institution or parish house ¹		1	25	15	30	20		D		
Neighborhood commercial ⁵		2	20	10	15	70	35 ¹	D		
School, public or private, all types ³		1	20	10/15	20/30	80		E		
Accessory uses		1	20	5	10				17.45.55	
Utilities, Transportation, and Communications										
Public utility facilities and infrastructure		1	20	10	20	70	35 ¹	D	17.45.45	
Recreational Uses										
Park or playground		1	20	10	20	50		D		
Golf course ⁴		1	20	10	20	50	35 ¹	E		

Special regulations—R-1 district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² On corner lots, only one front yard must be a minimum of 30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 30-foot requirement.

³ Up to 49 students: requires ten-foot side yard and 20-foot rear yard setbacks. Over 50 students: requires 15-foot side yard and 30-foot rear yard setbacks.

⁴ Not including miniature golf courses and driving tees operated for commercial purposes.

⁵ Retail sales and services within this residential district are intended to be neighborhood scale. The applicable director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The applicable director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:

- a. Be small in size;
- b. Have access to collector streets.
- c. Preferably be located at intersections with local or other collector roads;
- d. Have public water and sewer service;
- e. Exhibit environmental features such as soil and topography suitable for compact development; and
- f. Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the city.



Acceptable uses will have a limited impact on adjacent residential areas, especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast food restaurants, 24-hour convenience stores, and gas stations.

⁶ Single-family dwellings may include the rooming and/or boarding of up to two persons, provided no separate kitchen is involved.

⁷ The operator of a home day care facility must live in the residence as a primary residence.

Use District Chart

District R-2

R-2 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums		Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 5,000 s.f. (7,000 s.f. for two-unit dwelling) Lot Width = 40' (20' per unit for two-unit dwelling)		Lot Coverage (percent)	Height of Structure (feet)			
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			Residential Uses						
Bed and breakfast ²		1	20	5	10	60	A		
Child care home ⁵		2	20	5	10	60	A	17.45.50	
Dwelling, single-family ²		1	20	5	10	60	A		
Dwelling, two-family ^{2, 4}		1	20	7.5	10	70	A		
Manufactured home ²		1	20	20	10				
Group care facilities		2	20	7.5	10	70	D	17.45.35	
Accessory uses		1	20	5	5			17.45.55	
Accessory dwelling		1	20	5	5			17.45.55	

R-2 District									
Directions: First, read down to find use, then across for regulations									
Use ↕	Regulations ↔	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
Commercial Uses									
Child care facility		2	20	10	20	80	35 ¹	D	17.45.50
Neighborhood commercial ⁶		2	20	7.5	15	70		D	
Religious institution or parish house ¹		1	20	7.5	15	70		D	
School, public or private, all types ³		1	20	7.5/10	15/20	70		E	
Accessory uses		1	20	5	15				17.45.55
Utilities, Transportation, and Communications									
Public utility facilities and infrastructure		1	20	10	15	70	35 ¹	D	17.45.45
Recreational Uses									
Park or playground		1	20	7.5	15	50	35 ¹	D	

Special regulations—R-2 district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² On corner lots, only one front yard must be a minimum of 30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 30-foot requirement.

³ Up to 49 students: requires 7.5-foot side yard and 15-foot rear yard setbacks. Over 50 students: requires ten-foot side yard and 20-foot rear yard setbacks.

⁴ For dwelling units that share a common wall, the allowed setback on the common wall is zero feet.

⁵ The operator of a home day care facility must live in the residence as a primary residence.



⁶ Retail sales and services within this residential district are intended to be neighborhood scale. The applicable director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The applicable director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:



- a. Be small in size;
- b. Have access to collector streets.
- c. Preferably be located at intersections with local or other collector roads;
- d. Have public water and sewer service;
- e. Exhibit environmental features such as soil and topography suitable for compact development; and
- f. Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the city.



Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.

Use District Chart

District R-3

R-3 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 6,000 s.f. (plus 2,000 s.f. per additional unit over 2 units) Lot Width = 40' (20' per unit for twin homes)			Lot Coverage (percent)	Height of Structure (feet)		
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			Residential Uses ¹⁰						
Child care home ⁸		2	20	5	15	70	35 ¹	A	17.45.50
Condominium/townhome ⁷		1	20	10	10	80			
Dwelling, multiple-family (3+ units) ⁷		1	20	10	15	80		A	
Dwelling, single-family ²		1	20	5	10	70		A	
Dwelling, two-family ^{2, 7}		1	20	5	10	80		A	
Group care facilities		2	20	10	20	80		D	17.45.35
Accessory uses		1	20	5	5				17.45.55

R-3 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
Community and Government Services									
Religious institution or parish house ¹		1	20	10	15	80		D	
Institutional or government facility, except police firing ranges		1	20	10	15	80		D	
School, public or private, all types ³		1	20	10/15	20/30	80		E	
Commercial Uses									
Child care facility		2	20	15	20	80		D	17.45.50
Neighborhood commercial ⁵		2	20	15	20	85		C	
Accessory uses		1	20	5	10				17.45.55

R-3 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums		Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 6,000 s.f. (plus 2,000 s.f. per additional unit over 2 units) Lot Width = 40' (20' per unit for twin homes)		Lot Coverage (percent)	Height of Structure (feet)			
			Required Yard Setback						
			Front (feet)	Side (feet)					Rear (feet)
			Utilities, Transportation, and Communications						
Public utility facilities and infrastructure	1	20	10	15	70	35 ¹	D	17.45.45	
Recreational Uses									
Park or playground	1	10	15	50	35	35 ¹	D		

Special regulations—R-3 district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² On corner lots, only one front yard must be a minimum of 30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 30-foot requirement.

³ Up to 49 students: requires ten-foot side yard and 20-foot rear yard setbacks. Over 50 students: requires 15-foot side yard and 30-foot rear yard setbacks.

⁴ Not including miniature golf courses and driving tees operated for commercial purposes.

⁵ Retail sales and services within this residential district are intended to be neighborhood scale. The applicable director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The applicable director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:

- a. Be small in size;
- b. Have access to collector streets.
- c. Preferably be located at intersections with local or other collector roads;
- d. Have public water and sewer service;
- e. Exhibit environmental features such as soil and topography suitable for compact development; and
- f. Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the city.

Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.



⁶ The operator of a home day care facility must live in the residence as a primary residence.



⁷ For dwelling units that share a common wall, the allowed setback on the common wall is zero feet.

⁸ The operator of a home day care facility must live in the residence as a primary residence.

Use District Chart

District M-P

M-P District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45.25)	
			See section 17.45.25			Lot Coverage (percent)				Height of Structure (feet)
			Required Yard Setback			Front (feet)	Side (feet)			Rear (feet)
Residential Uses ⁹		1	20	5	15	60	35 ¹	A		
Dwelling, manufactured home ^{2,8}		1	20	5	15	60		A		
Dwelling, single-family ²		2	20	7.5	15	70		D	17.45.30	
Group care facilities		1	20	5	5				17.45.55	

M-P District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45.25)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
			Front (feet)	Side (feet)	Rear (feet)				
Commercial Uses									
Child care facility		2	20	7.5	15	70		D	17.45.50
Neighborhood commercial ⁷		2	20	7.5	15	70		D	
Manufactured home park		3							17.45.25
School, public or private, all types ³		1	20	7.5	15/20	70		E	
Accessory uses		1	20	7.5	10				17.45.55
Utilities, Transportation, and Communications									
Public utility facilities and infrastructure		1	20	10	15	70		D	17.45.45
Recreational Uses									
Park or playground		1	20	7.5	15	50		D	

Special regulations—M-P district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² On corner lots, only one front yard must be a minimum of 30 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 30-foot requirement.

³ Up to 49 students: requires 7.5-foot side yard and 15-foot rear yard setbacks. Over 50 students: requires ten-foot side yard and 20-foot rear yard setbacks.

⁴ For dwelling units that share a common wall, the allowed setback on the common wall is zero feet.

⁵ When an accessory use is permitted, the total lot coverage of the total of the buildings and structures on the lot must not exceed the lot coverage maximum of the primary use. For example, if the lot coverage maximum for the single-family use is 60 percent in this zone, the lot coverage of the primary house, accessory use, and all other structures on the property combined must not exceed 60 percent.

⁶ The operator of a home day care facility must live in the residence as a primary residence.

⁷ Retail sales and services within this residential district are intended to be neighborhood scale. The applicable director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The applicable director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:

- a. Be small in size;
- b. Have access to collector streets.
- c. Preferably be located at intersections with local or other collector roads;
- d. Have public water and sewer service;
- e. Exhibit environmental features such as soil and topography suitable for compact development; and
- f. Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the city.

Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such

as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.



⁸ Exempt from requirements of section 17.45.25(f).



PROOFS

Use District Chart

District M-H

M-H District									
Directions: First, read down to find use, then across for regulations									
Use ⇓	Regulations ⇑	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 4,000 s.f. Lot Width = 35'			Lot Coverage (percent)	Height of Structure (feet)		
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)	60	40 ¹		
			20	5	15				
Child care home ⁶		2	20	5	15	60	A	17.45.50	
Dwelling, manufactured home ²		1	20	5	7.5	60	A	17.45.25	
Dwelling, single-family ²		1	20	5	15	60	A	17.45.30	
Group care facilities		2	20	10	20	70	D	17.45.30	
Accessory uses		1	20	5	5			17.45.55	

M-H District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 4,000 s.f. Lot Width = 35'			Lot Coverage (percent)				Height of Structure (feet)
			Front (feet)	Side (feet)	Rear (feet)					
Commercial Uses										
Child care facility		2	20	10	15	80	40 ¹	D	17.45.50	
Neighborhood commercial ⁵		2	20	10	20	70		D		
School, public or private, all types ³		1	20	10/15	20/30	80		E		
Accessory uses		1	20	7.5	10				17.45.55	
Utilities, Transportation, and Communications										
Public utility facilities and infrastructure		1	20	10	20	70	40 ¹	D	17.45.45	

M-H District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
						Front (feet)	Side (feet)		
			Lot Size = 4,000 s.f. Lot Width = 35'						
Recreational Uses									
Park or playground		1	20	10	20	50	40' ¹		D
Golf course ⁴		1	20	10	20	50			E

Special regulations—M-H district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum 15-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.

³ Up to 49 students: requires ten-foot side yard and 20-foot rear yard setbacks. Over 50 students: requires 15-foot side yard and 30-foot rear yard setbacks.

⁴ Not including miniature golf courses and driving tees operated for commercial purposes.

⁵ Retail sales and services within this residential district are intended to be neighborhood scale. The applicable director has the authority to determine the appropriateness of any given retail use in this zone and in the specific location of the proposal. The applicable director will provide notice of the decision in writing. For neighborhood commercial uses, the site must:

- a. Be small in size;
- b. Have access to collector streets.
- c. Preferably be located at intersections with local or other collector roads;
- d. Have public water and sewer service;
- e. Exhibit environmental features such as soil and topography suitable for compact development; and
- f. Include adequate buffering by physical features or adjacent uses to protect nearby residential development and preserve the natural character of the city.

Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of vehicular traffic levels, scale, building design, materials, and color. Suggested uses are neighborhood-scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, convenience stores with limited hours of operation, small restaurants, and smaller public facilities. Examples of uses which are considered unacceptable include fast-food restaurants, 24-hour convenience stores, and gas stations.

⁶ The operator of a home day care facility must live in the residence as a primary residence.
(Ord. No. 813, att.(18.15), 6-25-2024)

CHAPTER 17.19. COMMERCIAL ZONING DISTRICTS**Sec. 17.19.5. Purpose.**

Commercial districts are centers of business and civic life. This section provides a range of commercial districts to accommodate the range of commercial land uses in the city. These districts are intended to:

- (1) Promote efficient use of land and urban services;
- (2) Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
- (3) Provide formal and informal community gathering places and opportunities for socialization;
- (4) Encourage pedestrian-oriented development in all commercial areas;
- (5) Provide connections to and appropriate transitions between residential areas and commercial areas.

(Ord. No. 813, att.(19.5), 6-25-2024)

Sec. 17.19.10. Commercial zoning district regulations.

The following descriptions of each commercial zoning district identify the characteristic uses and level of development intended for each district:

- (1) *O-B Office Business District.* The O-B district permits a compatible mixture of public, quasi-public, and private institutional and professional services, small retail businesses and small medical facility uses at a low to moderate level of intensity. This district is designed to be compatible with nearby residential districts.
- (2) *C-1 General Commercial District.* The C-1 district allows basic retail, service, and office uses to preserve and expand a general business district. Business uses needing large floor areas, particularly those of a service nature, are included in the district.
- (3) *C-3 Business Service District.* The C-3 district accommodates a compatible mixture of office, light industrial uses, business services, retail outlets for adjoining industry, and retail uses in a safe setting, conducive to a larger volume of automotive traffic.

(Ord. No. 813, att.(19.10), 6-25-2024)



Sec. 17.19.15. Commercial use district charts.



(a) The following use district charts contain the basic zoning regulations that apply to property located within commercial zoning districts. Use these charts by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

(b) These charts are meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the table of contents and to section 17.1.5 to determine what other regulations of this title may apply to the subject property.



Use District Chart

District O-B

O-B District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 4,000 s.f. Lot Width = 40'			Height of Structure (feet)			
			Required Yard Setback			Lot Coverage (percent)			
Front (feet)	Side (feet)	Rear (feet)							
Residential Uses									
Group care facilities		2	10	5	5	85	50	C	17.45.30
Mixed office and multifamily residential		3	10	5	5	85	45	D	See Note 3
Commercial and Service Uses									
All retail sales and service establishments, except as otherwise mentioned		1	10	5	5	85	50	C	See Note 3

O-B District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
			All recreational, educational and cultural establishments; except as otherwise mentioned	1	10	5	5		
2	10	5		5	85	50	D	17.45.50	
1	10	5		5	85	50	D		
1	10	5		5	85	75	E		
1	10	5		5	85	75	D		
Restaurant or tavern	1	10	5	5	85	50	C		
Mini-storage facilities	3	10 ⁴	5 ⁴	5 ⁴	85	50	C	17.45.50	
Veterinary clinic or animal hospital ²	2	10 ⁴	5 ⁴	5 ⁴	85	50	D		

O-B District										
Directions: First, read down to find use, then across for regulations										
Use ⇓	Regulations ⇓	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Required Yard Setback Lot Size = 4,000 s.f. Lot Width = 40'			Lot Coverage (percent)				Height of Structure (feet)
Community and Government Services										
Religious institution or parish house¹		2	10	5	5	85	50	D		
Club or lodge, private, not-for-profit		2	10	5	5	85	50	C		
Institutional or government facility, except police firing ranges		1	10	5	5	85	75	D		
Mortuary		1	10	5	5	85	50¹	C		
School, public or private, all types		1	10	5	5	85	75¹	E		

O-B District											
Directions: First, read down to find use, then across for regulations											
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)		
			Lot Size = 4,000 s.f. Lot Width = 40'			Lot Coverage (percent)				Height of Structure (feet)	
			Required Yard Setback			Front (feet)	Side (feet)			Rear (feet)	
Recreational Uses		1	10	5	5	85	35	D			
Park or playground											
Utilities, Transportation, and Communications											
Public utility facilities and infrastructure		1	10 ⁴	5 ⁴	5 ⁴	85	75 ¹	D	17.45.45		
Wireless communication facilities ¹		3	10 ⁴	5 ⁴	5 ⁴	85	100 ¹	B	17.45.45		

Special regulations—O-B district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² All animal runs and pens, except horse stables, must be completely enclosed within a building.

³ Refer to special use regulations to determine if proposed use has additional regulations.



⁴ If the use is adjacent to a residential use or residential district, the setbacks shall meet the following: front: 15 feet; side: ten feet; rear: 15 feet. Further, the applicable director may impose additional setbacks to comply with other applicable requirements.

⁵ For structures with multiple tenants, the setbacks apply to the building perimeter only.



PROOFS

Use District Chart

District C-1

C-1 District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 6,000 s.f. Lot Width = 50'			Lot Coverage (percent)				Height of Structure (feet)
			Required Yard Setback							
			Front (feet)	Side (feet)	Rear (feet)					
			Residential Uses							
Group care facilities		2	5	5	5	85	50 ¹	C	17.45.30	
Mixed office and multifamily residential		2	5	5	5	85	50 ¹	D		
Commercial and Service Uses										
All retail sales and service establishments, except as otherwise mentioned ³		1	5	5	5	85	50	C		

C-1 District									
Directions: First, read down to find use, then across for regulations									
Use ⇓	Regulations ⇑	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 6,000 s.f. Lot Width = 50'			Lot Coverage (percent)	Height of Structure (feet)		
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			All recreational, educational and cultural establishments; except as otherwise mentioned ³	1	5				
Armory	3	5	5	5	5	85	45	C	
Child care center ³	2	5	5	5	5	85	45	D	17.45.50
Clinic, medical, dental or optical	1	5	5	5	5	85	45	D	
Commercial storage facilities	3	5	5	5	5	85	50	E	
Convention center and places of assembly	3	5	5	5	5	85	50	E	
Hospital ⁴	1	5	5	5	5	85	50	E	
Hotels and motels ⁴	1	5	5	5	5	85	50	E	
Office	1	5	5	5	5	85	50	D	

C-1 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
			Front (feet)	Side (feet)	Rear (feet)				
Package liquor store		1	5	5	5	85	45	C	
Restaurant or tavern ⁴		1	5	5	5	85	45	C	
Theater		1	5	5	5	85	45	E	
Mortuary		1	5	5	5	85	45	B	
Motor vehicle sales		3	5	5	5	85	45	C	
Vehicle fueling and service station		1	5	5	5	85	45	C	
Community and Government Services									
Religious institution or parish house ¹		1	5	5	5	85	50	D	
Club or lodge, private, not-for-profit		1	5	5	5	85	50	C	
Institutional or government facility, except police firing ranges		1	5	5	5	85	50	D	

C-1 District									
Directions: First, read down to find use, then across for regulations									
Use ↓	Regulations ↔	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 6,000 s.f. Lot Width = 50'			Lot Coverage (percent)	Height of Structure (feet)		
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			School, public or private, all types	1	5				
Recreational Uses									
Amusement place		1	5	5	5	85	50	E	
Golf course		1	5	5	5	85	45	D	
Park or playground		1	5	5	5	85	45	D	
Utilities, Transportation, and Communications									
Public utility facilities and infrastructure ¹		1	5	5	5	85	50 ¹	D	17.45.45
Wireless communication fa- cilities ¹		3	5	5	5	85	100 ¹	B	17.45.45

Special regulations—C-1 district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² All animal runs and pens, except horse stables, must be completely enclosed within a building.

³ Refer to special use regulations to determine if the proposed use has additional regulations.



⁴ Loading and unloading regulations. Loading and unloading space shall be provided off-street and on the same premises. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways. Such space shall include a 12-foot by 50-foot loading space with a minimum of 14 feet of height clearance. Each use up to 20,000 gross square feet shall provide one loading space, plus one additional loading space for every 20,000 gross square feet thereafter.

⁵ If the use is adjacent to a residential use or residential district, the setbacks shall meet the following: front: 15 feet; side: ten feet; rear: 15 feet. Further, the applicable director may impose additional setbacks to comply with applicable requirements.



⁶ For structures with multiple tenants, the setbacks apply to the building perimeter only.

Use District Chart



District C-3

C-3 District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 6,000 s.f. Lot Width = 50'			Lot Coverage (percent)				Height of Structure (feet)
			Required Yard Setback							
			Front (feet)	Side (feet)	Rear (feet)					
			Agricultural and Natural Resource Uses							
Stable/kennel ²		1	20	10	15	85	45 ¹	D		
Veterinary clinic or animal hospital ²		1	20	10	15	85	45 ¹	D		
Residential Uses										
Caretaker housing		2	20	10	15	85	45 ¹	None	17.45.15	
Group care facilities		2	20	10	15	85	75 ¹	C	17.45.30	

C-3 District									
Directions: First, read down to find use, then across for regulations									
Use ⬇️	Regulations ⬆️	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
Commercial and Service Use									
All retail or wholesale sales and service establishments, except as otherwise mentioned ^{6, 4}		1	20	10	15	85	75 ¹	C	
All recreational, educational and cultural establishments, except as otherwise mentioned ^{6, 4}		1	20	10	15	85	75 ¹	C	
Armory		3	20	10	15	85	45 ¹	C	
Child care center		2	20	10	15	85	45 ¹	D	17.45.50
Clinic, medical, dental or optical		1	20	10	15	85	45 ¹	D	
Commercial storage facilities		1	20	10	15	85	75 ¹	E	17.45.50

C-3 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
			Convention center and places of assembly Hospital ⁶ Hotels and motels ⁶ Lumber yard and building material sales and storage ⁷ Office Package liquor store Restaurant or tavern Theater Mortuary Motor vehicle sales Vehicle fueling and service station Vehicle service and repair		3	20	10		
	1	20		10	15	85	75 ¹	E	
	1	20		10	15	85	75 ¹	E	
	1	20		10	15	85	45 ¹	D	17.45.50
	1	20		10	15	85	75 ¹	D	
	1	20		10	15	85	45 ¹	C	
	1	20		10	15	85	45 ¹	C	
	1	20		10	15	85	45 ¹	E	
	1	20		10	15	85	45 ¹	B	
	3	20		10	15	85	45 ¹	C	
	1	20		10	15	85	45 ¹	C	
	1	20		10	15	85	45 ¹	C	

C-3 District										
Directions: First, read down to find use, then across for regulations										
Use ↓	Regulations ↔	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)			
Front (feet)	Side (feet)	Rear (feet)	20	10	15	85	75 ¹	D		
Warehouse		1	20	10	15	85	75 ¹	D		
Industrial Uses										
Manufacturing, light ⁸		1	20	10	15	85	45 ¹	C		
Community and Government Services										
Religious institution or parish house ¹		1	20	10	15	85	75 ¹	D		
Club or lodge, private, not-for-profit		1	20	10	15	85	75 ¹	C		
Institutional or government facility, except police firing ranges		1	20	10	15	85	75 ¹	D		
School, public or private, all types ³		1	20	10	15	85	75 ¹	E		
Recreational uses										
Amusement place		1	20	10	15	85	75 ¹	E		

C-3 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums		Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Required Yard Setback		Lot Coverage (percent)				Height of Structure (feet)
Golf course		2	20	10	15	85	45 ¹	D	
Park or playground		1	20	10	15	85	45 ¹	D	
Utilities, Transportation, and Communications									
Public utility facilities and infrastructure ¹		1	20	10	15	85	75 ¹	D	17.45.45
Wireless communication facilities ¹		3	20	10	15	85	100 ¹	B	17.45.45

Special regulations—C-3 district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² All animal runs and pens, except horse stables, must be completely enclosed within a building.

³ Up to 49 students: requires ten-foot side yard and 15-foot rear yard setbacks. Over 50 students: requires 15-foot side yard and 20-foot rear yard setbacks.

⁴ Refer to special use regulations to determine if the proposed use has additional regulations.

⁵ Stockyards, animal and livestock sales, and grain elevators are prohibited.

⁶ Loading and unloading regulations. Loading and unloading space shall be provided off-street and on the same premises. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways. Such space shall include a 12-foot by 50-foot loading space with a minimum of 14 feet of height clearance. Each use up to 20,000 gross square feet shall provide one loading space, plus one additional loading space for every 20,000 gross square feet thereafter.

⁷ Not including ready-mix concrete and asphalt.

⁸ Including bottling, electronics, jewelry, metal craft, monument, carpentry and cabinet works, and plastics.

(Ord. No. 813, att.(19.15), 6-25-2024)

CHAPTER 17.20. INDUSTRIAL ZONING DISTRICTS**Sec. 17.20.5. Purpose.**

Industrial districts provide for land use compatibility while providing a high-quality environment for businesses and employees. The districts are also intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing and manufacturing, assembly, packaging, or distribution of heavy or large goods) that would not otherwise be compatible in other districts. This section guides the orderly development of industrial areas based on the following objectives:

- (1) Provide for efficient use of land and public services;
 - (2) Provide appropriately zoned land with a range of parcel sizes for industry;
 - (3) Provide transportation options for employees and customers;
 - (4) Locate business services close to major employment centers;
 - (5) Ensure compatibility between industrial uses and nearby commercial areas;
 - (6) Provide appropriate design standards to accommodate a range of industrial users;
 - (7) Provide attractive locations for businesses to locate; and
 - (8) Accommodate mixed-use development of light industrial areas.
- (Ord. No. 813, att.(20.5), 6-25-2024)

Sec. 17.20.10. Industrial zoning district regulations.

The following descriptions of each industrial zoning district identify the characteristic uses and level of development intended for each district.

- (1) *I-1 Light Industrial District.* The I-1 district allows for wholesale and warehousing uses, as well as those industrial uses that include fabrication, manufacturing, assembly or processing of

materials that are refined in form. Uses in this district do not require intensive land coverage; generate large volumes of vehicular traffic; or create obnoxious sounds, glare, dust, or odors that are offensive when measured at the property line of the subject property.

- (2) *I-2 Heavy Industrial District.* The I-2 district allows for basic or primary industries that are more intense than I-1 and which are generally not compatible with residential and/or commercial activity.

(Ord. No. 813, att.(20.10), 6-25-2024)



Sec. 17.20.15. Industrial use district charts.



(a) The following use district charts contain the basic zoning regulations that apply to property located within industrial zoning districts. Use these charts by reading down the left-hand column entitled "Use." Once you locate the use in which you are interested, read across to find the regulations that apply to that use.



(b) These charts are meant to be a quick reference guide and therefore may not be entirely inclusive of all applicable regulations. Please refer to the table of contents and to section 17.1.5 to determine what other regulations of this title may apply to the subject property.



Use District Chart

District I-1

I-1 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 6,000 s.f. Lot Width = 40'			Lot Coverage (percent)			
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			Agricultural and Natural Resource Uses						
Stable/kennel ²		1	25	5 ⁷	15	85	45 ¹	D	
Veterinary clinic or animal hospital ²		1	25	5 ⁷	15	85	45 ¹	D	
Residential uses									
Caretaker housing		1	25	5 ⁷	15	85	45 ¹	None	17.45.15
Residential re-entry/half-way house		3	25	5 ⁷	15	85	45 ¹	None	

I-1 District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 6,000 s.f. Lot Width = 40'			Lot Coverage (percent)				Height of Structure (feet)
			Required Yard Setback							
			Front (feet)	Side (feet)	Rear (feet)					
			Commercial and Service Uses							
All retail or wholesale sales and service establishments, except as otherwise mentioned ^{3, 4}		1	25	5 ⁷	15	85	45 ¹	C		
Commercial storage facility		3	25	5 ⁷	15	85	45 ¹	D	17.45.50	
Lumber yard and building material sales and storage ⁵		1	25	5 ⁷	15	85	45 ¹	D	17.45.50	
Machinery and implement sales, service, repairs and storage		3	25	5 ⁷	15	85	45 ¹	D		
Vehicle fueling and service station		1	25	5 ⁷	15	85	45 ¹	C		
Motor vehicle sales		3	25	5 ⁷	15	85	45	C		

I-1 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Lot Size = 6,000 s.f. Lot Width = 40'			Lot Coverage (percent)	Height of Structure (feet)		
			Required Yard Setback						
			Front (feet)	Side (feet)	Rear (feet)				
			Vehicle parking and storage	1	25				
Warehouse	1	25	5 ⁷	15	90	45 ¹	D		
Industrial Uses									
All industrial uses, except as otherwise mentioned	1	25	5 ⁷	15	85	45 ¹	C		
Contractors yard for vehicles, equipment, supplies	1	25	5 ⁷	15	90	45 ¹	D		17.45.50
Industrial services	1	25	5 ⁷	15	85	45 ¹	C		
Manufacturing, light ⁶	1	25	5 ⁷	15	85	45 ¹	D		
Oil and gas above or under ground storage facility	1	25	5 ⁷	15	90	45 ¹	C		
Warehouse/freight movement	1	25	5 ⁷	15	90	45 ¹	D		

I-1 District									
Directions: First, read down to find use, then across for regulations									
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
			Front (feet)	Side (feet)	Rear (feet)				
Community and Government Services									
Institutional or government facility, except police firing ranges		1	25	5 ⁷	15	85	45 ¹	D	
Utilities, Transportation, and Communications									
Public utility facilities and infrastructure		1	25	5 ⁷	15	90	75 ¹	D	17.45.45
Wireless communication facilities		3	25	5 ⁷	15	85	100 ¹	B	17.45.45

Special regulations—I-1 district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² All animal runs and pens, except horse stables, must be completely enclosed within a building.

³ Refer to special use regulations to determine if proposed use has additional regulations.

⁴ Loading and unloading regulations. Loading and unloading space shall be provided off-street and on the same premises. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys, and walkways. Such space shall include a 12-foot by 50-foot loading space with a minimum of 14 feet of height clearance. Each use up to 20,000 gross square feet shall provide one loading space, plus one additional loading space for every 20,000 gross square feet thereafter.

⁵ Not including ready-mix concrete and asphalt.

⁶ Including bottling, electronics, jewelry, metal craft, monument, carpentry and cabinet works, and plastics.



⁷ When the use abuts a residential zone or use, the side yard shall be 15 feet.



⁸ It should be noted that placement of the I-1 district adjacent to residential uses or zoning districts may be restricted.

Use District Chart



District I-2

I-2 District										
Directions: First, read down to find use, then across for regulations										
Use ⇓	Regulations ⇨	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 10,000 s.f. Lot Width = 75'			Lot Coverage (percent)				Height of Structure (feet)
			Required Yard Setback							
			Front (feet)	Side (feet)	Rear (feet)					
			Agricultural and Natural Resource Uses							
Stable/kennel ²		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D		
Veterinary clinic or animal hospital ²		1	25 ⁵	5 ⁵	15 ⁵	85	75 ¹	D		
Residential Uses ⁷										
Caretaker housing		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	None	17.45.15	
Residential re-entry/half-way house		3	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	None		
Commercial and Service Uses										
Armory		2	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	C		

I-2 District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 10,000 s.f. Lot Width = 75'			Lot Coverage (percent)				Height of Structure (feet)
			Required Yard Setback							
			Front (feet)	Side (feet)	Rear (feet)					
			Commercial storage facility	1	25 ⁵	5 ⁵	15 ⁵			90
Lumber yard and building material sales and storage ³	1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D			
Machinery and implement sales, service, repairs and storage	1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D	45.50		
Motor vehicle sales	3	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	C			
Vehicle fueling and service station	1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	C			
Vehicle parking and storage	1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	C	17.45.50		
Warehouse	1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	D			

I-2 District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)			
										Front (feet)
			Industrial Uses							
All industrial uses, except as otherwise mentioned		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	C		
Bulk plant, gasoline, or LP gas, above ground storage		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	E		
Contractors yard for vehicles, equipment, supplies		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D		
Explosives manufacturing		3	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D		
Heavy equipment sales, service, and repair		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D		
Junkyard, auto wrecking, scrap processing		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D		
Manufacturing, light ⁴		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D		
Manufacturing, heavy		1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	D		

I-2 District									
Directions: First, read down to find use, then across for regulations									
Use ⇓	Regulations ⇕	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)
			Required Yard Setback			Lot Coverage (percent)	Height of Structure (feet)		
Front (feet)	Side (feet)	Rear (feet)							
Oil and gas above or under ground storage facility		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	C	
Oil field supply sales and service		1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	D	
Oil, gas, or mineral processing, refining, separation, or storage		1	25 ⁵	5 ⁵	15 ⁵	90	75 ¹	C	
Printing and publishing		1	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	C	
Quarry		1	25 ⁵	5 ⁵	15 ⁵	85	75 ¹	D	
Railroad facility (including terminals, shop, yard)		1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	C	
Soils conditioning, storage, and sales		2	25 ⁵	5 ⁵	15 ⁵	85	50 ¹	D	
Warehouse/freight movement		1	25 ⁵	5 ⁵	15 ⁵	90	50 ¹	D	

I-2 District										
Directions: First, read down to find use, then across for regulations										
Use 	Regulations 	Review Process (see Table 17.10.10-1)	Minimums			Maximums		Sign Category (see section 17.40.25)	Special Use Regulations (see chapter 17.45)	
			Lot Size = 10,000 s.f. Lot Width = 75'			Lot Coverage (percent)				Height of Structure (feet)
			Required Yard Setback							
			Front (feet)	Side (feet)	Rear (feet)					
			Sanitary landfill (governmental)		3	25 ⁵	5 ⁵			15 ⁵
Community and Government Services										
Institutional or government facility, including police firing ranges		1	25 ⁵	5 ⁵	15 ⁵	90	75 ¹	D		
Utilities, Transportation, and Communications										
Public utility facilities and infrastructure		1	25 ⁵	5 ⁵	15 ⁵	90	100 ¹	D	17.45.45	
Wireless communication facilities ⁶		3	25 ⁵	5 ⁵	15 ⁵	85	100 ¹	B	17.45.45	

Special regulations—I-2 district. The following special regulations apply to individual land uses as designated in the use district chart above. Additional regulations and requirements may be found in general provisions, section 17.1.5, and parking requirements, section 17.40.10.

¹ Church spires, church towers, chimneys, flagpoles, antennas, monuments, water towers and fire towers are exempt from height limitations.

² All animal runs and pens, except horse stables, must be completely enclosed within a building.

³ Not including ready-mix concrete and asphalt.

⁴ Including bottling, electronics, jewelry, metal craft, monument, carpentry and cabinet works, and plastics.

⁵ If the property abuts a residential zone or use, then the following setbacks apply: front: 25 feet; side: 25 feet; rear: 25 feet.

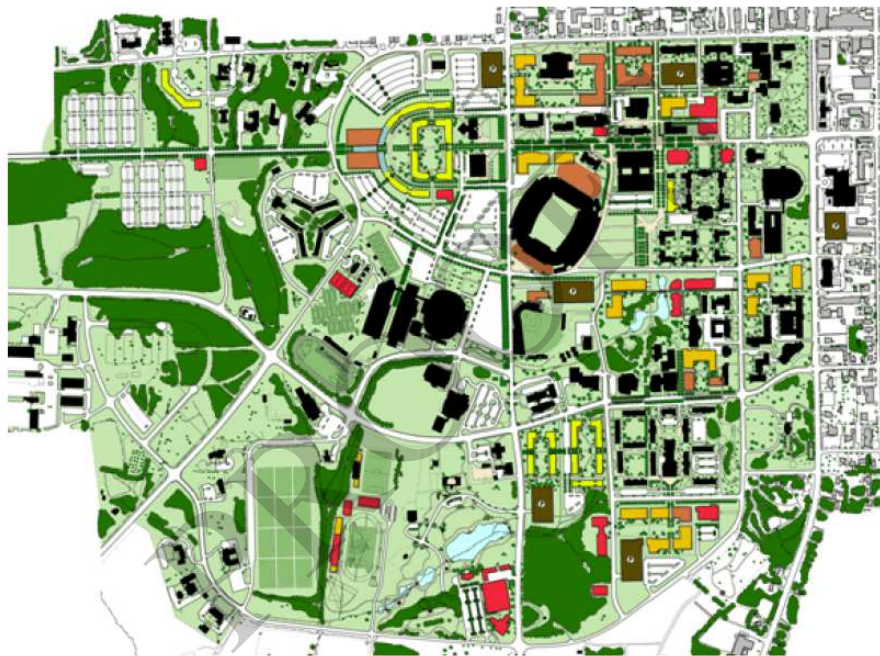
⁶ It should be noted that placement of the I-2 district adjacent to residential uses or zoning districts may be restricted.

(Ord. No. 813, att.(20.15), 6-25-2024)

PROOFS

CHAPTER 17.21. PLANNED UNIT DEVELOPMENTS**Sec. 17.21.1. General provisions.**

(a) *Overview.* This section provides the regulatory framework for planned unit developments (PUDs). The regulations in this section are in addition to other relevant development standards and regulations in other parts of these regulations. The purpose of planned unit developments is to permit and encourage well-thought-out, planned, and compatible development strategies throughout the city. Planned unit developments often include a mix of compatible uses and may be developed over a phased time period.



(b) *Development plan and process within PUDs.* Planned unit developments may be requested by a developer as part of their subdivision development plan. Zoning within PUDs may be a mix of both residential and commercial as mixed-use development is encouraged within PUDs. The following identify the characteristic uses, level of development, and any specific regulations related to the PUDs:

- (1) PUDs provide flexibility and creativity in site and building design and location in accordance with an approved plan, which shall be designed to prevent adverse impacts and protect the public health, safety, and welfare. Design excellence or the provision of outstanding public amenity shall be considered when establishing development standards.
 - a. A sketch plan shall be submitted under Review Process 1 for review and comment by the applicable director. A pre-application meeting is required prior to the submittal of all preliminary PUD plans, unless waived by the applicable director.

- b. Preliminary PUD plans shall be submitted for approval under Review Process 2. It shall contain all information listed below. The preliminary plan as proposed by the applicant shall prevent adverse impacts or appropriately mitigate them to protect the public health, safety, and welfare.
 1. Uses by right and location;
 2. Uses permitted with issuance of a conditional use permit;
 3. Conceptual building footprint locations;
 4. Building, property, or site coverage;
 5. Maximum building height;
 6. Minimum setbacks on the front, rear, and side yards;
 7. Development performance standards;
 8. Buffering and screening requirements;
 9. Common open space or facilities;
 10. Signage requirements and regulations;
 11. Parking requirements;
 12. Any other requirements and restrictions deemed necessary to protect public health, safety, and welfare;
 13. Proposed phasing of development.
 - c. The final PUD plan shall be submitted under Review Process 3 within 18 months of the approval of the preliminary master plan unless the approval is extended by the applicable director. If the final plan is not submitted within the 18-month period or an extension has not been granted, the plan shall be deemed denied. The final PUD plan shall contain all of the information from the preliminary plan, as well as address any applicable planning considerations.
 - d. Amendments to the PUD must be approved on the basis of a new final plan. A new plan map is not required if the amendment is to the text of the PUD. The intent of planned unit developments are to permit a compatible mixture of residential, neighborhood commercial and public service uses at a moderate level of intensity. PUDs should be designed to be compatible with nearby residential districts.
- (2) Location and size of district. All PUDs must be a minimum of two acres in size.
 - (3) Review and approval. The formation of a PUD is subject to Review Process 3.
- (Ord. No. 813, att.(21), 6-25-2024)

CHAPTER 17.22. DOWNTOWN RIVERFRONT DESIGN OVERLAY DISTRICT

Sec. 17.22.5. Purpose and applicability.

The purpose of the Downtown Riverfront Design Overlay District is to create a downtown commercial and civic area near the riverfront, within the city, to enhance the quality, image, and economic vitality

of the community. Accordingly, to that end, the overlay district imposes certain design guidelines to coordinate the physical improvements that will be made to this important geographic area by private entities.

(Ord. No. 813, att.(22.10(1)), 6-25-2024)

Sec. 17.22.10. Overlay district relation to base zoning.

This overlay district is placed over the base zoning in the area in order to modify the base zoning's regulatory standards. The overlay district alters such standards as building placement, size and height, parking and access, and landscaping and buffering, but does not determine the use of the property. The use of property (both land and structures) is governed by the underlying base zoning.

(Ord. No. 813, att.(22.10(2)), 6-25-2024)

Sec. 17.22.15. Scope of review.

Government officials, property owners, developers, design consultants and other stakeholders will use this chapter to prepare improvement plans that are consistent with the Downtown Riverfront Design Overlay Standards and Guidelines. The standards and guidelines apply to private nonresidential and multiple-family or mixed use residential (excluding single-family structures), new construction, exterior remodeling or repainting, window and awning changes or improvements, signing changes and improvements, sidewalk changes or improvements, exterior lighting changes and improvements, and landscaping and parking lot construction, changes and improvements. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior elements of any building or structure; nor shall anything in this chapter be construed to prevent the construction, reconstruction, alteration or demolition of any such elements, which authorized city officials shall certify as required for public safety.

(Ord. No. 813, att.(22.15), 6-25-2024)

Sec. 17.22.20. Geographic boundaries.

(a) *Designation of boundaries.* The geographic boundaries in the overlay district shall coincide with the boundaries established on the official city zoning map.

(b) *Modification of boundaries.* Any modifications of the boundaries of the overlay district will involve referral to the planning and zoning commission for public hearing, public notice and recommendation to the city council to amend the zoning map.

(Ord. No. 813, att.(22.20), 6-25-2024)

Sec. 17.22.25. Overlay design standards and guidelines.

These guidelines will be used by property owners, developers, architects, builders, business owners, public officials, and interested citizens when considering rehabilitation or new construction in the Downtown Riverfront Design Overlay District involving private nonresidential and multiple-family residential (excluding single-family structures). They will be informational only in the case of publicly owned lands and structures. The guidelines will also be consulted (but are not binding on the public entities) with respect to proposed infrastructure and streetscape improvement projects. While the base land use zoning districts continue to govern land use, these guidelines will supersede other provisions of

this zoning ordinance only when more stringent and geographically specific standards are set forth on design and physical planning issues relative to massing, landscaping, construction materials, parking, and signage. The appropriate city departments will review all new projects in the Downtown Riverfront Design Overlay District that require building permits to ensure consistency with these guidelines. The word "shall" indicate those design standards that are mandated, whereas terms such as "should," "encouraged," and "discouraged" indicate design principles which are more flexible and advisory in nature.

(Ord. No. 813, att.(22.25), 6-25-2024)

Sec. 17.22.30. Built form standards.

(a) Building placement.

- (1) Buildings shall have a well-defined front façade with primary entrances facing the street.
- (2) Buildings shall be aligned so that the dominant lines of their façades parallel the line of the street and create a well-defined street edge.
- (3) Setbacks may be reduced by up to five feet to emphasize entries, provide increased space for planting or to create areas for outdoor dining and gathering.
- (4) At intersections, buildings should hold the corner, that is, have street façades at or near the sidewalk on both streets.

(b) Façades.

- (1) Building proportions should support pedestrian interaction, scaled to provide a distinct first story, define the street edge and provide visual continuity.
- (2) In general, buildings over two stories shall have a well-defined base, middle and top. The base, or ground floor, shall appear visually distinct from the upper stories, through the use of a change in building materials, window shape or size, and intermediate cornice line, an awning, arcade or portico, or similar techniques.
- (3) It shall be recognized that buildings will be viewed from a variety of vantage points. Consequently, the placement of doors, windows, balconies, changes in materials or roof height, etc., shall be designed to provide an attractive and harmonious design from the front, side, rear and top.
- (4) Building tops shall be articulated with discernable cornice lines, parapets and/or fascia.

(c) Building height.

- (1) Multi-story buildings (at least two stories) built to the maximum heights permitted by zoning are encouraged.
- (2) Stepping portions of upper stories back from the line of the front façade to provide areas for outdoor terraces, rooftop patios, etc., is encouraged. This is especially important for buildings facing the riverfront.
- (3) New single-story commercial building types with flat roofs shall have a minimum cornice height of 20 feet to better define the street.

(d) *Window and door openings.*

- (1) Buildings should enliven the streetscape and enhance security by providing views into and out of buildings.
- (2) Window and door openings shall comprise at least 60 percent of the length and at least 30 percent of the ground floor of the primary street façade.
- (3) A minimum of 20 percent of the ground level of side and rear façades not fronting a public street shall consist of window and door openings.
- (4) New and renovated buildings with alleyway frontage shall include windows to allow views into the alley for added surveillance.

(e) *Entries.*

- (1) The visual importance of the primary street entrance shall be emphasized to ensure that entryways contribute to the visual attractiveness of the building and are readily visible to visitors.
- (2) Primary building entrances on all buildings shall face the primary abutting street or be linked to that street by a clearly defined and visible walkway. Additional secondary entrances shall be oriented to a secondary street or parking area.
- (3) In the case of a corner building or a building abutting more than one street, the street with the higher functional classification shall be considered primary. The main entrance shall be placed at the sidewalk grade.
- (4) Entries shall be designed with one or more of the following:
 - a. Canopy, portico, overhand, arcade or arch above the entrance.
 - b. Recesses or projections in the building façade surrounding the entrance.
 - c. Display windows surrounding the entrance.
 - d. Architectural detailing such as brick work or ornamental moldings.
 - e. Planting areas, pots or window boxes for seasonal landscaping.
- (5) Canopies or awnings protecting the primary entrance shall be set at least seven feet above sidewalk grade and project no greater than three feet into the walk zone of the public streetscape.

(f) *Building materials.*

- (1) Buildings shall be constructed using local or regionally available, durable materials, such as:
 - a. Brick.
 - b. Natural stone.
 - c. Manufactured stone.
 - d. Textured, patterned and/or integrally colored cast-in-place concrete.
 - e. Integrally colored, pre-cast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.

- f. Stucco or EIFS (exterior insulating finish system) above the ground line (plus two feet).
 - g. Architectural metal, pre-finished decorative panels, such as storefront systems, structural elements, such as columns and beams, and decorative support or trim members, such as brackets or cornices.
 - (2) These types of materials should be avoided:
 - a. Unadorned plain or painted concrete block.
 - b. Unarticulated or blank tilt-up concrete panels.
 - c. Pre-fabricated metal building systems.
 - d. Aluminum, fiberglass, asphalt or fiberboard siding.
 - (g) *Rooftop equipment.*
 - (1) All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way, and adjacent properties. Preferably, rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground.
 - (2) If screening by the building parapet is not possible, the equipment shall be grouped within a single enclosure. This structure shall be setback a distance of 1½ times its height from any primary façade fronting a public street.
 - (3) Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.
 - (4) Exterior mechanical equipment such as duct work shall not be located in primary building façades.
 - (h) *Building colors.*
 - (1) Building colors shall blend with or enhance surroundings. Principal building colors shall consist of neutral or muted colors with low reflectance (e.g., browns, grays, tans or dark or muted greens).
 - (2) No more than three principal colors shall be used on a façade or individual store front.
 - (3) Bright, complimentary colors shall be used only as accents.
 - (i) *Awnings.*
 - (1) Where awnings are used, canvas, fabric or vinyl are preferable.
 - (2) If glass or metal awnings are employed, they shall complement the building's architectural character and aesthetic.
 - (3) All awnings shall extend beyond the façade no greater than three feet.
 - (4) The bottom of a window awning shall be set at least seven feet above the public sidewalk.
 - (5) Back lighted awnings and canopy signs shall not be used.
- (Ord. No. 813, att.(22.30), 6-25-2024)

Sec. 17.22.35. Site development standards.*(a) Parking lot design.*

- (1) Parking lots shall be designed to promote efficient traffic patterns, minimize conflicts between vehicles and pedestrians and to proactively reduce the opportunity for crime.
- (2) Paving treatments shall incorporate durable, long-lasting materials. The use of materials such as pervious concrete or paving stones is encouraged to minimize stormwater runoff. Stormwater runoff should be captured, when possible, and directed towards landscaped areas.
- (3) Parking lots shall be lit evenly and adequately to ensure visibility at night for pedestrian and vehicle safety and reduce opportunities for vehicle break-ins.
- (4) Lighting shall comply with all standards outlined in this title.
- (5) Lots shall be designed to incorporate intermediate planting beds, planting islands and intermediate planting fingers to break up large areas of impervious surface.

(b) Pathways and walks.

- (1) All walkways within the overlay district shall be designed and constructed in strict adherence to the Americans with Disabilities Act.
- (2) Continuous sidewalks are required along all street frontages. The use of ground floor arcades to provide weather protected pedestrian connections between facilities is encouraged.
- (3) Lighted sidewalks shall extend between rear or side parking and building entrances.
- (4) The street grid shall be maintained and extended wherever possible. Where the street grid is interrupted by uneven terrain or other variations, walkways or stairs shall be built to maintain pedestrian continuity.
- (5) Commercial developments shall strive to provide bicycle parking spaces in a convenient, visible, preferably sheltered, location.

(c) Outdoor seating and dining.

- (1) New commercial development projects shall provide semi-public or private areas for people to sit outdoors and be served food and beverages.
- (2) These areas shall be established with either seasonal, moveable barriers, such as lightweight decorative metal fence or railing systems, or permanently defined with low planters or screen walls.

(d) Enclosure and accessory structures.

- (1) New, freestanding commercial buildings which include commercial food service shall locate refuse containers and mechanical equipment in an enclosed structure. Said structure shall adhere to state and local health and safety codes and approved design standards.
- (2) The design of the refuse or mechanical enclosure shall be in character with, and constructed of, the same quality permanent materials as the principal building or adopted design standards. No metal buildings or structures will be allowed.

- (3) Any accessory structure shall be located on the same lot and near the principal structure; provided, however, if an owner has two or more contiguous lots, the accessory structure may be located on a separate lot that is contiguous to the lot of the principal structure if all of the following conditions are met:
 - a. Contiguous lots containing principal and accessory structures shall not be sold, transferred or encumbered separately;
 - b. The owner, upon approval by the city and prior to the issuance of a building permit, shall execute a deed restriction in a form acceptable to the city that disallows the separate sale, transfer or encumbrance of the contiguous lots containing the principal and accessory structures.
- (4) Where accessory structures exceed 200 square feet in area, at least one-third of the building's exterior perimeter shall be landscaped in the same manner as the principal structure and/or in compliance with the landscape design standards in this title.

(e) *Site lighting.*

- (1) These standards are in addition to any site lighting requirements included within this title. In the case of conflicting requirements within this overlay, the standards of this chapter will apply.
- (2) Exterior light fixtures shall be selected to minimize glare and negative effects upon residential uses adjacent to the Commercial Riverfront Corridor District.
- (3) The lighting of structures shall be minimized to reduce ambient light pollution from above and below.
- (4) Lighting fixtures style shall be compatible with the architecture of nearby buildings.
- (5) Lighting attached to buildings shall be screened by the building's architectural features to eliminate glare and overspill onto adjacent properties.
- (6) Public and private walkways shall be evenly illuminated to a level between one and two footcandles. Walkway light fixtures shall be between 12 and 14 feet in height to provide human scale.

(f) *Light sources.*

- (1) The following are appropriate light sources:
 - a. Incandescent (for signs or on buildings).
 - b. Halogen.
 - c. High pressure sodium.
 - d. "Warm" metal halide.
 - e. Cold season fluorescent.
- (2) The following are inappropriate light sources:
 - a. Neon, unless used as an accent.
 - b. Colored.

- c. Low-pressure sodium.
- d. Mercury vapor.

(g) *Light fixtures.*

(1) The following are appropriate light fixtures allowed in the corridor:

- a. Pole-mounted.
- b. Recessed.
- c. Wall-mounted.
- d. Shield spotlighting.

(2) The following are inappropriate light fixtures:

- a. Internally lit awnings.
- b. Blinking or flashing.
- c. High mast (cobrahead features).

(h) *Parking lot lighting.*

- (1) Parking lot illumination shall consist of a combination of commercial grade parking lot and pedestrian-style features.
- (2) Pedestrian fixtures shall be used for lighting internal parking lot walkways. Parking lot fixtures shall be employed to illuminate parking bays and drive aisles.
- (3) Parking lot illumination shall achieve levels to provide safety while minimizing overlighting and excessive spillover of ambient light onto adjacent properties.
- (4) Cutoff fixtures shall be located below the mature height of trees in parking lot islands. This will prevent ambient glow or light pollution onto adjacent properties.
- (5) Evenly distributed illumination shall be provided to provide safety and security.

(i) *Signs.* The purpose of this section is to ensure sign designs within the overlay district harmonize and enhance the architectural, structural or landscape features of the associated facility and to enliven the resident and visitor experience. In addition to the sign standards required in this title, the following standards shall apply to signs within the overlay district:

(1) *Compatibility.*

- a. Large signs that dominate a building façade or streetscape are prohibited.
- b. Signs shall be designed to be compatible with building design in terms of relative scale, overall size, materials, and colors.
- c. Signage elements shall incorporate materials, colors and shapes that appropriately reflect and complement the building's architectural style and the surrounding environment.

(2) *Legibility.* Signs shall:

- a. Use a brief message.
- b. Avoid hard-to-read intricate typefaces and limit the number of letter styles.

- c. Limit the number of lettering styles used. A general rule is to limit the number of letter types to no more than two for small signs (up to ten square feet) and three for larger signs.
 - d. Limit the area of the sign devoted to text. Lettering and logos shall not occupy more than 75 percent of the sign face.
 - e. Use significant contrast. If there is little contrast between the brightness or hue of the message and its background, it will be difficult to read.
 - f. Use of symbols and logos.
 - g. Avoid large areas of blank space. Signs with more than 50 percent of the sign area left blank shall be avoided.
- (3) *Location and size.* Signs shall be:
- a. Designed to relate to the architectural features of the building and to create visual continuity with other storefronts in the same or adjacent buildings.
 - b. Placed at or near the public entrance. Signs shall be placed to indicate the location of access to a business.
 - c. Sized consistent with the proportions of the building's façade.
- (4) *Illumination.*
- a. Internally illuminated cabinet signs with translucent panels shall be prohibited.
 - b. Utilization of a direct source of light (i.e., spotlight) is permitted.
 - c. Light fixtures supported in front of the structure cast light on the sign and generally a portion of the face of the structure as well, thereby emphasizing the continuity of the structure's surface.
 - d. Signs that use blinking or flashing lights are not permitted.
- (5) *Materials.*
- a. Sign materials shall be selected with consideration for the architectural design of the building's façade.
 - b. Materials utilized shall be durable, and the following materials are permitted:
 - 1. Wood (carved, sandblasted, etched, properly sealed and painted or stained).
 - 2. Metal (formed, etched, cast, engraved, and properly primed and painted or factory coated to protect against corrosion).
 - 3. Neon tubing.
- (j) *Design standards for sign types.*
- (1) *Wall signs.*
- a. Wall signs shall not project from the surface upon which they are attached more than 12 inches.
 - b. Wall signs and ghost signs painted directly on a structure are acceptable.

- c. The maximum total wall signage per façade shall not exceed two square feet per linear foot of building façade length of the wall on which it is to be located.
- d. In no case shall total wall signage exceed a maximum of 300 square feet for any building.

(2) *Projecting signs.*

- a. The use of small, pedestrian-oriented signs along streets, walkways and in alleys is permitted.
- b. On a multi-storied building, the sign shall be suspended between the bottom of the second story windowsills and the top of the doors or windows on the first story. On single-story buildings the top of the sign should be in line with the lowest point of the roof.
- c. Projecting signs shall be hung at a 90-degree angle from the face of the building.
- d. Sign support brackets shall be compatible with the architectural design of the building.
- e. Decorative iron and wood brackets are permitted.
- f. Internal illumination of projecting signs is prohibited.
- g. Businesses with frontage on a street, alley or public walkway are permitted one projecting sign each, per frontage.
- h. Project signs shall not be over ten square feet in size and shall be a minimum of 14 feet above the surface of the street or alley.

(3) *Awning signs.*

- a. Awnings are limited to first and second floor uses only. Awnings shall be mounted on the building in such a way that they project over individual windows and door openings.
- b. Backlit, translucent, internally illuminated awnings are prohibited.
- c. Sign area or sign lettering shall comprise no more than 30 percent of the total exterior surface of an awning. Any graphic logo or text printed on an awning will be counted toward the total maximum allowable sign area.

(4) *Freestanding signs (monument signs).*

- a. The maximum number of freestanding signs is one per street frontage.
- b. All freestanding signs shall be monument-type (solid base). Pole and pylon signs are prohibited.
- c. Monument signs may be internally illuminated; however, the sign copy should be the only portion of the sign face that is illuminated. The sign background or field should be opaque with a non-gloss, non-reflective finish.
- d. Monument signs shall be placed perpendicular to the street so they do not obstruct sight lines at driveways or intersections.
- e. Monument signs shall incorporate landscaping at their base, in accordance with the landscaping regulations found in this title.
- f. The maximum allowed height for monument signs is eight feet, and the maximum sign area is 50 square feet.

(k) *Fences and screening walls.*

(1) *Frontages.* Decorative fencing or screen walls for entry courtyards or outdoor seating areas located between buildings and the primary street frontage, to include corner lots, shall not exceed 48 inches in height, be at least 60 percent transparent and be limited to the following materials:

- a. Painted or sealed architectural metals, such as wrought iron pickets or rails, cast or cut, and patterned screens supported by appropriately sized structural systems.
- b. Stone and/or brick veneer wall systems supported by appropriately sized structural backup walls and subsurface foundations.
- c. Wood, chain link, plastic, vinyl, fiberglass pickets and/or corrugated metal panels are prohibited as dominant materials, but combinations of these materials, except for chain link, may be allowed as long as they do not comprise more than 40 percent, in total, of the face area of the fence.

(2) *Side and rear yards and double frontage lots.*

- a. Fencing and screen walls for enclosing side yards, back patios or rear courtyards, or patios or yards on double frontage lots may be opaque and shall not exceed eight feet in height.
- b. Fences shall be limited to the same materials as for frontages, but also including painted wood or stained wood.
- c. Where fences and screen walls are located at the rear entry and are over six feet in height, the fence or screen wall must be designed into distinct increments through the following or a combination of or similar techniques:
 1. Variation of fence or screen wall setback.
 2. Use different textures or contrasting, but compatible, materials.
 3. Incorporation of bases of contrasting, but compatible, materials and/or planters and/or plant alcoves which shall receive irrigated landscaping materials.
 4. Variations in the height (to allowable limits) and/or material of the fence to include and/or feature landscaping elements, such as, but not limited to, earth berms, garden structures, gates, pergolas, or other appropriate elements of interest; incorporating landscaping features into the fence or screen wall.
 5. Variations in the transparency of the fence using arcades, awnings, openings, windows or window bays, ledges, trellises, or other ornamental features.
 6. Varying the top line of the fence or screen wall to reinforce the articulation of the primary building façade.
 7. A setback of at least five feet from the sidewalk, buffered with landscaping.

(Ord. No. 813, att.(22.35), 6-25-2024)

CHAPTER 17.40. SITE PLANNING AND DEVELOPMENT STANDARDS**Sec. 17.40.5. Purpose and applicability.**

This chapter provides standards to ensure that properties are good neighbors. This chapter helps ensure that development is safe and functional, fits in with the surrounding neighborhood, and is visually consistent with the community. To achieve these objectives, development regulations are provided for site-specific components of projects, such as buffering, parking, loading, lighting, accessory structures, and signage. The site planning and development standards set forth in this chapter apply to all development and land use within the zoning districts established by chapters 17.11 through 17.20 (use district charts).

(Ord. No. 813, att.(40.5), 6-25-2024)

Sec. 17.40.10. Parking and loading.

The following parking regulations qualify, supplement, or define the requirements of parking allowed in the district regulations appearing elsewhere in these regulations:

- (1) *Required parking spaces.* At a minimum, the number of spaces shown in Table 17.40.10-1 below shall be provided for any building that is erected, constructed, or converted for the listed uses.

Table 17.40.10-1. Off-Street Parking Requirements

<i>Land Use</i>	<i>Required Parking</i>	<i>Unit</i>
Residential Uses		
Single-family residence	2	Per dwelling unit
Two-family residence	2	Per dwelling unit
Multifamily residence	1.5	Per dwelling unit
Accessory dwelling	1	Per dwelling unit
Home occupations	1	Per 200 s.f. of building area used
Temporary housing/worker camp	1	Per 3 sleeping units
Government/Social Uses		
Elementary school	2	Per classroom
Junior high school	4	Per classroom
High school	8	Per classroom
Church	1	Per 5 seats
Rest home/nursing home	1	Per bed
Hospital	1	Per bed
Day care/foster care	1	Per 600 sq. ft. gross floor area
Commercial/Industrial Uses		
Office	1	Per 300 sq. ft.
Institution	1	Per bed
Motel/hotel	1	Per sleeping unit

<i>Land Use</i>	<i>Required Parking</i>	<i>Unit</i>
Restaurant	1	Per 2.5 seats
Service station	1	Per 50 sq. ft., a minimum of 6
Medical/dental clinic	1	Per 100 sq. ft.
Automotive sales and service	1	Per 1,000 sq. ft. of indoor and outdoor sales area
Bank, post office	1	Per 300 sq. ft.
Bowling alley	5	Per alley
Dance/assembly hall	1	Per 200 sq. ft. used for assembly/dancing
Funeral home/mortuary	1	Per 80 sq. ft.
Furniture/appliance/household goods store or repair	1	Per 500 sq. ft.
Retail	1	Per 200 sq. ft.
Sports area, auditorium, theater	1	Per 3.5 seats
Wholesale	1	Per 2 employees or 1,000 sq. ft., whichever is greater
Other commercial uses	1	Per 1,000 sq. ft.
Industrial uses	1	Per 1,000 sq. ft.

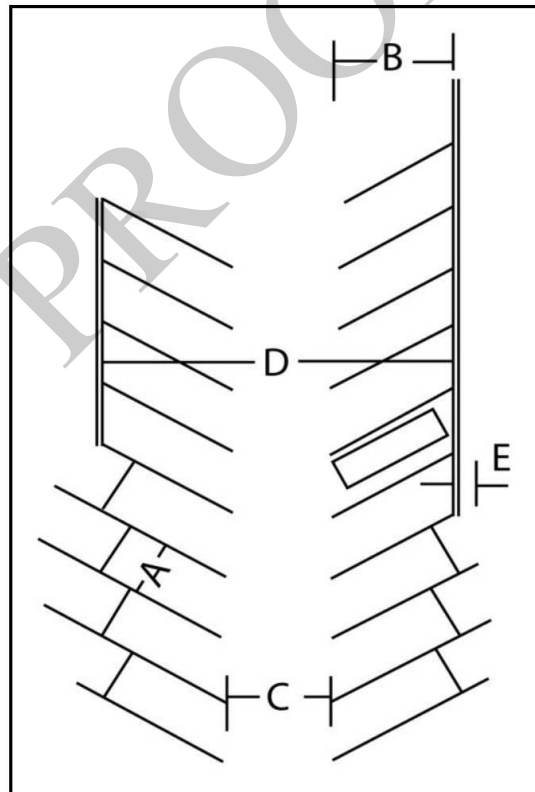
- (2) *Location.* Parking shall be located within 300 feet of the commercial or industrial use it is to serve. Parking for residential uses shall be located on the same lot as the permitted use.
- (3) *Parking dimensions.*
- a. *Applicability.* The requirements of this section, including those of Table 17.40.10-1 in subsection (1) of this section, apply to all required parking installed in the city.

Table 17.40.10-2. Parking Dimensions

<i>Angle</i>	<i>Parking Dimensions</i>				
	<i>Stall Width (A)</i>	<i>Stall Depth (B)</i>	<i>Aisle Width (C)</i>	<i>Module Width (D)</i>	<i>Overhang (E)</i>
0	10'	24'	13'	33'	0'
45	10'	24'	12'	46'	2'6"
50	10'	24'	12'	49'	2'6"
55	10'	24'	13'	53'	2'6"
60	10'	24'	15'	57'	2'6"
65	10'	24'	16'	60'	2'6"
70	10'	24'	17'	63'	2'6"
75	10'	24'	17'	64'	2'6"
90	10'	24'	20'	68'	2'6"

1. Parking stall dimensions. Parking installed in the city shall conform to the dimensional requirements shown in Table 17.40.10-2 above and Figure 17.40.10-1 below. Dimensions are indicated in feet and inches. Parking angle is calculated from the line of the curb outward to the acute angle formed by the parking stall sideline. An angle of zero degrees represents parallel parking. An angle of 90 degrees represents perpendicular parking.
2. Stall width (A) and depth (B) are measured as the minimum width and depth in which a vehicle can park without overhanging the curb or impeding into another parking stall or the drive aisle, as represented by the rectangle in the graphic below.
3. Parking depth (B) may be reduced by the overhang dimension (E), provided a permanent curb stop is installed.
4. Aisle width (C) is indicated for one-way travel. Two-way aisles shall be no less than 25 feet in width, regardless of parking angle.
5. Module width (D) includes the sum of parking depth (B) and aisle width (C).

Figure 17.40.10-1. Parking Dimension References



- b. *Exceptions.* The standards established by this subsection (3) and Table 17.40.10-2 do not apply to single-family and two-family residential uses. Parking stalls for single-family and

two-family residential uses shall be eight feet wide by 20 feet deep and shall either be enclosed in a garage or outside any structure, provided that external parking areas do not intrude on any public roadway or right-of-way.

- (4) *Accessible parking.* Where public parking is provided, accessible parking spaces as mandated by the Americans with Disabilities Act (ADA) shall be provided in compliance with applicable sections of the most recently adopted International Building Code, or amendments thereof.
- (5) *Use of parking.* Parking areas shall be used for parking of passenger vehicles only. In no case shall parking areas be used for sales, repair work, storage, dismantling, or other activities related to the operation of the allowed land use. Parking areas used for such activities shall not count toward the required number of off-street parking spaces.
- (6) *Surfaces.* All required parking spaces and all driveways, entrances and exits from the parking area shall be paved with asphalt, concrete or similar permanent surface.
- (7) *Maintenance.* Parking areas and connecting driveways shall be maintained in good condition and kept free of excessive weeds, dust, trash, and other debris at all times.
- (8) *Lighting.* Lighting for parking areas within multifamily, commercial, or industrial districts shall be directed and/or shielded such that light is not directed toward any residential district or use. See section 17.40.35 for all applicable lighting standards.
- (9) *Plans and approval required.* Plans showing layout and design of all required off-street parking areas shall be submitted to and approved by the applicable director prior to the issuance of a permit under these regulations. Before approving the parking layout, the city shall ensure that the spaces provided are usable and meet the standard design criteria.
- (10) *Marking.* All parking spaces shall be clearly marked. Parking aisles and parking spaces shall be entirely within the lot lines and located such that no vehicle will overhang into a public right-of-way.
- (11) *Change of use.* In the event of any change of use of a lot, all off-street parking and loading requirements of the new use shall be met.
- (12) *Additions.* Any addition to a structure or any increase in the intensity of use within the building through the addition of dwelling units, seating capacity, or other specified measure used for parking requirements shall require all parking and loading requirements of the addition to be met.
- (13) *Exceptions.* Off-street parking requirements in industrial districts may be waived by the applicable director when it can be established that off-street parking, to satisfy the above requirements, is provided or is available, either private (through a shared parking agreement) or public, on adjoining property or within 300 feet of the proposed use. In determining whether or not sufficient off-street parking is available to satisfy the requirements of this section, vacant land or spaces allotted to other uses shall not be considered.
- (14) *Administration of parking requirements.*
 - a. The city council shall make the final determination as to the number of spaces required for off-street parking and loading.

- b. For uses not specified or specifically defined, the city council shall determine parking requirements.
- c. The city council is authorized to review parking plans and, after proper hearing and investigation, permit an exception or modification of established requirements when reason is found that such action is necessary to prevent unreasonable hardship in development of any lot because of unique topographical or other features.
- d. Off-street parking exception requests shall be processed under Review Process 3.
- e. Submission of a written request from the owner of record addressed to the applicable director stating the rationale for the request and providing any documentation, diagrams, renderings or photographs necessary to convey the intent of the exception request.
- f. Off-street parking exception requests shall be considered on the basis of use, number of employees, availability of on-street parking or shared parking with adjacent property owners.

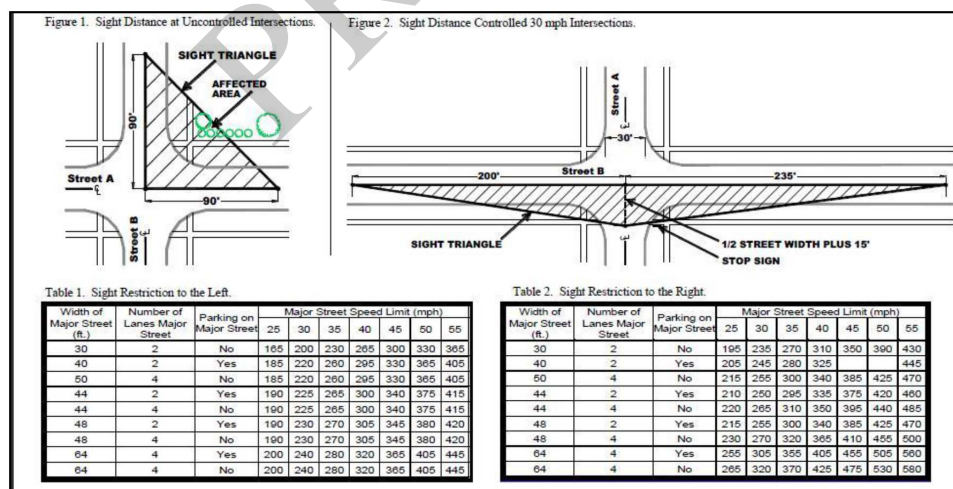
(Ord. No. 813, att.(40.10), 6-25-2024)

Sec. 17.40.15. Fences, walls, and screening.

Except as otherwise specifically provided in other codes and regulations of the city, the following regulations shall apply to the construction of fences:

- (1) No fence, foliage, or obstruction shall be constructed, planted, or placed on any corner lot within a designated site triangle, as described in the diagram below.

Site Triangle Diagram



- (2) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals as determined by the applicable director.
- (3) Electrical fences are not permitted in any zoning district except UA (Urban Agriculture). An electrical fence shall not be installed within 50 feet of a residential structure.

- (4) No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out sunlight, or hindering ventilation or which fence shall adversely affect the public health, safety, and welfare as determined by the applicable director.
- (5) No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than seven feet; provided, however, that the city may, by approval of an administrative adjustment or a deviation permit, authorize the construction of a fence higher than seven feet.

(Ord. No. 813, att.(40.15), 6-25-2024)

Sec. 17.40.20. Home occupations.

(a) *Purpose and applicability.* The purpose of this section is to allow limited business activity to occur at a residence where the business activity is clearly incidental to the primary residential use and will not change the residential character of the neighborhood.

(b) *Definition.* The term "home occupation" means an accessory, nonresidential business activity that is conducted within a dwelling, or in an accessory structure located on the same parcel, by its inhabitants, and is incidental to the residential use of the dwelling, which does not change the character of the surrounding area by generating more traffic, noise, or storage of material than would be normally associated with a residential zone. Child care facilities are excluded from this section and are regulated under section 17.45.50 (special regulated uses).

(c) *Approval.* Home occupations are allowed as part of any residential use, provided the requirements of this section are met by approval of the applicable director using Review Process 2.

(d) *Performance standards.* It is the intent of the following standards to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity. These standards shall be incorporated as conditions of approval for the home occupation.

- (1) *Number of home occupations.* One home occupation is allowed in a dwelling.
- (2) *Employees.* A home occupation shall have no more than one off-site employee. Other off-site employees may be employed by the business but they may not report to the home. No more than two full-time residents may be employed at the home occupation.
- (3) *Habitable floor area.* The use of the residential dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
- (4) *Off-site effects.* There shall be no mechanical equipment used or operations which create or make dust, odor, vibration, noise, or other effects detectable at the property line of the property in which the home occupation is located.
- (5) *On-site sales.* There shall be no products sold on the premises except artist's originals or products individually made to order on the premises, or as part of electronic commerce. Products which are not artist's originals or individually made to order may be constructed on site, using equipment normally found in a residence; however, these products may only be sold at a permitted commercial location.

- (6) *Display.* There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
 - (7) *Traffic/vehicles.* The use shall not generate vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than one additional vehicle per hour.
 - (8) *Storage.* There shall be no storage of material, products, or supplies out of doors.
 - (9) *Exterior appearance.* There shall be no remodeling or construction of facilities for the home occupation which changes the external appearance of the residence from a residential to a more commercial-appearing structure when viewed from the front of the building. Conversion of a portion of the interior of the structure (e.g., a garage) that does not result in a loss of off-street parking or alter the exterior appearance of the structure may be allowed through issuance of a building permit.
 - (10) *Signs.* Home occupations may display a nameplate not more than two square feet in area, flush-mounted to the residence. No other signage or display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling is permitted.
 - (11) *Visitors and customers.* Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than two business visitors per hour and no more than two at any given time.
 - (12) *Hazardous materials.* Storage of hazardous materials may only be stored in amounts below the thresholds as established by the local fire department.
- (e) *Conditions.* The applicable director or designee may establish reasonable conditions on the operation of any home occupation if necessary to meet the intent of this section.
(Ord. No. 813, att.(40.20), 6-25-2024)

Sec. 17.40.25. Signs.



(a) *Applicability.* Chapters 17.11 through 17.20 (use district charts) assign a sign category to each use in each zone. This category is either A, B, C, D, E, or F. This section contains the specific requirements in each sign category. If you do not know what sign category applies to the subject property, you should consult the appropriate use district charts.

(b) *Scope and exclusions.* This section applies to all signs erected or altered after the effective date of the ordinance from which these regulations are derived. This section does not apply to the following:

- (1) Traffic signs, directional signs, and signs displaying a public service message installed by a governmental agency.
- (2) Seasonal holiday decorations appropriately displayed.
- (3) Signs displayed no more than seven days to announce the grand opening of a business or use.
- (4) The use of devices, if approved, on a temporary basis using as described in section 17.10.30, if it is determined that it is not detrimental to any nearby neighborhood or use.

- (5) Thematic flags, banners, or pennants that are complementary to and normally associated with the character of a specific location.
- (6) Point-of-purchase advertising displays such as product dispensers.
- (7) National flags and flags of political subdivisions.
- (8) Gravestones.
- (9) Historical site plaques and signs integral to an historic building.
- (10) Structures or improvements intended for a separate use, such as phone booths, Goodwill containers, and newspaper recycling boxes.
- (11) Election or political signs.

Marquee Sign	
Monument Sign	
Off-Premises Sign	

Pole Sign	
Wall-Mounted Sign	

(c) *Sign types.* Permitted types of signs for each sign category are listed below.

- (1) Sign Category A, wall-mounted and pedestal signs. Commercial messages are not permitted, and signs may only be illuminated through external sources (no internal illumination)
- (2) Sign Category B, wall-mounted, marquee, and pedestal signs.
- (3) Sign Categories C, D, and E, wall-mounted, marquee, pedestal, monument, and pole signs.
- (4) Sign Category F, wall-mounted, marquee, pedestal, monument, and pole signs.

(d) *Sign area.* The maximum permitted sign area for each sign category is listed below. The permitted area applies only to the sign types listed in subsection (c) of this section.

- (1) Sign Category A.
 - a. Signs identifying a detached dwelling unit: four square feet.
 - b. Signs identifying a complex or subdivision: 30 square feet per sign face.
 - c. The number of signs allowed on a property shall be evaluated by the applicable director.
- (2) Sign Category B.
 - a. Forty square feet per sign face.
 - b. The number of signs allowed on a property shall be evaluated by the applicable director.
- (3) Sign Categories C, D, E, and F.
 - a. Each development is allowed the sign area shown in Table 17.40.25-1.
 - b. Each individually licensed business within a multi-use complex is allowed 50 square feet.

(e) *Multi-use complex with seven or more uses and businesses.* Each multi-use complex containing seven or more uses or businesses is allowed 100 square feet per sign face per pedestal, monument, or pole sign or 100 square feet for one wall-mounted sign per abutting right-of-way to be used for center identification signs. These signs must be constructed with materials, colors, shapes, or other architectural features that are the same as the buildings with which the signs are associated.

(f) *Sign area table.* Table 17.40.25-1 establishes the sign area allowed by subsection (d) of this section. The sign area is primarily dependent on the linear frontage of the subject property and the sign category of the use. To use this chart, first find the applicable sign category in the applicable zoning district. Then find the corresponding category along the top of the chart, and then find the linear frontage of the subject property along the left margin of the chart. Where the sign category and the linear frontage meet, you will find the maximum sign area for the subject property.

Table 17.40.25-1. Sign Area Table

<i>Total Linear Frontage (Less Than ... Feet)</i>	<i>Sign Area by Category (sq. ft.)</i>			
	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>
25	40	46	68	76
50	42	53	79	90
75	45	48	88	100
100	48	62	94	108
125	50	65	100	115
150	52	68	105	121
175	54	70	109	126
200	55	73	114	131
225	56	75	117	136
250	58	77	121	140
275	60	80	125	145
300	61	82	128	149
325	64	85	132	152
350	66	87	135	156
375	70	90	140	160
400	73	93	144	163
425	75	95	148	167
450	79	99	151	172
475	82	103	154	175
500	85	107	160	180
501 and greater	95	115	170	195

(g) *Development with uses in more than one sign category.* Development containing uses in more than one sign category. If the subject property contains uses assigned to more than one sign category, the signs for the entire development must comply with the most restrictive sign category.

(h) *Sign height and dimensions.* The permitted height of signs for each type of sign is listed below:

- (1) Wall-mounted and marquee signs shall not project above the roofline of the building to which they are attached.
- (2) Marquee signs shall not extend further from a building façade than the marquee or canopy to which they are attached.
- (3) Pedestal signs shall not exceed ten feet above average ground elevation.
- (4) Monument signs shall not exceed 16 feet above average ground elevation.
- (5) Pole signs shall not exceed 35 feet above average ground elevation.

(i) *Location of signs.*

- (1) Generally. Except as allowed in subsection (i)(2) of this section, all signs must be located on the same lot or property as the use, building, or event with which the sign is associated.
- (2) Exceptions. The following exceptions shall apply:
 - a. Monument and pole signs must be set back at least five feet from all property lines, except in zones that have no setbacks.
 - b. Off-premises signs must be set back at least ten feet from all property lines and may not come within 20 linear feet of an existing utility line or structure.

(j) *Off-premises signs.* A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed. It may be a board, panel or tablet, either illuminated or electronic graphic display:

- (1) Off-premises signs shall be allowed in all commercial and industrial zoning districts and the UA Urban Agriculture District. No such sign may be permitted to be displayed in any residential district.
- (2) Any such sign intending to be displayed nearer than 500 feet to a residential building, church, cemetery or school requires a conditional use permit.
- (3) All such signs shall be required to either be a wall-mounted or freestanding-type display.
- (4) No such sign shall have the lowest edge of its display face more than ten feet above grade nor have the highest edge of its display face more than 30 feet above grade.
- (5) A minimum distance of 500 feet shall be required between each off-premises sign located along a primary highway. A minimum distance of 300 feet shall be required between each off-premises sign along all other roads.
- (6) Off-premises signs must be set back at least ten feet from all property lines and may not come within 20 linear feet of any existing utility lines or structures. The face of any off-premises sign shall not exceed the dimensions of 40 feet long by 14 feet high, or 560 square feet in sign area.

- (7) Embellished extensions of up to six feet at the top and two feet at the sides of an off-premises sign face shall be permitted, provided that the additional sign area provided by such embellishments does not exceed 200 square feet, and provided such extensions do not encroach upon the established sign height and setback limitations.

(k) *Electronic graphic display signs.* Electronic graphic display signs are highly visible from long distances and at very wide viewing angles, both day and night. They are designed to catch the eye of persons in their vicinity. These types of signs can pose a hazard to traffic safety if operated in such a manner that a driver's attention would be held for an extended period of time. All electronic display signs shall comply with the following standards:

- (1) *Message display.* No electronic graphic display signs shall utilize colors or displays which create confusion with traffic lights and with lights on emergency vehicles. There shall be no multi-frame messages or effects of movement, blinking, animation, scrolling, flashing, or similar effects in individual images. A one- to two-second animated transition between messages shall be allowed.
- (2) *Dwell time.* All electronic graphic display signs shall be programmed so that the message or image on the sign changes no more than every six seconds.
- (3) *Setbacks.* All electronic graphic display signs must be a minimum distance of 100 feet from an adjacent residential zoning district. Any sign within 150 feet of a residential district must be oriented so that no portion of the sign face is visible from an existing or permitted primary residential structure.
- (4) *Separation.* A minimum distance of 2,000 feet shall be required between each electronic graphic display sign.
- (5) *Brightness.* All electronic graphic display signs shall utilize technologies which automatically reduce light levels at night and under cloudy or other darkened conditions.
- (6) *Audio.* Audio speakers in any form are prohibited in association with electronic graphic display signs.
- (7) *Malfunction.* All electronic graphic display signs shall contain a default design that will freeze the device and message in one position if a malfunction occurs. Any electronic graphic display sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be restored to its normal operation within 24 hours or set to a blank or static display until repairs can be accomplished.

(l) *Prohibited devices.* Except as specifically allowed under subsection (b) of this section, the following devices and facilities are specifically prohibited:



- (1) Pennants, banners, and streamers.
 - (2) Strings of lights, flashing lights, colored lights, advertising searchlights, and flares.
 - (3) Twirlers, propellers, inflatable signs, and wind-activated devices.
 - (4) Electronic graphic display signs which contain effects of movement, blinking, animation, scrolling, flashing, or similar effects in individual images.
 - (5) Any sign attached to or placed on a vehicle or trailer parked on public or private property used as an off-premises sign. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business.
 - (6) Any sign with the shape and colors of a traffic sign.
 - (7) Any sign which constitutes a traffic hazard, including, but not limited to, signs containing words such as "stop," "look," and "danger."
- (m) *Sign maintenance and removal.*
- (1) *Maintenance.* All signs must be kept in a safe manner at all times. Damaged or deteriorated signs must be repaired within 60 days of notification by the applicable director. One 90-day extension may be granted by the applicable director.
 - (2) *Removal.* Unless otherwise specified in these regulations, the applicant or property owner must remove all nonconforming signs within 30 days and all sign copy/graphics from conforming signs within 90 days of the date of the closure or discontinuance of the business, use, or event with which the signs were associated.
- (Ord. No. 813, att.(40.25), 6-25-2024)

Sec. 17.40.30. Buffering standards.

(a) *Purpose.* The following buffering standards are designed to encourage the most appropriate use of land, provide a smooth transition between adjoining properties, encourage compatible development and mitigate existing or potential conflicts between differing land uses.

(b) *Applicability.* Buffering may be required upon development between certain uses and zoning districts. The required buffering standard can be found using Table 17.40.30-1. In the table, find the use which is being proposed, then look below for uses adjacent to the proposed use to find the buffering category. This category is either "P," "L," "H," or "N/A." For instance, if a commercial use is proposed adjacent to a high-density residential use, the buffering category "H" would apply. Requirements pertaining to each buffering category are located throughout this subsection.

(c) *Use of significant existing vegetation.*

- (1) *Generally.* The applicant should retain existing trees and vegetation in areas subject to the buffering standards of this section. The approving authority shall give substantial weight to the retained trees and vegetation when determining the applicant's compliance with this section.
- (2) *Supplement.* The approving authority may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.

(d) *Minimum land use buffer requirements.* The applicant shall comply with the regulations specified in Table 17.40.30-1 and with all other applicable regulations of this title. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

(e) *Land use buffering standards.* Table 17.40.30-1 establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

- (1) a. For standard "H" high buffering. The applicant shall provide a ten-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. The fence or wall must be placed on the outside edge of the land use buffer or on the property line. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. The land use buffer must be planted as follows:
 - b. At least 70 percent of the landscaping shall be native vegetation within two years of permit approval.
- (2) a. For standard "L" low buffering. The applicant shall provide a five-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. The fence or wall must be placed on the outside edge of the land use buffer or on the property line. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. The landscaped strip must be planted as follows:
 - b. At least 70 percent of the landscaping shall be native vegetation within two years of permit approval.

- (3) For standard "P" buffering permitted. Any landowner may choose to buffer their property according to the above standards or submit their own buffering plan for review by the applicable director.

Table 17.40.30-1. Buffering Requirements

<i>Land Use/Adjoining Land Use</i>	<i>Buffering Standard</i>			
	<i>P</i>	<i>L</i>	<i>H</i>	<i>N/A</i>
Residential-low density				
Residential-low density*	■			
Residential-high density**	■			
Commercial	■			
Industrial				■
Urban agriculture residential		■		
Residential-high density				
Residential-low density*			■	
Residential-high density**	■			
Commercial		■		
Industrial				■
Urban agriculture residential			■	
Commercial				
Residential-low density*			■	
Residential-high density**		■		
Commercial	■			
Industrial		■		
Urban agriculture residential	■			
Industrial				
Residential-low density*				■
Residential-high density**				■
Commercial		■		
Industrial	■			
Urban agriculture residential		■		
Urban agriculture residential				
Residential-low density*		■		
Residential-high density**		■		

<i>Land Use/Adjoining Land Use</i>	<i>Buffering Standard</i>			
	<i>P</i>	<i>L</i>	<i>H</i>	<i>N/A</i>
Commercial	■			
Industrial	■			
Urban agriculture residential	■			

P: Buffering is permitted, however, not required.

L: Low buffering standard is required. Please see "Buffering, Low" as described in subsection (e)(2) of this section.

H: High buffering standard is required. Please see "Buffering, High" as described in subsection (e)(1) of this section.

N/A: These land uses are generally not permitted directly adjacent to each other.

* Low-density residential is defined as two units per acre or less.

** High-density residential is defined as greater than three units per acre.

(f) *Elevation of review.* All buffering plans and requirements may be elevated for final review and decision by the city council. The council shall have the authority to modify final buffering standards and requirements.

(g) *Location of the land use buffer.* The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.

(h) *Multiple buffering requirement.* If the subject property borders more than one adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement.

(i) *Adjoining property containing several uses.* If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.

(Ord. No. 813, att.(40.30), 6-25-2024)

Sec. 17.40.35. Lighting standards.

(a) *Purpose.* The purpose of this section is to regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting, discourage excessive lighting, regulate the type of light fixtures, lamps and standards, and protect adjacent properties and residential units from the adverse effects associated with nonresidential and multifamily exterior lighting.

(b) *Applicability.*

- (1) A lighting plan shall be required for all new multifamily, commercial or industrial development or redevelopment.
- (2) This section does not apply to residential subdivisions or individual dwelling units, with the exception of common areas. Examples of common areas include, but are not limited to, open space, pathways, clubhouses, parking lots and play areas.

- (3) This section is not applicable to street lighting within public rights-of-way.
- (4) This section does not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the public.
- (5) Sign lighting is governed by section 17.40.25.

(c) *General requirements.*

- (1) To reduce overall energy consumption and eliminate unneeded lighting, exterior lighting installations shall include timers, dimmers, sensors and/or photocell controllers that turn the lights off during daylight hours or when lighting is not needed.
- (2) Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
- (3) Light heads for parking lots and display area light fixture shall not have bulbs or reflectors that project below the bottom rim of the fixture unless shielded by a softening diffuser.
- (4) Lighting levels shall not exceed 0.2 footcandles measured five feet outside an exterior property line. An exception may be approved by the applicable director if the property is adjacent to a right-of-way.
- (5) Fixtures and lighting systems shall be maintained in good working order.
- (6) Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting.
- (7) Open air parking lot lighting shall be designed to provide sufficient illumination for comfort and safety and shall be adequate to facilitate the activities taking place in a given location.
- (8) Lighting of outside areas shall not be used to attract attention to a business.
- (9) Lighting fixtures shall be of a type or adequately shielded to prevent glare from normal viewing angles.
- (10) Lighting fixture and pole types may be specified and required by the city.

(d) *Lighting plan requirements.*

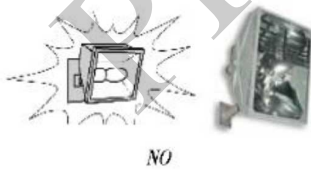





- (1) The applicant shall submit sufficient information, in the form of an overall exterior lighting plan, to enable the approving authority to determine that the applicable provisions will be satisfied.
- (2) The exterior lighting plan shall include, at a minimum, the following information:
 - a. The type of fixture (i.e., floodlight, full-cutoff lantern, coach light) and the type and luminous intensity of each light source and wattage (i.e., incandescent, halogen, high-pressure sodium).
 - b. Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed light fixtures.
 - c. The proposed location, mounting height, shielding details, and aiming point of all exterior light fixtures.





- d. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance levels of the elevations, and the aiming point for any remote light fixture. If only architectural lighting is proposed, this section may be waived by the applicable director.
- e. A brief written narrative which describes the objectives of the lighting.

(e) *Lighting standards for uses within 150 feet of residential zones.*

- (1) Lighting poles shall be no taller than 15 feet and shall be installed at a maximum of 17 feet above grade of the area to be lit.
- (2) Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential zones. Fixtures shall be of a type or adequately shielded to prevent glare from normal viewing angles.
- (3) At the discretion of the applicable director and where feasible, additional landscaping may be used to provide light screening between commercial and residential zones to help prevent light trespass. Where landscaping is used for light screening, the applicable director shall take into consideration the applicable landscaping and/or buffering standards, the creation of excessive shadows or dark spaces and views into and out of a site.

Figure 17.40.35-1. Lighting Fixture Standards

<i>Unacceptable</i>	<i>Acceptable</i>
<p>Area Floodlights</p>  <p><i>NO</i></p>	 <p><i>YES</i></p> <p>*Proper aiming is still required to prevent light trespass</p>
<p>Spotlights</p>  <p><i>NO</i></p>	 <p><i>YES</i></p> <p>*Proper aiming is still required to prevent light trespass</p>
<p>Wall Packs</p>  <p><i>NO</i></p>	 <p><i>YES</i></p>

<i>Unacceptable</i>	<i>Acceptable</i>
<p>Decorative</p>  <p>*These fixtures may be acceptable if using a low wattage bulb</p>	 <p>YES</p>
<p>Parking/Open Space Lighting</p>  <p>NO</p>	 <p>YES</p>

The above figure illustrates examples of acceptable and unacceptable types of outdoor lighting fixtures. Note that even those types of fixtures shown as "acceptable" must be installed and aimed properly to comply with this section.

(Ord. No. 813, att.(40.35), 6-25-2024)

Sec. 17.40.40. Landscaping standards.

(a) *Purpose.* The landscaping standards are designed to improve the appearance and design quality of the city, encourage a more attractive environment along city streets, improve the city's quality of life, improve the functionality and quality of site planning, improve stormwater management, and increase the value of properties within the city. The landscaping standards are further intended to expedite development approval by including predictable, uniform standards for landscaping that apply equitably to all developments and to provide for effective administration and enforcement, ensuring that landscaping is properly installed and maintained. The landscaping standards are also intended to support water conservation throughout the city through the use of xeriscape techniques and methods.

(b) *Applicability.* The provisions of this section shall apply to all new development in all zoning districts on each lot or site upon application for a development plan or, if a development plan is not required, at the time of application for a building permit, except for the following:

- (1) One- or two-family residential development.
- (2) Reconstruction or replacement of a lawfully nonconforming structure following a casualty loss.
- (3) Remodeling, rehabilitation or improvements to existing uses or structures that does not substantially change the location of structures, parking or other site improvements.
- (4) Additions or enlargements to existing uses or structures of less than 5,000 square feet.

(c) *Landscape review procedures.* All applications for development plans or building permits covered by this title must submit a landscape plan that must be approved through the appropriate process before the development may proceed. The landscape plan shall be kept on file and becomes part of the permanent record for the site. Table 17.40.40-1 shows the type of landscape plan application, the review process and the approval process.

Table 17.40.40-1. Landscape Plan Review Process

<i>Application</i>	<i>Review Role</i>	<i>Approval</i>
All development proposals and structures specified in section 17.10.40 that do not meet the thresholds for development plans	City planner, or their designee	City planner or their designee
Any development proposals or structures that meet the requirements for a development plan	City planner or their designee, who will make a recommendation to the planning and zoning commission and city council	City council
Denial of any application		City council

(d) *Landscape plan requirements.* The landscape plan submitted for review is not necessarily a construction document but must contain information complete enough to demonstrate the design of the landscaping and associated features, and to provide a document detailed enough to be enforceable. The plan shall be prepared by a landscape architect, landscape contractor or other qualified person and shall contain the following information, at a minimum:

- (1) Drawings at a scale no smaller than one inch equals ten feet, or a multiple thereof. Drawings shall include north arrows, scale, street address, street names, and the name and address of the person or firm preparing the plan.
- (2) Calculations of the entire site area, the area required for landscaping by this title, including street yards, buffer areas, and perimeter and interior parking lot landscaping, and the required quantities of trees, shrubs, ground cover, and other materials required within these landscaped areas. The minimum percentage of site area to be landscaped must be included within the development parcel, excluding right-of-way areas.
- (3) Overall site plan, indicating location of major site features, structures, parking, site circulation, public streets and rights-of-way, pedestrian circulation, site amenities, and other features.
- (4) Existing landscaped areas, including plant materials, location, size, species, and condition, and indication whether existing materials will remain or be removed.
- (5) Planting plan, including location of all materials, size, and scientific and common name of each plant material. The planting plan includes the location and type of all ground covers, including non-living materials, and all other landscape features and structures.

- (6) Grading plan showing berms, landforms, and stormwater management facilities, with contours shown at no less than two-foot intervals.

(e) *Landscaping materials and installation standards.* Plantings and other materials to be used in any required landscape areas shall be consistent with the criteria set forth in the latest version of Building Casper's Urban Forest, a Tree and Shrub Selection and Care Guide, available from the building and planning department.

- (f) *Types of materials.* Landscaping standards may be met using the following types of materials:

- (1) Formal turf areas;
- (2) Trees, shrubs, bushes, ground cover or planting;
- (3) Sprinkler systems;
- (4) Decorative rock, natural or human-made;
- (5) Rooftop gardens, exposed aggregate tile or similar decorative materials used in walkways (excluding sidewalks on public property), driveway approaches and architectural features attached to the building.
- (6) Decorative lighting (standard street lighting or lighting used primarily for security purposes is not considered decorative, see section 17.40.35).
- (7) Benches, tables, fountains, planters, kiosks, bus shelters, waterfalls and human-made streams.
- (8) Decorative fences and retaining walls (i.e., railroad ties, brick, flagstone).
- (9) Berms and mounds.

(g) *Landscaping criteria.* A minimum percentage of the site shall be landscaped. A list of minimum percentages can be found in Table 17.40.40-2. The following shall apply to all landscaping plans:

- (1) Inorganic ground cover should consist of rock, lava, and bark installed over a minimum six mill screen type material to prevent weed infiltration.
 - a. Bark chips, a minimum of one inch in size and a minimum of two inches in depth.
 - b. Crushed stone, a minimum of one inch in size and a minimum of two inches in depth.
- (2) Inorganic landscaping shall not be more than 60 percent of the landscaped area unless a waiver is applied for and granted by city council.
- (3) Areas of organic landscaping shall include the mature canopy of proposed plantings within mulched/rock beds.
- (4) Landscaping of off-street parking lots and loading and unloading spaces shall be located to break up the expanse of paving, and shall be of such quality as to improve and enhance the site and its surrounding areas;
 - a. Parking lots of one or more acres in size shall have interior planting areas provided at a ratio of one planting area for every 50 parking spaces;
 - b. Each planter area shall be a minimum of 100 square feet and shall contain at least one tree and one shrub.

- c. The interior planting areas shall be not less than 24 feet from the perimeter of the parking lot.
 - d. Parking lot landscape islands and perimeter buffer strips may be included in the minimum percentage of the land to be landscaped computation.
- (5) Landscaping shall be required along the perimeter lot line of all off-street parking lots or storage lots/areas which abut any public way right-of-way.
- a. Parking lots of one or more acres in size shall be buffered by a landscaping strip that is at least ten feet in width, which shall be located between the parking area and the abutting property or roadway and may encroach on the abutting street right-of-way with the consent of the right-of-way owner.
 - b. The landscaping shall be of a height and density to partially screen parking lots from adjoining properties or public streets;
 - c. Parking lot landscape islands and perimeter buffer strips may be included in the minimum percentage of the land to be landscaped computation.
- (6) No artificial trees, bushes, hedges, flowers, or shrubs may be used in landscaping any exterior areas, unless having received prior approval from the applicable director or city council.
- (7) No synthetic ground cover, such as astroturf, is to be used for exterior landscaping unless warranted by soil conditions and unless prior written approval has been received from the applicable director or city council.
- (8) All planted areas must be provided with irrigation systems.
- (9) The owner or occupant, his successors and assigns, are responsible for irrigating, fertilizing, spraying, pruning, and general maintenance of all plantings and landscaped areas, including adjacent right-of-way areas.
- (10) Upon demand of the city, the owner shall replace and replant any plant material approved with the development plan or building permit that dies within two years of planting or is not in conformity with the approved landscaping plan.

Table 17.40.40-2. Minimum Landscaping Percentages

<i>Type of Use</i>	<i>Size of Parcel</i>	<i>Minimum Percentage of Land to be Landscaped</i>
Multifamily developments of ten units or more	NA	20%
	0 to 19,999	10%
Commercial developments	20,000 square feet to 1 acre	8%
	Over 1 acre	6%
	0 to 19,999	6%
Industrial developments	20,000 square feet to 1 acre	5%
	Over 1 acre	4%

(h) *Landscape fee-in-lieu.* In limited situations such as size or configuration of a lot which prohibit the required landscaping, an applicant may request to pay a fee-in-lieu of landscaping, to be used toward future city beautification efforts. The fee-in-lieu waiver must be approved by city council and must be paid in full to the city clerk before any certificate of occupancy is obtained.

- (1) The fee amount shall be set by council and will be determined based on the cost of purchase and installation of required landscaping elements.
- (2) The city council may choose to deny all or any part of such request if they feel the landscape to be waived is critical for some other purpose such as screening undesirable views, maintaining consistency of existing trees along a particular street, shading sidewalks, or enhancing beautification of community gateway entrances.

(Ord. No. 813, att.(40.40), 6-25-2024)

CHAPTER 17.45. SPECIAL USE REGULATIONS

Sec. 17.45.5. Overview.

This chapter includes special regulations for certain land use categories and activities. These regulations are in addition to other development standards in other parts of this title, such as chapter 17.40. The intent of this chapter is to ensure that the uses regulated are compatible with the surrounding uses. (Ord. No. 813, att.(45.5), 6-25-2024)

Sec. 17.45.10. Purpose and applicability.

(a) *Purpose.* The purpose of this chapter is to establish site planning, development, and/or operating standards for various specific and unique land uses and activities. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by applying special design requirements, regulating activities within the use, and establishing special setback and other development standards.

(b) *Applicability.* Unless otherwise specified, regulations within this chapter apply to all specified uses in all zoned areas of the city. The regulations and standards contained in this chapter shall apply to various specific and unique land uses and activities and shall be in addition to any other development standards and regulations contained elsewhere within these regulations (e.g., lighting, landscaping, parking). These uses may only be located in those zoning districts as described in the use district charts and shall only be authorized in concert with the permit requirements of chapters 17.11 through 17.20 (use district charts).

(Ord. No. 813, att.(45.10), 6-25-2024)

Sec. 17.45.15. Caretaker housing.

(a) *Purpose and applicability.* The regulations contained in this section shall apply to caretaker housing, as defined in chapter 17.5. The establishment of caretaker housing shall be consistent with the allowed use regulations and bulk and dimensional requirements of chapters 17.11 through 17.20 (use district charts) and the standards contained in this section, as well as with other development standards

as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, the more restrictive shall apply. Caretaker housing is only allowed in commercial and industrial districts (O-B, C-1, C-3, I-1, and I-2).

(b) *Design.* One caretaker housing unit, providing housing to no more than one family, may be permitted in conjunction with an otherwise permitted nonresidential use on the same property. The residential use must be associated with and directly support the nonresidential use of the property (e.g., night watchman or site superintendent for an industrial use or housing for employees that are compensated for conducting on-site work). Immediate family members may also reside within the on-site housing. The residential use may not exceed 100 percent of the business building or 5,000 square feet, whichever is smaller.

(c) *Design standards.*

- (1) Single-family, manufactured, modular, or stick-built homes shall be allowed as residential caretaker housing. Any manufactured home shall comply with standards for individual manufactured homes (see section 17.45.25).
- (2) Separation and access. If the caretaker housing unit is detached from the working space, it shall be separated from other buildings and other uses on the property by at least 100 feet.
- (3) Integration of living and working space. If the living space of a caretaker housing unit is designed as an integral part of the working space, it shall be designed to accommodate commercial or industrial uses, as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

(Ord. No. 813, att.(45.15), 6-25-2024)

Sec. 17.45.20. Home occupations.

(a) *Purpose and applicability.* The purpose of this section is to allow limited business activity to occur at a residence where the business activity is clearly incidental to the primary residential use and will not change the residential character of the neighborhood.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Home occupation means an accessory, nonresidential business activity that is conducted within a dwelling by its inhabitants, incidental to the residential use of the dwelling, which does not change the character of the surrounding area by generating more traffic, noise, or storage of material than would be normally associated with a residential zone. Child care facilities are excluded from this section and are regulated under section 17.45.50.

(c) *Approval.* Home occupations are allowed as part of any residential use, provided the requirements of this section are met by approval of the applicable director using Review Process 2.

(d) *Performance standards.* It is the intent of the following standards to reduce the impact of the home occupation to the degree that its effects on the neighborhood are undetectable from normal and usual residential activity. These standards shall be incorporated as conditions of approval for the home occupation.

- (1) *Number of home occupations.* One home occupation is allowed in a dwelling.
- (2) *Employees.* A home occupation shall have no more than one off-site employee. Other off-site employees may be employed by the business, but they may not report to the home. No more than two full-time residents may be employed at the home occupation.
- (3) *Habitable floor area.* The use of the residential dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes.
- (4) *Off-site effects.* There shall be no mechanical equipment used or operations which create or make dust, odor, vibration, noise, or other effects detectable at the property line of the property in which the home occupation is located.
- (5) *On-site sales.* There shall be no products sold on the premises except artist's originals or products individually made to order on the premises, or as part of electronic commerce. Products which are not artist's originals or individually made to order may be constructed on site, using equipment normally found in a residence; however, these products may only be sold at a permitted commercial location.
- (6) *Display.* There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
- (7) *Traffic/vehicles.* The use shall not generate vehicular traffic beyond that which is normal in a residential district nor, in any case, require the parking of more than one additional vehicle per hour.
- (8) *Storage.* There shall be no storage of materials, products, or supplies out of doors.
- (9) *Exterior appearance.* There shall be no remodeling or construction of facilities for the home occupation which changes the external appearance of the residence from a residential to a more commercial-appearing structure when viewed from the front of the building. Conversion of a portion of the interior of the structure (e.g., a garage) that does not result in a loss of off-street parking or alter the exterior appearance of the structure may be allowed through issuance of a building permit.
- (10) *Signs.* Home occupations may display a nameplate not more than two square feet in area, flush-mounted to the residence. No other signage or display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling is permitted.
- (11) *Visitors and customers.* Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than two business visitors per hour and no more than two at any given time.

(12) *Infrastructure.* The home occupation shall not create a need for off-street parking, pedestrian and vehicular traffic, sanitary sewer and storm sewer usage, or public water usage, as well as other municipal services, in excess of the normal and usual levels for other residential dwellings.

(13) *Hazardous materials.* Storage of hazardous materials may only be stored in amounts below the thresholds as established by the local fire department.

(e) *Conditions.* The applicable director or designee may establish reasonable conditions on the operation of any home occupation if necessary to meet the intent of this section.

(Ord. No. 813, att.(45.20), 6-25-2024)

Sec. 17.45.25. Manufactured homes and manufactured home parks.

(a) *Purpose and applicability.* This section applies to new and existing manufactured homes and manufactured home parks within the city. The purpose of this section is to establish standards for the location, development, modification, and operation of manufactured home parks. Individual manufactured home standards are also included in this section and are intended to allow, pursuant to the standards expressed in this section, individual manufactured homes in all areas of the city in which single-family residences are a permitted use.

(b) *Certification.* Any manufactured home located or proposed to be located or installed in a manufactured home park or on a subdivided lot shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For manufactured homes built prior to June 15, 1976, a label certifying compliance with the standard for manufactured homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is required before any such home may be located or installed within the city.

(c) *Age of manufactured homes.* All manufactured homes proposed to be located within the city shall be newer than 20 years old, as measured from the date of proposed installation, location or relocation and built according to the standards established by the United States Department of Housing and Urban Development (HUD) under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended (codified at 24 CFR 3280 at the time of the adoption of the ordinance from which this title is derived) in effect at the time of manufacture and bearing certification to that effect (applicable HUD standards) and is certified for the appropriate wind, thermal and roof standards for the state.

(d) *Location permit.* No manufactured home shall be moved, located or relocated within the city without having first secured a written permit for the movement, location or relocation of said manufactured home from the city building department.

(e) *Use as storage prohibited.* Manufactured homes shall not be allowed, permitted or used for an accessory purpose or as a storage building. Those manufactured homes utilized as accessory structures or for storage prior to the effective date of the ordinance from which this title is derived shall be deemed legal nonconforming uses and permitted to continue until such time as the use of those structures are discontinued for 180 days.

(f) *Pre-existing manufactured home parks.* The owners of mobile home parks existing before July 1, 2024, shall provide the city with a site plan showing the number of mobiles presently on the site, their location, and the dimensions of all lots and the location of size of all roads, water lines, sewer lines and all other utilities on the property. The site plan shall be submitted in conjunction with the application for renewal of a business license, as required by title 5.

(g) *Nonconforming manufactured home parks.* All manufactured home parks existing before July 1, 2024, and which were in compliance with existing city codes at the time of their establishment, shall be considered legal, nonconforming uses and are entitled to the number of spaces which were permitted by the applicable ordinance in effect at the time the park was established.

- (1) The owner of the manufactured home park shall provide the city a plan or schematic of the park, drawn to scale and showing the location and dimension of each space for the placement of manufactured homes.
- (2) All other provisions of this title shall be applicable.
- (3) No increase in density and no increase in the number of manufactured homes or RVs is allowed unless all of the provisions of this chapter are met.

(h) *Manufactured home parks.* Manufactured home parks are authorized only within the M-P zone, subject to compliance with all development standards established in this section and a subdivision plat, if applicable. All manufactured home parks shall receive review under Review Process 3. The applicant must meet all standards imposed by the underlying zone, except where provided in this section, and provide the following:

- (1) A plan showing location of all manufactured homes, buildings, roadways, recreation areas, off-street parking areas, electrical outlets, sewer outlets, water outlets, water mains, sewer mains, and other improvements and facilities constructed or to be constructed in the manufactured home park.
- (2) Contact information for the long-term management of the manufactured home park.
- (3) Utility hookups shall be provided for each manufactured home unit in the manufactured home park. These utilities shall include water, sewer, gas, electricity, and telephone.
- (4) Recreational vehicles are allowed as a primary residence within established manufactured home parks up to 15 percent of the total allowable spaces in the park.

(i) *Development standards for manufactured home parks.*

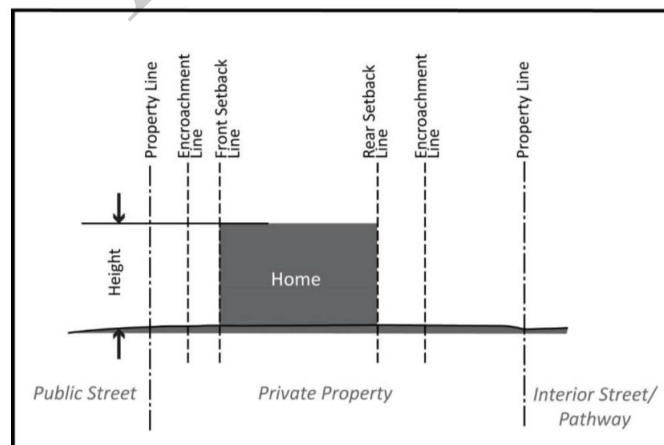
(1) *Bulk and dimensional requirements.*

- a. *Manufactured home park size.* Each manufactured home park must occupy a minimum of two acres.
- b. *Intensity of use.* Manufactured homes may have a density between four and ten units per acre.

- c. *Manufactured home space dimensions.*
 - 1. *Space size.* All single-wide manufactured home space shall have a minimum of 2,500 square feet of land area. A double-wide manufactured home space shall have a minimum of 3,500 square feet of land area. A triple-wide manufactured home space shall have a minimum of 5,000 square feet of land area.
 - 2. *Occupancy.* No manufactured home may occupy more than 40 percent of the space. No more than one manufactured home may occupy a space.
 - 3. *Lot width.* Minimum width of lot shall be no less than 25 feet on a cul-de-sac and 40 feet on all other lots.
 - 4. *Setbacks.* Unless otherwise stated, all manufactured homes, and extensions thereof, and other buildings must be set back on a leased lot as follows:
 - (i) 20 feet from the boundary of the park;
 - (ii) 15 feet from a public street or interior street;
 - (iii) Ten feet from any other manufactured home.
 - 5. *Permitted yard encroachments:*
 - (i) Outdoor terraces or patios constructed at grade and without roofs or walls may project one-half the distance of the required yard into any yard.
 - A. Open or unwallled porches, decks, balconies, and exterior stairways may project 3.5 feet into any yards.
 - B. Window canopies may project two feet into any yard.
 - (ii) Buffer strips. A ten-foot strip around the boundary of the manufactured home park must be buffered to provide a visual screen. A solid perimeter fence or wall and a five-foot landscaped buffer area shall be provided. The solid fence or wall shall not be less than four feet high and no more than 7.5 feet high. The owner shall be responsible for the maintenance of the fence or wall and the landscaped buffer area.
- d. *Accessory structures.* Accessory structures are not to be located closer than 7.5 feet to the manufactured home and no closer than five feet from any property line, except that a garage entered from an alley shall be located no closer than ten feet from the alley.
- e. *Parking.* A minimum of two off-street parking spaces must be provided for each manufactured home. Other parking spaces may be in a common parking area so long as each space is within 200 feet of the manufactured home space to which it relates.
- f. *Streets.* Each space must be adjacent to a public or private street. Both public and private streets are approved by the applicable director and are required to meet the requirements of the city.
- g. *Pedestrian access.* There must be a paved or graveled system of walkways, which gives safe and convenient access to every manufactured home and all common facilities. Sidewalks developed in conjunction with public or private streets may meet this requirement.

- h. *Securing and skirting.* All manufactured homes and any accessory structures shall be securely fastened to the ground, at least at all four corners. Manufactured homes, once in their permanent location upon the lot, shall be fully skirted.
- (2) *Service buildings.* Service buildings, if provided, housing sanitation and laundry facilities, or any other such facilities shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
- (3) *Recreation.* A recreation area shall be provided at a central location in the manufactured home park at the rate of 100 square feet for each manufactured home space, with a minimum of 3,000 square feet of recreation area, whichever is greater. Parking areas, streets, and pedestrian sidewalks may not be included in the recreation area calculation. At least 15 percent of the gross site area must be in open space or recreational areas available for use by all residents. Setback areas and common open space areas less than 5,000 contiguous square feet do not count as required open space in parks with greater than 25 manufactured homes.
- (j) *Commencement of construction.* Construction shall commence within a period of one year following the issuance of a permit by the approving authority and shall be completed within a period of two years from the date of the issuance of the permit.
- (k) *Management and maintenance.* Every manufactured home park shall be properly managed to ensure maintenance of common facilities and to ensure individual home sites are developed and maintained in accordance with recorded rules and regulations for the park.
- (l) *Development standards for individual manufactured homes.* Individual manufactured homes may be sited in the R-2 and M-H zone districts under the following conditions. These conditions do not apply to manufactured homes within the M-P zoning district.

Figure 17.45.25-1. Manufactured Home Park Permitted Yard Encroachments



- (1) The manufactured home design is consistent with the surrounding homes and has a composition of wood shake or shingle, coated metal, or similar roof with a nominal pitch of 3:12.

- (2) The unit has exterior siding similar in appearance and quality to siding materials commonly used on conventional site-built International Residential Code single-family residences.
 - (3) The wheels and tow hitch are removed and the unit is set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the finished grade is enclosed by skirting constructed of brick or an approved concrete product which can be either load-bearing or decorative.
 - (4) Each manufactured or mobile home must be supported on pins or blocking constructed of masonry, block, brick, or concrete. Installation instructions as provided by the manufacturer of the manufactured or mobile home shall be deemed a typical blocking installation. Any foundation system design, other than typical blocking, shall be stamped and signed by a Wyoming-licensed professional engineer.
 - (5) Skirted with a waterproof, rigid, durable skirting material within 30 days of placement.
 - (6) Equipped so as to permit access to utility connections. All skirting shall be provided with a door or panel to permit ready access to utility connections.
 - (7) Anchored with tie-downs meeting the minimum standards as set forth in title 15 or their equivalent.
 - (8) All water, sewer, electrical and natural gas connections shall be inspected and approved by the supplying utility prior to use.
 - (9) Manufactured homes shall comply with the minimum setback requirements as indicated in the underlying zoning district (see chapter 17.14, residential zoning districts).
 - (10) Any appurtenant construction such as decks, walks, steps, handrails, sheds, accessory buildings, and other similar construction, is subject to the applicable building code regulations adopted by the city.
 - (11) Parking. A minimum of two off-street parking spaces must be provided for each manufactured home. If off-street parking for a nonconforming manufactured home is provided between the dedicated street or right-of-way and the hitch, or wall if there is no hitch, the distance between the dedicated street or right-of-way and the hitch must be at least 20 feet.
 - (12) No manufactured home shall be moved, located or relocated within the city without having first secured a written permit for the movement of said manufactured home from the city building official or designated applicable director.
- (Ord. No. 813, att.(45.25), 6-25-2024)

Sec. 17.45.30. Group care facilities.

(a) *Purpose.* The purpose of this section is to regulate the location and development of group care facilities. This section is meant to provide expanded locations for the placement of group care facilities of all varieties while ensuring the safety and welfare of the group care facility residents and minimize the impact of these facilities on surrounding residential uses.



(b) *Authority.* Group care facilities of all types are authorized in all residential zones. Group care facilities and group care communities are further authorized in all commercial zones (O-B, C-1, and C-3). Group care family homes and small group homes are authorized in any residential zone. Group care family homes and small group homes may be approved with or without conditions by the applicable director. Group care communities and group care facilities are authorized through a conditional use permit. The city council may increase the residential density of a group care facility through a conditional use permit in order to minimize the impacts on surrounding residential uses through the use of landscape buffers, fences, and other screenings.

(c) *Development standards for group care facilities.* The applicant must meet all standards imposed by the underlying zone, except where provided in this section. In addition, all group care communities, regardless of size (group care family homes, small group homes, or group care facilities), shall comply with the following:

- (1) The design or redesign of the structure must be approved by the applicable director.
- (2) All necessary licenses shall be obtained and maintained, and all group care communities shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
- (3) When single-family dwellings located in a residential district are used for these purposes, an architectural character compatible with the surrounding neighborhood shall be maintained such that the exterior appearance of the structure is not altered from its single-family character.
- (4) Elevators shall be provided for all multi-story structures.
- (5) The group care facility must provide one parking space for every three resident beds and one space per employee on the maximum working shift. The parking requirements may be modified

by the city council if the applicant provides evidence that the level of care provided will preclude at least some of the residents from being able to drive and thus have a car. The parking requirements shall not be reduced to less than one per employee per shift, plus one space for every three resident beds.

(d) *Management and maintenance.* Every group care facility shall be properly managed to ensure maintenance of individual residential dwelling spaces and common facilities and to ensure all structures and individual home sites are developed and maintained. Any use or activity which constitutes a code violation shall be subject to penalties including civil and criminal fines and punishment as provided in these regulations and applicable law.

(Ord. No. 813, att.(45.30), 6-25-2024)

Sec. 17.45.40. Recreational vehicle parks.

(a) *Purpose and applicability.* The purpose of this section is to establish standards for the location, development, modification, and operation of recreational vehicle parks. Recreational vehicle parks may consist of a combination of recreational vehicles, expandable camp trailers, travel trailers, motor homes, fifth wheels, and converted buses or trucks (whether privately or publicly owned). This use is permitted within UA and M-P districts through the issuance of a conditional use permit. No recreational vehicle park will be permitted on parcels directly adjacent to the UAR, R-1, R-2 and R-3 zoning districts.



(b) *Approval.* Approval of recreational vehicle parks and associated accessory uses shall require the issuance of conditional use permit through Review Process 3.

(c) *Development standards.*

(1) *Recreational vehicle park lot size.* The tract to be used for a recreational vehicle park shall be not less than two acres.

- (2) *Commencement of construction.* Construction must commence within one year following the issuance of the conditional use permit. Construction must be completed within two years following issuance of the permit.
- a. *Density.* All recreational vehicle parks shall have a maximum density of 12 recreational vehicles per acre.
 - b. *Recreational vehicle site.* Each recreational vehicle site shall have a minimum space of 1,800 square feet provided for each recreational vehicle. No recreational vehicle shall occupy more than 30 percent of the lot area. Each recreational vehicle space shall be at least 30 feet wide and the boundaries of each space permanently marked on the physical site.
 - c. *Clearance.* Recreational vehicles shall be so located on each space so that there shall be at least a seven-foot clearance between all recreational vehicles; provided, however, that with respect to units parked end to end, the end-to-end clearance shall not be less than seven feet. No recreational vehicle shall be located closer than 25 feet from any building within the park or from any property line bounding the park. Expandable sections of an RV shall be considered a part of the RV or park trailer for proper setback or separation requirements.
 - d. *Roads.* No roads in a recreational vehicle park shall be dedicated to the public. Each space must front on the common roadway. All roadways must be a minimum of 40 feet wide; the driving surface must be a minimum of 24 feet wide. Parking is not allowed within the 24-foot driving surface. All roadways must have an all-weather surface. Roadways must be constructed to ensure rapid and complete drainage of stormwater. Recreational vehicle parks with 31 sites or more shall have a minimum of two individual and separate accesses to a public road. Recreational vehicle parks with more than 150 sites shall provide regulations for enhanced access to a public road (i.e., additional access or a frontage road).
 - e. *Addresses.* All spaces shall be addressed and be posted in a place clearly visible from the roadway.
 - f. *Restroom facilities.* Each recreational vehicle park must, at a minimum, contain and maintain the following restroom facilities:
 1. One toilet for each 25 sites or fraction thereof. There shall be a minimum of one toilet provided for each men's and women's restroom, regardless of number of sites. Urinals may be provided for 50 percent of the toilet requirement of the men's restroom. Toilets shall be partitioned for occupant privacy.
 2. There shall be at least one individual and separate men's and women's restroom facility.
 3. One hot water shower shall be provided for each 25 sites or fraction thereof. There shall be a minimum of one shower for each men's and women's restroom, regardless of the number of sites. Showers shall be partitioned for occupant privacy.

4. One sink with hot water shall be provided for each 25 sites or fraction thereof. There shall be a minimum of one sink for each men's and women's restroom, regardless of the number of sites.
 5. Each restroom shall contain shelf space and/or hooks adequate for toilet articles and towels, a well-lighted mirror directly above each sink, an electric outlet convenient to the sink, ample general illumination, wastebaskets, and windows and doors designed for complete privacy.
- (3) *Parking.* Off-roadway parking shall be provided at the rate of two spaces for each site. Each parking space shall be a minimum of ten feet wide by 25 feet in length.
- (4) *Recreation area.* An open space recreation area shall be provided at a central location in the recreational vehicle park area at the rate of 200 square feet for each site.
- (5) *Permitted accessory uses.* Except for the following permitted accessory uses, no additional accessory uses are permitted within recreational vehicle parks:
- a. One single-family residence for use by the owner or a caretaker of the recreational vehicle park.
 - b. Central laundries, showers, recreation, or administrative space may be considered as accessory uses to a recreational vehicle park.
- (6) *Water and wastewater systems.* The applicant shall submit drawings and reports prepared by a Wyoming-licensed engineer to Wyoming DEQ for the proposed water and wastewater systems. Wyoming DEQ shall approve such drawings and reports prior to the issuance of permits or the start of construction of the above systems.
- (7) *Electrical.* The electrical connection shall provide for 120- and/or 240-volt services at each recreational vehicle space. All electrical installations, systems, and equipment shall comply with article 551, part VI, and other applicable sections of the most recently promulgated National Electrical Code.
- (8) *Fire protection.*
- a. *Fire apparatus access road.* Fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet and a clear height of 13 feet and six inches, shall be designed to accommodate the loads and turning radii for fire apparatus, and shall have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction.
 - b. *Dead-end roads/turnarounds.* Dead-end roads more than 150 feet in length shall be provided with turnarounds of 100-foot diameter all-weather surfacing. An all-weather road surface shall be any surface material acceptable to the applicable director that would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.
 - c. *Marking of roads.* Approved signs shall be provided and maintained for access roads and driveways to identify such roads. All road identification signs and supports shall be of noncombustible materials. Signs shall have minimum four-inch-high reflective letters with

a one-half-inch stroke on a contrasting six-inch-high sign. Road identification signage shall be mounted at a height of seven feet from the road surface to the bottom of the sign.

- d. *Clearance from ignition sources.* Clearance between ignition sources and grass, brush or other combustible materials shall be maintained at a minimum distance of 30 feet. Dense brush, trees, topographical conditions, or other considerations may increase the minimum clearance distance.
- (9) *Skirting.* All skirting must be approved exterior skirting materials and be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave.
 - (10) *Garbage receptacles.* Each recreational vehicle site shall be provided with at least one metal trash and garbage can with a tight-fitting cover to permit the disposal of all garbage, trash, and rubbish. Commercial-size dumpsters may serve ten sites or fraction thereof. All trash receptacles shall be screened from view and protected from wind or other damage or displacement.
 - (11) *Fuel cylinders.* All fuel cylinders shall be secured from falling over. Fuel cylinders being used shall comply with the latest edition of NFPA 58 (standard for the storage and handling of liquefied petroleum gases).
 - (12) *Exterior screening.* A solid, four-foot to six-foot perimeter fence or wall shall be provided between the recreational vehicle park and any adjoining property. The owner shall be responsible for the maintenance of the fence or wall.
- (d) *Development plan approval required.* A development plan with supporting documents must be submitted for review and approval. The applicant must meet all standards imposed by the underlying zone, except where provided in this section, and provide the following:



- (1) Dimensions, orientation, and vicinity of the parcel;
 - (2) A plan showing location of all recreational vehicle sites, buildings, roadways, off-roadway parking areas, electrical outlets, refuse facilities, and other improvements and facilities constructed or to be constructed in the recreational vehicle park;
 - (3) Plans for drainage, flood control, and any landscaping;
 - (4) The proposed interior vehicular and pedestrian circulation patterns;
 - (5) The location, roadway area, surfaced roadway widths, and surfacing material of roadways and walkways;
 - (6) Location and types of recreational facilities;
 - (7) Wyoming DEQ-approved drawings and reports for the proposed water, stormwater, and wastewater systems;
 - (8) Stormwater runoff, and method for control of stormwater.
- (Ord. No. 813, att.(45.40), 6-25-2024)

Sec. 17.45.45. Utility, transportation, and communication uses.

(a) Purpose and applicability.

- (1) *Purpose.* The purpose of this section is to establish site planning, development, and/or operating standards for utility, transportation, and communication uses, including telecommunication facilities and utility facilities and infrastructure. It is the city's intent, in establishing these

standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by regulating the size, scale, and location of these uses, as well as requiring additional setbacks and buffering.



- (2) *Applicability.* The regulations and standards contained in this section shall apply only to telecommunication facilities and utility facilities and infrastructure as expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within these regulations (e.g., lighting, buffering, parking). These uses may only be located in those zoning districts as described in and shall only be authorized in concert with the permit requirements of this title.

(b) *Telecommunications facilities.*

- (1) *Purpose and applicability.* Telecommunication facilities shall be subject to the following regulations in this section to the extent that such requirements:
- Do not unreasonably discriminate among providers of functionally equivalent services; or
 - Do not have the effect of prohibiting personal wireless services, as defined by the Telecommunications Act of 1996.

This section establishes standards for placement of telecommunications facilities within the city and regulates the installation of antennas and other wireless communication facilities consistent with federal law. This section also promotes and protects the public safety and public welfare of residents as well as contains regulations to minimize potential impacts of the installation of telecommunication facilities.

- (2) *Approval.* A wireless communication permit is required for the following telecommunication facilities located within the city limits:
- Any new telecommunication tower that is not part of a collocation.

- b. Any collocation that increases the overall height of an existing tower to add antennas.
 - c. Any building- or roof-mounted antennas that are not screened from view.
- (3) *Exemptions.* The following telecommunication facilities are exempt from the requirements of this section as specified below:
- a. A telecommunication facility shall be exempt from the regulations of this section if a permit issued by the Federal Communication Commission (FCC) specifically provides that the antenna is exempt from local regulation.
 - b. Satellite earth station (SES) antennas, which are two meters (6.5616 feet) or less in diameter or in diagonal measurement, located in any nonresidential zoning district. To reduce accidental tripping hazards and maximize stability of the structure, such antennas shall be placed, whenever possible, on top of buildings and as far away as possible from the edges of rooftops.
 - c. Parabolic antennas, direct broadcast satellite (DBS) antennas, and multi-point distribution service (MDS) antennas, which are one meter (3.2808 feet) or less in diameter or diagonal measurement, and television broadcast service (TVBS) antennas, so long as said antennas are located entirely on private property and are not located within the required front yard setback area.
 - d. Amateur radio antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions and are therefore exempt from permit requirements of this section in compliance with the following standards:
 - 1. Height limits. Amateur radio antennas in any district may extend to a maximum height of 75 feet, provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height when not in operation.
 - 2. Location parameters. All antenna structures shall be located outside of all required setback areas.
 - 3. Tower safety. All antennas shall be located within an enclosed fenced area or have a minimum five-foot-high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet.
- (4) *Application requirements.* An application for the approval of a telecommunication facility shall include the following information, in addition to all other information required for a conditional use permit:
- a. Visual simulations showing what the proposed facility will look like from the surrounding area as viewed from residential properties and public rights-of-way at varying distances, to assist the approving authority and the public in assessing the visual impacts of the proposed facility and its compliance with the regulations of this section.
 - b. For wireless communication towers, a map or description of the service area of the proposed telecommunication facility and an explanation of the need for the facility.

- c. For wireless communication towers, a map showing the locations and service areas of other telecommunication facility sites operated by the applicant and those that are proposed by the applicant that are close enough to affect service within the city. A written explanation of why adjacent existing wireless communication facilities could not be used for collocation shall be required. This explanation shall include documentation demonstrating that attempts have been made to collocate with existing wireless communication facility sites.
 - d. Description of proposed approach for screening all telecommunication facilities from public view including plans for installation and maintenance of buffering, and sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, and a maintenance plan including an irrigation plan.
 - e. For wireless communication towers, a narrative description and map showing the coverage area and location of the provider's existing wireless communication facilities and the proposed coverage area of the specific site that is the subject of the application.
 - f. Technical information explaining the reasons that a permit is being sought (e.g., for wireless communication towers, whether a new antenna is necessary to accommodate increased demand or to fill a dead zone in the provider's coverage area), the reasons that the subject site is considered necessary to accomplish the provider's coverage objectives, and the reasons that the proposed site is the most appropriate location under existing circumstances.
- (5) *General development standards.* Unless otherwise exempt, the following general development standards shall apply to all telecommunication facilities:
- a. All telecommunication facilities shall comply with all applicable requirements of the current building code and these regulations, as well as other standards and guidelines adopted by the city.
 - b. To minimize the overall visual impact, new telecommunication facilities shall be encouraged to collocate with existing facilities, with other planned new facilities, and with other facilities, such as water tanks, light structures, and other utility structures, whenever feasible and aesthetically desirable. To facilitate collocation when deemed appropriate, conditions of approval for conditional use permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future collocation of additional antennas and shall not enter into an exclusive lease for the use of the site.
 - c. At least ten feet of horizontal clearance shall be maintained between any part of the antenna and any power lines unless the antenna is installed to be an integral part of a utility tower or facility.
 - d. Site design. All facilities (including related equipment) shall be designed to minimize the visual impact to the greatest extent possible, considering technological requirements, by means of placement, screening, and/or camouflage, to be compatible with existing archi-

tectural elements, landscape elements, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objective. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way.

- e. Safety design. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions or visual blight.
 - f. Location. Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right-of-way or residential property line shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to 100 percent of the height of the tower.
 - g. Height limit. The height limit for towers shall be consistent with the maximum building height of the zoning district of the subject parcel and any applicable Federal Aviation Administration regulations. Exceptions to the height limit may be granted when the applicable director finds that reasonable alternatives do not exist to provide the necessary service. There is no height limit specified for collocations on existing structures, provided facilities are screened from view of abutting street rights-of-way or camouflaged by matching the color and/or material of the structure to which it is attached.
 - h. Lighting. The applicable director shall require approved lighting for towers and related equipment.
 - i. Landscape. The applicable director shall approve landscaping.
 - j. Design/finish. New towers shall have subdued colors and nonreflective materials that blend with the colors and materials of surrounding areas.
 - k. Advertising. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning, or other required seals or signs.
- (6) *Development standards for antennas (excluding amateur radio antennas).* Unless otherwise exempt pursuant to subsection (b)(3) of this section, the following development standards shall apply to receive-only antennas (ground- and building-mounted), parabolic antennas, and satellite earth stations as defined in this section.
- a. *Antenna location.* Parabolic antenna and satellite earth stations shall be ground-mounted in residential zoning districts. In all nonresidential zoning districts, the preference is for building-mounted antennas. No antenna shall be located in the required front or street side yard of any parcel unless entirely screened from pedestrian view of the abutting street rights-of-way (excluding alleys). In all zoning districts, ground-mounted antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function and all portions of the structure/antenna shall be set back a minimum of five feet from any property line.
 - b. *Height limit.* The height limit for ground-mounted antennas is six feet; however, the height may be increased to a maximum of 15 feet if the setback distance from all property lines

is at least equal to the height of the antenna and if the structure is screened in accordance with subsection (b)(6)c of this section. Building- and roof-mounted antenna shall not extend above the roofline, parapet wall, or other roof screen beyond a maximum of four feet or extend out from the face of the building or other support structure by more than 18 inches.

- c. *Screening.* Ground-mounted antennas shall provide screening to meet the approval of the applicable director. In order to facilitate collocations, screening will be reduced to 50 percent for placement of antennas on existing towers when there is no increase in the overall height of the tower.
 - (7) *Operation and maintenance standards.* Non-ionizing electromagnetic radiation (NIER) exposure. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To this end, no facility or combination of facilities shall produce, at any time, power densities in any inhabited area that exceed the FCC's maximum permissible exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, or by the county, state or federal government.
 - (8) *Removal regulations.* In the event one or more telecommunication facilities are not operated for the provision of telecommunication services for a continuous period of three months or more, such facility shall be deemed abandoned. The facilities shall be removed within 30 days following the mailing of written notice that removal is required. If two or more providers of telecommunication services use the antenna support structure or related equipment, the period of nonuse under this section shall be measured from the cessation of operation at the location by all such providers. Failure to remove within the time required under these regulations shall constitute a violation.
 - (9) *Effects of development.* The city shall not be liable if development within the city, after installation of a telecommunication facility, impairs reception.
- (Ord. No. 813, att.(45.45), 6-25-2024)

Sec. 17.45.50. Special regulated uses.

(a) *Purpose.* The purpose of this section is to establish site planning, development, and/or operating standards for special regulated uses within individual or multiple zoning districts. These regulations apply to child care facilities, sexually oriented businesses and outdoor storage uses. It is the city's intent, in establishing these standards, to mitigate the potential adverse impacts of these uses and activities on adjacent and surrounding land uses by requiring special siting and location standards.

(b) *Applicability.* The regulations and standards contained in this section shall apply only to those uses expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere in these regulations (e.g., lighting, buffering, signage, and parking). These uses may only be located in those zoning districts as described in chapters 17.11 through 17.20 (use district charts) and shall only be authorized in concert with the permit requirements of chapter 17.40.

(c) *Child care facilities.*

- (1) *Purpose.* The purpose of this subsection (c) is to regulate the location and development of child care establishments. Implementation of this section is meant to provide expanded locations for the placement of child care establishments of all varieties while ensuring the safety and welfare of the supervised children and minimize the impact of these establishments on surrounding uses.
- (2) *Authority.* Family child care homes (FCCH) are authorized in all residential districts and within the UA and UAR districts under Review Process 2. Family child care centers (FCCC) are authorized in the R-1, R-2, R-3, and C-1 zoning districts under Review Process 2. Child care centers (CCC) are permitted within the R-2, R-3 and C-1 zoning districts under Review Process 2.
- (3) *Development standards for child care establishments (FCCC and CCC).* The applicant must meet all standards imposed by the underlying zone, except where provided in this section. In addition, all child care establishments (FCCC and CCC), regardless of size, shall comply with the following:
 - a. The design or redesign of the structure must be approved by the applicable director.
 - b. All necessary licenses shall be obtained and maintained, and all group day care facilities shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
 - c. When single-family dwellings located in a residential district are used for these purposes, an architectural character compatible with the surrounding neighborhood shall be maintained such that the exterior appearance of the structure is not altered from its single-family character.
 - d. The main means of access for all child care establishments (FCCC and CCC) shall be by a paved road.
 - e. Child care establishments (FCCC and CCC) must provide one parking space per employee on the maximum working shift, one parking space for parent dropoff, and one additional parking space per ten children supervised up to a maximum of ten additional spaces.
- (4) *Public noticing requirements for child care facilities.*
 - a. The applicable director shall notify, by mail, all owners within a minimum distance of 140 feet of an applicant's property line at the time of submissions of the application for all child care facilities (FCCC, CCC, and FCCH). If the applicable director receives comments from more than 30 percent of notified nearby property owners, the review process will be elevated to Review Process 3.
 - b. Notice to nearby property owners is not required for child care license renewals as long as no formal complaints have been received by the department within the previous calendar year.

(d) *Sexually oriented business.*

- (1) *Purpose.* As defined in this subsection (d), sexually oriented businesses include adult bookstores, adult motion picture theaters, adult live theaters, and adult video stores. The regulations of this section are intended to provide a reasonable number of available sites for such uses while minimizing the harmful secondary effects of these uses.
- (2) *Approval.* Sexually oriented businesses shall be authorized through Review Process 3 and are only allowed in the I-1 and I-2 districts.
- (3) *Location conditions.* Sexually oriented businesses are permitted subject to compliance with the following conditions:
 - a. Such use is more than 1,000 feet from any property zoned for residential use.
 - b. Such use is situated more than 1,000 feet from any other sexually oriented business.
 - c. Such use is located more than 1,000 feet from any public building and of the following uses:
 1. Single-family, duplex, or multifamily residences;
 2. Clinic, child-family guidance;
 3. Library;
 4. Public park;
 5. Church;
 6. Citizen's improvement club-community center;
 7. Public or private K—12 school;
 8. Indoor or outdoor recreation facilities that are primarily designed to serve persons under the age of 18 years.
 - d. The 1,000-foot separation shall be measured as a radius from the primary entrance of the sexually oriented business to the property lines of the property so zoned or used.

(e) *Outdoor storage uses.*

- (1) *Applicability.* The regulations and standards contained in this subsection (e) shall apply only to outdoor storage uses as expressly identified in the corresponding section and shall be in addition to any other development standards and regulations contained elsewhere within these regulations (e.g., lighting, buffering, parking). These uses may only be located in those zoning districts as described in chapters 17.11 through 17.20 (use district charts) and shall only be authorized in concert with the permit requirements of the underlying zone.
- (2) *Outdoor storage.*
 - a. The establishment of new outdoor storage uses shall be consistent with the allowed use regulations contained within this section, as well as other development standards as required in the underlying zoning district. Where the standards of the underlying district conflict with the standards herein, these standards shall apply. The intent of these regulations is to promote compatibility between outdoor storage yards and adjacent uses through the application of special screening regulations.

- b. Location. Outdoor storage uses may only be located in those zoning districts as described in chapters 17.11 through 17.20 (use district charts).
- c. Screening. As part of the land use permit approval, the applicant must provide and maintain screening of all outdoor storage areas to minimize impact on adjacent properties. A six-foot privacy fence at least 75 percent opaque must be installed around the perimeter of all outdoor storage areas.

(Ord. No. 813, att.(45.50), 6-25-2024)

Sec. 17.45.55. Accessory uses and structures.

(a) Purpose and applicability. The purpose of this section is to establish regulations for uses of private property and structures on lots that are accessory in nature to the permitted use or structures on a private lot. These regulations place restrictions on the location and nature of the accessory use or structure and provide development standards. The intent of these regulations is to ensure that the accessory use or structure does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community.

(b) Permitted accessory uses. Permitted accessory uses and structures, including any use or structure which complies with all of the following conditions, may be operated as an accessory use to a permitted use:

- (1) Accessory uses shall not be constructed or allowed on any parcel or lot prior to the construction or placement of a permitted use.
- (2) The accessory use is clearly incidental to and commonly associated with the operation of the permitted use.

(c) When an accessory use is permitted, the total lot coverage of all buildings and structures on the lot must not exceed the lot coverage maximum of the primary use. For example, if the lot coverage maximum for the single-family use is 60 percent in the zone district, the lot coverage of the primary house, accessory use, and all other structures on the property combined must not exceed 60 percent.

(d) The accessory use is operated under the same ownership and on the same property as the permitted use. No accessory structure shall be located within five feet of a site's principal structure unless otherwise specified in this section.

(e) The accessory use may not include structures or structural features inconsistent with the permitted use.

(f) For attached accessory uses, the gross floor area utilized by the accessory use, including permitted home occupations (section 17.45.20), shall not exceed the gross floor area utilized by the permitted use. This restriction applies to all accessory uses within the UAR, R-1, R-2 and O-B, and C-1 zoning districts.

(g) Within the C-3, I-1, and I-2 districts, nonresidential attached and detached accessory uses may not include an area of over ten percent of the area of the lot or 35 percent of the gross floor area of the permitted use, whichever is greater.

(h) Within any residential use district, a restaurant or cafeteria shall be considered a legitimate accessory use only for the following permitted uses: boardinghouse and/or roominghouse, nursing home, hospital and elementary or secondary school to serve meals for tenants, patrons, or employees. Such restaurants or cafeterias are not allowed to serve the public.

(i) Accessory dwelling units (ADUs). In districts where accessory dwelling units are allowed as permitted uses, they shall meet the following standards in addition to all other lot and building standards for the district:

- (1) The accessory dwelling unit may be attached or detached from the principal structure on the property.
- (2) All applicable lot and principal building type standards for the district shall apply.
- (3) Only one accessory dwelling unit is permitted per detached single-family dwelling unit in any zoning district where accessory dwellings are allowed as a permitted use.
- (4) Accessory dwelling units must have separate access from the principal structure.
- (5) Accessory dwelling units must have separate utility access from the principal structure.
- (6) The building footprint of the accessory dwelling unit may be 50 percent of the building footprint of the principal dwelling unit, or 600 square feet, whichever amount is lesser.
- (7) The maximum square footage of an accessory dwelling shall be no more than 1,200 square feet. The minimum square footage for an ADU is 220 square feet.
- (8) The accessory dwelling unit may not exceed the height of the principal structure.
- (9) One off-street parking space is required to be provided for an accessory dwelling unit.

(j) In the UA district, livestock and fowl shall be permitted in accordance with the following regulations:

- (1) The number of livestock, including horses, cattle, sheep, burros or goats (excluding swine), allowed on a platted lot shall be limited to one animal per 1.5 acres of lot areas. Unweaned offspring shall not be included in this allowance.
- (2) Rabbits, fowl, or poultry, including chickens, turkeys, geese or game birds, shall be limited to ten rabbits or mixed fowl per 2.5 acres.
- (3) No commercial breeding of livestock and fowl shall be permitted.
- (4) Areas of the lot, as well as accessory buildings or structures devoted to livestock and fowl, shall be maintained in such a manner as to not constitute a nuisance to the surrounding properties.
- (5) All livestock and fowl shall be fenced. Fences shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged, or in any way create the possibility of injury to the confined animal or to allow the escape thereof.

(Ord. No. 813, att.(45.55), 6-25-2024)

CHAPTER 17.46. ANNEXATION PROCEDURES**Sec. 17.46.5. City-initiated annexations.**

City-initiated annexation requirements and procedures will be in accordance with W.S. 15-1-401 through 15-1-423, as amended.
(Ord. No. 813, att.(46.5), 6-25-2024)

Sec. 17.46.10. Annexation by petition.

(a) Prior to submitting an annexation petition, the owner shall meet with city staff to review the proposal and applicable statutes and ordinances.

(b) Annexation of platted tracts. For platted tracts of land (filed in the office of the county clerk), upon completion of the required owner/staff meeting, the procedures outlined in subsection (d) of this section shall be followed, upon receipt of an original annexation application and the following:

- (1) Three copies of the proposed annexation plan.
- (2) Three copies of a metes and bounds description of the parcel to be annexed, signed by a registered state land surveyor, if the entire platted subdivision is not to be annexed;
- (3) The original petition for annexation, signed and dated by a majority of the landowners owning a majority of the area to be annexed, excluding public streets and alleys and tax-exempt property; and
- (4) A fee for review as established by resolution by the council and the required recording fee of the county clerk.

(c) Annexation of unplatted tracts. For unplatted tracts of land, upon completion of the required owner/staff meeting, the procedures outlined in subsection (d) of this section shall be followed, upon receipt of an original annexation application and the following:

- (1) Three copies of an annexation map which has been prepared by a registered Wyoming surveyor, clearly drawn on a sheet of tracing cloth or other transparent, stable base material, and including the following:
 - a. Certification of a registered Wyoming land surveyor that the map was prepared from an official survey made by him or under his supervision, and that all dimensional and other details are correct. The registration number of the surveyor must be shown;
 - b. Title block, to include the name of the area proposed for annexation and the name and address of the owner;
 - c. Date of preparation, written scale, and graphic scale at a scale of one inch equals 50 feet or a multiple thereof, and north arrow;
 - d. Signature blocks for use, after approval, by the mayor and the city clerk;
 - e. Existing city limits;
 - f. Proposed city limits;
 - g. Tie to city data to accurately locate the site to be annexed;

- h. Total area to be annexed, including areas of all dedicated streets and lands;
 - i. The names of the owners of abutting, unplatted property and the names of adjacent subdivisions;
 - j. A vicinity map at a scale of one inch equals 600 feet clearly indicating the location of the area to be annexed with respect to a larger, recognizable area;
 - k. The original and two copies of the petition for annexation voluntarily signed and dated by the landowners owning a majority of the area sought to be annexed, excluding public streets and alleys, and tax-exempt property;
- (2) A fee for review and recording established by the council.
- (d) Submittal and review procedure. A landowner of any platted or unplatted parcel of land shall adhere to the following procedures in order to annex the parcel to the city:
- (1) Annexation petitions shall be reviewed under Review Process 3. Applications and accompanying petitions shall be submitted in accordance with the city's yearly submittal calendar.
 - (2) Within five working days of submitting the completed application to the planning department, the applicable director shall review the application for conformance with the annexation application requirements. If the application does not conform to these requirements, the application will be returned to the applicant within the three-day period. The planning director shall notify the applicant if the application is incomplete. The notice shall document why the application is not in conformance, and a list of items which must be included for a complete application. If the application is complete, it shall be considered officially accepted and the date of acceptance noted on all copies.
 - (3) The planning department will notify the applicant, in writing, at least five days prior to the commission meeting at which the application will be reviewed. In addition, a staff review meeting shall be held between the owner and the planning department prior to the commission meeting to discuss the staff's written comments and recommendations.
 - (4) The commission shall then consider approved applications at its meeting. The owner shall be given an opportunity to address the annexation request with the commission.
 - (5) The commission shall take one of the following actions:
 - a. Approve;
 - b. Approve with contingencies;
 - c. Deny; or
 - d. Table the application.
 - (6) If the application is tabled, it shall be reconsidered at the next regular commission meeting, a recommendation made, and the application forwarded to the council. If the annexation is approved, approved with contingencies, or denied, the commission's recommendation and the application shall be forwarded to the council for consideration.
 - (7) The council shall certify compliance, by resolution, with the state annexation statutes, and establish a date of public hearing not less than 30 nor more than 120 days after the effective date

of the resolution. If the council finds that the area petitioned for annexation does not comply, then the petition shall be denied and the petitioner notified that no further action will be taken until the area is in compliance with state statutes.

- (8) If, after the hearing, the governing body finds that the conditions required by state statutes exist and that the required procedures have been met, it shall, by ordinance, annex the territory.
(Ord. No. 813, att.(46.10), 6-25-2024)

CHAPTER 17.47. SUBDIVISIONS STANDARDS

Sec. 17.47.1. General scope.

This chapter contains the development standards required for all subdivisions, such as requirements for new roads, water and sewer infrastructure, utilities, parks and other physical improvements necessary to safely serve newly subdivided property and minimize impacts on existing community services and infrastructure.

(Ord. No. 813, att.(47(intro. ¶)), 6-25-2024)

Sec. 17.47.5. Purpose.

The city establishes the provisions of this chapter for the following purposes:

- (1) To promote public health, safety, welfare and orderly growth;
 - (2) To develop for the city, its own distinctive character arising from its special climate, topography, economy and people;
 - (3) To develop subdivisions with optimum view, air, sunlight and orientation to take maximum advantage of;
 - (4) To make the city beautiful.
- (Ord. No. 813, att.(47.5), 6-25-2024)

Sec. 17.47.10. Statutory authority.

For authority of a city to adopt regulations governing subdivisions, see W.S. 15-1-101, as amended.
(Ord. No. 813, att.(47.10), 6-25-2024)

Sec. 17.47.15. Application of provisions.

This chapter shall apply to any tract of land which is within the city but is not subdivided, to any subdivided lands in the city where the resubdivision of lots is contemplated, and to all areas the city limits which may annex to and become part of the city.

(Ord. No. 813, att.(47.15), 6-25-2024)

Sec. 17.47.20. Administration and enforcement.

(a) Any person desiring to subdivide or plat land which is within, or partially within, the city limits, or any person wishing to annex property to the city limits, shall comply with the provisions set forth in this section.

(b) The city building inspector shall not issue building or remodeling permits for any structure on a lot in a subdivision or on a parcel of land for which a plat has not been approved by the council and recorded in the office of the county clerk.

(c) The city shall withhold all public improvements, including the maintenance of streets and the furnishing of sewerage and water service, from all subdivisions, parcels or tracts which have not been approved by the council.

(d) No changes, erasures, modifications, or revisions shall be made in the legal description, survey data, street locations, easements or other areas that will alter the intent of the subdivision plat after approval by the council, unless the plat is first resubmitted to the planning commission for its consideration.

(e) Except for annexation action initiated by the council, no property may be annexed to the city until a petition for annexation and a plat describing the property to be annexed shall have been filed and approved in the manner prescribed in this title.

(Ord. No. 813, att.(47.20), 6-25-2024)

Sec. 17.47.25. Plat application and review procedures; types of subdivisions.

Before any land is subdivided, the applicant shall apply for and secure approval of the proposed subdivision following the procedures specified in this section. Preliminary and final plats are reviewed under Review Process 3. Minor adjustment plats are reviewed under Review Process 2. The requirements for making an application and for review and approval, generally described below, are different for the various types of subdivisions:

- (1) Minor adjustment plats may be used to adjust or remove interior lot lines, between three or fewer lots, provided the following conditions are met:
 - a. The lots involved must be in conformance with the zoning district and the degree of any nonconformity of any lot shall not be increased.
 - b. No new lots shall be created and when merging divided portions, they shall be totally merged with and combined with an adjoining lot or tract so that no additional lots are created.
 - c. All lots must be within the same platted subdivision.
 - d. No design or construction of public improvements is required, except for sidewalks.
 - e. Planning department staff shall determine whether any minor adjustment plat application is submitted with the intent of, or having the effect of, avoiding preliminary and/or final plat procedures and requirements. If it is determined that the minor plat application

circumvents preliminary and/or final plat procedures, the applicable director shall reject the application submitted and require the applicant to submit a preliminary or final plat meeting all of the provisions of this title.

- (2) Preliminary plats are required when a person desires to subdivide an unplatted tract of land. Preliminary plats are utilized for review of multi-phased subdivisions developments or subdivisions with ten or more lots or tracts. The planning department may waive the requirement of a preliminary plat and direct the applicant to move straight to final plat.
 - (3) Final plats are utilized for all subdivisions creating new lots or resubdividing existing lots to create new, additional lots or tracts.
 - a. If a preliminary plat is required, no final plat shall be considered unless submitted within six months of the preliminary plat approval by council.
 - b. If any planning considerations or conditions were placed on the approval of the preliminary plat, all conditions must be met on the final plat application prior to being submitted.
- (Ord. No. 813, att.(47.25), 6-25-2024)

Sec. 17.47.30. Application submission.

The application submission procedures of this section shall apply to all subdivision types, including minor plats, preliminary and final plats.

- (1) Persons submitting subdivision plat applications are required to discuss their applications with the applicable director prior to submitting the application for review. The purpose of the meeting shall be to advise such person of the requirements and procedures for plat approval.
- (2) The applicant shall submit to the city clerk's office an application for subdivision permit containing all of the following materials:
 - a. A completed, original copy of the subdivision application form and all related information in accordance with this section.
 - b. The required fee.
 - c. Such additional relevant and reasonable information as the planning department may require to adequately assess whether the proposed subdivision complies with this section and applicable state statutes.
- (3) The complete subdivision application package must be submitted to the city clerk's office by 5:00 p.m. on the submittal deadline indicated on the yearly development application submittal calendar issued yearly by the city. No subdivision plat will be reviewed prior to any necessary public hearing being held by the council for annexation and zoning, if applicable.
- (4) If the application does not conform to the requirements, the application will be returned to the applicant within five working days. The applicable director shall notify the owner by telephone, followed in writing, if the application is determined to be incomplete. The written notice shall document the reasons upon which the determination was made and shall list items needed for the application to be complete. If the application is complete, it shall be considered officially accepted and the date of acceptance noted on all copies.

- (5) An application which is determined to be incomplete shall not be placed on the planning commission agenda at which it was originally intended to be considered. An application which is returned must be submitted in complete and accurate form by the submittal date indicated for the meeting at which the application is to be considered.

(Ord. No. 813, att.(47.30), 6-25-2024)

Sec. 17.47.40. Subdivision review procedures.

(a) *Preliminary and final plats.* The following plat review procedures apply to all preliminary and final plats:

- (1) The city clerk shall forward all subdivision applications to the applicable director for review and recommendations. The applicable director will review the application for conformance with the plat application requirements.
- (2) The planning department shall notify adjacent landowners, from address information provided by the applicant, per the requirements of sections 17.10.20 and 17.10.70.
- (3) The applicable director shall combine agency comments and their own and provide them for review at a regular meeting of the planning commission.
- (4) The applicable director will notify the owner at least five calendar days prior to the planning commission meeting at which the application will be considered. In addition, a meeting shall be between the owner and the planning department prior to the meeting to discuss the staff's written comments to the planning commission.
- (5) The planning commission shall review the application and render a recommendation to the city council. The commission shall make its recommendations in accordance with the intent, standards, and criteria specified in this title. The applicant will be given the opportunity to address the plat application with the planning commission.
- (6) The commission shall take one of the following actions:
 - a. Approve;
 - b. Approve with conditions;
 - c. Deny;
 - d. Table the application to a future date.
- (7) The commission shall notify the applicant of its decision in writing within ten days after the commission meeting.
- (8) If the plat is denied or tabled, the commission shall specify the conditions under which the plat may gain reconsideration.
- (9) If the plat application is approved or approved with conditions, the application shall be forwarded to the city council for consideration. If the application is denied, it will be forwarded to the council with a do not pass recommendation. If the application is tabled, it shall be considered at the next regular commission meeting and a recommendation made.

- (10) Applications shall be considered at a city council meeting to be held within 60 days of the planning commission meeting. The commission's recommendation shall be submitted to the council. The applicant shall be given the opportunity to address the plat application with the council.
 - (11) The city council shall take one of the following actions:
 - a. Approve;
 - b. Approve with conditions;
 - c. Deny;
 - d. Table the application to a future date.
 - (12) If the application is tabled, it shall be reconsidered by the council within 30 calendar days of tabling and action shall be taken, or, upon request of the owner, the application may be tabled further. If a preliminary plat application is approved or approved with contingencies, the owner may proceed with the final plat application, as provided in this title. If the application is denied, the application shall be considered to be finally denied.
 - (13) Approval of a preliminary plat by the council shall not constitute acceptance of the final plat. Approval of the preliminary plat by the council shall confer upon the subdivider the right, for a six-month period from the date of approval, to file a final plat based upon the preliminary plat. At the end of six months from the date of approval of the preliminary plat by the council, such plat shall be void, unless an extension not exceeding six months is granted by the council upon written request of the subdivider.
 - (14) Approval of the plat by city council shall be effective for one year from the date of approval.
 - (15) If conditions of approval are not met or a recordable plat is not submitted for council approval within six months, or any extension thereof granted by the council, the subdivision application must again be submitted for approval before action may be taken on the application.
- (b) *Minor adjustment plats.* Minor adjustment plats are reviewed by the city planner and city engineer under Review Process 2 and may be elevated to Review Process 3 if necessary. The following plat review procedures apply to minor plats:
- (1) The city clerk shall forward the subdivision application to the city planner for review and recommendations. The city planner will review the application for conformance with the plat application requirements.
 - (2) The city planner, or their designee, shall hold a review in the office of the planning department within 20 working days from receipt of the application to approve, approve with conditions, or deny the proposed minor plat.
 - (3) In taking action on a minor adjustment plat, the city planner and city engineer shall consider any comments received from agencies or offices receiving copies of the minor plat.
 - (4) If the city planner and city engineer determine that the minor adjustment plat is in conformance with the provisions of this title, they shall approve the plat. If they determine that the plat, as

proposed, may be detrimental to the public health, safety, or welfare, does not meet the applicability standards in this title, they shall deny the application or shall treat it as a final plat.

- (5) When treated as a final plat, the applicant shall pay such additional fees and provide additional required materials as may be required for processing the final plat under this title, or the applicant may withdraw the application at applicant's sole discretion.
- (6) The decision of the city planner and city engineer on minor adjustment plats shall be considered final.
- (7) No minor adjustment plat shall be recorded by the county clerk prior to signing by the city planner and city engineer. After the plat is signed, the city clerk will record the plat with the county clerk's office.

(Ord. No. 813, att.(47.40), 6-25-2024)

Sec. 17.47.45. Digital plat submission.

(a) A digital copy of any subdivision plat, annexation map, or replat shall be submitted as part of the plat application requirements and shall be in a geographic information system (GIS) or computer aided design (CAD) format.

(b) File names shall be named according to the plat name with the applicable extension.

- (1) All CAD files shall be submitted in .dwg format utilizing the CAD template provided by the city. Applicants may obtain a copy of the CAD template from the city planning office or via the city website.
- (2) All GIS files shall be submitted in .shp or .gdb format, compatible with the city's current GIS software, and utilizing the GIS template provided by the city. Applicants may obtain a copy of the city GIS template from the city planning office or via the city website.

(c) Digital submission shall be included with the original application, in addition to, any subsequent submissions requiring modification of the original data. Original data submission, modifications thereof, and final form approval of the plat, must include the following:

- (1) All features in layering template, including, but not limited to, subdivision boundary lines, lot lines, easement lines, street rights-of-way, the point-of-beginning and at least one other control point, and street center lines.
- (2) Lot easements and subdivision boundaries shall either be a closed polyline or be composed of single lines. All lot, easement, and boundary lines shall be broken by vertices only at line intersections, bearing changes or the start and finish of curves.
- (3) All street centerlines and easement lines can only be broken where the object starts or ends. There must not be gaps in continuous lines.
- (4) All line lengths shall represent true length. All elements in the drawing shall reside in the correct coordinate system.
- (5) CAD blocks may not cause gaps in any line or polyline when exported to one of the specified file formats.

- (6) Closure is critical in converting CAD elements to GIS features. All polygon features shall be snapped to close, and polyline features shall be snapped to connect to each other.
 - (7) Drawing text shall be located in a separate annotation layer. Annotation should include text showing bearing and direction of each line segment, curve descriptions (radius, arc length, delta, chord direction and chord length) and lot and block numbers.
- (d) All digital submissions shall use the city coordinates system. Table coordinates are not acceptable. The city's coordinate system is:
- (1) Horizontal Control: NAD 83(2011) Wyoming State Plane Wyoming East Central Zone, U.S. Survey feet.
 - a. Linear units shall be U.S. survey feet.
 - b. Reference epoch must be defined.
 - (2) Vertical Coordinate System: North American Vertical Datum of 1988 (NAVD 88).
 - (3) All elevation points shall be delivered in either an ESRI (.shp or .gdb), CAD (.dwg), or as a single comma-delimited ASCII text file. Each line of the file shall contain values for a single point utilizing the city's coordinate system following the specified format: Easting, northing, elevation, and location description/code.
 - (4) A minimum of two control points shall be included on all submitted plats. Each control point will include northing and easting, and at least one control point shall include elevation, convergence angle, and combined factor values. Public Land Survey System (PLSS) monuments are desirable, but not required.
- (e) GIS data shall also include metadata created conforming with the standards specified by the Federal Geographic Data Committee (FGDC) and in .pdf or a text-based file format. Metadata shall be provided in keeping with FGDC guidance and may be obtained from the city planning office or via <http://www.fgdc.gov/metadata/documents/metadataquickguide.pdf>.
- (f) Digital submission shall also include .pdf of the lot closure report.
- (g) The submitting party will be responsible for corrections and delivering final digital data to the city prior to recording of the final plat.
- (h) If the applicant fails to submit digital data in accordance with this section within 30 days of substantial completion of construction, then the city may, at its option, do any or all of the following: After written notice to the applicant of any digital records which have not been completed or properly submitted, and, upon the applicant's failure to cure the same within 30 days, the city may complete the digital records on its own or hire a third party to do so. The applicant shall pay to the city any and all costs and expenses (including, but not limited to, attorneys' fees, court costs and litigation costs) resulting therefrom upon demand by the city. The remedies provided in this subsection are in addition to any other remedies specifically provided for in this agreement, or which the city may otherwise have at law or in equity and are not a limitation upon the same.
- (Ord. No. 813, att.(47.45), 6-25-2024)

Sec. 17.47.50. Public agency and utility review.

(a) For all subdivision applications, the planning department shall distribute copies of the application as provided by the applicant to various public and private agencies for review.

(b) Agencies receiving copies of the plat are given the opportunity to provide written comments regarding the proposed subdivision prior to the planning commission meeting at which the plat will be considered or may present comments on the plat at the meeting at which the plat is considered.

(c) The following city departments and offices will be furnished with copies of subdivision applications and supporting documentation for review and comment:

- (1) Public works department.
- (2) City engineer.
- (3) City surveyor.
- (4) Building inspector.
- (5) Fire chief.
- (6) Police chief.

(d) If the applicable director determines that other agencies may be affected or interested in the subdivision application, they may furnish the following agencies and offices with a copy of the application and supporting documentation for review and comment:

- (1) Wyoming Department of Transportation.
- (2) Natural gas companies.
- (3) Electric power companies.
- (4) Telecommunications companies.
- (5) Cable television companies.
- (6) Adjacent municipalities.
- (7) Natrona County development office.
- (8) Natrona County road and bridge.
- (9) Natrona County school district.
- (10) Other interested agencies and offices.

(e) Reviewing agencies and offices will be requested to review the application and provide comments within five working days from the date of distribution. This time period may be extended because of caseload and complexity of applications at the sole discretion of the applicable director.

(Ord. No. 813, att.(47.50), 6-25-2024)

Sec. 17.47.55. Preparation of plats and plat contents.

(a) Preliminary plats. A preliminary plat must be prepared by a registered Wyoming land surveyor and shall include the following:

- (1) In the lower right-hand corner of the plat:
 - a. The name of subdivision;
 - b. The legal description, including section, township and range from the Sixth Principal Meridian, county and state;
 - c. The names and addresses of the owner, developer, designers of the subdivision; and
 - d. The engineer or surveyor who prepared the plat;
- (2) The names, locations and dimensions of existing and proposed streets, alleys, easements (including drainage easements), watercourses, floodplain areas, and other important features within and adjacent to the land to be subdivided;
- (3) The location and dimensions for all lot lines, areas to be used for parks or open space, schools, and other facilities;
- (4) The area of each lot or block in square feet or acres;
- (5) Existing and proposed contours of two feet, or as approved by the applicable director, that clearly show the drainage and road grade conditions;
- (6) Arrows indicating direction of surface drainage on all streets, alleys and easements;
- (7) The date of preparation, at a scale of one inch equals 50 feet or a multiple thereof, and north arrow;
- (8) Three copies of the plat in each of the following sizes:
 - a. 11 by 17 inches;
 - b. 36 by 24 inches (1½-inch margin left-hand, short side; one-half-inch margin all other sides);
 - c. An electronic .pdf;
- (9) General site information, including:
 - a. The number of residential, commercial or industrial lots;
 - b. Block and lot numbers; and
 - c. The total area of the subdivision, in acres;
 - d. Zoning on and adjacent to the subdivision;
 - e. The names and addresses of the owners of all abutting property and property immediately across adjacent streets;
 - f. A vicinity map at a scale of one inch equals 600 feet unless written permission of the planning director is obtained approving another scale, labeled, and indicating the location of the proposed subdivision with respect to a larger recognizable area;

- g. Any additional preliminary information required by the applicable director at the initial owner/staff meeting;
- h. Any deed restrictions applicable to the subdivision, referenced to the county clerk's book and page number or instrument number;
- i. The location of any floodplain areas within or immediately adjacent to the site.

(b) Preliminary plat supporting materials. The following supporting materials must accompany all preliminary plats:

- (1) A drainage study conducted and signed by a Wyoming-licensed professional engineer. Studies shall include:
 - (2) The preliminary design and layout of existing and proposed storm sewer system;
 - (3) The developed and undeveloped flow for ten-year and 100-year storms;
 - (4) The description and location of all detention ponds proposed;
 - (5) The analysis of the capacity of the downstream system and effect of drainage system; impacts on all adjacent lands;
 - (6) The analysis of the effect of the drainage system on the drainage basin;
 - (7) A statement of how the drainage plan complies with the city's stormwater management master plan;
 - (8) All calculations used to arrive at the above data, including methodology, as set forth in the city's stormwater design manual, as adopted by the council.

(c) For all proposed residential subdivisions consisting of 20 or more lots and for all commercial or industrial subdivisions generating more than 75 vehicle trips per peak hour, a traffic study conducted and signed by a licensed engineer experienced in traffic engineering is required.

- (1) The engineer shall prepare a traffic study listing each type of land use, number of dwelling units, the number of square feet within a commercial or industrial building, the trip generation rates used and its reference within the Institute of Transportation Engineers Trip Generation Manual, most recent edition, (total daily traffic and a.m., noon, and p.m. peak hours) and the resultant trip generation entering the existing site. The related variable for each trip generation shall be identified. Trip generation values shall be calculated from the data contained in the Trip Generation Manual. In the event such data is not available for the proposed land use, the applicable director shall approve estimated rates in writing prior to acceptance.
- (2) The traffic study shall contain information on the adjacent street system surrounding the development. Information shall consist of existing and future average daily traffic volumes. Future traffic volumes shall be forecasted for the next 20 years. The method of projection shall be approved of by the city engineer's office.
- (3) Revisions to traffic study. Revisions to the traffic study shall be provided as required by the applicable director. The need to require revisions shall be based on the completeness of the traffic study, the thoroughness of the impact evaluation, and the compatibility with the city comprehensive plan.

- (d) A street-lighting design plan, to include:
 - (1) Distance between street light poles;
 - (2) Number of exterior lighting poles and their location;
 - (3) Heights of poles; and
 - (4) Size and number of fixtures.
- (e) Preliminary plans for all proposed water, sewer and storm sewer distribution and collection facilities.
- (f) A full title report completed within the previous three months.
- (g) A narrative summary including general information about the project, which shall be on the plat where possible, including:
 - (1) A general description of the project;
 - (2) A general discussion of the public facilities and services necessary to support the project, to include:
 - (3) Description of any recreational areas and services the developer intends to provide, i.e., public or private parks, tennis courts, swimming pools, etc.;
 - (4) Description of any fire lanes, fire hydrants or other fire protection devices the developer intends to provide;
 - (3) Description of any commercial or shopping areas to be included within the development; and
 - (4) An analysis of any natural hazards which are located in the area, as identified by the adopted Natrona County Natural Geologic Hazards Study (1981).
- (h) Final plats and minor adjustment plats. All final plats and minor adjustment plats must be prepared by a licensed state land surveyor and be clearly drawn on a sheet of tracing cloth or other transparent, stable base material, and shall include the following:
 - (1) The name of the subdivision, legal description, name and signature of owner, developer and engineer, placed on the plat;
 - (2) Space for the filing record of the clerk's office;
 - (3) Dedication and acknowledgement statement executed by the owners of all legal and equitable interests in the property being subdivided, with corporate seal when appropriate. The dedication shall be in a form approved by the city attorney and in accordance with state law;
 - (4) The date of preparation, written scale, graphic scale (one inch equals 50 feet or a multiple thereof) and north arrow designated as a true north;
 - (5) The location of land other than roads intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision. Such land shall be identified by a lot and block number;

- (6) Certification in the form required by law by a state land surveyor to the effect that the layout represents a survey made by a state land surveyor or under a state land surveyor's supervision, and that all dimensional and other details are correct;
- (7) All lots shall have satisfactory access to a public street or road;
- (8) Right-of-way requirements:
 - a. The minimum right-of-way width is 50 feet for residential subdivisions and 60 feet for commercial or industrial subdivisions, and the right-of-way shall be dedicated to the city;
 - b. Public access easements cannot be used in lieu of dedicated right-of-way. No private roads are allowed;
 - c. At least one public access with minimum dedicated right-of-way shall be provided to all subdivisions. For subdivisions with 30 lots or more, at least two public accesses with minimum right-of-way must be provided per fire department standards;
- (9) Stubs/extensions. Provisions for an efficient street system must be made by the use of stub streets to extensions of new streets to connect to existing streets and by the use of developed rights-of-way. Any subdivision plat submitted for approval shall be designed to permit construction of streets into adjacent subdivisions unless there is justification for an alternate design;
- (10) Extension of roadway construction. Roadways and streets are to be constructed by the developer to the furthest subdivision boundary line and utilized to access adjacent properties. No unimproved rights-of-way are allowed:
 - a. A temporary turnaround will be installed by the developer at the end of the constructed roadway;
 - b. Dead-end streets are prohibited;
- (11) Dedication of all streets, alleys, easements and public sites to the public:
 - a. All streets and roads shall be dedicated as public rights-of-way to the city;
 - b. Easements shall be provided across adjoining properties for any utilities that provide service to the subdivision;
 - c. Permanent front, side and rear yard general utility easements are required on all lots:
 - 1. Front: not less than five feet in width adjacent to all front lot lines;
 - 2. Side: not less than five feet in width on each side of all side lot lines;
 - 3. Rear: not less than ten feet in width on each side of all rear lot lines;
 - d. Additional permanent easements, where necessary, shall be required for utility poles, wires, conduits, stormwater and sanitary sewers, gas and water mains, and other public utilities, subject to review by the applicable director;
- (12) The exact closure, which shall be in excess of one foot in 10,000 feet, along with a copy of computations as follows:
 - a. Parcel closure report of the boundary of the parcel to be platted showing all courses, computations, areas and closure of the parcel;

- b. Parcel closure report of all lots and parcels showing all courses, computations, areas and closures of the parcels;
- (13) Signature blocks for use after approval by the mayor and the city clerk, the city engineer and the city planner;
- (14) Any differences between bearings (azimuths) and distances of other adjoining surveys, in written notations;
- (15) The basis of bearings (azimuths) and distances of other adjoining surveys, in written notations;
- (16) A layout including the following:
 - a. Boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets intersecting the boundary of the tract;
 - b. Where applicable, curve data, so labeled, showing the radii, central angles, arc length, notation of non-tangent curves, and location of points of curvatures and intersections;
 - c. Location of existing and proposed easements (including drainage easements), designated as to use and size;
 - d. The right-of-way lines, widths, locations and street names of all existing and proposed streets or roads within the proposed subdivision;
 - e. The location and amount of land to be dedicated for public facilities, if such dedication has been agreed upon in writing by the city;
 - f. All monuments found and set are to be shown on the plat with a graphic symbol on the map and in the legend;
 - g. Brass caps shall be installed at all major perimeter corners of subdivisions and annexations;
 - h. Monumentation of all lot corners, points of curves (PCs), points of tangency (PTs) and angle points shall comply with current state statute requirements;
 - i. A note shall be on the plat stating that all distances are ground distances;
- (17) The names of abutting subdivisions or an indication that abutting property is unplatted;
- (18) A vicinity map indicating the location of the subdivision with respect to a recognizable larger area, at a scale of one inch equals 600 feet, unless written approval of the planning director is obtained for another scale;
- (19) Copies of the proposed plat in each of the following sizes and number:
 - a. One 11 by 17 inches;
 - b. Three 36 by 24 inches (1½-inch margin left-hand, short side; one-half-inch margin all other sides);
 - c. One electronic .pdf;
- (20) Any corrections, changes, additions or conditions placed upon preliminary plat by the council;
- (21) Certificate of vacation, if a replat.

(i) Final plat and minor adjustment plat supporting documentation. The following supporting materials must accompany all final plat and minor adjustment plats, unless specifically waived by the applicable director:

- (1) The final drainage study conducted and signed by a state-licensed professional engineer, reviewed and approved by the city engineer.
- (2) Final traffic study, signed by a licensed engineer experienced in traffic engineering, reviewed, and approved by the city engineer for all proposed residential subdivisions consisting of 20 or more lots and for all commercial or industrial subdivisions generating more than 75 vehicle trips per peak hour.
- (3) Final street-lighting design plan.
- (4) Final plans for all proposed water, sewer and storm sewer distribution and collection facilities.
- (5) A copy of the deed by which the applicant took title to the parcel.
- (6) A full title report, completed within the last three months.
- (7) A site plan for the purpose of review containing the following:
 - a. Dimensions, acreage of the proposed parcels, drawn to scale and clearly dimensioned, showing the use and existing structures. The location of natural or human-made features, such as drainageways, streams, roads, buildings, etc., on or immediately adjacent to the site shall be indicated.
 - b. Topography on five-foot contour intervals or obtained from the USGS mapping surveys.
- (8) A narrative summary including general information about the project, including:
 - a. A general description of the project;
 - b. A general discussion of the public facilities and services necessary to support the project.
 - c. If the proposed project is to be developed in phases.

(Ord. No. 813, att.(47.55), 6-25-2024)

Sec. 17.47.60. Adoption and enforcement of design standards.

(a) For purposes of this title, the city shall adopt and enforce standards for subdivision layout, street construction, water and sewer system construction and storm sewer construction, as deemed necessary to promote health, welfare and orderly growth of the city.

(b) The city has adopted, by resolution, the City of Casper Design Standards for Public Works Construction and Infrastructure Improvements, specifically, sections 16.16.010 through 16.16.080, amended.

(Ord. No. 813, att.(47.60), 6-25-2024)

Sec. 17.47.65. Parks and open space; fees and dedication.*(a) Purpose.*

- (1) In order to enhance the quality of life and provide for the recreational needs of residents within subdivisions, and to promote a healthy lifestyle, general welfare, community character and property values, residential subdividers are required to provide resources to improvements to the city parks and pathways system.
- (2) When planned as part of the sustainable infrastructure, parks meet the recreational needs of the community, buffer incompatible land uses and help reduce the public costs for stormwater management. When pathways are required to be dedicated and constructed, pedestrian access links are provided which enable better connectivity between activity centers. Such connectivity provides for enhanced mobility throughout the community.

(b) General requirements. The amount of park facilities required for a new subdivision or development is based on data and policies adopted in the city comprehensive plan and the Casper Area Parks and Recreation Master Plan. The plans are a result of technical analysis and citizen participatory planning processes and identify short-term and long-term needs for the city parks system.

- (1) Parkland is only required for residential uses within the city.
- (2) All proposed residential developments require the payment of a park development fee.

(c) Determination of fee. The park development fee is determined at the preliminary plat review stage for subdivisions with ten lots or more and at the final plat stage for all other subdivisions. In the case of a residential subdivision which has a proposed lot for multiple-family development, the fee shall be determined at the time the multiple-family development is being reviewed.

(d) Applicability of fee. The subdivider is required to pay a park development fee for all proposed dwelling units within a residential subdivision. This includes developments that are single-family, duplex, triplex, four-plex, structures with five or more dwelling units, structures which contain one or more dwelling units as part of a mixed-use development, townhouses, condominium units, and dwelling units within a manufactured home subdivision or park.

(e) Fee. The park development fee is \$350.00 per dwelling unit for developments/subdivisions containing single-family dwellings and \$150.00 per dwelling unit for multifamily developments/subdivisions. The fee is subject to change overtime. Credit shall not be provided to any residential development for on-site private recreation or park facilities.

- (1) The fee is calculated by multiplying the current fee rate by the proposed number of dwelling units being provided. The fee payment shall be made prior to recording the final plat.
- (2) In the case of land to be platted and developed as a manufactured home park, the park development fee is due prior to the final plat or development plan being recorded. In all instances, the fee shall be paid prior to a zoning certificate or building permit being issued.

(f) *Consideration of land dedication.* The city council, at its sole discretion, may request parkland dedication. The city shall consider the location for neighborhood and community parks based on the city's comprehensive plan and the Casper Area Parks and Recreation Master Plan.

- (1) *Credit.* Should a subdivider dedicate parkland at the city's request, a 100 percent credit shall be given for the land dedication at fair market value. The credit shall be directly applied against the total amount due for the park development fee. Should the amount of the credit exceed the total park development fee required for the proposed subdivision, the subdivider shall be paid for the cost difference by the city at the time the city receives the applicable deed for the parkland.
- (2) *Timing and conveyance of land for park use.* In the event the city elects to request or accept a parkland dedication, the subdivider shall convey to the city the parkland by the delivery of a warranty deed conveying fee simple title, free and clear of all liens and encumbrances, except for liens and encumbrances dischargeable by cash accompanying the warranty deed. The property shall be current with all real estate taxes.

(g) *Trails and pathway dedication.* The city council shall determine if a pathway shows an alignment through a proposed subdivision. The pathways in the city are made up of a priority pathway system, multiple-use trails and side paths which are separated roadside trails and shared routes for bicycles along roadways and walking trails. If a determination is made that an approved pathway has an alignment through a proposed subdivision, then the subdivider is required to dedicate the land for the approved pathway and construct it according to the design and construction standards of this title.

- (1) *Pathway alignment.* The pathway alignment and width through a proposed subdivision shall be designed to ensure that the necessary connection to the next pathway segment is as efficient as possible. The pathways shall be constructed in accordance with the design and construction standards of this title.
- (2) *Credit.* Should a subdivider dedicate parkland at the city's request, a 100 percent credit shall be given for the land dedication at fair market value. The credit shall be directly applied against the total amount due for the park development fee. Should the amount of the credit exceed the total park development fee required for the proposed subdivision, the subdivider shall be paid for the cost difference by the city at the time the city receives the applicable deed for the parkland.

(Ord. No. 813, att.(47.65), 6-25-2024)

Sec. 17.47.70. Subdivision improvements.

No final plat shall be approved by the city council unless it is possible, without undue delay for the subdivider, to supply or guarantee the required subdivision improvements.

- (1) *Improvements installation.* The construction of the following improvements shall be the responsibility of the developer and shall be provided for in a subdivision improvements agreement if the improvements are not installed prior to plat recordation. The agreement shall be approved with each plat. The improvements agreement shall be provided in a manner which is consistent with adopted standards.
- (2) *Agreement in lieu of improvement installation.* Prior to the council approving and accepting a final plat, the subdivider shall have laid out and constructed all improvements specified by the

council for completion at such time or, in lieu thereof, the subdivider or owner shall have entered into a written agreement with the city wherein the subdivider has agreed to make such improvements upon demand of the council.

- (3) No building permit or foundation permit may be issued by the city prior to completion of all required improvements and start of the warranty period in any city subdivision except as follows:

A building permit for the completion of any building may be issued upon completion of all-weather roadways, acceptance of the public water and sewer mains and appurtenant facilities, and payment of all required fees, including connection charges for connection to such water and sewer mains in a subdivision or construction phase of a subdivision.

- (4) Financial security. A financial surety shall be required, as applicable, prior to construction of all improvements and during the warranty period.

- a. The owner/subdivider shall provide financial security as provided herein in order to assure that the required streets, drainage facilities, water distribution systems, sewerage collection systems and any other required public improvements as outlined in the subdivision agreement are constructed in compliance with the city's specifications. The financial security for the construction of any such improvements shall be in the amount of 100 percent of the total cost of construction thereof. This financial security shall be secured and delivered to the city prior to issuance of a permit to construct by the city.
- b. A project may be constructed without financial security as otherwise required herein, provided that the owner/subdivider submits to the city a bonded agreement between the owner/subdivider and its contractor, bonded by a Wyoming-licensed bonding company to complete the work covered by a permit to construct as outlined in the subdivision agreement. No permits will be issued for construction of buildings or foundations in the development until the improvements have been completed, a letter of completion has been issued, and the warranty period has begun.
- c. In the event the owner/subdivider elects to construct a project without a bonded agreement between the owner/subdivider and its contractor, the owner/subdivider shall provide a written affidavit to the city stating that no sales of real property within the subdivision will be closed until after a letter of completion is issued by the city and the warranty period has begun. No permits will be issued for construction of foundations of residences or buildings in the development by the city until a letter of completion is issued by the city and the warranty period has begun. If, prior to the issuance of a letter of completion and the commencement of the warranty period, should the owner/subdivider desire to sell lots and have building or foundation permits issued within the project, the owner/subdivider shall provide:
 1. Financial security in a form as required in an amount as that will cover the estimated cost of the remaining public improvements to be constructed for all or a phase of the subdivision as approved by the city; or
 2. A bonded agreement between the owner/subdivider and the contractor as set forth in this section is provided to the city.

- d. The owner/subdivider shall provide financial security to the city during the warranty period for the required improvements as provided in this chapter. The financial surety shall be available to the city for the repair, maintenance, and replacement of such improvements that fail within the warranty period. The financial security during the warranty period shall be in the amount of 20 percent of the total construction costs of such improvements. This financial security for the warranty period of 18 months from the date stated in the letter of completion issued by the city shall be acquired and delivered to the city prior to issuance of any building permits in the subdivision by the city.
 - e. Financial security may be provided in one of the following forms:
 - 1. An escrow agreement providing for the pledging of the owner/subdivider's line of credit or other assets in an amount and form approved by the city;
 - 2. Cash;
 - 3. Unconditional letter of credit subject to the laws and courts of the State of Wyoming in a form approved by the city.
- (5) Construction cost of improvements. The applicant's engineering consultant shall provide actual construction costs to the city for the purposes of determining the amount of the financial security for the construction phase and warranty period of the improvements.
- a. All cost estimates shall be supported by documents of the proposed improvements. Construction costs shall cover and include curb, gutter, street pavement, sidewalks, curb walks, drainage facilities such as storm sewers, water, and sewer lines, as outlined in the subdivision's drawings and specifications.
 - b. The financial security will be released when that portion of the work or period to which it relates has been completed. All requests for release or reduction of a financial security shall be provided in writing to the city.
- (6) Required improvements. The subdivider is responsible for installing all subdivision improvements as required and specified in the Casper Public Utilities Water Distribution Facilities Standard Specifications, Sanitary Sewerage Collection Facilities Standard Specifications and City of Casper Standard Specifications for Street Construction.
- (7) The subdivider shall install the following monuments and improvements in a timely manner and in accordance with plans, specifications and data, as approved by the city engineer:
- a. Permanent reference monuments at current state statutes. Monuments shall be placed at the corners of all tracts, blocks and lots and at all subdivision boundary corners.
 - 1. Monuments at subdivision boundary corners shall be two-inch diameter pipe, a minimum of 30 inches long, with brass cap. All tract, block and lot corners shall be five-eighths-inch rebar, a minimum of 24 inches long, with aluminum cap.
 - 2. All monuments must be stamped with the licensed land surveyor's number, and the top is to be flush with the ground. Wooden stakes are prohibited as monuments.
 - b. Road improvements, including base, surfacing, gutters, curbs and sidewalks to current City of Casper Engineering Design and Construction Standards.

- c. Street name signs, traffic control signs and streetlights.
 - d. Connection to potable community water system.
 - e. Connection to community wastewater treatment.
 - f. Water supply for firefighting purposes.
 - g. Utilities, such as telephone, cable TV, electricity and gas services. All utilities shall be installed underground.
 - h. Storm drainage system and any other drainage improvements and/or facilities that may be on or off site, but which are necessary to serve the subdivision.
 - i. Park improvements, landscaping and screening, as required.
- (8) Sidewalks and pedestrian ways. All new developments are required to be served by a sidewalk. In conventional developments, sidewalks are generally parallel to streets and within the rights-of-way, although undulations and interesting variations in alignment are encouraged, consistent with accepted practices. Exceptions are possible to preserve important natural features or to accommodate topography or drainage when the applicant shows an alternative for a safe and convenient pedestrian system. The location of all sidewalks shall be approved by the city engineer. Where sidewalks meander out of the right-of-way, sidewalk easements are required.
- a. All sidewalks shall be constructed according to the City of Casper Engineering Design and Construction Standards.
 - b. All sidewalks, crossings, and other segments of a continuous pedestrian system shall comply with standards of the Americans with Disabilities Act.
- (9) Water and sewer extension requirements.
- a. Two plan sets of the water system design shall be submitted to the city engineer for review. The applicant shall make all required corrections and submit two corrected copies to the city engineer. If the corrected prints are in order, the city engineer will give one print to the engineer responsible for inspection and retain the second print for the city's use. The developer shall submit a third copy of the final draft to the city clerk with DEQ approval.
 - b. Construction drawings shall be signed by a professional engineer licensed to practice in the state. All plans shall contain the name and professional license number of the engineer.
 - c. The construction drawings shall be drawn on a 22-inch by 36-inch sheet with the title box in the lower right-hand corner. The title box shall contain the names of the developer, the subdivision, city, and other information deemed appropriate, as requested by the council and city engineer.
 - d. Water and sewer design shall meet all standards and regulations of the state department of environmental quality and other regulatory agencies.
- (10) Construction drawings, water and sewer.
- a. Plan and profile drawings shall meet the requirements of all applicable regulatory agencies. Contents of construction drawings for water and sewer extensions shall be as follows:
 - 1. All drawings shall be drawn at a scale of one inch equals 50 feet, or one foot equals 100 feet, matching the scale of the final plat;

2. Each page shall contain a bar scale;
 3. A vicinity sketch drawn on a scale of one inch equals 2,000 feet or larger, showing adjacent areas affected by construction;
 4. A general plan of the adjacent areas, showing spot elevations or contour lines sufficient to show the existing surface topography;
 5. Plan drawings of individual water lines, including the size and location of all proposed lines and the size and location of existing lines to which the proposed construction will connect;
 6. Sufficient detail of the city system so that ties and looping can readily be obtained;
 7. Specifications, sizes and construction requirements of all facilities;
 8. Design adequate to meet the city master plan;
 9. The plans shall state, "The work shall be performed in accordance with this drawing and the city's specifications," dated May 23, 1979, or in its latest revision;
 10. Any details not covered by standard details in the city's specifications.
- b. The developer is responsible for retaining a licensed engineer to inspect the water or sewer line installation and certify to the city that the work was completed in accordance with the plans and specifications. The city engineer has the authority to accept or reject any engineer who is requested by the developer. The accepted engineer may have qualified inspectors work under his supervision. Daily inspection reports must be kept, and copies must be turned in to the city engineer once a week. The inspecting engineer, with the approval of the city engineer, shall have the authority to stop construction of any project when work is not in compliance with regulations and approved plans.
- c. After construction, the owner will be required to furnish three sets of as constructed plans to the city office. One set will be for the city clerk's office, one set for the public works department, and one set for the city engineer. Fire hydrants, fittings, valves, and utility conflicts, including gas and telephone, shall be accurately shown on the as constructed plans. All sheets shall be stamped or visibly marked as constructed, certified by the inspecting engineer.
- (11) Construction drawings, road plans and profiles.
- a. Plan and profile drawings shall meet the requirements of all applicable regulatory agencies. Contents of construction drawings for road plans and profiles shall be as follows:
1. All drawings shall be drawn at a scale of one inch equals 50 feet, or one foot equals 100 feet, matching the scale of the final plat;
 2. Each page shall contain a bar scale;
 3. A typical cross section of the road construction, with additional cross sections for roads which vary from the typical. The cross section shall show all dimensions and specifications of sub-base, base, curb, gutter and sidewalk and other proposed construction;
 4. Design adequate to meet the city master plan;

5. The plans shall state "the work shall be performed in accordance with this drawing and the city's specifications," dated in its latest revision;
 6. Any details not covered by standard details in the city's specifications.
- b. The developer is responsible for retaining a licensed engineer to inspect the roadway installation and certify to the city that the work was completed in accordance with the plans and specifications. The developer's engineer may have qualified inspectors work under his supervision. The city engineer has the authority to accept or reject any inspector who is requested by the engineer. If the developer feels the decision of the city's engineer is unjust, he may, upon written request, be granted a review hearing before the city council. Daily inspection reports must be kept, and copies must be turned in to the city engineer once a week. The inspecting engineer, with the approval of the city engineer, shall have the authority to stop construction of any project when work is not in compliance with regulations and approved plans.
 - c. After construction, the owner will be required to furnish three sets of as constructed plans to the city office. One set will be for the city clerk's office, one set for the public works department, and one set for the city engineer. All sheets shall be stamped or visibly marked as constructed, certified by the inspecting engineer.

(Ord. No. 813, att.(47.70), 6-25-2024)

CODE COMPARATIVE TABLE

LEGISLATION

This table gives the location of ordinances and other legislation within the Code.

Legislation	Date	Section	Section in Code
Ord. No. 03-08	2003	4	6.03.100
Ord. No. 04-06	2004	4	6.03.100
Ord. No. 739	4-6-2004	att.(6.01.010)	6.01.010
		att.(6.01.020)	6.01.020
		att.(6.01.030)	6.01.030
		att.(6.01.040)	6.01.040
		att.(6.01.050)	6.01.050
		att.(6.01.060)	6.01.060
		att.(6.01.070)	6.01.070
		att.(6.01.080)	6.01.080
		att.(6.01.090)	6.01.090
		att.(6.01.100)	6.01.100
		att.(6.01.110)	6.01.110
		att.(6.01.120)	6.01.120
		att.(6.01.121)	6.01.121
		att.(6.01.122)	6.01.122
		att.(6.01.123)	6.01.123
		att.(6.02.010)	6.02.010
		att.(6.02.020)	6.02.020
		att.(6.02.030)	6.02.030
		att.(6.02.040)	6.02.040
		att.(6.02.050)	6.02.050
		att.(6.03.010)	6.03.010
		—	6.03.040
		att.(6.03.020)	6.03.020
		att.(6.03.030)	6.03.030
		att.(6.03.050)	6.03.050
		att.(6.03.060)	6.03.060
		att.(6.03.070)	6.03.070
		att.(6.03.080)	6.03.080
		att.(6.03.090)	6.03.090
		att.(6.03.100)	6.03.100
		att.(6.03.110)	6.03.110
		att.(6.03.120)	6.03.120
		att.(6.03.130)	6.03.130
		att.(6.04.010)	6.04.010
		att.(6.04.020)	6.04.020
		att.(6.04.030)	6.04.030
		att.(6.04.040)	6.04.040
		att.(6.04.050)	6.04.050
		att.(6.04.060)	6.04.060
		att.(6.04.070)	6.04.070
		att.(6.04.080)	6.04.080
		att.(6.04.100)	6.04.100

MILLS CODE

Legislation	Date	Section	Section in Code
		att.(6.04.110)	6.04.110
		att.(6.05.010)	6.05.010
		att.(6.05.020)	6.05.020
		att.(6.05.030)	6.05.030
		att.(6.05.040)	6.05.040
		att.(6.05.050)	6.05.050
		att.(6.05.060)	6.05.060
		att.(6.05.070)	6.05.070
		att.(6.05.080)	6.05.080
		att.(6.05.090)	6.05.090
		att.(6.06.010)	6.06.010
		att.(6.6.020)	6.06.020
		att.(6.06.030)	6.06.030
		att.(6.06.040)	6.06.040
		att.(6.06.050)	6.06.050
		att.(6.06.060)	6.06.060
		att.(6.06.070)	6.06.070
		att.(6.06.080)	6.06.080
		att.(6.07.010)	6.07.010
		att.(6.07.020)	6.07.020
		att.(6.07.030)	6.07.030
		att.(6.07.040)	6.07.040
		att.(6.07.050)	6.07.050
		att.(6.07.060)	6.07.060
		att.(6.07.070)	6.07.070
		att.(6.08.010)	6.08.010
		att.(6.08.020)	6.08.020
		att.(6.08.040)	6.08.040
		att.(6.08.060)	6.08.060
		att.(6.08.070)	6.08.070
Ord. No. 21-12	7-2-2012	8	15.24.270
Ord. No. 680	8-10-2016	1.01.010	1.01.010
		1.01.020	1.01.020
		1.01.030	1.01.030
		1.01.040	1.01.040
		1.01.050	1.01.050
		1.01.060	1.01.060
		1.01.070	1.01.070
		1.01.090	1.01.090
		1.01.101	1.01.101
		1.01.102	1.01.102
		1.03.010	1.03.010
		1.03.020	1.03.020
		1.03.040	1.03.030
		1.04.010	1.04.010
		1.04.020	1.04.020
		1.04.030	1.04.030
		1.04.040	1.04.040
		1.05.010	1.05.010
		1.06.010	1.06.010

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
Ord. No. 740	5-26-2020	att.(10.04.010)	10.04.010
		att.(10.04.020)	10.04.020
		att.(10.04.030)	10.04.030
		att.(10.08.010)	10.08.010
		att.(10.08.020)	10.08.020
		att.(10.08.030)	10.08.030
		att.(10.08.110)	10.08.110
		att.(10.08.120)	10.08.120
		att.(10.08.130)	10.08.130
		att.(10.08.150)	10.08.150
		att.(10.08.160)	10.08.160
		att.(10.08.170)	10.08.170
		att.(10.12.010)	10.12.010
		att.(10.12.020)	10.12.020
		att.(10.12.030)	10.12.030
		att.(10.12.040)	10.12.040
		att.(10.12.050)	10.12.050
		att.(10.16.010)	10.16.010
		att.(10.16.020)	10.16.020
		att.(10.20.020)	10.20.020
		att.(10.20.030)	10.20.030
		att.(10.20.050)	10.20.050
		att.(10.20.060(1))	10.20.060
		att.(10.20.060(2))	10.20.065
		att.(10.20.070)	10.20.070
		att.(10.20.075)	10.20.075
		att.(10.20.080)	10.20.080
		att.(10.20.090)	10.20.090
		att.(10.24.010)	10.24.010
		att.(10.24.020)	10.24.020
		att.(10.24.030)	10.24.030
		att.(10.24.040)	10.24.040
		att.(10.28.020)	10.28.020
		att.(10.32.010)	10.32.010
		att.(10.32.050)	10.32.050
		att.(10.32.070)	10.32.070
		att.(10.32.080)	10.32.080
		att.(10.32.090)	10.32.090
		att.(10.32.100)	10.32.100
		att.(10.36.010)	10.36.010
		att.(10.36.020)	10.36.020
		att.(10.36.030)	10.36.030
		att.(10.36.040)	10.36.040
		—	10.36.050
		att.(10.60.010)	10.60.010
		att.(10.60.020)	10.60.020
		att.(10.60.030)	10.60.030
		att.(10.60.040)	10.60.040
		att.(10.60.050)	10.60.050
		att.(10.60.060)	10.60.060

MILLS CODE

Legislation	Date	Section	Section in Code
		att.(10.60.070)	10.60.070
		att.(10.60.080)	10.60.080
		att.(10.60.090)	10.60.090
		att.(10.60.100)	10.60.100
		att.(10.64.060)	10.64.060
		att.(10.64.070)	10.64.070
		att.(10.64.080)	10.64.080
		att.(10.64.090)	10.64.090
		att.(10.64.100)	10.64.100
		att.(10.64.120)	10.64.120
		att.(10.64.130)	10.64.130
		att.(10.64.155)	10.64.155
		att.(10.64.165)	10.64.165
		att.(10.68.010)	10.68.010
		att.(10.68.020)	10.68.020
		att.(10.72.010)	10.72.010
		att.(10.72.020)	10.72.020
		att.(10.72.030)	10.72.030
		att.(10.72.040)	10.72.040
		att.(10.72.050)	10.72.050
		att.(10.72.060)	10.72.060
		att.(10.72.070)	10.72.070
		att.(10.72.080)	10.72.080
		att.(10.72.090)	10.72.090
		att.(10.72.100)	10.72.100
		att.(10.72.110)	10.72.110
		att.(10.72.120)	10.72.120
		att.(10.72.130)	10.72.130
		att.(10.72.140)	10.72.140
		att.(10.72.150)	10.72.150
		att.(10.76.010)	10.76.010
		att.(10.76.020)	10.76.020
		att.(10.80.010)	10.80.010
		att.(10.80.020)	10.80.020
		att.(10.88.010)	10.88.010
		att.(10.88.020)	10.88.020
		att.(10.88.030)	10.88.030
		att.(10.88.040)	10.88.040
		att.(10.88.050)	10.88.050
		att.(10.88.060)	10.88.060
		att.(10.88.070)	10.88.070
		att.(10.88.090)	10.88.090
		att.(10.88.100)	10.88.100
Ord. No. 742	5-26-2020	att.(8.01.010)	8.01.010
		—	8.01.030
		att.(8.01.020)	8.01.015
		—	8.01.020
		att.(8.02.020)	8.02.010
		att.(8.03.010)	8.03.010
		att.(8.03.020)	8.03.020

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
		att.(8.03.030)	8.03.030
		att.(8.04.010)	8.04.010
		att.(8.04.020)	8.04.020
		att.(8.04.030)	8.04.030
		att.(8.04.050)	8.04.050
		att.(8.04.060)	8.04.060
		att.(8.04.070)	8.04.070
		att.(8.08.010)	8.08.010
		att.(8.08.020)	8.08.020
		att.(8.08.030)	8.08.030
		att.(8.08.040)	8.08.040
		att.(8.08.050)	8.08.050
		att.(8.08.060)	8.08.060
		att.(8.08.070)	8.08.070
		att.(8.08.080)	8.08.080
		att.(8.08.090)	8.08.090
		att.(8.08.100)	8.08.100
		att.(8.08.110)	8.08.110
		att.(8.08.120)	8.08.120
		att.(8.08.130)	8.08.130
		att.(8.08.140)	8.08.140
		att.(8.08.150)	8.08.150
		att.(8.08.160)	8.08.160
		att.(8.08.170)	8.08.170
		att.(8.09.010)	8.09.010
		att.(8.09.020)	8.09.020
		att.(8.09.030)	8.09.030
		att.(8.10.010)	8.10.010
		att.(8.10.020)	8.10.020
		att.(8.10.030)	8.10.030
		att.(8.10.060)	8.10.060
		att.(8.10.080)	8.10.080
		att.(8.11.010)	8.11.010
		att.(8.11.020)	8.11.020
		att.(8.11.025)	8.11.025
		att.(8.11.030)	8.11.030
		att.(8.11.040)	8.11.040
		att.(8.11.050)	8.11.050
		att.(8.11.060)	8.11.060
		att.(8.11.070)	8.11.070
		att.(8.11.080)	8.11.080
		att.(8.11.090)	8.11.090
		att.(8.11.100)	8.11.100
		att.(8.11.110)	8.11.110
		att.(8.11.115)	8.11.115
		att.(8.11.120)	8.11.120
		att.(8.12.005)	8.12.005
		att.(8.12.010)	8.12.010
		att.(8.12.020)	8.12.020
		att.(8.12.030)	8.12.030

MILLS CODE

Legislation	Date	Section	Section in Code
		att.(8.12.040)	8.12.040
		att.(8.12.050)	8.12.050
		att.(8.12.060)	8.12.060
		att.(8.13.010)	8.13.010
		att.(8.13.020)	8.13.020
		att.(8.13.030)	8.13.030
		att.(8.13.040)	8.13.040
		att.(8.13.050)	8.13.050
		att.(8.13.060)	8.13.060
		att.(8.13.070)	8.13.070
		att.(8.13.080)	8.13.080
		att.(8.13.090)	8.13.090
		att.(8.13.100)	8.13.100
		att.(8.13.120)	8.13.120
		att.(8.14.010)	8.14.010
		att.(8.14.020)	8.14.020
		att.(8.14.040)	8.14.040
		att.(8.14.080)	8.14.080
		att.(8.14.090)	8.14.090
		att.(8.15.005)	8.15.005
		att.(8.15.010)	8.15.010
		att.(8.15.015)	8.15.015
		att.(8.15.020)	8.15.020
		att.(8.15.035)	8.15.035
		att.(8.15.040)	8.15.040
		att.(8.15.050)	8.15.050
		att.(8.15.060)	8.15.060
		att.(8.15.070)	8.15.070
		att.(8.15.080)	8.15.080
		att.(8.16.010)	8.16.010
		att.(8.16.020)	8.16.020
		att.(8.16.030)	8.16.030
		att.(8.16.040)	8.16.040
		att.(8.16.050)	8.16.050
		att.(8.16.060)	8.16.060
		att.(8.16.070)	8.16.070
		att.(8.16.080)	8.16.080
		att.(8.16.090)	8.16.090
		att.(8.17.010)	8.17.010
		att.(8.17.020)	8.17.020
		att.(8.17.030)	8.17.030
		att.(8.18.010)	8.18.010
		att.(8.18.020)	8.18.020
		att.(8.18.030)	8.18.030
		att.(8.18.040)	8.18.040
		att.(8.18.050)	8.18.050
		att.(8.18.060)	8.18.060
		att.(8.20.010)	8.20.010
		att.(8.20.015)	8.20.015
		att.(8.20.017)	8.20.017

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
		att.(8.20.020)	8.20.020
		att.(8.20.030)	8.20.030
		att.(8.20.040)	8.20.040
		att.(8.20.045)	8.20.045
		att.(8.20.050)	8.20.050
		att.(8.20.060)	8.20.060
		att.(8.20.062)	8.20.062
		att.(8.20.064)	8.20.064
		att.(8.20.070)	8.20.070
		att.(8.20.080)	8.20.080
		att.(8.20.090)	8.20.080
		att.(8.20.095)	8.20.095
		att.(8.20.097)	8.20.097
		att.(8.20.099)	8.20.099
		att.(8.20.100)	8.20.100
		att.(8.20.102)	8.20.102
		att.(8.20.104)	8.20.104
		att.(8.20.110)	8.20.110
		att.(8.20.120)	8.20.120
		att.(8.20.130)	8.20.130
		att.(8.20.140)	8.20.140
		att.(8.20.150)	8.20.150
		att.(8.20.160)	8.20.160
		att.(8.20.165)	8.20.165
		att.(8.20.170)	8.20.170
		att.(8.20.175)	8.20.175
		att.(8.20.180)	8.20.180
		att.(8.20.190)	8.20.190
		att.(8.20.200)	8.20.200
		att.(8.20.205)	8.20.205
		att.(8.20.210)	8.20.210
		att.(8.20.215)	8.20.215
		att.(8.20.220)	8.20.220
		att.(8.20.230)	8.20.230
		att.(8.30.010)	8.30.010
		att.(8.30.101)	8.30.020
		att.(8.30.102)	8.30.102
		att.(8.30.103)	8.30.103
		att.(8.30.201)	8.30.201
		att.(8.30.202)	8.30.202
		att.(8.30.203)	8.30.203
		att.(8.30.204)	8.30.204
		att.(8.30.205)	8.30.205
		att.(8.30.301)	8.30.301
		att.(8.30.302)	8.30.302
		att.(8.30.401)	8.30.401
		att.(8.30.402)	8.30.402
		att.(8.30.403)	8.30.403
		att.(8.30.404)	8.30.404
		att.(8.30.501)	8.30.501

MILLS CODE

Legislation	Date	Section	Section in Code
		att.(8.30.502)	8.30.502
		att.(8.30.503)	8.30.503
		att.(8.30.504)	8.30.504
		att.(8.30.505)	8.30.505
		att.(8.30.506)	8.30.506
		att.(8.30.601)	8.30.601
		att.(8.30.602)	8.30.602
		att.(8.30.603)	8.30.603
		att.(8.30.604)	8.30.604
		att.(8.30.701)	8.30.701
		att.(8.30.702)	8.30.702
		att.(8.30.703)	8.30.703
		att.(8.30.801)	8.30.801
		att.(8.30.802)	8.30.802
		att.(8.30.901)	8.30.901
		att.(8.30.902)	8.30.902
		att.(8.30.903)	8.30.903
		att.(8.30.904)	8.30.904
		att.(8.30.905)	8.30.905
		att.(8.30.906)	8.30.906
		att.(8.30.907)	8.30.907
		att.(8.30.908)	8.30.908
		att.(8.30.909)	8.30.909
Ord. No. 753	1-12-2021	att.(9.01.010)	9.01.010
		att.(9.02.010)	9.02.010
		att.(9.04.010)	9.04.010
		att.(9.04.011)	9.04.011
		att.(9.04.020)	9.04.020
		att.(9.04.030)	9.04.030
		att.(9.04.031)	9.04.031
		att.(9.04.032)	9.04.032
		att.(9.04.040)	9.04.040
		att.(9.04.050)	9.04.050
		att.(9.04.060)	9.04.060
		att.(9.08.010)	9.08.010
		att.(9.08.020)	9.08.020
		att.(9.12.020)	9.12.010
		—	9.12.020
		att.(9.12.030)	9.12.030
		att.(9.12.040)	9.12.040
		att.(9.12.060)	9.12.060
		att.(9.12.070)	9.12.070
		att.(9.12.080)	9.12.080
		att.(9.12.100)	9.12.090
		—	9.12.100
		att.(9.20.010)	9.20.010
		att.(9.20.020)	9.20.020
		att.(9.20.021)	9.20.021
		att.(9.20.030)	9.20.030
		att.(9.20.040)	9.20.040

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
		att.(9.20.050)	9.20.050
		att.(9.20.060)	9.20.060
		att.(9.20.070)	9.20.070
		att.(9.24.010)	9.24.010
		att.(9.24.020)	9.24.020
		att.(9.24.040)	9.24.040
		att.(9.24.070)	9.24.070
		att.(9.24.080)	9.24.080
		att.(9.24.090)	9.24.090
		att.(9.28.010)	9.28.010
		att.(9.28.020)	9.28.020
		att.(9.32.010)	9.32.010
		att.(9.40.010)	9.40.010
		att.(9.40.020)	9.40.010
		att.(9.40.030)	9.40.010
		att.(9.40.031)	9.40.010
		att.(9.40.032)	9.40.010
		att.(9.40.130)	9.40.020
		att.(9.40.140)	9.40.020
		att.(9.40.150)	9.40.030
		att.(9.40.160)	9.40.030
		att.(9.40.170)	9.40.030
		att.(9.40.180)	9.40.030
		att.(9.40.190)	9.40.030
		att.(9.44.010)	9.44.010
		att.(9.44.020)	9.44.020
		att.(9.44.030)	9.44.030
		att.(9.48.010)	9.48.010
		att.(9.48.020)	9.48.020
		att.(9.48.040)	9.48.040
		att.(9.48.050)	9.48.050
		att.(9.50.150)	9.50.040
		att.(9.50.160)	9.50.040
Ord. No. 752	3-23-2021	att.(2.04.010)	2.04.010
		att.(2.04.020)	2.04.020
		att.(2.04.030)	2.04.030
		att.(2.04.040)	2.04.040
		att.(2.04.050)	2.04.050
		att.(2.04.060)	2.04.060
		att.(2.04.070(1))	2.04.070
		att.(2.04.070(2))	2.04.085
		att.(2.04.080)	2.04.080
		att.(2.04.090)	2.04.090
		att.(2.04.100)	2.04.100
		att.(2.04.110)	2.04.110
		att.(2.04.115)	2.04.115
		att.(2.04.120)	2.04.120
		att.(2.04.130)	2.04.130
		att.(2.04.140)	2.04.140
		att.(2.04.150)	2.04.150

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Legislation	Date	Section	Section in Code
		att.(2.04.160)	2.04.160
		att.(2.04.170)	2.04.170
		att.(2.04.180)	2.04.180
		att.(2.08.010)	2.08.010
		att.(2.08.020)	2.08.020
		att.(2.08.030)	2.08.030
		att.(2.08.040)	2.08.040
		att.(2.08.050)	2.08.050
		att.(2.08.060)	2.08.060
		att.(2.08.070)	2.08.070
		att.(2.08.080)	2.08.080
		att.(2.08.100)	2.08.100
		att.(2.08.110)	2.08.110
		att.(2.08.120)	2.08.120
		att.(2.08.130)	2.08.130
		att.(2.08.140)	2.08.140
		att.(2.08.150)	2.08.150
		att.(2.08.160)	2.08.160
		att.(2.08.170)	2.08.170
		att.(2.12.010)	2.12.010
		att.(2.12.020)	2.12.020
		att.(2.12.025)	2.12.025
		att.(2.12.040)	2.12.040
		att.(2.12.045)	2.12.045
		att.(2.12.050)	2.12.050
		att.(2.12.060)	2.12.060
		att.(2.16.010)	2.16.010
		att.(2.16.020)	2.16.020
		att.(2.16.030)	2.16.030
		att.(2.20.010)	2.20.010
		att.(2.20.030)	2.20.020
		att.(2.20.040)	2.20.030
		att.(2.20.050)	2.20.040
		att.(2.20.060)	2.20.050
		att.(2.20.070)	2.20.060
		att.(2.20.080)	2.20.070
		att.(2.20.090)	2.20.080
		att.(2.20.110)	2.20.090
		att.(2.20.120)	2.20.100
		att.(2.20.130)	2.20.110
		att.(2.20.160)	2.20.120
		att.(2.20.170)	2.20.130
		att.(2.32.010)	2.32.010
		att.(2.32.020)	2.32.020
		att.(2.36.010)	2.36.010
		att.(2.36.020)	2.36.020
		—	2.36.030
		att.(2.40.010)	2.40.010
		att.(2.44.010)	2.44.010
		att.(2.46.010)	2.46.010

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
		att.(2.46.020)	2.46.020
		att.(2.46.030)	2.46.030
		att.(2.48.010)	2.48.010
		att.(2.48.020)	2.48.020
		att.(2.48.030)	2.48.030
		att.(2.52.010)	2.52.010
		att.(2.52.020)	2.52.020
		att.(2.52.030)	2.52.030
		att.(2.52.040)	2.52.040
		att.(2.52.050)	2.52.050
		att.(2.52.060)	2.52.060
		att.(2.52.070)	2.52.070
		att.(2.52.080)	2.52.080
		att.(2.52.090)	2.52.090
		att.(2.52.100)	2.52.100
		att.(2.52.110)	2.52.110
		att.(2.52.120)	2.52.120
		att.(2.52.130)	2.52.130
		att.(2.52.140)	2.52.140
		att.(2.52.150)	2.52.150
		att.(2.52.160)	2.52.160
		att.(2.56.010)	2.56.010
		att.(2.56.020)	2.56.020
		att.(2.56.030)	2.56.030
		att.(2.56.040)	2.56.040
		att.(2.72.010)	2.72.010
		att.(2.72.020)	2.72.020
		att.(2.76.010)	2.76.010
		att.(2.76.020)	2.76.020
		att.(2.76.030)	2.76.030
		att.(2.76.040)	2.76.040
		att.(2.76.050)	2.76.050
		att.(2.76.060)	2.76.060
		att.(2.76.070)	2.76.070
		att.(2.80.010)	2.80.010
		att.(2.80.020)	2.80.020
		att.(2.80.030)	2.80.030
		att.(2.80.040)	2.80.040
		att.(2.80.050)	2.80.050
		att.(2.84.010)	2.84.010
		att.(2.84.030)	2.84.030
		att.(2.84.040)	2.84.040
		att.(2.88.010)	2.88.010
		att.(2.88.020)	2.88.020
		att.(2.88.030)	2.88.030
		att.(2.88.040(1))	2.88.040
		att.(2.88.040(2))	2.88.041
		att.(2.90.10)	2.90.10
		att.(2.90.20)	2.90.20
		att.(2.90.30)	2.90.30

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Legislation	Date	Section	Section in Code
Ord. No. 758	4-13-2021	att.(1.01.010)	1.01.010
		att.(1.01.020)	1.01.020
		att.(1.01.030)	1.01.030
		att.(1.01.040)	1.01.040
		att.(1.01.050)	1.01.050
		att.(1.01.060)	1.01.060
		att.(1.01.070)	1.01.070
		att.(1.01.090)	1.01.090
		att.(1.01.101)	1.01.101
		att.(1.01.102)	1.01.102
		att.(1.02.030)	1.03.030
		att.(1.03.010)	1.03.010
		att.(1.03.020)	1.03.020
		att.(1.04.010)	1.04.010
		att.(1.04.020)	1.04.020
		att.(1.04.030)	1.04.030
		att.(1.04.040)	1.04.040
		att.(1.05.010)	1.05.010
		att.(1.06.010)	1.06.010
		att.(ch. 1.07)	1.07.010
Ord. No. 760	4-13-2021	att.(10.64.060)	10.64.060
		att.(10.64.070)	10.64.070
		att.(10.64.080)	10.64.080
		att.(10.64.090)	10.64.090
		att.(10.64.100)	10.64.100
		att.(10.64.120)	10.64.120
		att.(10.64.130)	10.64.130
		att.(10.64.155)	10.64.155
Ord. No. 762	4-13-2021	att.(10.64.165)	10.64.165
		att.(12.04.010)	12.04.010
		att.(12.04.020)	12.04.020
		att.(12.08.005)	12.08.005
		att.(12.08.010)	12.08.010
		att.(12.08.015)	12.08.015
		att.(12.08.017)	12.08.017
		att.(12.08.020)	12.08.020
		att.(12.08.030)	12.08.030
		att.(12.08.040)	12.08.040
		att.(12.08.050)	12.08.050
		att.(12.12.010)	12.12.010
		att.(12.12.015)	12.12.015
		att.(12.12.020)	12.12.020
		att.(12.12.030)	12.12.030
		att.(12.12.040)	12.12.040
		att.(12.12.050)	12.12.050
		att.(12.12.060)	12.12.060
		att.(12.12.070)	12.12.070
		att.(12.12.075)	12.12.075
		att.(12.12.080)	12.12.080
		att.(12.12.090)	12.12.090

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
		att.(12.12.100)	12.12.100
		att.(12.12.110)	12.12.110
		att.(12.12.120)	12.12.120
		att.(12.12.130)	12.12.130
		att.(12.16.010)	12.16.010
		att.(12.16.020)	12.16.020
		att.(12.16.040)	12.16.040
		att.(12.16.050)	12.16.050
		att.(12.16.060)	12.16.060
		att.(12.16.070)	12.16.070
		att.(12.16.080)	12.16.080
		att.(12.16.090)	12.16.090
		att.(12.16.100)	12.16.100
		att.(12.16.110)	12.16.110
		att.(12.16.120)	12.16.120
		att.(12.20.005)	12.20.005
		att.(12.20.010)	12.20.010
		att.(12.20.030)	12.20.030
		att.(12.20.040)	12.20.040
		att.(12.20.055)	12.20.055
		att.(12.20.065)	12.20.065
		att.(12.20.080)	12.20.080
		att.(12.20.100)	12.20.100
		att.(12.20.120)	12.20.120
		att.(12.20.130)	12.20.130
		att.(12.20.140)	12.20.140
		att.(12.20.150)	12.20.150
		att.(12.20.170)	12.20.170
		att.(12.20.190)	12.20.190
		att.(12.24.010)	12.24.010
		att.(12.24.030)	12.24.030
		att.(12.24.040)	12.24.040
		att.(12.24.050)	12.24.050
		att.(12.24.060)	12.24.060
		att.(12.24.070)	12.24.070
		att.(12.28.010)	12.28.010
		att.(12.36.010)	12.36.010
		att.(12.36.020)	12.36.020
		att.(12.36.030)	12.36.030
		att.(12.36.040)	12.36.040
		att.(12.36.050)	12.36.050
		att.(12.36.070)	12.36.070
		att.(12.36.080)	12.36.080
		att.(12.36.090)	12.36.090
		att.(12.36.100)	12.36.100
		att.(15.24.110)	15.24.110
Ord. No. 759	4-27-2021	att.(13.03.010)	13.03.010
		att.(13.03.020)	13.03.020
		att.(13.03.030)	13.03.030
		att.(13.03.040)	13.03.040

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Legislation	Date	Section	Section in Code
		att.(13.03.050)	13.03.050
		att.(13.03.060)	13.03.060
		att.(13.03.070)	13.03.070
		att.(13.03.080)	13.03.080
		att.(13.03.090)	13.03.090
		att.(13.03.100)	13.03.100
		att.(13.03.110)	13.03.110
		att.(13.03.120)	13.03.120
		att.(13.04.010)	13.04.010
		att.(13.04.020)	13.04.020
		att.(13.04.030)	13.04.030
		att.(13.04.040)	13.04.040
		att.(13.04.060)	13.04.050
		—	13.04.060
		att.(13.04.070)	13.04.070
		att.(13.04.080)	13.04.080
		att.(13.04.090)	13.04.090
		att.(13.04.100)	13.04.100
		att.(13.04.110)	13.04.110
		att.(13.05.010)	13.05.010
		att.(13.05.020)	13.05.020
		att.(13.05.030)	13.05.030
		att.(13.05.050)	13.05.050
		att.(13.05.060(1))	13.05.060
		att.(13.05.060(2))	13.05.065
		att.(13.05.070)	13.05.070
		att.(13.05.080)	13.05.080
		att.(13.08.010)	13.08.010
		att.(13.08.020)	13.08.020
		att.(13.08.030)	13.08.030
		att.(13.08.040)	13.08.040
		att.(13.08.050)	13.08.050
		att.(13.12.010)	13.12.010
		att.(13.12.020)	13.12.020
		att.(13.12.030)	13.12.030
		att.(13.12.040)	13.12.040
		att.(13.12.050)	13.12.050
		att.(13.12.060)	13.12.060
		att.(13.12.070)	13.12.070
		att.(13.12.080)	13.12.080
		att.(13.12.090)	13.12.090
		att.(13.13.010)	13.13.010
		att.(13.13.020)	13.13.020
		att.(13.13.030)	13.13.030
		att.(13.13.040)	13.13.040
		att.(13.13.050)	13.13.050
		att.(13.16.010)	13.16.010
		att.(13.16.020)	13.16.020
		att.(13.16.030)	13.16.030
		att.(13.16.040)	13.16.040

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Legislation	Date	Section	Section in Code
		att.(13.16.050)	13.16.050
		att.(13.16.060)	13.16.060
		att.(13.17.010)	13.17.010
		att.(13.17.020)	13.17.020
		att.(13.17.030)	13.17.030
		att.(13.17.040)	13.17.040
		att.(13.17.050)	13.17.050
		att.(13.17.060)	13.17.060
		att.(13.17.070)	13.17.070
		att.(13.17.080)	13.17.080
		att.(13.17.090)	13.17.090
		att.(13.17.100)	13.17.100
		att.(13.18.000)	13.18.000
		att.(13.18.020)	13.18.020
		att.(13.18.030)	13.18.030
		att.(13.18.040)	13.18.040
		att.(13.18.050)	13.18.050
		att.(13.18.060)	13.18.060
		att.(13.18.070)	13.18.070
		att.(13.18.080)	13.18.080
		att.(13.18.090)	13.18.090
		att.(13.18.100)	13.18.100
		att.(13.18.110)	13.18.110
		att.(13.18.120)	13.18.120
		att.(13.18.130)	13.18.130
		att.(13.18.140)	13.18.140
		att.(13.18.150)	13.18.150
		att.(13.18.160)	13.18.160
		att.(13.18.170)	13.18.170
		att.(13.18.180)	13.18.180
		att.(13.18.190)	13.18.190
		att.(13.18.200)	13.18.200
		att.(13.18.210)	13.18.210
		att.(13.18.220)	13.18.220
		att.(13.18.230)	13.18.230
		att.(13.18.240)	13.18.240
		att.(13.18.259)	13.18.259
		att.(13.19.010)	13.19.010
		att.(13.19.020)	13.19.020
		att.(13.19.030)	13.19.030
		att.(13.19.040)	13.19.040
		att.(13.19.060)	13.19.060
		att.(13.19.070)	13.19.070
		att.(13.19.080)	13.19.080
		att.(13.19.090)	13.19.090
		att.(13.19.100)	13.19.100
		att.(13.19.110)	13.19.110
		att.(13.19.120)	13.19.120
		att.(13.19.130)	13.19.130
		att.(13.19.140)	13.19.140

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Legislation	Date	Section	Section in Code
Ord. No. 768	8-31-2021	att.(13.19.150)	13.19.150
		att.(13.19.160)	13.19.160
		att.(13.19.170)	13.19.170
		att.(13.19.180)	13.19.180
		att.(13.19.190)	13.19.190
		att.(13.19.200)	13.19.200
		att.(13.19.210)	13.19.210
		att.(13.19.220)	13.19.220
		att.(13.19.230)	13.19.230
		att.(13.19.240)	13.19.240
		att.(13.19.260)	13.19.260
		att.(13.19.270(1))	13.19.255
		att.(13.19.270(2))	13.19.270
		att.(13.19.280)	13.19.280
		att.(3.04.010)	3.04.010
		att.(3.04.020)	3.04.020
		att.(3.04.030)	3.04.030
		att.(3.04.040)	3.04.040
		att.(3.04.050)	3.04.050
		att.(3.04.060)	3.04.060
		att.(3.04.070)	3.04.070
		att.(3.04.080)	3.04.080
		att.(3.04.090)	3.04.090
		att.(3.04.100)	3.04.100
		att.(3.04.110)	3.04.110
		att.(3.04.120)	3.04.120
		att.(3.04.130)	3.04.130
		att.(3.04.140)	3.04.140
		att.(3.04.150)	3.04.150
		att.(3.04.160)	3.04.160
		att.(3.08.010)	3.08.010
		att.(3.08.020)	3.08.020
		att.(3.08.030)	3.08.030
		att.(3.08.040)	3.08.040
		att.(3.08.050)	3.08.050
		att.(3.08.060)	3.08.060
		att.(3.08.070)	3.08.070
		att.(3.08.080)	3.08.080
		att.(3.16.010)	3.16.010
		att.(3.16.020)	3.16.020
		att.(3.16.030)	3.16.030
		att.(3.16.040)	3.16.040
		att.(3.16.050)	3.16.050
		att.(3.16.060)	3.16.060
		att.(3.16.070)	3.16.070
		att.(3.16.080)	3.16.080
		att.(3.16.090)	3.16.090
		att.(3.16.100)	3.16.100
		att.(3.20.010)	3.20.010
		att.(3.20.020)	3.20.020

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Legislation	Date	Section	Section in Code
Ord. No. 769	10-26-2021	att.(3.20.030)	3.20.030
		att.(3.20.040)	3.20.040
		att.(3.20.050)	3.20.050
		att.(3.20.060)	3.20.060
		att.(3.20.070)	3.20.070
		att.(3.20.080)	3.20.080
		att.(3.20.090)	3.20.090
		att.(3.20.100)	3.20.100
		att.(3.20.110)	3.20.110
		att.(3.20.120)	3.20.120
		att.(3.20.130)	3.20.130
		att.(3.20.140)	3.20.140
		att.(3.20.150)	3.20.150
		att.(3.20.160)	3.20.160
		att.(3.20.170)	3.20.170
		att.(3.20.180)	3.20.180
		att.(3.20.190)	3.20.190
		att.(3.20.200)	3.20.200
		att.(3.24.010)	3.24.010
		att.(15.02.010)	15.02.010
		att.(15.02.020)	15.02.020
		att.(15.02.030)	15.02.030
		att.(15.02.040)	15.02.040
		att.(15.02.050)	15.02.050
		att.(15.02.060)	15.02.060
		att.(15.02.070)	15.02.070
		att.(15.02.080)	15.02.080
		att.(15.02.090)	15.02.090
		att.(15.02.100)	15.02.100
		att.(15.02.110)	15.02.110
		att.(15.02.120)	15.02.120
		att.(15.02.130)	15.02.130
		att.(15.04.010)	15.04.010
		att.(15.04.020)	15.04.020
		att.(15.04.030)	15.04.030
		att.(15.04.040)	15.04.040
		att.(15.04.050)	15.04.050
		att.(15.04.060)	15.04.060
		att.(15.04.070)	15.04.070
		att.(15.04.080)	15.04.080
		att.(15.04.090)	15.04.090
		att.(15.04.100)	15.04.100
		att.(15.04.110)	15.04.110
		att.(15.04.120)	15.04.120
		att.(15.04.130)	15.04.130
		att.(15.04.140)	15.04.140
		att.(15.04.150)	15.04.150
		att.(15.06.010)	15.06.010
		att.(15.06.020)	15.06.020
		att.(15.06.030)	15.06.030

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Legislation	Date	Section	Section in Code
		att.(15.08.010)	15.08.010
		att.(15.08.020)	15.08.020
		att.(15.08.030)	15.08.030
		att.(15.08.040)	15.08.040
		att.(15.08.050)	15.08.050
		att.(15.12.010)	15.12.010
		att.(15.12.040)	15.12.020
		att.(15.12.050)	15.12.050
		att.(15.12.060)	15.12.060
		att.(15.12.070)	15.12.070
		att.(15.12.080)	15.12.080
		att.(15.12.090)	15.12.090
		att.(15.12.140)	15.12.140
		att.(15.12.150)	15.12.150
		att.(15.12.200)	15.12.200
		att.(15.16.010)	15.16.010
		att.(15.16.020)	15.16.020
		att.(15.16.030)	15.16.030
		att.(15.18.010)	15.18.010
		att.(15.18.020)	15.18.020
		att.(15.18.030)	15.18.030
		att.(15.18.040)	15.18.040
		att.(15.18.050)	15.18.050
		att.(15.18.060)	15.18.060
		att.(15.18.070)	15.18.070
		att.(15.18.080)	15.18.080
		att.(15.18.090)	15.18.090
		att.(15.18.100)	15.18.100
		att.(15.18.110)	15.18.110
		att.(15.18.140)	15.18.140
		att.(15.18.150)	15.18.150
		att.(15.18.160)	15.18.160
		att.(15.18.170)	15.18.170
		att.(15.20.010)	15.20.010
		att.(15.20.020)	15.20.020
		att.(15.20.030)	15.20.030
		att.(15.20.040)	15.20.040
		att.(15.24.010)	15.24.010
		att.(15.24.020)	15.24.020
		att.(15.24.030)	15.24.030
		att.(15.24.040)	15.24.040
		att.(15.24.050)	15.24.050
		att.(15.24.060)	15.24.060
		att.(15.24.070)	15.24.070
		att.(15.24.080)	15.24.080
		att.(15.24.090)	15.24.090
		att.(15.24.100)	15.24.100
		att.(15.24.110)	15.24.110
		att.(15.24.120)	15.24.120
		att.(15.24.130)	15.24.130

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
		att.(15.24.140)	15.24.140
		att.(15.24.150)	15.24.150
		att.(15.24.160)	15.24.160
		att.(15.24.170)	15.24.170
		att.(15.24.180)	15.24.180
		att.(15.24.190)	15.24.190
		att.(15.24.200)	15.24.200
		att.(15.24.210)	15.24.210
		att.(15.24.220)	15.24.220
		att.(15.24.230)	15.24.230
		att.(15.24.240)	15.24.240
		att.(15.24.250)	15.24.250
		att.(15.24.260)	15.24.260
		att.(15.24.270)	15.24.270
		att.(15.24.280)	15.24.280
		att.(15.28.010)	15.28.010
		att.(15.28.020)	15.28.020
		att.(15.28.030)	15.28.030
		att.(15.28.040)	15.28.040
		att.(15.28.050)	15.28.050
		att.(15.28.060)	15.28.060
		att.(15.28.070)	15.28.070
		att.(15.28.080)	15.28.080
		att.(15.28.090)	15.28.090
		att.(15.28.100)	15.28.100
		att.(15.28.110)	15.28.110
		att.(15.28.120)	15.28.120
		att.(15.28.130)	15.28.130
		att.(15.28.140)	15.28.140
		att.(15.28.150)	15.28.150
		att.(15.28.160)	15.28.160
		att.(15.28.170)	15.28.170
		att.(15.28.180)	15.28.180
		att.(15.28.190)	15.28.190
		att.(15.28.200)	15.28.200
		att.(15.28.210)	15.28.210
		att.(15.28.215)	15.28.215
		att.(15.28.220)	15.28.220
		att.(15.28.230)	15.28.230
		att.(15.28.240)	15.28.240
		att.(15.28.250)	15.28.250
		att.(15.28.255)	15.28.255
		att.(15.28.260)	15.28.260
		att.(15.28.270)	15.28.270
		att.(15.28.280)	15.28.280
		att.(15.28.290)	15.28.290
		att.(15.28.300)	15.28.300
		att.(15.28.310)	15.28.310
		att.(15.28.320)	15.28.320
		att.(15.28.330)	15.28.330

MILLS CODE

Legislation	Date	Section	Section in Code
		att.(15.28.340)	15.28.340
		att.(15.28.350)	15.28.350
		att.(15.28.360)	15.28.360
		att.(15.28.370)	15.28.370
		att.(15.28.380)	15.28.380
		att.(15.28.390)	15.28.390
		att.(15.28.400)	15.28.400
		att.(15.28.410)	15.28.410
		att.(15.28.420)	15.28.420
		att.(15.28.430)	15.28.430
		att.(15.28.440)	15.28.440
		att.(15.32.010)	15.32.010
		att.(15.32.020)	15.32.020
		att.(15.32.030)	15.32.030
		att.(15.32.040)	15.32.040
		att.(15.32.050)	15.32.050
		att.(15.32.060)	15.32.060
		att.(15.32.070)	15.32.070
		att.(15.32.080)	15.32.080
		att.(15.32.090)	15.32.090
		att.(15.32.100)	15.32.100
		att.(15.32.110)	15.32.110
		att.(15.32.120)	15.32.120
		att.(15.32.130)	15.32.130
		att.(15.32.140)	15.32.140
		att.(15.32.150)	15.32.150
		att.(15.32.160)	15.32.160
		att.(15.32.170)	15.32.170
		att.(15.32.180)	15.32.180
		att.(15.32.190)	15.32.190
		att.(15.32.200)	15.32.200
		att.(15.32.210)	15.32.210
		att.(15.32.220)	15.32.220
		att.(15.32.230)	15.32.230
		att.(15.32.240)	15.32.240
		att.(15.32.250)	15.32.250
		att.(15.32.260)	15.32.260
		att.(15.32.270)	15.32.270
		att.(15.40.010)	15.40.010
		att.(15.40.020)	15.40.020
		att.(15.40.030)	15.40.030
		att.(15.40.040)	15.40.040
		att.(15.40.050)	15.40.050
		att.(15.40.060)	15.40.060
		att.(15.40.070)	15.40.070
		att.(15.40.080)	15.40.080
		att.(15.40.085)	15.40.085
		att.(15.40.090)	15.40.090
		att.(15.40.100)	15.40.100
		att.(15.40.110)	15.40.110

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
		att.(15.44.010)	15.44.010
		att.(15.44.020)	15.44.020
		att.(15.44.030)	15.44.030
		att.(15.44.040)	15.44.040
		att.(15.44.050)	15.44.050
		att.(15.44.060)	15.44.060
		att.(15.44.070)	15.44.070
		att.(15.44.080)	15.44.080
		att.(15.44.090)	15.44.090
		att.(15.44.100)	15.44.100
		att.(15.44.110)	15.44.110
Ord. No. 777	2-8-2022	—	1.03.010
		—	2.52.090
Ord. No. 780	6-14-2022	att.(2.04.010)	2.04.010
		att.(2.04.020)	2.04.020
		att.(2.04.030)	2.04.030
		att.(2.04.040)	2.04.040
		att.(2.04.050)	2.04.050
		att.(2.04.060)	2.04.060
		att.(2.04.070(1))	2.04.070
		att.(2.04.070(2))	2.04.085
		att.(2.04.080)	2.04.080
		att.(2.04.090)	2.04.090
		att.(2.04.100)	2.04.100
		att.(2.04.110)	2.04.110
		att.(2.04.115)	2.04.115
		att.(2.04.120)	2.04.120
		att.(2.04.130)	2.04.130
		att.(2.04.140)	2.04.140
		att.(2.04.150)	2.04.150
		att.(2.04.160)	2.04.160
		att.(2.04.170)	2.04.170
		att.(2.04.180)	2.04.180
		att.(2.08.010)	2.08.010
		att.(2.08.020)	2.08.020
		att.(2.08.030)	2.08.030
		att.(2.08.040)	2.08.040
		att.(2.08.050)	2.08.050
		att.(2.08.060)	2.08.060
		att.(2.08.070)	2.08.070
		att.(2.08.080)	2.08.080
		att.(2.08.100)	2.08.100
		att.(2.08.110)	2.08.110
		att.(2.08.120)	2.08.120
		att.(2.08.130)	2.08.130
		att.(2.08.140)	2.08.140
		att.(2.08.150)	2.08.150
		att.(2.08.160)	2.08.160
		att.(2.08.170)	2.08.170
		att.(2.12.010)	2.12.010

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Legislation	Date	Section	Section in Code
		att.(2.12.020)	2.12.020
		att.(2.12.025)	2.12.025
		att.(2.12.040)	2.12.040
		att.(2.12.045)	2.12.045
		att.(2.12.050)	2.12.050
		att.(2.12.060)	2.12.060
		att.(2.16.010)	2.16.010
		att.(2.16.020)	2.16.020
		att.(2.16.030)	2.16.030
		att.(2.20.010)	2.20.010
		att.(2.20.030)	2.20.020
		att.(2.20.040)	2.20.030
		att.(2.20.050)	2.20.040
		att.(2.20.060)	2.20.050
		att.(2.20.070)	2.20.060
		att.(2.20.080)	2.20.070
		att.(2.20.090)	2.20.080
		att.(2.20.110)	2.20.090
		att.(2.20.120)	2.20.100
		att.(2.20.130)	2.20.110
		att.(2.20.160)	2.20.120
		att.(2.20.170)	2.20.130
		att.(2.32.010)	2.32.010
		att.(2.32.020)	2.32.020
		att.(2.36.010)	2.36.010
		att.(2.36.020)	2.36.020
		att.(2.36.030)	2.36.030
		att.(2.40.010)	2.40.010
		att.(2.44.010)	2.44.010
		att.(2.46.010)	2.46.010
		att.(2.46.020)	2.46.020
		att.(2.46.030)	2.46.030
		att.(2.48.010)	2.48.010
		att.(2.48.020)	2.48.020
		att.(2.48.030)	2.48.030
		att.(2.52.010)	2.52.010
		att.(2.52.020)	2.52.020
		att.(2.52.030)	2.52.030
		att.(2.52.040)	2.52.040
		att.(2.52.050)	2.52.050
		att.(2.52.060)	2.52.060
		att.(2.52.070)	2.52.070
		att.(2.52.080)	2.52.080
		att.(2.52.090)	2.52.090
		att.(2.52.100)	2.52.100
		att.(2.52.110)	2.52.110
		att.(2.52.120)	2.52.120
		att.(2.52.130)	2.52.130
		att.(2.52.140)	2.52.140
		att.(2.52.150)	2.52.150

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
Ord. No. 781	6-14-2022	att.(2.52.160)	2.52.160
		att.(2.56.010)	2.56.010
		att.(2.56.020)	2.56.020
		att.(2.56.030)	2.56.030
		att.(2.56.040)	2.56.040
		att.(2.72.010)	2.72.010
		att.(2.72.020)	2.72.020
		att.(2.76.010)	2.76.010
		att.(2.76.020)	2.76.020
		att.(2.76.030)	2.76.030
		att.(2.76.040)	2.76.040
		att.(2.76.050)	2.76.050
		att.(2.76.060)	2.76.060
		att.(2.76.070)	2.76.070
		att.(2.80.010)	2.80.010
		att.(2.80.020)	2.80.020
		att.(2.80.030)	2.80.030
		att.(2.80.040)	2.80.040
		att.(2.80.050)	2.80.050
		att.(2.84.010)	2.84.010
		att.(2.84.030)	2.84.030
		att.(2.84.040)	2.84.040
		att.(2.88.010)	2.88.010
		att.(2.88.020)	2.88.020
		att.(2.88.030)	2.88.030
		att.(2.88.040(1))	2.88.040
		att.(2.88.040(2))	2.88.041
		att.(2.90.10)	2.90.10
		att.(2.90.20)	2.90.20
		att.(2.90.30)	2.90.30
		att.(5.04.010)	5.04.010
		att.(5.04.020)	5.04.020
		att.(5.04.030)	5.04.030
		att.(5.04.040)	5.04.040
		att.(5.04.050)	5.04.050
		att.(5.04.060)	5.04.060
		att.(5.04.070)	5.04.070
		att.(5.04.080)	5.04.080
		att.(5.04.090)	5.04.090
		att.(5.08.010)	5.08.010
		att.(5.08.020)	5.08.020
		att.(5.08.030)	5.08.030
		att.(5.08.040)	5.08.040
		att.(5.08.050)	5.08.050
		att.(5.08.100)	5.08.100
		att.(5.08.110)	5.08.110
		att.(5.08.120)	5.08.120
		att.(5.08.130)	5.08.130
		att.(5.08.140)	5.08.140
		att.(5.08.150)	5.08.150

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Legislation	Date	Section	Section in Code
		att.(5.08.160)	5.08.160
		att.(5.08.170)	5.08.170
		att.(5.08.180)	5.08.180
		att.(5.20.010)	5.20.010
		att.(5.20.020)	5.20.020
		att.(5.20.030)	5.20.030
		att.(5.28.010)	5.28.010
		att.(5.28.020)	5.28.020
		att.(5.36.010)	5.36.010
		att.(5.36.020)	5.36.020
		att.(5.36.030)	5.36.030
		att.(5.36.050)	5.36.050
		att.(5.36.060)	5.36.060
		att.(5.36.070)	5.36.070
		att.(5.36.080)	5.36.080
		att.(5.36.090)	5.36.090
		att.(5.36.110)	5.36.110
		att.(5.36.120)	5.36.120
		att.(5.38.010)	5.38.010
		att.(5.38.020)	5.38.020
		att.(5.38.030)	5.38.030
		att.(5.38.040)	5.38.040
		att.(5.38.050)	5.38.050
		att.(5.38.060)	5.38.060
		att.(5.40.010(1))	5.40.010
		att.(5.40.010(2))	5.40.010
Ord. No. 782	6-14-2022	att.(10.64.060)	10.64.060
		att.(10.64.070)	10.64.070
		att.(10.64.080)	10.64.080
		att.(10.64.090)	10.64.090
		att.(10.64.100)	10.64.100
		att.(10.64.120)	10.64.120
		att.(10.64.130)	10.64.130
		att.(10.64.155)	10.64.155
		att.(10.64.165)	10.64.165
		att.(10.64.166)	10.64.166
		att.(10.64.167)	10.64.167
		att.(10.64.168)	10.64.168
		att.(10.64.169)	10.64.169
Ord. No. 783	7-12-2022	9.48.060	9.48.060
Ord. No. 784	7-12-2022	—	9.48.070
Ord. No. 2023-788	3-28-2023	2.20.060	2.20.050
		2.20.070	2.20.060
		2.20.080	2.20.070
		2.20.090	2.20.080
		2.20.110	2.20.090
		2.20.120	2.20.100
		2.20.130	2.20.110
Ord. No. 787	3-28-2023	2.04.060	2.04.060
		2.88.040	2.88.042

CODE COMPARATIVE TABLE

Legislation	Date	Section	Section in Code
Ord. No. 795	6-27-2023	1(15.05.010)	15.28.010
Ord. No. 799	7-11-2023	—	6.07.010—6.07.070
Ord. No. 800	8-8-2023	—	5.08.040
		5.04.040	5.04.040
Ord. No. 801	9-12-2023	—	2.20.070
Ord. No. 804	10-20-2023	—	2.90.30
Ord. No. 806	11-14-2023	5.04.010	5.04.010
		5.04.020	5.04.020
		5.04.030	5.04.030
		5.04.040	5.04.040
		5.04.050	5.04.050
Ord. No. 807	12-12-2023	2.88.040	2.88.042
		5.08.190	5.08.190
		5.08.200	5.08.200
Ord. No. 808	12-12-2023	—	5.08.180
Ord. No. 809	12-12-2023	2.04.060	2.04.060
Ord. No. 813	6-25-2024	att.(intro. 1)	17.1.1
		att.(1.5)	17.1.5
		att.(5)	17.5.1
		att.(10)	17.10.1
		att.(10.5)	17.10.5
		att.(10.10)	17.10.10
		att.(10.15)	17.10.15
		att.(10.20)	17.10.20
		att.(10.25)	17.10.25
		att.(10.30)	17.10.30
		att.(10.35)	17.10.35
		att.(10.40)	17.10.40
		att.(10.45)	17.10.45
		att.(10.50)	17.10.50
		att.(10.55)	17.10.55
		att.(10.60)	17.10.60
		att.(10.65)	17.10.65
		att.(10.70)	17.10.70
		att.(10.75)	17.10.75
		att.(10.80)	17.10.80
		att.(10.90)	17.10.90
		att.(10.95)	17.10.95
		att.(11.5)	17.11.5
		att.(12.5)	17.12.5
		att.(13.5)	17.13.5
		att.(15.10)	17.11.10
		att.(16.10)	17.12.10
		att.(17.10)	17.13.10
		att.(18.5)	17.14.5
		att.(18.10)	17.14.10
		att.(18.15)	17.14.15
		att.(19.5)	17.19.5
		att.(19.10)	17.19.10
		att.(19.15)	17.19.15

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Legislation	Date	Section	Section in Code
		att.(20.5)	17.20.5
		att.(20.10)	17.20.10
		att.(20.15)	17.20.15
		att.(21)	17.21.1
		att.(22.10(1))	17.22.5
		att.(22.10(2))	17.22.10
		att.(22.15)	17.22.15
		att.(22.20)	17.22.20
		att.(22.25)	17.22.25
		att.(22.30)	17.22.30
		att.(22.35)	17.22.35
		att.(40.5)	17.40.5
		att.(40.10)	17.40.10
		att.(40.15)	17.40.15
		att.(40.20)	17.40.20
		att.(40.25)	17.40.25
		att.(40.30)	17.40.30
		att.(40.35)	17.40.35
		att.(40.40)	17.40.40
		att.(45.5)	17.45.5
		att.(45.10)	17.45.10
		att.(45.15)	17.45.15
		att.(45.20)	17.45.20
		att.(45.25)	17.45.25
		att.(45.30)	17.45.30
		att.(45.40)	17.45.40
		att.(45.45)	17.45.45
		att.(45.50)	17.45.50
		att.(45.55)	17.45.55
		att.(46.5)	17.46.5
		att.(46.10)	17.46.10
		att.(47 intro. ¶)	17.47.1
		att.(47.5)	17.47.5
		att.(47.10)	17.47.10
		att.(47.15)	17.47.15
		att.(47.20)	17.47.20
		att.(47.25)	17.47.25
		att.(47.30)	17.47.30
		att.(47.40)	17.47.40
		att.(47.45)	17.47.45
		att.(47.50)	17.47.50
		att.(47.55)	17.47.55
		att.(47.60)	17.47.60
		att.(47.65)	17.47.65
		att.(47.70)	17.47.70
Ord. No. 816	8-13-2024	att.(9.04.070)	9.04.070
Ord. No. 817	8-13-2024	att.(9.12.110)	9.12.110

STATE LAW REFERENCE TABLE

This table shows the location within the Code of references to the Wyoming Statutes (W.S.).

W.S. Section	Section in Code	W.S. Section	Section in Code
1-39-101	13.05.030	15-1-116	1.01.101
5-6-410	3.20.090	15-1-119	15.40.010
5-9-111	2.52.030	15-1-131	5.40.010
6-2-301	9.24.040	15-1-401—15-1-423	17.46.5
6-7-101	9.32.010	15-1-701—15-1-801	17.10.5
6-8-401	9.44.020	15-2-102(b)(iv)(C)	2.12.025
7-2-111	8.12.060	15-3-104	2.76.070
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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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