

CITY OF LANDER

CODE BOOK



TABLE OF CONTENTS

**TITLE 1
GENERAL ORDINANCE PROVISIONS**

1-1-1 Definitions.....1

1-1-2 Gender.....1

1-1-3 Geographic Scope.....1

1-1-4 Codification of Ordinances.....1

1-1-5 Notice.....1

1-1-6 Severability.....2

1-2-1 Violation of Ordinances.....2

1-2-2 Court Costs.....4

1-2-3 Contempt.....4

1-2-4 Proof of Violation.....4

1-2-5 Enforcement of Ordinances.....4

1-2-6 Fees Annually Adjusted.....4

**TITLE 2
SALE, LICENSING AND USE OF ALCOHOLIC
AND MALT BEVERAGES**

2-1-1 Maximum Term of Licenses.....5

2-1-2 Licenses Subject to Review.....5

2-1-3 Hearing.....6

2-1-4 Fee Upon Transfer of License.....6

2-2-1 General.....6

2-2-2 Definitions.....6

2-2-3 License Required.....7

2-2-4 Expiration.....7

2-2-5 Fees.....7

2-2-6 Ground for Suspension, Revocation, or Non-Renewal.....7

2-2-7 License Holder Accountable for Agent.....8

2-2-8 Providing Minor with Alcoholic Beverages Prohibited.....8

2-2-9 Minors Prohibited from Having or Using Alcoholic
Beverages.....8

2-2-10 Falsifying Identification Prohibited.....9

2-2-11 Consumption on Private premises Prohibited.....9

2-2-12 Public Exhibition and Consumption.....9

2-2-13 Public Drunkenness.....10

2-2-14 Permit for Additional Dispensing Room.....10

2-2-15 Hours of Sale.....10

2-2-16 Restaurant Liquor Licenses.....10

2-2-17 Continuing Violations.....11

2-2-18 Temporary Malt Beverage Permits; Issuance.....11

2-2-19 Same; Limits.....11

| <u>Section</u> | <u>Page</u> |
|----------------|---------------------------------------|
| 2-2-20 | Same; Fees11 |
| 2-2-21 | Same; Restrictions11 |
| 2-3-1 | Microbrewery & Winery Permits12 |
| 2-4-1 | Resort Retail Liquor Licenses.....13 |
| 2-5-1 | Bar & Grille License.....13 |

TITLE 3
ADOPTION AND ENFORCEMENT OF UNIFORM
CODES AND STANDARDS FOR
MOBILE HOME AND MODULAR BUILDINGS

| | |
|------------------|--|
| 3-1-1 | Adoption of Uniform Codes15 |
| 3-1-2 | Copies on File15 |
| 3-1-3 | Standards for Mobile Homes16 |
| 3-1-4 | Standards for Modular and Manufactured Buildings.....20 |
| 3-1-5 | Mobile Home, Manufactured Home and Modular Building Placement Permits.....21 |
| 3-1-6 | Violations21 |
| 3-1-7 | Administrative Authority21 |
| 3-1-8 | Duties and Power of Administrative Authority22 |
| 3-1-9 | Appeal from Actions of Administrative Authority23 |
| 3-1-10 | Application of Title24 |
| 3-2-1 | Amendments to the Uniform Building Code24 |
| 3-3-1 | Amendments to the Uniform Sign Code.....25 |
| 3-4-1 | Amendments to Uniform Plumbing Code30 |
| 3-5-1 thru 3-9-1 | Repealed |
| 3-10-1 | Statutory Authorization.....30 |
| 3-10-2 | Findings of Fact31 |
| 3-10-3 | Statement of Purpose31 |
| 3-10-4 | Methods of Reducing Flood Losses.....31 |
| 3-11-1 | Flood32 |
| 3-11-2 | Definitions.....32 |
| 3-12-1 | Lands to which this Ordinance Applies35 |
| 3-12-2 | Basis for Establishing the Areas of Special Flood Hazard35 |
| 3-12-3 | Compliance35 |
| 3-12-4 | Abrogation and Greater Restrictions35 |
| 3-12-5 | Interpretation.....35 |
| 3-12-6 | Warning and Disclaimer of Liability35 |
| 3-13-1 | Establishment of Development Permit35 |
| 3-13-2 | Designation of the Building Inspector and/or Engineer36 |
| 3-13-3 | Duties and Responsibilities of the Building Inspector and/or Engineer36 |
| 3-13-3.1 | Permit Review.....36 |
| 3-13-3.2 | Use of Other Base Flood Data36 |

| <u>Section</u> | <u>Page</u> |
|----------------|---|
| 3-13-3.3 | Information to be Obtained and Maintained.....36 |
| 3-13-3.4 | Alteration of Watercourses37 |
| 3-13-3.5 | Interpretation of FIRM Boundaries37 |
| 3-13-4 | Variance Procedure.....37 |
| 3-13-4.1 | Appeal Board37 |
| 3-13-4.2 | Conditions for Variances38 |
| 3-14-1 | Provisions for Flood Hazard Reduction; General Standards39 |
| 3-14-1.1 | Anchoring39 |
| 3-14-1.2 | Construction Materials Methods.....40 |
| 3-14-1.3 | Utilities.....40 |
| 3-14-1.4 | Subdivision Proposals.....41 |
| 3-14-2 | Specific Standards.....41 |
| 3-14-2.1 | Residential Construction41 |
| 3-14-2.2 | Non-Residential Construction41 |
| 3-14-2.3 | Manufactured Homes.....42 |
| 3-14-2.4 | Recreational Vehicles42 |
| 3-14-3 | Floodways.....43 |

**TITLE 4
ZONING**

| | |
|-------|---|
| 4-1-1 | Authority.....45 |
| 4-2-1 | Purpose.....45 |
| 4-2-2 | Application.....46 |
| 4-3-1 | District Classifications46 |
| 4-3-2 | District Zoning Map.....46 |
| 4-4-1 | Administering and Enforcement Agency.....47 |
| 4-4-2 | Violations and Remedies47 |
| 4-4-3 | Appeals48 |
| 4-5-1 | Board of Adjustment – Creation48 |
| 4-5-2 | Board of Adjustment – Powers and Jurisdiction.....48 |
| 4-5-3 | Board of Adjustment – Variances.....59 |
| 4-5-4 | Rules of Proceeding Before the Board of Appeals And Variances.....50 |
| 4-6-1 | Conditional Uses.....51 |
| 4-7-1 | City Planning Commission – Creation51 |
| 4-7-2 | Planning Commission – Powers & Jurisdiction.....52 |
| 4-8-1 | Amendment Procedures – Statement of Policy52 |
| 4-8-2 | Amendment – Type and How Made.....52 |
| 4-8-3 | Amendments – Applications.....52 |
| 4-8-4 | Amendments – Zoning Map53 |
| 4-8-5 | Public Hearing53 |
| 4-8-6 | Amendments – Limitations on Filing.....54 |
| 4-9-1 | Subdivision – Approval Required; Exception54 |
| 4-9-2 | Subdivision – Procedure and Standards.....54 |

| <u>Section</u> | <u>Page</u> |
|----------------|--|
| 4-9-3 | Subdivision – Submission to Council55 |
| 4-10-1 | Annexations55 |
| 4-11-1 | General Requirements – Non-Conforming Uses Structures and Lots55 |
| 4-11-2 | General Requirements – Division of Lots56 |
| 4-11-3 | General Requirements – Zone Lot for Structures56 |
| 4-11-4 | General Requirements – Home Occupations56 |
| 4-11-5 | General Requirements – Temporary Dwellings58 |
| 4-11-6 | General Requirements – Access58 |
| 4-11-7 | General Requirements – City Easements and Rights-of-Way.....58 |
| 4-11-8 | General Requirements – Accessory Uses58 |
| 4-11-9 | General Requirements – Clear Vision Area.....59 |
| 4-11-10 | General Requirements – Off-Street Parking and Loading Requirements59 |
| 4-11-11 | Repealed |
| 4-11-12 | General Requirements – Street Addressing62 |
| 4-11-13 | General Requirements – Fees63 |
| 4-11-14 | General Requirements – New and Modified Commercial Communication Towers and Antennas64 |
| 4-12-1 | District Regulations – Agricultural District (A)67 |
| 4-12-2 | District Regulations – Single Family Residential (R-1)68 |
| 4-12-3 | District Regulations – Single & Two Family Residential District (R-2).....69 |
| 4-12-4 | District Regulations – Single & Multi-Family Residential District (R-3).....70 |
| 4-12-5 | District Regulations – Mobile Home Park District (R-4)72 |
| 4-12-6 | District Regulations – Multi-Family Residential (R-5)73 |
| 4-12-7 | District Regulations – Single Family, Multi-Family Residential And Medical Services District75 |
| 4-12-8 | District Regulations – General Commercial Dist (C-1).....77 |
| 4-12-9 | District Regulations – Manufacturing & Light Industrial District (M-1)80 |
| 4-12-10 | District Regulations – Public Land District (P-L)81 |
| 4-12-11 | Regulation & Restricting the Height of Structures & Objects In the Vicinity of Hunt Field Airport82 |
| 4-13-1 | District Regulations – Recreational Vehicles & Campground District.....89 |
| 4-14-2 | Creation.....90 |
| 4-14-3 | Requirements for Designation90 |
| 4-14-4 | Effect of Designation90 |
| 4-15-1 | Mandatory Regulations Pertaining to Gaming Operations91 |
| 4-16-1 | Definitions.....92 |

**TITLE 5
STANDARDS AND SPECIFICATIONS**

5-1-1 Standards Adopted97
5-1-2 Other Designs Acceptable.....97
5-2-1 Construction and Cost of Sidewalks97
5-2-2 Enforcement; Engineering Supervisor97
5-2-3 Construction of Sidewalks at Request of Landowners
Or Direction of City Council98
5-2-4 Permit Required for Sidewalk Construction or Repair98
5-2-5 Same; Permit Fee98
5-3-1 Damage to Main Street98

**TITLE 6
HARBORING, CONTROL, LICENSING AND
IMPOUNDING OF ANIMALS**

6-1-1 Definitions.....101
6-2-1 Dog License Required.....101
6-2-2 License Tag.....102
6-3-1 Cruelty to Animals102
6-3-2 Leaving Animals Unattended102
6-3-3 Noisy Animals103
6-3-4 Animals at Large.....103
6-4-1 Notice of Impounding Animals103
6-4-2 Redemption and Disposition of Animals.....103
6-4-3 Control of Biting Animals104
6-4-4 Keeping Large Animals105

**TITLE 7
PUBLIC SAFETY AND MORALS**

7-1-1 Repealed
7-1-2 Accessory Before the Fact109
7-1-3 Accessory After the Fact.....109
7-2-1 Assault.....109
7-2-2 Assault and Battery109
7-2-3 Rioting, Fighting109
7-2-4 Carrying a Concealed Weapon109
7-2-5 Carrying a Deadly Weapon.....109
7-3-1 Disobeying a Lawful Order109
7-3-2 Resisting, Obstructing Lawful Process, Impending
Investigations10
7-3-3 Escape110
7-3-4 Interfering with Surveyor.....110
7-4-1 Destruction of Property.....110

| <u>Section</u> | <u>Page</u> |
|----------------|---|
| 7-4-2 | Larceny110 |
| 7-4-3 | Shoplifting.....110 |
| 7-4-4 | Wrongful taking or disposing of property110 |
| 7-4-5 | Fraudulent Procurement.....111 |
| 7-5-1 | Trespass.....111 |
| 7-5-2 | Curfew.....111 |
| 7-5-3 | Disorderly Conduct.....111 |
| 7-6-1 | Indecent Exposure; Lewdness.....112 |
| 7-6-2 | Peeping Toms.....112 |
| 7-7-1 | Use of /or Possession of Marijuana113 |
| 7-7-2 | Unlawful Use of Glue, Aerosols, or Vapors113 |
| 7-8-1 | Peace Disturbances; Person Responsible for Premises.....113 |
| 7-8-2 | Discharge of Firearms.....113 |
| 7-8-3 | Discharge of Fireworks.....113 |
| 7-8-4 | Repealed.....114 |
| 7-8-5 | Landlord Responsibility114 |
| 7-9-1 | Check Fraud – Definitions115 |
| 7-9-2 | Check Fraud – Procedure – Penalty – Restitution115 |
| 7-9-3 | Check Fraud – Prima Facie – Evidence of Intent116 |
| 7-9-4 | Check Fraud – Citizen Complaint – Probation116 |
| 7-9-5 | Attempted Petit Larceny; Renunciation of Criminal Intention116 |
| 7-10-1 | Tobacco Products – Definitions.....117 |
| 7-10-2 | Tobacco Products – Prohibited Sales or Delivery117 |
| 7-10-3 | Tobacco Products – Posted Notice Required; Location of Vending Machines118 |
| 7-10-4 | Tobacco Products – Purchase by Minors Prohibited118 |
| 7-10-5 | Possession or Use by Minors Prohibited118 |
| 7-10-6 | Smoking Prohibited in Certain City-Owned Facilities And Penalties for Violation119 |
| 7-11-1 | Supplemental Feeding of Certain Wild Animals Prohibited 107 |

**TITLE 8
TRAFFIC**

| | |
|-------|---|
| 8-1-1 | Repealed.....121 |
| 8-1-2 | Definitions.....121 |
| 8-1-3 | Regulations and Directives121 |
| 8-2-1 | Careless Driving.....121 |
| 8-2-2 | Speeding.....121 |
| 8-2-3 | Excessive Acceleration121 |
| 8-3-1 | Unsafe Vehicles122 |
| 8-4-1 | Driving Without Valid License in Possession or While Cancelled, Suspended or Revoked, Prohibited.....122 |
| 8-4-2 | Unlawful Use of License122 |
| 8-4-3 | Permitting Unlicensed Person to Drive.....122 |

| <u>Section</u> | | <u>Page</u> |
|----------------|--|-------------|
| 8-4-4 | License Plates..... | 122 |
| 8-5-1 | Adoption of Uniform Act..... | 122 |
| 8-6-1 | Bicycles on Sidewalks | 123 |
| 8-6-2 | Bicycle Parking..... | 123 |
| 8-6-3 | Repealed..... | 123 |
| 8-6-4 | Altering, Removing Registration Plate or Manufacturer Serial Number | 124 |
| 8-7-1 | Penalty..... | 124 |
| 8-7-2 | Parking | 124 |
| 8-7-3 | Metering Parking | 124 |
| 8-7-4 | Painted Curbs | 124 |
| 8-7-5 | Prohibited Parking | 125 |
| 8-7-6 | Main Street..... | 125 |
| 8-7-7 | Removal of Vehicles..... | 125 |
| 8-7-8 | Unregistered Vehicles | 125 |
| 8-7-9 | Inoperative Vehicles | 125 |
| 8-7-10 | Parking of Trucks, Etc., Prohibited..... | 125 |
| 8-8-1 | Avoid Signs or Signals..... | 126 |
| 8-8-2 | “Police” Insignia | 126 |
| 8-9-1 | Repealed | |
| 8-10-1 | Definitions..... | 126 |
| 8-10-2 | Operation of Snowmobiles on City Streets..... | 126 |
| 8-10-3 | Motor Vehicle Regulations | 127 |
| 8-10-4 | Additional Regulations Applicable to Snowmobiles | 127 |
| 8-10-5 | Registration | 128 |
| 8-10-6 | Inspection | 129 |
| 8-10-7 | Authorized Operations | 129 |
| 8-10-8 | Unattended Snowmobiles | 129 |
| 8-10-9 | Violation – Penalty | 129 |
| 8-11-1 | Failure to Maintain Liability Coverage; Penalties; Exception | 129 |
| 8-12-1 | Creation of Bond Schedule | 131 |

**TITLE 9
WATER AND SEWER SERVICE**

| | | |
|-----------|---|-----|
| Section 1 | Purpose..... | 133 |
| Section 2 | Determining the Total Annual Cost of Operation and Maintenance | 134 |
| Section 3 | Determining Each User’s Wastewater Contribution Percentage | 134 |
| Section 4 | Determining a Surcharge System for Users with Excess BOD and SS..... | 134 |
| Section 5 | Determining Each User’s Wastewater Service Charge | 134 |
| Section 6 | Review of Each User’s Wastewater Service Charge | 135 |

| <u>Section</u> | <u>Page</u> |
|----------------|---|
| Section 7 | Notification135 |
| Section 8 | Proper Design and Construction of New Sewers and Connections.....135 |
| Section 9 | Validity135 |
| 9-1-1 | Permit Required135 |
| 9-1-2 | Application.....135 |
| 9-1-3 | Fees136 |
| 9-1-4 | Installation.....136 |
| 9-1-5 | Certificate Required.....136 |
| 9-1-6 | Schedule of Sewer Connection Fees.....136 |
| 9-1-7 | Definition of Water or Sewer Line Connection137 |
| 9-1-8 | Inspection of Utility Line Installation.....137 |
| 9-2-1 | Monthly Charges.....137 |
| 9-2-2.1 | Delinquent Charges.....141 |
| 9-2-2.2 | Payment of Charges and Penalties141 |
| 9-2-3 | Disconnection141 |
| 9-2-4 | Reconnection.....141 |
| 9-2-5 | Transfer of Permit142 |
| 9-2-6 | Access to Meter.....142 |
| 9-2-7 | Responsibility for Charges.....142 |
| 9-2-8 | Tampering with Meter142 |
| 9-3-1 | Standards and Specifications142 |
| 9-3-2 | New Connection.....142 |
| 9-3-3 | Connect with Well142 |
| 9-3-4 | Ownership.....142 |
| 9-4-1 | Tampering with Water System142 |
| 9-4-2 | Restrictions and Variations on Use.....142 |
| 9-4-3 | Care of Water Service Installations142 |
| 9-4-4 | Abandonment of Water Lines & Procedure.....143 |
| 9-5-1 | Improper Deposit of Waste Prohibited143 |
| 9-5-2 | Discharge of Untreated Sewage or Polluted Water Prohibited.....143 |
| 9-5-3 | Private Wastewater System Prohibited.....143 |
| 9-5-4 | Connection to Public Wastewater Systems Required.....144 |
| 9-6-1 | Requirements for Private Wastewater Disposal144 |
| 9-6-2 | Same; Permit Required144 |
| 9-6-3 | Same; Inspection.....144 |
| 9-6-4 | Same; Compliance with State Law and Minimum Lot Size144 |
| 9-6-5 | Same; Connection to Public Sewer Required; When144 |
| 9-6-6 | Same; Operation in Sanitary Manner Required145 |
| 9-6-7 | Same; Applicability of Additional Health Requirements145 |
| 9-7-1 | Connections to Sewer Prohibited without Permit.....145 |
| 9-7-2 | Same; Types and Cost of Permit.....145 |
| 9-7-3 | Same; Cost of Connections.....145 |
| 9-7-4 | Same: One Sewer Connection Per Lot; Exception145 |

| <u>Section</u> | <u>Page</u> |
|----------------|--|
| 9-7-5 | Same; Use of Old Sewer Lines Only After Inspection145 |
| 9-7-6 | Same; Construction Requirements.....145 |
| 9-7-7 | Same; Sewer Elevation146 |
| 9-7-8 | Same; Connection of Surface Drains Prohibited; Except.....146 |
| 9-7-9 | Same; Connection Requirements146 |
| 9-7-10 | Same; Excavation and Reclamation Requirements146 |
| 9-8-1 | Discharge of Certain Water into Sewer System Prohibited...146 |
| 9-8-2 | Same; Discharge of Storm Water146 |
| 9-8-3 | Same; Discharge of Certain Water or Wastes Prohibited.....147 |
| 9-8-4 | Same; Limitations on Certain Waters and Wastes.....147 |
| 9-8-5 | Same; Powers of the Superintendent148 |
| 9-8-6 | Same; Installation of Interceptors149 |
| 9-8-7 | Same; Pretreatment of Flow Equalization Facilities.....149 |
| 9-8-8 | Same; Installation of Sampling and Measuring Structures....149 |
| 9-8-9 | Same; Requirement to Provide Information149 |
| 9-8-10 | Same; Measuring and Testing Standards150 |
| 9-8-11 | Same; Industrial Exceptions150 |
| 9-9-1 | Unlawful Contact with Wastewater Facilities Prohibited.....150 |
| 9-10-1 | Right of City to Enter Property for Administration of this Title150 |
| 9-10-2 | Right to Obtain Information from Industry151 |
| 9-10-3 | Same; Observance of Safety Rules by City151 |
| 9-10-4 | Same; Entry and Use of Easements151 |
| 9-11-1 | Definitions.....152 |
| 9-11-2 | Water and Sewer Service Outside of City Limits.....154 |

**TITLE 10
PARKS AND CEMETERY**

| | |
|---------|---|
| 10-1-1 | Commission Established.....156 |
| 10-1-2 | Regulations and Fees156 |
| 10-1-3 | Role of Commission156 |
| 10-2-1 | Management of Cemetery Properties.....156 |
| 10-2-2 | Cemetery Superintendent.....157 |
| 10-2-3 | Abstract of Cemetery Lots157 |
| 10-2-4 | Conveyance of Cemetery Lots.....157 |
| 10-2-5 | Cemetery Fees.....158 |
| 10-2-6 | Transfer of Cemetery Property Ownership.....159 |
| 10-2-7 | Cemetery Rules and Regulations159 |
| 10-2-8 | Burials in Veteran's Ares.....159 |
| 10-2-9 | Use of Grave Space.....159 |
| 10-2-10 | Burial of Paupers & Indigents.....159 |
| 10-2-11 | Disinterment.....160 |
| 10-2-12 | Buy Back of Cemetery Lots.....160 |
| 10-2-13 | Number of Lots Limited160 |
| 10-2-14 | Resale160 |

| <u>Section</u> | <u>Page</u> |
|----------------|--|
| 10-2-15 | Prepetual Care Required Fee160 |
| 10-2-16 | Installment payments fro Burial Lots and Perpetual Care160 |
| 10-2-17 | Authority to Declare Abandoned Unoccupied Lots.....160 |
| 10-2-18 | Vaults, Crypts & Mausuleums161 |
| 10-2-19 | Application – Pre-requests to Issuance of Burial Permit161 |
| 10-2-20 | Cemetery Hours161 |
| 10-3-1 | Definitions.....161 |
| 10-3-2 | City Park Rules161 |
| 10-3-3 | Fees162 |

TITLE 11

PUBLIC SAFETY AND SANITATION

| | |
|--------|---|
| 11-1-1 | Continuing Violations164 |
| 11-1-2 | Enforcement.....164 |
| 11-2-1 | Definitions.....164 |
| 11-2-2 | Waste Collection.....164 |
| 11-2-3 | Transportation of Waste.....165 |
| 11-2-4 | Disposal of Dead Animals165 |
| 11-2-5 | Burning of Waste Prohibited165 |
| 11-2-6 | Connection to Sewer Required165 |
| 11-2-7 | Littering.....165 |
| 11-2-8 | Fire Hazards166 |
| 11-3-1 | Abandoned Containers or Appliances on Private Property ...166 |
| 11-3-2 | Repealed |
| 11-3-3 | Abandoned Heavy Appliance Deemed a Nuisance166 |
| 11-4-1 | Removal of Snow.....166 |
| 11-4-2 | Same; Removal Costs to be Assessed to Owner of Occupant167 |
| 11-5-1 | Public Easements and Right-of-Way168 |
| 11-5-2 | Permit for Temporary Obstruction.....169 |
| 11-6-1 | Nuisance Weeds.....169 |
| 11-6-2 | Owner or Occupant to Remove Weeds and Maintain Grass .170 |
| 11-7-1 | Title171 |
| 11-7-2 | Authority171 |
| 11-7-3 | Purpose.....171 |
| 11-7-4 | Application.....171 |
| 11-7-5 | Administration and Enforcement.....171 |
| 11-7-6 | Permits Required.....171 |
| 11-7-7 | Non-Conforming Use and Existing Solar Collectors.....173 |
| 11-7-8 | Definitions.....173 |
| 11-8-1 | Installation and Use of Heating Stoves174 |
| 11-9-1 | Definitions.....174 |
| 11-9-2 | Tree Sizes and Species.....175 |
| 11-9-3 | Distance from Street Corners and Fireplugs.....175 |
| 11-9-4 | Distance from Curb and Sidewalk175 |
| 11-9-5 | Public Tree Care175 |

| <u>Section</u> | <u>Page</u> |
|----------------|--|
| 11-9-6 | Pruning; Corner Clearance.....175 |
| 11-9-7 | Adjacent Landowner Responsibility.....175 |
| 11-9-8 | Tree Topping.....175 |
| 11-9-9 | Dead or Diseased Tree Removal on Private Property175 |
| 11-9-10 | Trees in Place.....177 |
| 11-9-11 | Arborists License and Bond.....177 |
| 11-9-12 | Interference with City Tree Board177 |
| 11-9-13 | Review by Governing Body.....177 |
| 11-9-14 | Penalty.....177 |
| 11-9-15 | Conflict with Other Ordinances177 |
| 11-9-16 | Date of Effect.....178 |
| 11-10-1 | Definitions, Historic Vehicle178 |
| 11-10-2 | Keeping or Parking Prohibited When.....179 |
| 11-10-3 | Historic Vehicle Collection – Review Standards and Condition.....179 |
| 11-10-4 | Removal of Vehicles, Costs of Removal, Sale and Appeal Procedures.....180 |
| 11-11-1 | Reimbursement for damage to Main Street Improvement.....182 |
| 11-12-1 | Mayoral Jurisdiction – Five Mile.....182 |

**TITLE 12
CITY ADMINISTRATIVE PROVISIONS**

| | |
|--------|--|
| 12-1-1 | Corporate Limits184 |
| 12-1-2 | Wards and Council Members.....184 |
| 12-1-3 | Council Meetings184 |
| 12-1-4 | Special Meetings.....184 |
| 12-1-5 | Council Procedures184 |
| 12-2-1 | Appointments.....184 |
| 12-2-2 | Removal of Personnel184 |
| 12-2-3 | Appointive Offices.....184 |
| 12-2-4 | Subordinate Offices185 |
| 12-2-5 | Compensation of Officers185 |
| 12-2-6 | Department Regulations.....185 |
| 12-2-7 | Municipal Judge.....186 |
| 12-2-8 | Building Inspector.....186 |
| 12-3-1 | Planning Commission186 |
| 12-3-2 | Airport Commission.....186 |
| 12-3-3 | Special Commissions187 |
| 12-4-1 | Lander Area Health Commission; Establishment.....187 |
| 12-4-2 | Same; Composition.....187 |
| 12-4-3 | Same; Terms187 |
| 12-4-4 | Same; Duties187 |
| 12-5-1 | Repealed |
| 12-5-2 | Repealed |
| 12-5-3 | Repealed |

| <u>Section</u> | <u>Page</u> |
|----------------|--|
| 12-5-4 | Repealed |
| 12-6-1 | Economic Development Commission; Established187 |
| 12-6-2 | Same; Appointment and Term187 |
| 12-6-3 | Same; Compensation188 |
| 12-6-4 | Same; Officers and Duties188 |
| 12-6-5 | Same; Jurisdiction188 |
| 12-6-6 | Severability189 |
| 12-7-1 | Vacancies in the Office of Mayor189 |
| 12-7-2 | Members – Vacancies – Procedure of Filling189 |
| 12-7-3 | Attendance and Removal192 |
| 12-8-1 | Creation and Establishment of a City Tree Board192 |
| 12-8-2 | Same; Duties and Responsibilities192 |
| 12-8-3 | Same; Operation193 |
| 12-8-4 | Same; Review by Governing Body193 |
| 12-8-5 | Same; Conflict with Other Ordinances193 |
| 12-9-1 | Drug Free Work Place193 |
| 12-9-2 | City Committee for Americans with Disabilities195 |
| 12-9-3 | City Committee for Americans with Disabilities to Act an Appeals Board195 |
| 12-9-4 | Americans with Disabilities Coordinator195 |
| 12-9-5 | Procedure for Review of Complaints by Aggrieved Parties ..196 |

**TITLE 13
LICENSING AND REGULATION OF OCCUPATION**

| | |
|--------|---|
| 13-1-1 | Board of Examiners; Duties of Same198 |
| 13-1-2 | Enforcing and Licensing Authority199 |
| 13-1-3 | License Terms199 |
| 13-1-4 | Revocation of License199 |
| 13-1-5 | Rules and Regulations200 |
| 13-1-6 | Bond Requirement for Contractors200 |
| 13-1-7 | Testing Certification for Plumbers, Building Contractors And HVAC200 |
| 13-2-1 | Amusement200 |
| 13-2-2 | Same; Application for and Terms of License201 |
| 13-2-3 | Same; License Fees201 |
| 13-3-1 | Auctioneers201 |
| 13-3-2 | Same; Fee201 |
| 13-4-1 | Pawnbrokers, Definition201 |
| 13-4-2 | Same; License Required201 |
| 13-4-3 | Same; Bond201 |
| 13-4-4 | Same; Fees202 |
| 13-4-5 | Same; Records Required202 |
| 13-4-6 | Same; Inspection of Records202 |
| 13-4-7 | Same; Ten Day Hold for Inspection202 |
| 13-4-8 | Same; Purchase from Person Under 18 Years of Age202 |

| <u>Section</u> | <u>Page</u> |
|----------------|--|
| 13-4-9 | Same; Limits on Amount Financed and Terms202 |
| 13-4-10 | Same; Limitation on Agreement and Practices.....203 |
| 13-5-1 | Itinerant and Transient Merchants203 |
| 13-5-2 | Same; Definitions.....203 |
| 13-5-3 | Same; Sale of Products by Farmers, Wholesalers and Non-Profit Organziations Exempted.....203 |
| 13-5-4 | Same; Investigation and Issuance of License203 |
| 13-5-5 | Same; Service of Process204 |
| 13-5-5.1 | Same; Bond.....204 |
| 13-5-6 | Same; Exhibition of License and Posting of Warranties; Maintaining Distance from Street.....201 |
| 13-5-7 | Same; Fees204 |
| 13-5-8 | Same; Loud Noises and Speaking Devices.....204 |
| 13-5-9 | Same; Fraudulent Misrepresentations Prohibited205 |
| 13-5-10 | Same; Home Solicitation Without Consent Prohibited205 |
| 13-6-1 | Electrical Wiring.....205 |
| 13-6-2 | Same; Issuance of License205 |
| 13-6-3 | Same; Qualifications of Licensee205 |
| 13-6-4 | Same; Fees205 |
| 13-6-5 | Same; Term of License206 |
| 13-7-1 | Plumbers and Plumbing206 |
| 13-7-2 | Same; Qualifications for License.....206 |
| 13-7-3 | Same; Scope of Licenses207 |
| 13-7-4 | Repealed |
| 13-7-5 | Same; License Fees.....207 |
| 13-7-6 | Same; Term of License208 |
| 13-8-1 | Building Contractors.....208 |
| 13-8-2 | Same; Qualifications for Licenses208 |
| 13-8-3 | Same; Scope of Licenses208 |
| 13-8-4 | Same; Fees209 |
| 13-8-5 | Same; Term of License210 |
| 13-9-1 | Waste Hauling Contractors210 |
| 13-9-2 | Same; License Fees.....210 |
| 13-9-3 | Same; Specifications and Operations of Waste Collection And Hauling Equipment |
| 13-9-4 | Same; Term of License210 |
| 13-10-1 | Refrigeration Repair Work210 |
| 13-11-1 | HVAC Contractors.....211 |
| 13-11-2 | Same; Issuance of License212 |
| 13-11-3 | Same; Qualifications of Licensee212 |
| 13-11-4 | Same; Fees212 |
| 13-11-5 | Same; Term of License213 |
| 13-2-1 | Street & Alley Excavations213 |
| 13-12-2 | Same: Bonding.....214 |
| 13-12-3 | Same: Prompt Completion of Work214 |
| 13-12-4 | Same: Disposal of Excavated Materials215 |

| <u>Section</u> | | <u>Page</u> |
|----------------|---|-------------|
| 13-12-5 | Same: Trench or piled excavated Materials | 215 |
| 13-12-6 | Same: Normal Storm Flows | 215 |
| 13-12-7 | Same: Backfilling..... | 215 |
| 13-12-8 | Same: Settlement – Warranty Period..... | 215 |
| 13-12-9 | Same: Settlement | 216 |
| 13-12-10 | Same: Surface Restoration | 216 |

TITLE 1

GENERAL ORDINANCE PROVISIONS

Section

1-1-1 Definitions

1-1-2 Gender

1-1-3 Geographic Scope

1-1-4 Codification of Ordinances

1-1-5 Notice

1-1-6 Severability

1-2-1 Violation of Ordinances

1-2-2 Court Costs

1-2-3 Contempt

1-2-4 Proof of Violation

1-2-5 Enforcement of Ordinances

Title 1 was enacted by Ordinance 696, effective 7-29-80

1-1-1. Definitions. -

(a) "**Person**" shall include any person, persons, associations of persons, corporation, trust or other legal entity.

(b) "**City**" shall mean the City of Lander, Wyoming.

1-1-2. Gender. - Pronouns of either gender shall refer to all persons, regardless of gender.

1-1-3. Geographic Scope. - All ordinances contained in the municipal code for the City of Lander pertain only within the City limits of Lander, Wyoming; except for the following:

a) Ordinances contained in Titles 7 and 8 and Section 11-3-2 and 11-3-3 of the municipal code for the City of Lander shall pertain and be enforceable within one-half (1/2) mile of the Lander city limits as authorized by Wyoming Statute 15-3-202(b)(ii);

b) All other extensions of jurisdiction as authorized by State Statute or City ordinance. (*Amended Ordinance 853, effective 3-18-92*)

1-1-4. Codification of Ordinances. - The first figure of each codified ordinance represents the title number; the second figure represents the chapter number; the third number represents the section number.

1-1-5. Notice. - If an ordinance or law requires notice to be given to any person, the notice may be given by telephone, in person, by posting conspicuously at the person's place of business or residence, or by mail, unless otherwise provided. If notice is given by posting or by mail, three days shall be added to the time in which the person is required to respond to the notice.

1-1-6. Severability. - If any ordinance, section, or portion or application of any section is held invalid, such invalidity shall not affect other sections, or other portions or applications of the same section.

1-2-1. Violation of Ordinances. Violations of the Municipal Code of the City of Lander are misdemeanors or unless otherwise stated, upon conviction shall be punishable by a maximum fine of \$750.00 or imprisonment for not more than six months. Forfeitable bonds will be as set forth in with the Lander Municipal Court Bond Schedule as adopted from time to time.

2-2-12 Public Exhibition and Consumption

All Sections in Title 3

All Sections in Title 4

6-2-1 Dog License Required - up to, but not including the third or subsequent offense.

6-3-3 Noisy Animal - up to, but not including the third or subsequent offense.

6-3-4 Animals at Large - up to, but not including the third or subsequent offense.

6-4-4 Keeping Large Animals

7-4-3 Shoplifting - first offense only.

7-6-2 Peeping Tom - first offense only.

7-8-3 Discharging of Fireworks - up to, but not including the third or subsequent offense.

7-9-5 Attempting Petit Larceny - first offense only.

8-2-2 Speeding

8-2-3 Excessive Acceleration

8-3-1 Unsafe Vehicle

8-4-1(a)(1)Driving Without Valid Drivers License in Possession

8-4-2 Unlawful Use of License - first offense only.

8-4-4 License Plates - first offense only.

8-5-1 All Sections in Title 8-5-1

8-6-1 Bicycles on Sidewalks - first offense only.

8-6-2 Bicycle Parking

8-8-1 Avoiding Signs or Signals - up to, but not including the third or subsequent offense.

8-8-2 Police Insignia - first offense only.

8-11-1 Failure to Maintain Liability Coverage - first offense only.

All Sections in Title 9

All Sections in Title 10

11-2-2 Waste Collection

11-2-3 Transportation of Waste

11-2-4 Disposal of Dead Animals

11-2-5 Burning of Waste Prohibited - first offense only.

11-2-6 Connection to Sewer Required

11-2-7 Littering

11-3-1 Abandoned Container or Appliances on Private Property - first offense only.

11-4-1 Removal of Snow

11-6-1 Nuisance Weeds

All Sections in Title 13

1-2-2. Court Costs. - Court costs in accordance with the City of Lander Fee Schedule or as otherwise adopted by court rule may be imposed in addition to any fine or imprisonment for the violation of any ordinance.

1-2-3. Contempt. - The contempt powers of the Municipal Judge shall be the same as that of a judge of a district court in the State of Wyoming; however, punishment for contempt shall not exceed a maximum fine of \$750, or imprisonment for a term of not more than six months, or both such fine and imprisonment. (*Amended by Ordinance 730, effective 6-14-82.*)

1-2-4. Proof of Violation. - Except for violations of Title 7, reckless driving, and violations which at common law require proof of the intent, it is not necessary to establish intent as an element of the offense. (*Amended by Ordinance 730, effective 6-14-82.*)

1-2-5. Enforcement of Ordinances. - The failure of City personnel to enforce an ordinance or to comply with administrative provisions in these ordinances is not an ordinance violation punishable by the City.

1-2-6 Fees Annually Adjusted - All fees may be adjusted annually in accordance with the variation of the Consumer Price Index. January of each year, or as soon thereafter as is practicable, the city clerk shall determine on that date the annual average for the United States for all items in the Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics, or such other and similar index as may be available and reasonably reliable. At the time of such determination, the city clerk will compare such average as published for January of that year with the average as it was in January of the preceding year. The percentage increase or decrease in said average shall be applied to all dollar amounts of the basic demand charge as then exist. The basic demand charge so determined shall remain in effect until revised pursuant to this chapter. (*Created by Ordinance 1098 effective 5/10/05*)

1-3-1 – Exceptions - Exceptions to the City Code may be allowed by a resolution of the Governing Body for a limited period of time and specific to an event or occasion. (*Created by Ordinance 1210 effective 2/19/17*)

TITLE 2

SALE, LICENSING AND USE OF ALCOHOLIC AND MALT BEVERAGES

Section

| | |
|--------|--|
| 2-1-1 | Maximum Term of Licenses |
| 2-1-2 | Licenses Subject to Review |
| 2-1-3 | Hearing |
| 2-1-4 | Fee Upon Transfer of License |
| 2-2-1 | General |
| 2-2-2 | Definitions |
| 2-2-3 | License Required |
| 2-2-4 | Expiration |
| 2-2-5 | Fees |
| 2-2-6 | Grounds for Suspension, Revocation or Non-Renewal |
| 2-2-7 | License Holder Accountable for Agent |
| 2-2-8 | Providing Minor with Alcoholic Beverages Prohibited |
| 2-2-9 | Minors Prohibited from Having or Using Alcoholic Beverages |
| 2-2-10 | Falsifying Identification Prohibited |
| 2-2-11 | Consumption on Private Premises Prohibited |
| 2-2-12 | Public Exhibition and Consumption |
| 2-2-13 | Public Drunkenness |
| 2-2-14 | Permit for Additional Dispensing Room |
| 2-2-15 | Hours of Sale |
| 2-2-16 | Restaurant Liquor Licenses |
| 2-2-17 | Continuing Violation |
| 2-2-18 | Temporary Malt Beverage Permits; Issuance |
| 2-2-19 | Same; Limits |
| 2-2-20 | Same; Fees |
| 2-2-21 | Same; Restrictions |
| 2-3-1 | Microbrewery Permits |

Title 2 was enacted by Ordinance 687, effective 11-22-79.

2-1-1. Maximum Term of Licenses. - No license or permit for the carrying on or conducting of any business or employment shall be in force for any period longer than one year from the time of its issue.

2-1-2. Licenses Subject to Review. -

(a) All licenses or permits issued by the City are subject to review at any time by the City Council. At any time the Council has reason to believe that grounds for suspension, revocation, or refusal to renew exist with respect to any license or permit

holder, it may summon the holder and his agents to appear and answer questions relevant to such grounds.

2-1-3. Hearing. - If the Council determines that cause exists to suspend, revoke, or not renew any license or permit, it shall give the holder of the permit reasonable notification of his right to request a hearing on the matter. Or the Council may likewise notify the holder that a hearing will be held on the matter at a specified time, date and place. If the holder fails to request a hearing upon notification or fails to appear at a scheduled hearing, the Council may immediately suspend or revoke the permit or license. Otherwise, the Council shall proceed to determine whether the permit or license should be suspended or revoked. Suspension or revocation shall not constitute a bar to other proceedings, whether civil, criminal, or administrative in nature.

2-1-4. Fee Upon Transfer of License - Upon approval by the Lander City Council of a transfer of license to either a different location or different licensee, fees shall be paid prior to the transfer becoming effective as stated in the City of Lander Fee Schedule. *(Section 2-1-4 Amended by Ordinance 1193, effective 11/15/15)*

2-2-1. General. - For the protection of the health, safety and welfare of the citizens of Lander, it is the policy of the City of Lander to strictly regulate the traffic of alcoholic and malt beverages. Therefore, no traffic in such beverages is permitted except in accordance with this Title.

2-2-2. Definitions. -

- (a) The words and phrases used in this Title shall be as defined in Title 12 of the Wyoming Statutes.
- (b) "Public place" as used in this Title shall include private business premises open to the public and includes private vehicles operating or parked in public places.
- (c) "Minor" as used in Title 2 shall mean any person who has not become twenty-one (21) years of age; provided, however, all persons who are gainfully employed by the holder of a valid alcoholic beverage license as of the date this ordinance is passed, adopted and approved and as a bona fide incident of said employment and during the course and scope of said employment,
 - (1) Possess alcoholic beverages and/or;
 - (2) Enter and/or remain in a room in which alcoholic beverages are dispensed or sold, shall not be considered minors, as herein defined. *(Section 2-2-2 amended by Ordinance 824, effective 6-28-88.)*

2-2-3. License Required. - No person shall sell alcoholic or malt beverages without a license or permit issued by the City of Lander. Application shall be made to the City Council as provided by state law, and any licenses or permits granted shall accord with and be subject to state law. The City Clerk shall keep a record of licenses and permits issued, including the name of the holder, the location for which the license or permit is granted, the dates of issuance and expiration, and the fee paid.

2-2-4. Expiration. - All alcoholic beverage licenses shall expire on February 20 of each year and shall be subject to renewal at a regular City Council meeting, or at any special Council meeting called for this purpose, on or before January 20 of each year. Fees for licenses issued or renewed on other dates shall be prorated.

2-2-5. Fees. - Fees for alcoholic beverage licenses shall be as stated in the City of Lander Fee Schedule. (*Section 2-2-5 amended by Ordinance 1193 effective 11/15/15*)

2-2-6. Ground for Suspension, Revocation, or Non-Renewal. -Without limitation, the following are grounds for the City Council to suspend, revoke, or refuse to renew any license or permit under this Title:

- (a) Violations by the holder of any provisions of this Title or of Title 12 of the Wyoming Statutes. A court conviction shall be presumptive evidence of such violation.
- (b) That the premises, while licensed in the name of the holder, are the scene of repeated or continuing violations of any ordinance or law, and that the initial violation occurred while the premises were licensed in the name of the holder and the holder had knowledge of the first violation or delays correcting a continuing violation.

2-2-7. License Holder Accountable for Agent. - Violations or notice attributable to agents of the license or permit holder are attributable to the holder and in such cases either the holder or the agent, or both, may be held accountable and the defense that the agent acted outside the scope of his authority shall not apply. This section shall apply to misdemeanor violations and City Council proceedings, provided that no jail sentence shall be imposed on license holders for violation by their agents unless the agent was expressly authorized to perform or permit the act in question.

2-2-8. Providing Minor with Alcoholic Beverages Prohibited.

(a) No licensee or agent, employee or servant thereof shall knowingly permit any person under the age of eighteen (18) years to enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed. No person under the age of eighteen (18) years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:

- (i) Accompanied by his parent or guardian who is at least eighteen (18) years of age and the licensed room is for the sale of alcoholic or malt beverages for off-

premises consumption and separate from any licensed room for on-premises consumption; or

(ii) Minors are allowed in a dining or waiting area with an adult not later than 10:00 p.m. if the dining or waiting area is part of the licensed room.

(b) When the licensed room or rooms are not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of eighteen (18) may be permitted in the course of their employment to work in the room or rooms.

(c) A valid motor vehicle operator's license, registration certificate issued under the Federal Selective Service Act, an identification card issued to a member of the armed forces, or a Wyoming liquor purchase identification card is prima facie evidence of the age and identity of a person. Proof that a licensee or his agent demanded, was shown, and acted in reasonable reliance upon the information contained in any one of the above documents of identification is a defense to any criminal prosecution or in any proceeding for the suspension or revocation of or refusal to renew a license.

(d) No person shall sell, furnish, provide, give or cause to be sold, furnished or given away an alcoholic or malt beverage to a minor, under the age of 21, who is not his legal ward, medical patient or a member of their immediate family.

2-2-9. Minors Prohibited from Having or Using Alcoholic Beverages - No minor shall:

- (a) have any alcoholic or malt beverage in his possession within the city, or appear in a public place within the city, without being in the presence of a parent or legal guardian, while drunk or under the influence of an alcoholic liquor or malt beverage. For purposes of this section, under the influence of an alcoholic liquor or malt beverage shall mean the consumption of alcohol or malt beverage as shall be evidenced by the odor of alcohol on the breath and/or a positive reading for alcohol by an alco sensor or other device used to detect the presence of alcohol. *(Amended by Ordinance 878, effective 5-26-92.)*
- (b) enter or remain in a room where alcoholic or malt beverages are stored or dispensed in any establishment holding a club, retail, or restaurant liquor license, except that minor employees shall be permitted in the room during hours when alcoholic and malt beverages are not sold or dispensed; or
- (c) use or consume any alcoholic or malt beverages in any public place.

2-2-10. Falsifying Identification Prohibited. - No person shall, for the purpose of obtaining alcoholic or malt beverages for himself or for another person:

- (a) falsify any identification;
- (b) use identification belonging to another person; or

- (c) lend to or permit another person to use any identification not belonging to that person.

2-2-11. Consumption on Private Premises Prohibited. - No person shall consume or exhibit any open container of alcoholic or malt beverages on any privately owned property without the permission of the owner.

2-2-12. Public Exhibition and Consumption. -

- (a) No person shall consume any alcoholic or malt beverage, or exhibit any open container thereof, in any public place, with the following exceptions:
 - (i) a restaurant;
 - (ii) premises covered by an alcoholic beverage license or malt beverage permit;
 - (iii) all city parks, between the hours of 8:00 a.m. and 11:00 p.m.;
 - (iv) city outdoor public recreational facilities during period of scheduled public recreational activities and only between the hours of 8:00 a.m. and 11:00 p.m.;
 - (v) The interior areas of the Lander Community and Convention Center; and the exterior grounds of the Lander Community and Convention Center, including, but not limited to, the south patio and fireplace area, the north patio, but excluding the parking lot. This shall apply to the hours of 10:00 a.m. to 2:00 a.m.; and
 - (vi) All other areas specifically exempted by resolution of the City Council
- (b) The City Council may, by resolution, designate special days during which the above subsections shall not apply or shall be limited in application, it being the policy of the City that the restrictions should not be in effect on certain holidays and days of public celebrations.

2-2-13. Public Intoxication. - No person shall appear or be present in any public place while under the influence of alcohol, narcotics or other non-prescribed mind altering substance(s) to the extent that such person creates a nuisance or spectacle. This as may be established by any of the following elements: staggering, weaving, sleeping, vomiting, speaking incoherently to strangers, obscene speech, offensive gestures, or any other indecent or obnoxious conduct or act.

2-2-14. Permit for Additional Dispensing Room. - The City Council may issue a 24 hour permit to any licensee authorizing the sale of alcoholic or malt beverages in one

additional dispensing room in the same building for a 24 hour period only. No one licensee shall be issued more than six permits in any one year period. The fee for the permit shall be as stated in the City of Lander Fee Schedule. *(Section 2-2-14 amended by Ordinance 1193 effective 11/15/15)*

2-2-15. Hours of Sale. - Except as specifically provided by resolution of the City Council, all liquor licensees shall be controlled by the following schedule for operating hours:

- (a) On all days except Sunday a licensee may open the dispensing room at 6:00 a.m. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day and shall clear the dispensing room of all persons other than employees by 2:30 a.m.; and
- (b) On Sundays licensees may open the dispensing room between the hours of 10:00 a.m. and 10:00 p.m. and shall clear the dispensing room of all persons other than employees by 10:30 p.m. *(Section 2-2-15(b) was amended by Ordinance 1178, effective 3/3/2013)*

2-2-16. Restaurant Liquor Licensees. -

- (a) Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee.
- (b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served. No consumption of alcoholic and malt beverages shall be permitted within the dispensing room, nor shall any person other than employees be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license, and any person over 19 year of age is permitted to enter the separate dispensing room.
- (c) No restaurant liquor licensee shall serve alcoholic or malt beverages after food sales and services have ceased.
- (d) All Restaurant Liquor Licensee's shall comply with any and all applicable state, federal, and municipal liquor laws.

2-2-17. Continuing Violations. - Each day of a continuing violation of this Title shall be deemed a separate offense. *(Amended by Ordinance 730, effective 6-14-82.)*

2-2-18. Temporary Malt Beverage and Catering Permits; Issuance.

(a) **Temporary Malt Beverage Permit** – A temporary malt beverage permit may be issued to any responsible person or organization for the sale of malt beverages at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No organization or person holding the special permit shall sell any alcoholic liquor except malt beverages on the premises described on the permit, nor shall any malt beverages be sold or consumed off the premises authorized by the permit. The permit shall be issued for the days named therein and shall not authorize the sale of malt liquor for more than twelve days by any community organization in any one calendar year. The permit may be issued without public notice or hearing upon proper application to the City Administration. Any applicant applying for a permit authorized by this section having licensed premises located in another jurisdiction shall secure the written approval of the licensing authority of that jurisdiction in which the licensed premises are located prior to the filing of an application for a permit.

(b) **Catering Permit** - A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the city to any person holding a retail or resort retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners or at other similar gatherings, not capable of being held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverage off the premises described in the permit. Notwithstanding any other provision of this subsection, closed-container items sold at auction for the benefit of a nonprofit organization may be taken off-premises.

2-2-19. Same; Limits. - Permittees shall not apply for a temporary malt beverage permit more than 45 days prior to its use. Fees shall be as stated in the City of Lander Fee Schedule. *(Section 2-2-19 amended by Ordinance 1193 effective 11/15/15)*

2-2-20. Repealed

2-2-21. Same; Restrictions. - The applicant shall insure that the premises are maintained in a decent and orderly manner, and shall insure that all patrons or guests act within the law and not cause disturbances, riots, or fights. Should the picnic, bazaar, fair rodeo or similar public gathering become disorderly, the Chief of Police may suspend the temporary malt beverage permit and refund any unaccrued fees to the applicant. In such case, the applicant shall cause any crowds, patrons or guests to disperse and shall remove any malt beverages from the premises and cease dispensing the same. *(Section 2-2-21 created by Ordinance 775, effective 11-27-84.)*

2-3-1. Microbrewery and Winery Permits -

- (a) **Definitions** - as used herein the following terms shall have the following meanings:
- (i) "Malt Beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or

in part, or from any substance therefore, containing at least one-half of one percent (.5%) of alcohol by volume.

- (ii) "Microbrewery" means a commercial enterprise at a single location producing malt beverage in quantities not to exceed fifteen thousand (15,000) barrels per year and no less than one hundred (100) barrels per year.
- (iii) "Winery" means a commercial enterprise at a single location producing wine.

(b) Application and Issuance of Microbrewery Permit & Winery Permits - Any person desiring a permit for the operation of a microbrewery or winery in accordance with the requirements of W.S. §12-4-412 shall apply to the City Clerk on forms prepared by the Wyoming Attorney General and in accordance with the applicable statutes of the State of Wyoming and not otherwise. The amount of the fee to be paid for a microbrewery permit shall be as stated in the City of Lander Fee Schedule. Said permit shall be renewed annually as other liquor licenses provided for hereunder. *(Section 2-3-1(b) amended by Ordinance 1193 effective 11/15/15)*

- (c) Provision for Sale in Microbrewery and Winery Permit - Issuance of a permit by the City of Lander shall entitle the permittee to:
- (i) Sell the microbrewery product, wines and other malt beverage for on premises consumption, provided the other malt beverages are obtained through licensed wholesale malt beverage distribution;
 - (ii) Hold a dual microbrewery permit or winery permit and a retail liquor license, restaurant license or resort license. Provided that there are available retail liquor, restaurant or resort licenses available and the same is approved by the Lander City Council and Mayor. Further provided that no additional permit fee shall be charged over and above that charged for the original retail, restaurant or resort license.
 - (iii) May allow the microbrewery to sell on site its products for off premises personal consumption, not for sale, in packaging bottles, cans or packs of an aggregate volume not to exceed two thousand (2,000) ounces per sale.
 - (iv) May allow the winery to sell its products for off premises personal consumption, not for retail sale, in packaging of bottles of an aggregate volume not to exceed two thousand twenty-eight (2,028) ounces per sale.
 - (v) Transfer ownership of the microbrewery, by the permittee shall not be allowed to transfer the microbrewery permit to another location.
 - (vi) Said permit shall be subject to all other requirements of the Wyoming State Statutes governing microbreweries not in effect or hereafter enacted. *(Section 2-3-1 was amended by Ordinance 1100, effective June 21, 2005)*

2-4-1. **Resort Retail Liquor Licenses** – The appropriate licensing authority in a county, City or town may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications of subsection (a) of this section

- (a) To qualify for a resort retail liquor license, the appropriate licensing authority shall require the resort complex to:
 - (i) Have an actual valuation of, or the applicant shall have committed or expended on the complex, not less than one million dollars (\$1,000,000.00), excluding the value of the land;
 - (ii) Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred (100) persons, and
 - (iii) Include motel or hotel accommodations with a minimum of one hundred (100) sleeping rooms. *(Section 2-4-1 was created by Ordinance 1100, effective June 21, 2005)*

2-5-1. Bar and Grill License –

- a) The City, upon application and after public hearing, may authorize the issuance of a Bar and Grill Liquor License to a restaurant pursuant to Section 12-4-413(a) of Wyoming Statutes as such section may be amended from time to time.
- b) Any person desiring a Bar and Grill Liquor License shall file with the town clerk an application with the required supporting documentation and payment of the applicable fee. *(Section 2-5-1 amended by Ordinance 1193 effective 11/15/15.)*

TITLE 3

ADOPTION AND ENFORCEMENT OF UNIFORM CODES AND STANDARDS FOR MOBILE HOME AND MODULAR BUILDINGS

Section

| | |
|--------|--|
| 3-1-1 | Adoption of International Codes |
| 3-1-2 | Copies on File |
| 3-1-3 | Standards for Mobile Homes |
| 3-1-4 | Standards for Modular and Manufactured Buildings |
| 3-1-5 | Mobile Home and Modular Building Placement Permits |
| 3-1-6 | Violations |
| 3-1-7 | Administrative Authority |
| 3-1-8 | Duties and Powers of Administrative Authority |
| 3-1-9 | Appeal from Actions of Administrative Authority |
| 3-1-10 | Application of Title |
| 3-2-1 | Amendments to International Building Code |
| 3-3-1 | Amendments to Uniform Sign Code |
| 3-4-1 | Amendments to International Plumbing Code |
| 3-5-1 | Repealed |
| 3-6-1 | Repealed |
| 3-7-1 | Repealed |
| 3-8-1 | Repealed |
| 3-9-1 | Repealed |
| 3-10-1 | Statutory Authorization |
| 3-10-2 | Findings of Fact |
| 3-10-3 | Statement of Purpose |
| 3-10-4 | Methods of Reducing Flood Losses |
| 3-11-1 | Flood |
| 3-11-2 | Definitions |
| 3-12-1 | Lands to Which this Ordinance Applies |
| 3-12-2 | Basis for Establishing the Areas of Special Flood Hazard |
| 3-12-3 | Compliance |
| 3-12-4 | Abrogation and Greater Restrictions |
| 3-12-5 | Interpretation |
| 3-12-6 | Warning and disclaimer of Liability |
| 3-13-1 | Establishment of Development Permit |
| 3-13-2 | Designation of the Building Inspector and/or Engineer |
| 3-13-3 | Duties and Responsibilities of the Building Inspector and/or Engineer |

| | |
|----------|--|
| 3-13-3.1 | Permit Review |
| 3-13-3.2 | Use of Other Base Flood Data |
| 3-13-3.3 | Information to be Obtained and Maintained |
| 3-13-3.4 | Alteration of Watercourses |
| 3-13-3.5 | Interpretation of FIRM Boundaries |
| 3-13-4 | Variance Procedure |
| 3-13-4.1 | Appeal Board |
| 3-13-4.2 | Conditions for Variances |
| 3-14-1 | Provisions for Flood Hazard Reduction; General Standards |
| 3-14-1.1 | Anchoring |
| 3-14-1.2 | Construction Materials and Methods |
| 3-14-1.3 | Utilities |
| 3-14-1.4 | Subdivision Proposals |
| 3-14-2 | Specific Standards |
| 3-14-2.1 | Residential Construction |
| 3-14-2.2 | Non-Residential Construction |
| 3-14-2.3 | Manufactured Homes |
| 3-14-2.4 | Recreational Vehicles |
| 3-14-3 | Floodways |

Title 3 was revised by Ordinance 862, effective 07-09-91.

SECTION 1: 3-1-1. Adoption of International Codes. - The following International codes are adopted in full, except as modified by ordinance.

- (a) International Building Code and the International Building Code Standards, 2015 Edition;
- (b) International Existing Building Code and the International Existing Building Code Standards, 2015 Edition;
- (c) International Residential Building Code, 2015 Edition;
- (d) International Plumbing Code, 2015 Edition;
- (e) International Fire Code and the International Fire Code Standards, 2015 Edition; including Appendix D, Appendix E, Appendix F & Appendix G;
- (f) International Mechanical Code, 2015 Edition;
- (g) International Fuel Gas Code, 2015 Edition;
- (h) National Electrical Code, 2014 Edition;
- (i) Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition
(Section 3-1-1 was amended by Ordinance 1212 effective May 14, 2017)

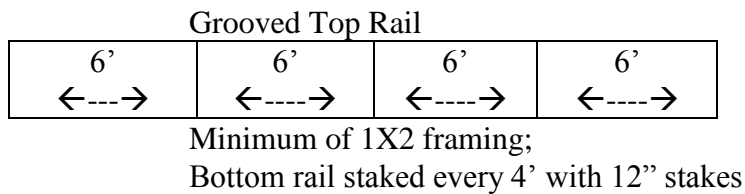
3-1-2. Copies on File. - Copies of each uniform code adopted shall be kept on file by the City Clerk and the administrative authority charged with enforcement of such codes. The copies shall be available for inspection during regular office hours.

3-1-3. Standards for Mobile Homes. -

(a) Not more than 45 days after issuance of a placement permit as provided in Section 3-1-5, every mobile home for which a placement permit is required by such Section shall comply with the following conditions:

1. The mobile home shall be placed on a permanent foundation, approved by the administrative authority before placement of the mobile home, and consisting of one of the following:
 - a. continuous 4" deep concrete pad under the entire mobile home;
 - b. a continuous 4" deep x 8" wide concrete runner placed under each I-beam support;
 - c. a perimeter footing and foundation built to conform to the adopted building code of the City of Lander; or
 - d. 24" x 24" x 6" concrete piers placed under the I-beams at intervals not greater than 10 feet.

2. The mobile home shall be skirted around its entire perimeter and water pipes shall be wrapped with heat tape or skirting shall be insulated to an "R" factor of nine.



Minimum acceptable skirting requirements shall consist of masonry, masonite, aluminum, or wood or other comparable material approved by the administrative authority. Masonry shall be installed by customary methods with suitable mortar used as the adhesive agent. Masonite, wood, or aluminum skirting shall be installed as follows:

- a. A top and bottom rail consisting of 1x2 wood stringers or equivalent. The top rail shall be attached with bolts or screws to the mobile home bottom. The bottom rail shall be attached to ground support stakes, which will be a minimum of 12" in length and spaced at four foot maximum spacing.
- b. Vertical 1x2 wood stringers or equivalent attached to the top and bottom rail by means of bolts or screws. Vertical stringers will be installed at a maximum of

every six feet.

c. Skirting material firmly fastened to the top and bottom rails as well as the vertical stringers by means of bolts or screws.

3. The mobile home shall be securely attached to the ground and ground anchors by not less than six tie-downs. Each tie-down shall be connected to a ground anchor capable of withstanding a minimum uplift of 5,000 pounds, with one tie-down connected to each corner.
4. The mobile home shall have the tongue, hitch, or other hauling apparatus adequately camouflaged so as not to detract from the overall appearance of the mobile home or the surrounding areas.
5. The mobile home shall be properly connected to all utilities according to the adopted codes of the City.
6. The mobile home shall conform to all requirements of the City Zoning Ordinance.
7. The mobile home shall conform to the adopted building code of the City concerning live loads, snow loads, and wind loads.
8. The mobile home shall have a roof system capable of withstanding a 20 pound per square foot uplift condition without buckling, flexing, or other objectionable movement. The use of externally applied weights, whether permanent or temporary, will not be allowed.
 - (a) Compliance with structural standards of this ordinance shall be evidenced at the owner's or manufacturer's expense by the signature of a registered professional engineer or the signature of an authorized representative of the manufacturer of the mobile home. The administrative authority may require any information he deems necessary from the manufacturer or owner of the mobile home for which a placement permit is being requested in order to determine if said mobile home is in compliance with this ordinance. The administrative authority, prior to the occupancy of the mobile home, may inspect such mobile home to determine if such occupancy for permanent living quarters complies with all provisions of this ordinance.
 - (b) There shall be no storage of combustible material underneath any mobile home.
 - (c) Public services shall not be extended to mobile homes hereafter located in the City unless said mobile home has been issued a mobile home placement permit by the administrative authority.

- (d) Every mobile home, accessory building or structure except awnings shall be constructed in accordance with the applicable provisions of the adopted building codes of the City, and shall be free standing and self-supporting and anchored to the mobile home except when constructed in conjunction with a ramada. Each room in a cabana shall have access to at least one exterior door opening to the outside without passing through the mobile home. A roof of a ramada shall have a minimum of two feet clearance over any fuel-burning appliance vent or plumbing vent, unless such vent extends through the roof of a ramada.
- (e) Travel trailers, motor homes, or truck campers may not be used as permanent dwellings units or other permanent uses on private lots within the City.
- (f) A mobile home shall not be placed on the same lot with another mobile home or another residential unit.
- (g) For the purpose of this Section 3-1-3, the following words shall have these meanings:

ACCESSORY BUILDING - Any awning, carport, cabana, storage cabinet, utility building, ramada, fence, windbreak, porch, or factory-built addition.

AWNING - A shade structure supported by posts or columns and partially supported by a mobile home, installed, erected, or used on a mobile home.

CABANA - A room enclosure erected or constructed adjacent to a mobile home for residential use by the occupant of the mobile home.

DEAD LOAD - The weight of all permanent construction, including walls, floors, partitions, and fixed service equipment.

GROUND ANCHORS - Devices placed in the ground such as cast-in-place concrete "dead-men" eyelets embedded in concrete slabs, or runways, screw augers, arrowhead anchors, or other devices used to connect tie-downs to stabilize mobile homes.

LIVE LOAD - The weight superimposed by the use and occupancy of the mobile home including wind load and snow load but not including dead load.

LOT - A parcel of land under one ownership with a single legal description, used or capable of being used under the regulations of this ordinance and the City Zoning Ordinance, including both the building site and all required yards and other open space.

MOBILE HOME - A singular prefabricated structure designed for transportation

after fabrication on streets and highways on its own wheels and chassis and arriving at the site where it is to be occupied as a dwelling complete and ready for assembly operations, for living and sleeping quarters also includes trailer homes and mobile homes used for any purpose.

MOBILE HOME PARK - A parcel or contiguous parcels of land under one ownership which has been so designated and improved that it contains two or more mobile home lots for residential use.

PERMANENT DWELLING OR PLACE OF BUSINESS - Any unit used for dwelling or business occupancy over five days in any month or over 30 days in any calendar year.

RAMADA - Any free standing roof or shade structure installed or erected above an occupied mobile home or any portion thereof.

"R" FACTOR - The thermal resistance of a material.

SITE - Any lot or parcel of property located in the City where the structure is to be located.

SKIRTING - Any type of wainscoting around the lower part of mobile homes between the ground and the exterior edge of the bottom of the mobile home, covering wheels and undercarriage.

SNOW LOADS - The weight superimposed upon the roof by the accumulation of snow and other precipitation.

TIE-DOWNS - Any device designed for the purpose of anchoring a mobile home to ground anchors.

TRAVEL TRAILER, MOTOR HOMES, TRUCK CAMPERS - Any unit designed for movement on a roadway by the use of wheels 8'0" or under in width or 32'0" or under in length and not used as a permanent dwelling or office.

WIND LOADS - The lateral or vertical pressure or uplift on the mobile home due to wind blowing in any direction.

- (i) The following mobile homes shall be exempt from the provisions of this Section 3-1-3:
 - 1. Mobile homes placed in designated mobile home parks;
 - 2. Mobile homes in commercial mobile homes sales, construction, or repair yards, not being used as a dwelling.

- (j) Mobile homes located in designated mobile home subdivisions shall be exempt from the provision of Section 3-1-3(a)1.

3-1-4. Standards for Modular and Manufactured Buildings. -

- (a) All modular or manufactured buildings located on private lots within the City shall comply with the following requirements not more than 45 days after issuance of a placement permit as provided in Section 3-1-5:
 - (1) It is built on a permanent chassis and designed to be used with a permanent foundation when connected to utilities and which is constructed certified and labeled in accordance with current HUD manufactured home standards or meets all requirements of the adopted building code of the City;
 - (2) It is placed on a permanent footing, foundation that complies with the UBC with the lower perimeter enclosed;
 - (3) It has a lower perimeter enclosure which:
 - (a) meets or is attached to the lower outside edge of the manufactured home; and
 - (b) is designed to extend the vertical plane of each exterior wall of the manufactured home from its lower outside edge to the finished grade of the ground;
 - (4) It has a means of access to the undercarriage of the home by an opening of not less than five square feet, through the exterior enclosure or foundation which meets the exterior design or trim of the manufactured home;
 - (5) Any material which is used to enclose the lower perimeter is designed and constructed to withstand the effects of wind, soil pressures, decay, termites and to prevent entry by rodents;
 - (6) All tongues, towing devices, undercarriage support structure used solely for transportation to the site and wheels have been removed from the lot on which the manufactured home is situated;
 - (7) The specifications and plans for the design and construction of the foundation and utilities have been filed with and permitted by the building official;
 - (8) All lower perimeter enclosures, decks, walks, steps, handrails, sheds and accessory buildings have been permitted, inspected and approved by the building official;
 - (9) It has permanent connections to all utilities;
 - (10) All utility shutoff valves, meters and regulators are located somewhere other than underneath the structure;
 - (11) A permanent method of anchorage capable of withstanding an uplift pressure of 150 pounds per lineal foot of foundation wall between the building system and the foundation or footing;
 - (12) As used in this Section 3-1-4, "modular buildings" or "manufactured homes"

shall mean a structure composed of two or more pre-assembled major building sections, fabricated at some location other than the site, which are designed as dependent units that must be joined at the site to form a usable, single, unified structure. The joining of two independent, self-contained structures or any one independent structure, shall not constitute a modular building. A modular or manufactured home shall not include a mobile home. (*Section 3-1-4 (a) amended by Ordinance 990, Effective 9/29/97*)

- (b) As used in this Section 3-1-4, "modular buildings" shall mean a structure composed of two or more pre-assembled major building sections, fabricated at some location other than the site, which are designed as dependent units that must be joined at the site to form a usable, single, unified structure. The joining of two independent, self-contained structures, or any one independent structure, shall not constitute a modular building.

3-1-5. Mobile Home, Manufactured Home and Modular Building Placement Permits -

- (a) No person shall set up, locate, or replace a mobile home, manufactured home or modular building, as defined in Section 3-1-3 and 3-1-4, on private land in the City, or cause the same to be done, without first obtaining a permit from the proper administrative authority. An applicant for a permit shall provide the administrative authority with such written information as the authority may require to fulfill his duty to enforce any applicable codes or standards. Fees shall be according to the City of Lander Fee Schedule. (*Section 3-1-5 amended by Ordinance 1193 11/10/15*)
- (b) The administrative authority may issue a temporary mobile home placement permit during construction of a permanent facility when all of the following conditions are met:
 - 1. the mobile home will not be used as a dwelling;
 - 2. the mobile home is located on the same lot as the construction; and
 - 3. the mobile home shall be removed within 10 days of issuance of the occupancy permit.

A temporary placement permit will be exempt from Section 3-1-3 and shall be valid for not more than six months from date of issuance. A temporary placement permit may be renewed at the discretion of the administrative authority. (*Section 3-1-5 amended by Ordinance 990, Effective 9/29/97*)

3-1-6. Violations. - Violation or noncompliance with any code or standard adopted under this Title, or interference or attempt to interfere with the administrative authority charged with enforcement of such codes or standards, shall be deemed to be a violation of the Title. Any charge specifying a violation of this Title shall state the act complained of or the specific section of the code or standard not complied with. Each day of a continuing violation of this Title shall be deemed a separate offense. (*Amended by Ordinance 730, effective 6-14-82.*)

3-1-7. Administrative Authority. - The administrative authority or authorities charged with enforcement of codes and standards adopted under this Title shall be appointed by the Mayor, subject to the approval of the City Council. The administrative authority so appointed shall be certified by the A.S.B.C.I. or the State of Wyoming as a fire marshal, and shall have no interest, directly or indirectly, in the sale or manufacture of any materials, process or device used in or in connection with building construction, repair, alterations, removal or demolition.

3-1-8. Duties and Power of Administrative Authority. - The administrative authority shall have the following duties and powers:

- (a) To require the submission of such plans and specifications for any proposed work or structure which is subject to the codes and standards adopted under this Title, as the authority may deem necessary to facilitate his inspection of such work.
- (b) To issue any permit and collect the fee therefore, whether temporary or permanent, as may be required for work or structures subject to the adopted codes and standards; temporary permits require the same fee as a permanent permit and shall be upon such terms and conditions as the administrative authority may establish.
- (c) To make periodic and final inspection and tests of all work or structures subject to the adopted codes and standards; the authority shall have the right, during reasonable hours, to enter any premises for the purpose of inspecting and testing any work or structure subject to the adopted codes and standards and to correct or render inoperable any work or structure not done in compliance with the adopted codes and standards when the person performing such work has refused to bring the work or structure into compliance within a reasonable time after notification of noncompliance by the authority, and for such purpose has the powers of a police officer. The authority shall have the right and power to require the person performing work subject to the adopted codes and standards to uncover any such concealed work for the purpose of inspection, unless the authority has failed to inspect such work within 48 hours (exclusive of holidays, Saturdays and Sundays) after receiving notice that such work is ready for inspection.
- (d) Upon request of the property owner, the authority shall inspect any work or structure not subject to the adopted codes and standards and shall issue a written statement of the changes necessary to bring the work or structure into compliance.
- (c) The authority appointed to enforce the National Electrical Code shall inspect all private and isolated electric plants (exclusive of public utility corporation plants) now in operation in the City or hereafter installed at least once each year, and shall direct and have the power to see that any dangerous condition is remedied immediately at the expense of said facility.

- (f) After inspection, the authority will leave a notice in the form of a tag attached to the work or structure stating the date and that the work or structure has passed inspection, or was found not to be in compliance with the requirements of any applicable code or standard, and whether the inspection was intermediate or final.
- (g) To order the discontinuance of an appropriate utility service to any building or structure which is subject to the adopted codes or standards, and found not to be in compliance therewith; such utility service shall not be continued until the utility supplier has received written notice from the authority stating that such utility service may be resumed; such power shall not extend to power houses and substations of electric light, heat and power companies operating under a franchise granted by the City, and equipment installed by companies operating under a Federal, State, or City franchise in the telephone, telegraph, railroad and radio transmitting industries.
- (h) The authority charged with enforcement of the National Electrical Code shall have general supervision over the placing, stringing, and attaching of telephone, telegraph, electric light or other wires, only in so far as fire prevention, accident, or injury to person or property is concerned, and any or all of such wires or electrical apparatus now existing as well as those hereafter constructed and placed, and whenever any electrical wire or other piece of electrical apparatus is or shall become defective or dangerous, the authority shall at once notify the owner or the agent of the owner of said electrical apparatus to repair or remove the wire or apparatus within a reasonable time, shall cause said wire or apparatus to be removed or repaired at the expense of said owner or agent. Failure of owner or agent to pay the costs of repairing or removing said wire or apparatus shall be deemed a violation of this ordinance.
- (i) The authority charged with the enforcement of the National Electrical Code shall have power to request any person operating electrical or other wires under any street, alley, or building to furnish an accurate and detailed statement of the number and location of all subways and manholes, and the method of operating such system. Failure to furnish such information within 15 days of request shall constitute a violation of this ordinance.
- (j) Any power or duty granted by any adopted code which is not consistent with other provisions of this Title.

3-1-9. Appeal from Actions of Administrative Authority. - Any person aggrieved by the failure or refusal of the administrative authority to issue a permit or a certificate of inspection codes and standards or from an order of the authority which is deemed to be in excess of the authority's powers may file a written petition for review with the City Clerk which is addressed to the Board of Appeals. The Board of Appeals shall consist of the members of the Board of Examiners as established in Section 13-8-4. The Clerk shall set a date for hearing of such petition, and shall give all interested parties not less than 10 days' notice of such hearing. The decision of the Board shall be final, except that the Governing Body may review such decision should good cause appear. (*Section 3-1-9 amended by Ordinance 818,*

effective 1-12-88.)

3-1-10. Application of Title. - Unless otherwise stated in any code, the provisions of the codes and standards adopted under this Title 3 shall apply to all persons performing work or concerning structures which are subject to the adopted codes and standards from and after the effective date for the adoption of each code or standard, but shall not apply to work performed prior to such effective date, nor require work or structures in existence on the effective date to be altered to comply with such codes and standards, until alterations or repairs are made, and then only to the extent of such alterations or repairs.

3-2-1 - Amendments to the International Building Code - The following amendments are made to the International Building Code, 2000 Edition:

- (a) Chapter 1, Section 106.2 Exempted Work, page 1-2, subparagraphs 1, 2, 3, 4, 5, 6, 7 & 10 are hereby repealed and subparagraphs 8, 9 and 11 are renumbered to read as follows:

Section 106.2 Exempted Work. A building permit will not be required for the following:

1. Oil Derricks;
2. Moveable cases, counters and partitions not over 5 feet high;
3. Painting, papering and similar finish work;
4. Temporary motion picture, television and theater stage sets and scenery;
5. Prefabricated swimming pools accessory to Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons;
6. Repair or maintenance work occasioned by damage from weather if the total cost of said work does not exceed \$500.00;
7. Window replacement if they are retrofit;
8. Repair and maintenance of electrical, plumbing, refrigeration, HVAC and water and sewer service;
9. Flat concrete work, if it is not a structural element;
10. Temporary signs;
11. Reroofing;
12. Siding;
13. Soffit and Facia;

Unless otherwise exempted by this Code, separate plumbing, electrical and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner which violates the provisions of the Code or any other laws or ordinances of this jurisdiction. (*Section 3-2-1 Amedned by Ordinance 1047, effective 12/18/01*)

3-3-1 - Amendments to the Uniform Sign Code - The following amendments are made to the Uniform Sign Code, 1997 Edition:

- (a) Chapter 2, Section 214, page 4, is hereby amended in part, concerning the definition of "sign" to add the following:

"Sign" shall be deemed to include signs, painted on buildings and signs in windows directed to the exterior, but only for the purpose of determining total permissible sign area.

"Sign" shall not be deemed to include signs serving a governmental function or which are required by law.

- (b) Chapter 3, Section 303, page 5, is hereby amended to repeal subpart 3 thereof, and reenact the same to read as follows:

3. A single temporary sign advertising the sale, lease or rental of the property upon which the sign is located.

- (c) Chapter 4, pages 7 through 10, is amended to create a new section 404 to read as follows:

Section 404. Height. No sign shall exceed a height of 30 feet from the established grade to the top of the sign.

- (d) Chapter 4, pages 7 through 10, is amended to create a new Section 405 to read as follows:

Section 405. Surface Area Limitations.

a. Surface area shall be computed by measuring the surface area on the largest face of the sign, but if the sign has more than two faces used for advertising, the surface area shall be the total of all faces. Individual signs consisting of letters or words which as a group form words or phrases shall be deemed to constitute one entire sign which includes the space between the individual words or phrases.

b. No single projecting sign shall exceed 80 square feet.

c. For all business premises:

1. The surface area of all pole, fin and ground signs

combined shall not exceed 180 square feet, except as noted in Section 1505.

2. The area of all other signs, including printed surfaces and window signs larger than one-half square foot, shall be limited to two (2) square feet per lineal foot for each individual side of the building.

3. Directional signs which do not contain advertising or trade names shall not be included in calculating these limitations.

- (e) Chapter 4, pages 7 through 10, is amended to create a new Section 406 to read as follows:

Section 406. General Requirements

a. No sign shall contain any flashing or strobe type lights

b. Moveable signs, except for those allowed by Section 1502,703, or signs advertising candidacy for political office, shall be considered as temporary signs and shall meet all requirements pertaining to temporary signs.

c. Subsection (a) and (b) shall not apply to the part of any sign indicating time, temperature, stock market quotations or similar public services.

d. No sign shall be placed so as to obstruct the vision of vehicular traffic, interfere or be confused with any authorized traffic sign or signal, or create glare or reflection that may constitute a traffic hazard.

e. No illuminated sign shall be placed as to constitute a nuisance to any nearby premises. No illuminated sign may directly face any lot in a R-1, R-2, R-3 or R-4 District.

f. All signs shall be maintained in a safe and neat condition. If they are replaced, moved or substantially altered, they shall meet the requirements of the current code.

- (f) Chapter 8, Section 803(a), page 15, is hereby amended to read as follows:

Section 803(a). Projection. Roof signs may not project over public property or beyond a legal setback line complying with the requirements specified in Section 403.

(g) Chapter 14, Section 1401, page 21, is hereby amended to read as follows:

Section 1401(a). Projection and Clearance. A temporary sign may not project over public property or beyond the legal setback line, except that the Council may authorize temporary cloth signs to extend across public streets. Such signs shall maintain a minimum clearance of 20 feet.

Section 1402(a). Support and Regulation.

- a. Every temporary cloth sign shall be supported and attached with wire rope of 3/8 inch diameter, or other approved material. Cloth signs shall be perforated over at least 10% of their area to reduce wind resistance. The owner of the cloth sign shall also provide proof of insurance covering damage to persons or property for the time between when the sign was installed and the sign was removed. Any cost incurred by the City of Lander due to the failure to meet the requirements of this ordinance shall be the responsibility of the sign owner.
 - b. All temporary signs shall be removed within 60 days of installation, except for real estate signs as provided for in Section 1502 hereof.
- (h) A new Chapter 15 entitled "Miscellaneous Sign Requirements" is hereby created to read as follows:

Section 1501. Name Plates and Home Occupation Signs. Only one Home Occupation sign shall be allowed and each residence occupation sign shall not exceed four (4) square feet in area. They shall not be placed higher than the building to which they are attached. Home occupation signs may only be back-lit or non-illuminated. Offpremise signs shall be allowed for home occupations as provided in Section 1504.

Section 1502. Sign Advertising Sale or Lease of Property. In all zones one temporary sign advertising the sale, lease or rental of property on which it is located is allowed. The sign shall not exceed six square feet and shall meet all other requirements for home occupation signs. This section shall apply only in residentially zoned districts.

Section 1503. Signs Identifying Conditional Uses Except for Home Occupations, one sign identifying a permitted conditional use is allowed on the building or in the lot to which it refers; the sign shall meet the requirements for home occupation signs, except that it may contain up to 20 square feet of surface area. Conditional use signs shall be set back 10 feet from any property line except in R-3 and R-MED Districts, where the setback shall be determined by the Board of Adjustment. This section shall apply only in residentially zoned districts.

Section 1504. Billboards, Off-Premise Signs. Off-premise signs are allowed to be located on the sides of Main Street buildings that advertise businesses within Lander city

limits. Signs should be placed on buildings in a location that is perpendicular to, and not facing Main Street. These signs shall not exceed 3 feet X 5 feet in size. Electronic, digital and lit signs are not permitted, as these signs are a visual distraction and safety hazard to traffic on Main Street. All other off-premise signs, including billboards, are not allowed. This section shall apply only to permanent signs constructed after August 1, 1995.

- a. Section 405(c)(2) shall apply to this section. Additionally, each property shall be limited to one off-premise sign per side.
- b. All off-premise signs shall be maintained in a continued state of good repair and legible from a reasonable distance. This section shall apply to all businesses including home occupations and conditional uses.
- c. It is the business owner's and property owner's responsibility to ensure the sign meets requirements as determined by the Wyoming Department of Transportation, including formal permits and lettering requirements according to MUTCD guidelines.

Section 1505. Sign Limitations in C Districts. The following limitation shall apply to signs in a center or complex conducted within C Districts of the City:

One pole sign may be erected to identify the center or complex which shall not exceed 15 feet in width not having its bottom edge less than 15 feet above the ground. The sign may include the names of individual businesses or professionals located at the center or complex.

Section 1506. Other Residential Signs. Nothing herein shall be construed to apply to or to regulate any sign in a residential zone, except for home occupation signs, signs advertising sale or lease of property, permitted conditional use signs, political signs or off premises signs.

- (i) Section 703, Page 14. Ground Signs; Projection.

Ground signs shall not be allowed except to advertise a business or product subject to the following terms:

1. The sign shall be placed in front the business for which the sign advertises, as provided below, the business for which the sign advertises;
2. If the maximum size of the sign is as follows:
 - a) If on a 12 foot wide sidewalk, the maximum size shall be 3 feet wide by 4 feet 8 inches high;

- b) If on a sidewalk 10 feet or less in width, the maximum size shall be 2 feet wide by 4 feet high;
2. If the sign is placed on the sidewalk, it shall be placed at the following location thereon:
- a) Ground signs on Main Street shall be placed in the area of the sidewalk that is used for trees, bike racks or trash receptacles;
 - b) On all streets other than Main Street, the ground sign shall be next to the business front or property line and shall not impede sidewalk use.
4. Ground signs shall only be placed on the sidewalk during business hours and shall not interfere with entering or exiting parked vehicles.
5. There shall only be permitted one ground sign per business.
6. All ground signs shall be readable and tasteful and no fluorescent colors shall be used.
7. Ground signs shall be of a design to stand up during severe winds, without sand bags, rock or other weight material, which shall not be used. In case of high winds, the business owner shall remove the sign from the sidewalk area.
8. No glass shall be used on the signs and signs shall not be made of metal drum barrels.
9. Any business owner who places a sign on the sidewalk shall do so at his own risk.
10. Ground signs shall conform to all other provisions of Chapter 4 of the Uniform Sign Code, not inconsistent with the terms hereof.
- (j) Chapter 14, Section 1401, page 20, is hereby deleted.
- (k) Section 704 is created to read as follows:

Signs Removed –

- (1) Upon cessation of the business advertised, all signs, except those integral to a premises being sold, shall be removed within sixty (60) days. Demonstrated arrangements for early removal shall be deemed to comply with this requirement.

(2) Non-compliance with subsection (1) above shall give the City cause to remove the sign after following thirty (30) days notice to the property owner by certified mail and thereafter to bill the owners of the property for the costs of removal. Such billing unpaid within thirty (30) days shall create a lien upon the premises advertised. *(Section 3-3-1 was amended by Ordinance 1164 effective October 2, 2011)*

3-4-1. Amendments to International Plumbing Code - The **International Plumbing Code, 2012** Edition, is amended as follows:

(a) Section 608 – PROTECTION OF POTABLE WATER SUPPLY is amended to include the following:

608.1.1 To protect the public potable water supply of the City of Lander from the possibility of contamination or pollution by isolating within the customer’s internal distribution system(s) or the customer’s private water system(s) such contaminants or pollutants that could backflow into the public water system; and

608.1.2 To promote the elimination or control of existing cross-connections, actual or potential, between the customer’s in-plant potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping systems; and

608.1.3 To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

608.1.4 **RESPONSIBILITY**– The Wyoming Department of Environmental Quality (Wyoming DEQ) shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said Wyoming DEQ an approved backflow-prevention assembly is required at the customer’s water service connection; or within the customer’s private water system) for the safety of the water system, the Wyoming DEQ or his/her designated agent shall give notice in writing to said customer to install such an approved backflow-prevention assembly(s) at specific location(s) on his/her premises. The customer shall immediately install such approved assembly(s) at his/her own expense; and, failure, refusal or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

608.1.5 It shall be the duty of the customer-user at any premises where backflow

prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the City of Lander Deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and test shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, City of Lander Water Department personnel or by a certified tester approved by the DEQ. It shall be the duty of the City of Lander to see that these tests are made in a timely manner. The customer-user shall notify the City of Lander in advance when the tests are to be undertaken so that the customer-user may witness the tests if so desired. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such test, repairs and overhaul shall be kept and made available to the DEQ.

608.1.6 All presently installed backflow-prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 608.1.5 be excluded from the requirements of these rules so long as the DEQ is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the DEQ finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow-prevention assembly meeting the requirements of this section. *(Section 3-4-1 was amended by Ordinance 1182 effective October 28, 2013.)*

3-5-1 - Amendments to the International Residential Code - The following amendments are made to the International Residential Code, 2015 Edition:

- (a) Excluding Section R313.2 – One and Two Family dwellings automatic fire systems. *(Section 3-5-1 was amended by Ordinance 1212, effective May 14, 2017)*

Section 3-6-1 of the Municipal Code for the City of Lander is hereby repealed.

Section 3-7-1 of the Municipal Code for the City of Lander is hereby repealed.

Section 3-8-1 of the Municipal Code for the City of Lander is hereby repealed.

(Sections 3-1-1, 3-2-1, 3-3-1, and 3-9-1 have been amended by Ordinance 956, effective 9-25-95, Sections 3-8-1 have been repealed by Ordinance 956, effective 9-25-95)

Section 3-9-1 of the Municipal Code for the City of Lander is hereby repealed. *(Repealed by Ordinance 974, effective 10-14-96)*

3-10-1. FLOOD DAMAGE PREVENTION STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS -

(a) STATUTORY AUTHORIZATION

The Legislature of the State of Wyoming has in Wyoming State Statute 15-1-103 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Governing Body of the City of Lander, Wyoming, does ordain as follows:

(b) FINDINGS OF FACT

(1) The flood hazard areas of Lander, Wyoming are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

(c) STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

(d) METHODS OF REDUCING FLOOD LOSSES - In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

3-10-2. DEFINITIONS - Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(a) **ALLUVIAL FAN FLOODING** - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(b) **APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(c) **AREA OF SHALLOW FLOODING** - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(d) **AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

(e) **BASE FLOOD** - means the flood having a one percent chance of being equaled or exceeded in any given year.

(f) **BASEMENT** - means any area of the building having its floor sub-grade (below ground level) on all sides.

(g) **CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(h) DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(i) ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

(j) EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

(k) EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(l) EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(m) FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

(n) FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood

hazards and the risk premium zones applicable to the community.

(o) **FLOOD INSURANCE STUDY** - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

(p) **FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

(q) **FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(r) **FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(s) **FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(t) **FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(u) **FLOODWAY (REGULATORY FLOODWAY)** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(v) **FUNCTIONALLY DEPENDENT USE** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(w) **HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(x) **HISTORIC STRUCTURE** - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a) by an approved state program as determined by the Secretary of the Interior or;
 - b) directly by the Secretary of the Interior in states without approved programs.

(y) **LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(z) **LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(aa) **LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building accessory storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

(bb) **MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(cc) **MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(dd) **MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(ee) NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(ff) NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

(gg) RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(hh) START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(ii) STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(jj) SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(kk) SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures

which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(ll) VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

(mm) VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(nn) WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3-10-3. GENERAL PROVISIONS

(a) LANDS TO WHICH THIS ORDINANCE APPLIES - The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Lander, Wyoming.

(b) BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD - The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Fremont County and Incorporated Areas," dated September 16, 2011 with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

(c) ESTABLISHMENT OF DEVELOPMENT PERMIT - A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

(d) COMPLIANCE - No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

(e) ABROGATION AND GREATER RESTRICTIONS - This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this

ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) INTERPRETATION - In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

(g) WARNING AND DISCLAIMER OR LIABILITY - The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(h) SEVERABILITY - This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

3-10-4 - ADMINISTRATION

(a) DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR - The Building Inspector and/or Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(b) DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR - Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Wyoming Office of Homeland Security, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

(c) **PERMIT PROCEDURES** - Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be Flood proofed;
3. A certificate from a registered professional engineer or architect that the nonresidential Flood proofed structure shall meet the flood proofing criteria of Article 5, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

(d) VARIANCE PROCEDURES -

1. The appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.
2. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
10. Prerequisites for granting variances:
 - a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b) Variances shall only be issued upon:
 - 1) showing a good and sufficient cause;
 - 2) a determination that failure to grant the variance would result in

exceptional hardship to the applicant, and

- 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- a) the criteria outlined in Article 4, Section D(1)-(9) are met, and
 - b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

3-10-5 PROVISIONS FOR FLOOD HAZARD REDUCTION -

(a) GENERAL STANDARDS - In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) SPECIFIC STANDARDS - In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

3. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b) The bottom of all openings shall be no higher than one foot above grade.

- c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes –

- a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - 1) the lowest floor of the manufactured home elevate to or above the base flood elevation, or
 - 2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a) be on the site for fewer than 180 consecutive days,
- b) be fully licensed and ready for highway use, or

c) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(c) **STANDARDS FOR SUBDIVISION PROPOSALS -**

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(d) **FLOODWAYS -** Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted

regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

(e) BELOW-GRADE RESEIDENTIAL CRAWLSPACE CONSTRUCTION - New construction and substantial improvement of any below-grade crawlspace shall:

1. Have the interior grade elevation that is below base flood elevation no lower than two feet
2. Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceeding four feet at any point;
3. Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
4. Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;
5. Be constructed with materials and utility equipment resistant to flood damage;
6. Be constructed using methods and practices that minimize flood damage;
7. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding
8. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:
 - a. A minimum of two opening having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(f) STANDARDS FOR ZONES WITHOUT BASE FLOOD ELEVATIONS AND/OR FLOODWAY (A ZONES) - These standards apply in Special Flood Hazard Areas where streams exist but no base flood elevation data have been provided (A Zones), or where base flood data have been provided but a floodway has not been delineated.

1. When base flood elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and/or Flood insurance Rate Maps, then the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this ordinance. If data is not available from any source, only then the following provisions apply.
2. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement or crawlspace) elevated no less than two feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the constructions standards in Section A and B (3) of this article.

(g) PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 750.00 or imprisoned for not more than six months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Lander from taking such other lawful action as is necessary to prevent or remedy any violation.

(h) CERTIFICATION

It is hereby found and declared by the City of Lander that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

TITLE 4 ZONING

Section

- 4-1-1 Authority**
- 4-2-1 Purpose**
- 4-2-2 Application**
- 4-3-1 District Classifications**
- 4-3-2 District Zoning Map**
- 4-4-1 Administering and Enforcement Agency**
- 4-4-2 Violations and Remedies**
- 4-4-3 Appeals**
- 4-5-1 Board of Adjustment - Creation**
- 4-5-2 Board of Adjustment - Powers and Jurisdiction**
- 4-5-3 Board of Adjustment - Variances**
- 4-5-4 Rules for Proceeding Before the Board of Appeals and Variances**
- 4-6-1 Conditional Uses**
- 4-7-1 City Planning Commission - Creation**
- 4-7-2 Planning Commission - Powers and Jurisdiction**
- 4-8-1 Amendment Procedures - Statement of Policy**
- 4-8-2 Amendments - Type and How made**
- 4-8-3 Amendments - Applications**
- 4-8-4 Amendments - Zoning Map**
- 4-8-5 Public Hearing**
- 4-8-6 Amendments - Limitations of Filing**
- 4-9-1 Subdivision - Approval Required; Exception**
- 4-9-2 Subdivision - Procedure and Standards**
- 4-9-3 Subdivisions - Submission to Council**
- 4-10-1 Annexations**
- 4-11-1 General Requirements - Non-Conforming Uses, Structures and Lots**
- 4-11-2 General Requirements - Division of Lots**
- 4-11-3 General Requirements - Zone Lot for Structures**
- 4-11-4 General Requirements - Home Business**
- 4-11-5 General Requirements - Temporary Dwellings**
- 4-11-6 General Requirements - Access**
- 4-11-7 General Requirements - City Easements and Rights of Way**
- 4-11-8 General Requirements - Accessory Uses**
- 4-11-9 General Requirements - Clear Vision Area**
- 4-11-10 General Requirements - Off-Street Parking and Loading**
- 4-11-11 General Requirements - Street Addressing**
- 4-11-12 General Requirements - New & Modified Commercial Communications Towers and Antennas**
- 4-12-1 District Regulations - Agricultural District (A)**
- 4-12-2 District Regulations - Single Family Residential District (R-1)**
- 4-12-3 District Regulations - Single and Two-Family Residential District (R-2)**

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| 4-12-4 | District Regulations - Single and Multi-Family Residential District (R-3) |
| 4-12-5 | District Regulations - Multi-Family Residential District (R-5) |
| 4-12-7 | District Regulations – Single & Multi-Family Residential and Medical District |
| 4-12-8 | District Regulations - General Commercial District (C) |
| 4-12-9 | District Regulations - Manufacturing and Light Industrial District (M-I) |
| 4-12-10 | District Regulations - Public Lands District (P-L) |
| 4-12-11 | Regulations & Restriction - Hunt Field Airport |
| 4-13-1 | District Regulations - Recreation Vehicle and Campground District |
| 4-14-1 | Definitions |
| 4-15-1 | Solar Rights |
| 4-15-2 | Authority |
| 4-15-3 | Purpose |
| 4-15-4 | Application |
| 4-15-5 | Administration and Enforcement |
| 4-15-6 | Permits Required |
| 4-15-7 | Recording Procedure |
| 4-15-8 | Non-Conforming Use and Existing Solar Collectors |
| 4-15-9 | Appeal Procedure |
| 4-15-10 | Definitions |

4-1-1. Authority. - This ordinance is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Lander, Wyoming by the statutes of the State of Wyoming, Sections 15-601 through 15-1-611 and Section 10-5-301 through 10-5-306, 1977 as amended.

4-2-1. Purpose. - These regulations have been made in accordance with the policies and recommendations set forth in a duly adopted Master plan and have been enacted with the following purposes in mind:

- (a) to lessen congestion in the streets by coordinating land use with transportation policies;
- (b) to secure safety from fire, floods and other hazards;
- (c) to provide adequate light and air for urban dwellers;
- (d) to promote the most appropriate use of land to insure orderly growth and to prevent overcrowding;
- (e) to allow for the adequate provision of needed public facilities to serve present and future populations;
- (f) to conserve the value of structures and lands by insuring a compatible arrangement of land uses; and
- (g) to otherwise promote the public health and general welfare of the community.

4-2-2. Application. -

- (a) After the effective date of these regulations, no land shall be used or occupied and no structure shall be erected, altered, used or

occupied except in conformance with the provisions of these regulations.

- (b) These regulations shall apply to all private lands within the corporate limits of the City of Lander, Wyoming, as they may from time to time be amended, and to all public lands within the same area that are legally subject to these provisions.
- (c) The existence of restrictive covenants or agreements shall not be a substitute for these zoning regulations.
- (d) When higher or more restrictive standards are established by the provisions of any other applicable statute, resolution or regulations, the provision of such other statutes, resolution or regulations shall apply.
- (e) No person, firm or corporation and no officer or employee thereof shall knowingly sell, rent, or lease or offer to sell, rent or lease any land or structure for any use of purpose contrary to the provisions of this ordinance.

4-3-1. District Classifications. - In order to effectively carry out the provisions of these regulations the lands within the corporate limits of the City of Lander shall be divided into the following zoning districts:

- (a) A - Agricultural District;
- (c) R-1 Single Family Residential District;
- (d) R-2 Single Family and Two-Family Residential District;
- (e) R-3 Single Family and Multi-Family Residential District;
- (f) R-5 Multi-Family Residential District;
- (g) R-MED - Single Family, Multi-Family Residential and Medical Services District;
- (h) C - General Commercial District;
- (i) M-I Manufacturing and Light Industrial District;
- (j) PL Public Lands District.

4-3-2. District Zoning Map. -

- (a) The boundaries of these Zoning Districts are hereby established as shown on a map entitled "District Zoning Map, Lander, Wyoming." This map, and all official amendments thereto, are hereby declared to be part of this ordinance.
- (b) The City Clerk shall maintain the District Zoning Map to accurately represent the zoning district and classifications created by ordinance. The map shall constitute prima facie evidence of district boundaries.
- (c) Unless otherwise defined, district boundary lines are intended to be lot lines; the center line of streets, alleys, channelized waterways or other similar rights-of-ways; the center line of blocks; section or township lines; municipal corporate lines; the center line of streambeds or other line dimensions or drawn to scale on the District Zoning Map.
- (d) It is the intent of this ordinance that all lands lying within the corporate boundaries shall be within one of the enumerated zoning

districts. If any such land is determined not to be within one of the enumerated districts for whatever reason or cause, then no permits shall be issued for the use of the land or for the erection or alteration of any structures on the land until the area has been examined by the City Council and zoning classification has been established within a reasonable period of time.

- (e) All territory which shall hereafter be annexed to the City of Lander shall be in the R-1, Single Family Residential District unless otherwise designated by the City Council, as a part of the annexation and zoning process. Such a zone district classification, once established, may be amended pursuant to the procedures established by this ordinance.

4-4-1. Administering and Enforcement Agency. - Except where otherwise provided, the City of Lander shall be responsible for the general interpretation, enforcement and implementation of this Title 4 and shall have the power to issue orders and file complaints to effect such enforcement. It shall be the responsibility of the City of Lander to issue a Certificate of Zoning Compliance to all pre-existing, legal, nonconforming uses, structures and lots stating the date upon which such was established or acquired, and to prepare an inventory and map of the same.

4-4-2. Violations and Remedies. -

- (a) No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or use any land in violation of this ordinance.
- (b) The City of Lander shall order in writing the remediation of any violation. Such order shall state the nature of the violation, the ordinance provision violated, and the time by which the violation must be corrected. After any such order has been served, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.
- (c) This ordinance shall be enforceable, in addition to the other remedies provided by law, by injunction, mandamus, or proceedings in abatement. Appeals from judgments rendered in any action instituted to enforce this ordinance shall be permitted and shall be in accordance with the general appeal provisions of Wyoming Rules of Civil Procedure.
- (d) Persons or corporations convicted of violations of this ordinance shall be fined in accordance with the City of Lander Municipal Bond Schedule for each offense. Each day of a continuing violation of this Title shall be deemed a separate offense.

4-4-3. Appeals. -

- (a) Any order or decision of the City of Lander may be appealed to the Board of Adjustment by any person or agency affected by any such order or decision. Any such appeal shall be filed within 30 days from the date of the action appealed from by filing a written notice of appeal specifying the grounds for the appeal with the City of Lander. Forms shall be provided for this purpose by the City of

Lander. Upon receipt of a notice of appeal, the City of Lander shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action being appealed from was filed.

- (b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City of Lander certifies to the Board of Adjustment after notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment after receipt of the certificate and after a public hearing may allow the original order or decision to stand or the Board of Adjustment may stay the original order or decision appealed. If the Board reaffirms the order or decision of the City of Lander, proceedings shall not be stayed except by a restraining order which may be granted by a court of record after giving due notice to the City of Lander.

4-5-1 – Board of Adjustment – A Board of Adjustment consisting of the Lander Planning Commission is hereby created in accordance with W.S. 15-1-605. The Board of Adjustment shall adopt rules and regulations necessary to the conduct of its function which are consistent with the ordinance and state law. A copy of such rules shall be kept on file by the City Clerk for public inspection.

4-5-2. Board of Adjustment - Powers and Jurisdiction. - The Board of Adjustment has the following powers and jurisdiction:

- (a) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the City of Lander in the enforcement of this ordinance.
- (b) To interpret the provisions of this ordinance in such a way so as to further the intent and purposes of the recommendations and policies of the duly adopted Master Plan.
- (c) To authorize, upon appeal, such variances from the terms of this ordinance as will not be contrary to the public interest whenever a property owner can show that the strict application of any of the requirements of this ordinance would result in practical difficulty or unnecessary hardship that would deprive him of the reasonable use of his land or structure when compared to other land or structures similarly situated.
- (d) To authorize upon appeal and in specific cases, an increase in non-conforming uses, structures and lots pursuant to ordinance 4-11-1 and subject to terms and conditions fixed by the Board.
- (e) To hear and decide on conditional use permits, where such uses would not be appropriate in the designated area unless controlled as to number, area and location, subject to terms and conditions fixed by the Board.
- (f) Subject to the limitations set forth in this Section, the Board, by majority vote (of the Board) may reverse, affirm or modify the order, requirement, decision or determination appealed from and relating to this ordinance and may make such order, decision or requirements as ought to be made, and to that end, the Board shall have all of the powers of the official or agency appealed from. The

Board may also attach conditions to a decision.

4-5-3. Board of Adjustment – Variances –

- (a) The Board of Adjustment may authorize, upon request, such variances from the terms of this ordinance as shall not be contrary to the public interest.
- (b) The purpose of any variance shall be to modify the strict application of the requirements of this ordinance where it can be shown that, by reason of exceptional topography or other extraordinary or exceptional circumstances, literal enforcement of the terms of this ordinance will result in an unnecessary hardship to the extent that the property might be prohibited from being used in a manner similar to other property in the same district.
- (c) Each variance authorized shall not be personal to the applicant but shall apply to a specific use or structure and shall run with the land. No variance shall be authorized unless the Board shall find that all of the following conditions exist.
 - (i) That the variance will not authorize a permitted use other than those specifically enumerated in the zoning district in which the variance is sought;
 - (ii) That owing to extraordinary circumstances, literal enforcement of the provisions of this ordinance will result in unnecessary hardship;
 - (iii) That the extraordinary circumstances were not created by the owner of the property and do not represent a general condition of the district in which the property is located;
 - (iv) That the variance, if granted, will not substantially or permanently injure any adjacent, conforming property;
 - (v) That the variance will not alter the character of the district in which it is located;
 - (vi) That the variance, if granted, is the minimum variance and the least modification that will afford the relief sought; and
 - (vii) That the variance will be in harmony with the spirit of this ordinance and will not adversely affect the public health, safety or welfare.

4-5-4. Rules for Proceeding Before the Board of Adjustment and Variances.

- (a) Appeals to the Board of Adjustment may be filed by any person aggrieved by any officer, department or agency of the City affected by any decision of the City of Lander. Such appeal shall be made in writing on forms provided by the City of Lander and shall be filed within 30 days from the date of the action appealed from.
- (b) Decisions of the Board of Adjustment in regard to appeals from an order or decision of any agency or official or in regard to variances from the provisions of the zoning ordinance shall be reached only after a public hearing. The Board shall fix a reasonable time and place for the hearing and shall proceed in accordance with the following rules:

- (i) Public notice shall be given of all hearings. Public notice shall consist of one publication of a notice by the City in a newspaper of general circulation at least 15 days prior to the hearing and a public notice mailed to the property owners within 400 feet of the premises. The newspaper notice shall identify the applicant, shall briefly state the nature of the appeal or the variance sought and shall give the date, time and place of the hearing. All hearings shall be open to the public.
- (ii) At any public hearing, any interested party may appear in person or be represented by an agent or attorney and, after being duly sworn, may offer evidence and testimony and cross examine witnesses.
- (iii) All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.
 - (iv) All testimony and evidence shall be presented publicly.
- (v) The Board shall keep a record of the proceedings for each matter heard which shall be kept on file and copies made available to any party at cost. The record of proceedings may include documents and physical evidence considered in the case.
- (vi) The Board shall render a written decision on each case heard within 30 days of the hearing. Each decision must be accompanied by reasons therefore, and based on findings of fact. The record shall show the grounds for each decision and the vote of each member upon each question. The record of proceedings shall be public record. In addition to this record of proceedings, the Board shall cause a description of each variance granted, to be filed with the title of the affected property. The description shall include the nature of the variance, any time limitations and any special conditions imposed by the Board.

4-6-1. Conditional Uses. -

- (a) Conditional uses are those that would not be appropriate in the designated area unless controlled as to number, area, and location, and include those set out in the Schedule of Zoning District provided by ordinance. Application for a conditional use permit shall be made to the Board of Adjustment and shall include any information the Board may require.
- (b) Public notice shall be given of all hearings. Public notice shall consist of one publication of a notice by the City in a newspaper of general circulation at least 15 days prior to the hearing and a public notice mailed to the property owners within 400 feet of the premises.
- (c) The conditional use permit shall be granted only if after the hearing, the Board finds that the use will be compatible with the character of the area and will not adversely affect the public interest.

- (d) The Board may subject conditional use permits to such conditions as it may deem necessary to preserve and protect the character of the area and the safety of the public. The subsequent violation of any condition shall be deemed a violation of this ordinance as well as grounds for revocation of the permit.
- (e) If the petition protesting the proposed use and signed by 40% or more of the property owners within 400 feet of the premises is presented to the Board before a decision is reached, then the permit shall not be granted without the affirmative vote of three-fourths of all the Board members or the unanimous vote of those attending the hearing.

4-7-1. City Planning Commission - Creation. -

- (a) A Planning Commission for the City of Lander of seven members is established in accordance with Wyoming Statutes Section 15-1-502 (1977) as the same now exists or may hereafter be amended. Members shall be representative of different business and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council. The term of each member shall be four years.
- (b) The Planning Commission shall adopt rules and regulations necessary to the conduct of its functions which are consistent with this ordinance and state law. Such rules and regulations shall be subject to approval by the Council and a copy of the same shall be kept on file by the City Clerk for public inspection.

4-7-2. Planning Commission - Powers and Jurisdiction. - The Planning Commission has the following powers and jurisdiction:

- (a) To hear and make recommendations to the City Council on rezoning applications insuring that the application is consistent with the adopted Master Plan.
- (b) To hear and make recommendations to the City Council on proposed changes to the language of this ordinance.
- (c) To review and recommend to the City Council approval or denial of subdivision plats, both those of which that are within the corporate limits of the City as well as those that are within one mile of said corporate limits.
- (d) To review and recommend to the City Council approval or denial of annexation requests.
- (e) To review and if in compliance, approve Development Plans and Planned Unit Developments.
- (f) To review and recommend to the City Council approval or denial of requests for water and/or sewer outside City limits.

4-8-1. Amendment Procedures - Statement of Policy. - It is the intent of the City of Lander that these regulations, which include this ordinance and the District Zoning Map, have been established for the purpose of promoting sound and desirable development and for maintaining stable land use patterns. In harmony with this purpose, the ordinance and map shall not be amended except to (1) correct an obvious error or oversight in the regulations, or (2) to recognize the promotion of the public health, safety

and general welfare. In conformity with this statement of policy, the City Council and the City of Lander may initiate amendments, or any person, firm or corporation may initiate amendments in the manner hereinafter set forth.

4-8-2. Amendment - Type and How Made. - Amendments shall be of two types:

- (a) language amendments which seek to change the wording of the zoning ordinance; and
- (b) map amendments which seek to change the district boundary lines on the District Zoning Map.

4-8-3. Amendments - Applications. - Applications for amendments of either type shall be made to the City of Lander. The application shall include among other things:

- (a) the name and address of the applicant;
- (b) the applicant's interest in the application, i.e., whether owner of land or structure affected, or agent;
- (c) the name and address of any other interested parties such as owner or developer;
- (d) the nature and effect of the proposed amendments; and
- (e) a statement of the legal basis for such an amendment whether to correct an error or to recognize changing conditions.

4-8-4. Amendments - Zoning Map. - Amendments to the District Zoning Map shall, in addition, include:

- (a) a legal description and a map of the area sought to be rezoned. The map shall show the relationship of the property to abutting properties;
- (b) the existing zoning district designation and the proposed district designation; and
- (c) the names and addresses of all owners of land within the area proposed for rezoning and within 400 feet of the outer limits of the area proposed for rezoning.

4-8-5. Public Hearing. -

- (a) The City Council shall hold a public hearing on all amendments to this ordinance and to the District Zoning Map at which all interested parties shall have an opportunity to be heard. Notice of the time and place of the public hearing and the nature of the amendments sought shall be given by one publication in a newspaper of general circulation in the City at least 15 days before the date of such hearing and a public notice mailed to the property owners within 400 feet of the premises. After the public hearing which also constitutes the first reading of the amendment, the City Council shall conduct two additional readings of the amendment when the Council is able to take action, provided the proposed amendment receives an affirmative vote.

- (b) Prior to the advertised public hearing before the City Council, the Planning Commission shall review any proposed amendments to this ordinance or to the District Zoning Map and after due deliberation, shall certify its findings and recommendations to the City Council in writing.
- (c) No zoning amendments shall be considered by the Council until after the Planning Commission has reviewed it and the Commission has forwarded its findings and the recommendations to the Council. In its deliberations on zoning matters before it, the Council shall take into consideration any evidence and material available to it, comments of public agencies and the findings and recommendations of the Planning Commission. No zoning change shall be put into effect unless a majority of the Council votes in favor of its adoption.
- (d) In the event of a protest to a proposed amendment to the District Zoning Map duly signed and acknowledged by the owners of 20% or more of the area of the lots included within the proposed change, or those immediately adjacent within a distance of 400 feet, the amendment shall not become effective except by the affirmative vote of the majority of those present.
- (e) All protests to a proposed amendment to the District Zoning Map, or any withdrawals from such a protest, shall be filed with the City of Lander at least 24 hours before the time set by notice for the Council meeting at which the proposed amendment will be considered.

4-8-6. Amendments - Limitations on Filing. - No application for the change of a zoning district classification shall be made by a property owner or his agent for any land area which has been the subject of a public hearing conducted by the City Council within the immediately preceding 12 month period and which hearing resulted in a rejection of the proposed zoning. This limitation shall not apply to land for which a different zoning classification is sought than the one rejected by the Council.

4-9-1. Subdivision - Approval Required; Exception. -

- (a) Any proposed division of real property within the City limits of Lander must comply with Section 4-11-2 with application and approval by the Planning Commission.
- (b) No person shall subdivide any lot or tract of land into more than two parts without first applying for a subdivision, obtaining a recommendation from the Lander Planning Commission and approval of the City Council.
- (c) This section shall pertain to areas within one mile of the City as provided by Wyoming Statutes Section 18-5-308. The Council may grant approval subject to conditions, including installation of necessary public improvements which are consistent with the Title and any failure to comply with such conditions shall be a violation of this Section.
- (d) This Section shall not apply to conveyances:
 - (i) of cemetery lots;
 - (ii) to any governmental agency;

4-9-2. Subdivision - Procedure and Standards. - Application shall be made to the City of Lander in accordance with the rules or procedures adopted by the Planning Commission as provided by Wyoming Statutes, Section 15-1-510. Standards for

approval shall be consistent with the City Master Plan, City of Lander Subdivision Rules and Regulations, good planning practices, and the provision of this Title, and any other applicable rules and regulations.

4-9-3. Subdivision - Submission to Council. -

- (a) Upon full review of an application by the City of Lander and the Planning Commission, the Commission shall forward the file to the City Council, together with a written report by the Commission setting out its findings together with a recommendation for action.
- (b) No subdivision shall be approved unless it complies with applicable zoning requirements.

4-10-1. Annexations. - All proposed annexations to the City shall be referred to and reviewed by the Planning Commission. The Commission shall review the land with reference to the Master Plan and make recommendations for zoning at least 30 days prior to the public hearing on the issue of annexation. For purposes of annexation only a developed street shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities with an unobstructed width of not less than 20 feet. This definition does not apply to subdivision rules and regulations of the Lander city code. In the case of an annexation which does not require a public hearing on the issue of annexation, a public hearing shall be held after 15 days advance notice by publication on the sole issue of zoning. Such zoning decision shall be rendered within 14 days of the hearing.

4-11-1. General Requirements - Non-Conforming Uses and Structures-

- (a) Intent_– Within the zoning districts established by this title and amendments that may later be adopted, there exists land and uses of land which were lawful before this title was passed or amended, but which would be affected by the terms of this title of future amendments. Therefore, it is the intent of this title to permit these nonconforming uses to continue. It is further the intent of this title that these nonconforming uses shall not be used as grounds for allowing other uses prohibited elsewhere in the district.
- (b) Any existing structure devoted to a use not permitted by this ordinance in the zone in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.
- (c) Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption, as defined in section 4-2-2 (a), or amendment of the ordinance, but no such use shall be extended to occupy any land outside such structure.
- (d) If no structure alterations are made, any nonconforming use of the structure, or structures and premises, may be changed to another nonconforming use provided that the Board of Adjustment with jurisdiction on the property shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of

Adjustment with jurisdiction on the property may require appropriate conditions and safeguards in accordance with the provisions of this chapter. Any proposed change from one nonconforming use to another nonconforming use shall be processed and reviewed in accordance with city code section 4-4-1-

1. The nature and purpose of the existing nonconforming use;
 2. The difference in quality and character of the proposed use;
 3. The difference in the degree of the use of the proposed use, including but not limited to hours of operation and parking requirements;
 4. The reasons for the proposed change; and
 5. The overall impact of the proposed use on the surrounding property.
- (e) Any structure, or structures and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure(s) is located, and the nonconforming use may not be thereafter resumed.
- (f) When a nonconforming use of a structure, or structures and premises in combination, is discontinued or abandoned for one (1) year or more, the structure, or structures and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Abandonment shall include, but not be limited to, cessation of the use for one (1) year or more. The owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.
- (g) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

4-11-2. General Requirements - Division of Lots. - No division of any lot may create a lot smaller than the applicable minimum size and dimensions. Application must be made for any proposed division of real property within the City limits of Lander and approved by the Planning Commission. This shall not apply to small parcels of land transferred between adjacent lot owners, but such parcels may not thereafter be conveyed independently and shall not be considered lots of record.

4-11-3. General Requirements - Zone Lot for Structures. - When several lots of a platted, recorded subdivision is under single ownership, the owner thereof may designate those lots as one zone lot constituting a single parcel of contiguous land. The outside boundaries of the zone lot shall conform to the platted lot lines of the recorded plat.

4-11-4. General Requirements - Home Business –

a) Home business is defined in City Code 4-16-1 (aa). The City of Lander may issue Home Business Permits upon the following conditions:

- (i) Such use shall be conducted entirely within a dwelling unit or

accessory structure and carried on by the inhabitants living there and no others;

(ii) Such use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and shall not change the residential character thereof.

(iii) The total area used for such purposes shall not exceed twenty (20) percent of the gross floor area of either the dwelling or up to 600 sq ft of an accessory structure.

(iv) There shall be no exterior storage on the premises of material or equipment used as a part of the home business.

(v) There shall be no offensive noise, vibration, smoke, dust odors, heat or glare noticeable at or near the property line.

(vi) There shall be no traffic generated by the home business that would adversely affect the residential character more than would normally be expected in a residential neighborhood.

(vii) There shall be at least one off-street parking space provided for clientele.

(viii) No sign shall be allowed except for one non-illuminated name plate attached to the wall of the dwelling unit, showing name/occupation only, no larger than a square foot in area.

b) **APPLICATION PROCEDURE:** Those individuals that meet these requirements shall make application to the City of Lander. The City of Lander may grant or reject the permit.

If the applicant does not meet all of requirements in Section 4-11-4(a) (i) through (viii) they may apply for a Conditional Use Home Business permit through the Board of Adjustment with an application providing the following:

- (i) Where will such use be conducted?
- (ii) How many employees are proposed?
- (iii) Will this use change the residential character of the neighborhood?
If not, why?
- (iv) What is the percentage of the gross square footage of the area to be used for such?
- (v) Will there be exterior storage, if so please describe.
- (vi) Will there be any of the following:
offensive noise;
vibration;
smoke;
dust;
odors; or
heat or glare noticeable at or near the property line.
- (vii) What is the expected traffic for the home business?
- (viii) Will there be a sign, please give location and dimensions of the sign.
- (ix) What other issues exist with this proposed home business?

Home Business and home businesses may be reviewed and inspected by the City building inspector at any time to insure compliance. If three or more written complaints, from property owners within 400', are filed with the City of Lander, a public hearing before

the Board of Adjustment shall be required to determine the continuance of the home business. Any expansion or alteration of existing uses must come before the Board of Adjustment for approval. The Board of Adjustment can grant or reject all applications.

4-11-5. General Requirements - Temporary Dwellings. - No vehicle, accessory structure, or temporary structure shall be used for sleeping, eating or preparing of food for a period exceeding four (4) days – 96 hours. This section shall not apply within approved camper or trailer courts or campgrounds.

4-11-6. General Requirements - Access. - All dwellings shall be located on lots with frontage on public streets, alleys that do not dead end within the block and shall have direct access from the streets suitable for servicing, fire protection and off-street parking.

4-11-7. General Requirements - City Easements and Rights-of-Way. - Any fence, wall or hedge located within a street right-of-way or other City easement may be removed at the property owner's expense if necessary for utility and street maintenance or construction.

4-11-8. General Requirements - Accessory Uses. -

- (a) Any use which complies with all of the following conditions may be operated as an accessory use:
 - (i) is clearly incidental and customary to and commonly associated with the operation of the permitted use;
 - (ii) is operated and maintained under the same ownership and on the same lot as the permitted use;
 - (iii) does not include structures or structural features inconsistent with the permitted use;
 - (iv) does not include residential occupancy;
 - (v) if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use;
 - (vi) if in a separate, detached structure from a permitted use, the gross floor area devoted to the accessory use shall not exceed the gross floor area as defined in the International Residential Code (IRC).
 - (vii) home business, provided the conditions set forth under Section 4-11-4 are met;
 - (viii) in all districts, accessory structures shall be located behind the setback line, as defined that that district's regulations from all streets;
 - (ix) in all residential districts the following setback regulations shall apply side yard five feet, rear yard five feet.
 - (x) maximum height of detached accessory structures: 20 feet.

4-11-9. General Requirements - Clear Vision Area. - Except in the C District, a clear vision area shall be maintained at all intersections so that traffic is clearly visible from two and one-half feet to eight feet above the center grade of the street within an area described by an isosceles triangle in which the equal sides are congruent with the

intersection curb lines and are 15 feet in length in all zoning districts, except that in residential zones the length shall be 30 feet. (see Drawing 1.)

4-11-10. General Requirements - Off-Street Parking and Loading Requirements. -

- (a) The following general requirements shall apply:
 - (i) off-street parking and loading shall be provided and maintained as required by this Section for all permitted uses which are established after the effective date of this ordinance;
 - (ii) these requirements shall not be retroactive to permitted uses existing on the date this ordinance becomes effective but shall apply to any expansion of these uses which occurs after that date;
 - (iii) in residential districts, required off-street parking shall be provided on the same lot to which the parking pertains. In other districts, such parking may be provided either on the same lot or on another lot in the R-5 or P-L Districts, located not farther than 1,000 feet from the structure or use they are required to serve;
 - (iv) groups of more than four parking spaces shall be designed so that no backing movements onto a street will be required;
 - (v) no structure shall be erected or enlarged, nor shall any use be enlarged, if such action will eliminate the required off-street parking areas.
 - (vi) The requirements of 4-11-10, may be waived at the discretion of the Planning Commission with regards to structures with frontage on Main, Lincoln or Garfield Streets located between First Street and Ninth Street.
 - (vii) The businesses within the Lander Business Park will be allowed to count overflow off-street parking for their total parking spaces per use.
- (b) Off-street parking and loading will be designed, used and maintained in accordance with the following specifications:
 - (i) individual off-street parking spaces shall be at least nine feet wide and 18 feet long;
 - (ii) individual off-street loading spaces shall be located only in side or rear yards of the lot and shall be at least 12 feet wide, 50 feet long and have a minimum height clearance of 14 feet;
 - (iii) areas used for required parking and maneuvering of vehicles shall have an all-weather surface of asphalt or concrete or alternatives approved by the Planning Commission and shall be designed in a manner which avoids the flow of water across public sidewalks;
 - (iv) each parking or loading space must be usable and readily accessible and arranged so that no part of any parked vehicle extends beyond the property line;
 - (v) required parking and loading areas shall be provided with

designated entrances and exits located so as to minimize traffic congestion and avoid undue interference with public use of streets, alleys and walkways;

- (vi) parking and loading areas provided in accordance with the requirements of this ordinance shall not be used for the sale, repair, assembly or disassembly, storage or servicing of vehicles or equipment.
- (c) At the time a structure is being erected or enlarged, or the use of an existing structure is changed, off-street parking spaces shall be provided as follows:
 - (i) Home business - 1 per 200 sq. ft. or fraction thereof;
 - (ii) There shall be provided off-street parking spaces described as follows: (garage may be counted as a parking space)
Dwellings shall be as follows:
 - One Bedroom Residences – 1 space
 - Two Bedroom Residences – 1.5 spaces
 - Three Bedroom Residences – 1.75 spaces
 - Four Bedrooms and Over – 2 spaces
 - (iii) Boarding houses - 1 per each sleeping or living unit.
 - (iv) Retirement homes, housing project for senior citizens - .5 per dwelling unit plus 1 for manager.
 - (v) Motel or hotel - 1 per sleeping room plus 1 for manager.
 - (vi) Clubs or lodgers - Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
 - (vii) Convalescent hospital, nursing home - .4 X lawful number of occupants plus 1 per each staff member on duty on maximum shift.
 - (viii) Hospital - 1 per bed plus .75 X maximum number of employees on duty on a maximum shift.
 - (ix) Churches - .35 X seating capacity of sanctuary.
 - (x) Preschool, nursery or kindergarten - 2 spaces per teacher.
 - (xi) Elementary or junior high school - 1 per each employee and each faculty member
 - (xii) High school and vocational schools - 1 per each employee and each faculty member plus 1 per five students.
 - (xiii) Stadia, areas, theaters, auditoriums or meeting rooms - .35 X seating capacity or, if no fixed seats, 1 space per 50 square feet of floor area.
 - (xiv) Bowling Alley - 5 per lane.
 - (xv) Dance Hall or skating rink - 1 per 80 square feet of floor area.
 - (xvi) Retail and repair shops, including shoe repair, contractors' showrooms, galleries, structure material supply stores, package beverage stores with no seating - 1 per 1000 square feet of floor area plus one per three employees.

- (xvii) Restaurants and beverage establishment with seating 1 per 100 sq ft of customer floor area;
 - (xviii) Barber shops and Cosmetology Shop - 1 plus 1.5 per chair;
 - (xix) Banks and business or professional offices (except medical and dental clinics) - 1 per 300 square feet of floor area.
 - (xx) Medical and dental clinics - 2 per staff person.
 - (xxi) Gas stations - 1 per nozzle plus 2 per lift (in addition to stopping places adjacent to pumps).
 - (xxii) Mortuary - 1 space per 4 seats or 8 feet of bench length in the chapel.
 - (xxiii) Laundromats - .5 per machine.
 - (xxiv) Other retail and service establishments - 1 per 300 square feet of floor area and outdoor sales space.
 - (xxv) Warehouses, storage and wholesale business, and freight terminals – 2 spaces plus, 1 space per employee on maximum shift. And sufficient space to park all company owned or leased vehicles, including passenger auto manufacturers, trucks, tractors, trailers and similar company owned or leased motor vehicles.
 - (xxvi) Manufacturing uses, research testing and processing, assembly, all industries - 1 X number of employees on a maximum shift.
 - (xxvii) Uses not specified - Shall be determined by the City of Lander.
 - (xxviii) Gaming, one space per every 75 square feet of gaming area or any portion thereof.
- (d) Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
 - (e) When it is alleged that the minimum off-street parking standards will create an unnecessary hardship on the property owners, application may be made to the Board of Adjustment for a variance in the minimum off-street parking requirements. In lieu of meeting such off-street parking requirements and after the Board of Adjustment does not grant relief there-from, either in whole or in part, the property owners shall pay reasonable costs to the City for each required parking space of which the owner may be unable to provide. The cost of those spaces shall be per square foot of current market value for property in that area. Such funds shall be kept in a separate fund and used by the City only for the purpose of purchasing off-street parking and the development of walk/bike ways within the City.
 - (f) At least the following amounts of off-street loading shall be provided, plus an area adequate for maneuvering and walk/bike ways, ingress and egress:

| <u>Number of Spaces</u> | <u>Gross Floor Area in Square Feet</u> |
|-------------------------|--|
| 1 | 3,000 to 20,000 |
| 2 | 20,000 to 40,000 |
| 3 | 40,000 to 60,000 |
| 4 | 60,000 to 80,000 |
| 5 | 80,000 to 100,000 |
| 6 | 100,000 to 150,000 |

One additional space shall be provided for each 50,000 square feet above 150,000 square feet. If parking is 20 or more spaces a green area and/or snow dump area must be provided on the premises.

4-11-12. General Requirements - Street Addressing. -

- (a) All persons owning, occupying or managing any structure or structure within the corporate limits of the City which are situated upon lands adjacent to a platted street shall obtain a number for such structure or structure from the City Clerk and shall display such assigned number upon said structure, structure or other place so as to be clearly visible from the street.
- (b) Any person, before constructing any dwelling or place of business within the city, shall before commencing such structure make an application to the city clerk for a number for such proposed structure and the city clerk shall allot a number therefore; the person shall within ten (10) days after completion thereof have such number attached thereto, as herein provided. In allotting and designating numbers for all dwellings and places of business, hereunder, the city clerk shall allot such numbers as shall most nearly express the location of the structure on the street and in the block where the same is situated.
- (c) The number, when so assigned, shall then be placed upon the structure or structure, by the owner thereof, so as to be plainly visible from the street that the structure or structure faces upon, either by constructing thereon prepared Arabic numbers, or by painting such Arabic numbers thereon in such size as to be readily discernible from such street, but said numbers shall not be less than two (2) inches in width and not less than three (3) inches in height.
- (d) Every trailer court or manufactured home park shall designate a lot number to each lot in said court or manufactured home park and provide the same to the city clerk. Each trailer house or manufactured home shall have placed upon it the lot number in which it is located so as to be plainly visible from the street that the trailer house or manufactured home faces in a manner as herein provided. No other numbers shall be affixed in the location of the lot number.
- (e) Nothing in this ordinance shall in any way affect numbers of structures or structures previously assigned by the city clerk, unless deemed by the city clerk to have been inappropriately assigned.
- (f) It shall be unlawful for any person to place any number or other means of identification using numbers upon any structure, or other structure, within the City, as a means of identification of the

location of such structure or other structure, unless such number shall have been procured under the provisions hereof and assigned to such owner, by the city clerk.

4-11-13. General Requirements - New and Modified Commercial Communication Towers and Antennas - Conditions for New and Modified Commercial Communication Tower/Antenna Placement - A new or modified communication tower and/or antenna may be permitted upon application to the Board of Adjustment and upon determination that all of the following conditions are met, as well as the conditions of City Code Section 4-6-1 Conditional Uses.

- (a) Permitted Height - Commercial Communications Towers and Antennas, antenna and all related facilities mounted on structures, water tanks or other structures including free-standing or guyed communications Commercial Communications Towers and Antennas must not extend more than 100 feet from the surface of the ground.
- (b) Specifications - Submission of one copy of typical specifications for proposed structures and antenna, including description of design characteristics and material. All tower designs must be certified by an engineer licensed to practice in the State of Wyoming to be structurally sound and at a minimum, in conformance with the City's structure code, and any other standard outline in this article.
- (c) Site Plan - Submission of a site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan and existing land uses on adjacent property.
- (d) Tower Location Map - Submission of a current map, or update for an existing map on file, showing locations of applicant's antenna, facilities, existing Commercial Communications Towers and Antennas, and proposed Commercial Communications Towers and Antennas which are reflected in public records, serving any property within the city.
- (e) Antenna Capacity/Wind Load - Submission of a report from a structural engineer registered in Wyoming that shows the tower antenna capacity by type and number and certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest version) standards.
- (f) Antenna Dimensions:
 - (1) Omni-Directional (whip) antennas and their supports must not exceed 15' in height and 3" in diameter and must be constructed of a material or color which matches the exterior of the structure.
 - (2) Directional or Panel antennas and their supports must not exceed 8' in height or 2.5' in width and must be constructed of materials and coloration which achieves maximum compatibility and minimum visibility.
 - (3) Satellite and microwave dish antennas located below sixty-five (65) feet above the ground may not exceed six (6) feet in diameter. Satellite and dish antennas located sixty-five (65) feet and higher above the ground may not exceed eight (8) feet in diameter.
- (g) Antenna Owners – The applicant shall show identification of the owners of all antenna and equipment to be located at the site as of the date of application. A copy will be on file at City Hall and must be updated with

- each additional participant or change of ownership.
- (h) Owner Authorization - Written authorization from the site owner for the applications.
 - (i) FCC License - A copy of a valid FCC license for the proposed activity, or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
 - (j) Removal Agreement - A written agreement to remove the tower and/or antenna within 180 days of cessation of use along with a performance bond in an amount equal to the estimated removal costs. The performance bond shall be adjusted yearly for cost of living increases according to the Bureau of the Census Cost of Living.
 - (k) Need for Location - Applicant must show that the proposed antenna and equipment could not be placed on a pre-existing facility and function under applicable regulatory and design requirements without unreasonable modification. A permit for a proposed tower within 1,000 feet of an existing tower will not be granted unless the applicant certifies that the existing tower does not meet the applicant's structural specifications or technical requirements, or that a co-location agreement could not be obtained at commercially reasonable terms and conditions, including price.
 - (m) Design for Multiple Use - Applicant must show that a new tower is designed to accommodate the applicant's potential future needs, to the extent that those future needs may be determined at the time of application.
 - (n) Safety Codes –All City of Lander structure and safety codes must be met and the site will be inspected upon completion by the city of Lander Structure Inspector.
 - (n) Aesthetics: Commercial Communication Towers and Antennas shall meet the following requirements:
 - (1) Signs - No commercial signs or advertising shall be allowed on a tower or antenna including the base of the tower/antenna.
 - (2) Vandalism to include graffiti - Any vandalism, graffiti or other unauthorized inscribed materials shall be removed or otherwise covered in a manner substantially similar to and consistent with the original exterior finish.
 - (3) Alternative tower structure to include man-made trees, towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers are desirable. When camouflaging is not feasible selection shall include materials, colors, textures, screening and or landscaping that will blend towers into the natural setting and surrounding structures.
 - (o) Fencing - An eight (8) foot fence or wall constructed for safety and to shield against vandalism, shall be required around the base of any tower or antenna.
 - (p) Annual Registration Requirement - To enable the City of Lander to insure safety requirements of commercial communication towers and antennas with the City limits, on an annual basis, no later than June 30 each year, the owner/operator shall submit documentation to the City Clerk's office providing:

- (1) Certification in writing that the commercial communication tower/antenna conforms to the requirements of the Uniform Structure Code and all other construction standards set for by the City Code, federal and state law by filing a sworn and certified statement by an engineer, certified in Wyoming, to that effect. The commercial communication tower/antenna owner/operator may be required by the City to submit more frequent certification should there be reason to believe that the structural and electrical integrity of the tower/antenna is jeopardized. The City reserves the right upon reasonable notice to the owner/operator of the tower/antenna to conduct inspections for the purpose of determining whether the tower/antenna facility complies with the City of Lander adopted structure and safety codes and all other construction standards provided by local, state and federal laws.
- (2) The name, address and telephone number of any new owner, if there has been a change of ownership of the tower/antenna.
- (3) The name, address and telephone number of the operator.

4-12-1. District Regulations - Agricultural District (A). -

- (a) Intent. This district is intended to provide for a compatible mixture of single family residential dwellings and agricultural uses at a density slightly lower than that for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding areas. This zone encourages animal husbandry, agriculture, viniculture, horticulture, aquaculture and family or small commercial farming. Such areas will by nature be on the outer fringes of the City.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
 - (i) single family detached dwellings;
 - (ii) manufactured homes;
 - (iii) agricultural (shall include horticultural uses, nurseries and the production of crops and livestock).
- (c) Permitted Accessory Uses: Any use which complies with all of the following conditions may be operated as an accessory use:
 - (i) is clearly incidental and customary to and commonly associated with the operation of the permitted use;
 - (ii) is operated and maintained under the same ownership and on the same lot as the permitted use;
 - (iii) does not include structures or structural features inconsistent with the permitted use;
 - (iv) to include one secondary residential unit;
 - (v) if operated wholly or partly within a structure containing the permitted use, the gross floor area utilized by the accessory use shall not exceed 30% of the gross floor area of the permitted use;

- (d) Minimum area of lot: 1 acre.
- (e) Minimum width of lot: 100 feet.
- (f) Minimum setback requirements for structures:
 - (i) front yard: 33 feet;
 - (ii) side yard: 12 feet;
 - (iii) rear yard: 20 feet;
 - (iv) side yard on flanking street or corner lot: 28 feet;
 - (v) When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of that residential district shall be required.
- (g) Maximum Number of single family or manufactured homes per lot: one per lot.
Maximum number of agricultural structures: three per acre.
- (h) Maximum Height of Structures: 30 feet.

4-12-2. District Regulations - Single Family Residential District (R-1). -

- (a) Intent. This district is intended to be applied to lands which are suitable for low density residential development within the existing community. The district also allows uses which are compatible with and provide support to a low density residential environment.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
 - (i) single family detached dwellings;
 - (ii) churches;
 - (iii) public or private grade schools;
 - (iv) public park, playground or other public recreational facilities.
- (c) Conditional Use:
 - (i) Child Care;
 - (ii) home business. (Section 4-12-3(c) amended by Ordinance 855, effective 4-23-91.)
 - (iii) bed and breakfast
 - (iv) mortuary/crematory
 - (v) related uses of similar type as approved by the Board of Adjustment.
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot: 8,800 square feet.
- (f) Minimum Width of Lot: 80 feet at front setback line.
- (g) Minimum Setback Requirement for Principle Structures:
 - (i) front yard: 33 feet;
 - (ii) side yard: 12 feet;
 - (iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller;
 - (iv) side yard flanking street on corner lot : 28 feet;

- (v) encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- (h) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.
- (i) Maximum Height of Principle Structure: 30 feet.
- (j) Maximum Lot Coverage: 40%.

4-12-3. District Regulations - Single and Two Family Residential District (R-

2)

- (a) Intent. This district is intended to provide for a compatible mixture of single and two family dwellings at a density slightly higher than that for single family districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
 - (i) single family detached dwellings;
 - (ii) two-family dwellings;
 - (iii) churches;
 - (iv) private or public elementary and secondary schools;
 - (v) public park, playground and other public recreational facilities.
- (c) Conditional Uses:
 - (i) Child Care;
 - (iii) group foster home;
 - (iv) home business;
 - (v) bed and breakfast;
 - (vi) mortuary/crematory
 - (vii) related uses of a similar type as approved by the Board of Adjustment
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot. The lot on which there is erected a detached single family dwelling child care facility, foster home, or group foster home shall contain an area of not less than 6,000 square feet. The lot on which there is erected a two-family dwelling shall contain an area of not less than 4,000 square feet per dwelling unit. The lot on which there is erected any other permitted use in the district shall contain an area of not less than 6,000 square feet.
- (f) Minimum Width of Lot: 60 feet at front setback line.
- (g) Minimum Setback Requirements for Principle Structures:
 - (i) front yard: 28 feet;
 - (ii) side yard: 10 feet; except that there shall be no side yard

set back for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:

- 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
 - 2) each family dwelling unit is served by a separate water and sewer line.
- (iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller;
- (iv) side yard on flanking street on corner lot: 23 feet;
- (v) encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- (h) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot.
- (i) Maximum Height of Principle Structures: 30 feet.
- (j) Maximum Lot Coverage:
- (i) detached single family dwellings, child care center, foster home, group foster home: 40%.
 - (ii) two-family dwellings, other permitted uses in the district: 50%.

4-12-4. District Regulations - Single and Multi-Family Residential District (R-

3). -

- (a) Intent. This district is intended to provide for a compatible mixture of single on up to four family dwellings at a density slightly higher than that for single family districts alone, plus the accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
 - (i) single family detached dwellings;
 - (ii) two-family dwellings;
 - (iii) multi-family dwellings (up to four units);
 - (iv) manufactured homes on privately owned lots;
 - (v) manufactured home parks: Minimum Area: For the first two (2) manufactured homes there shall be provided an area not less than twelve thousand (12,000) square feet. For each manufactured home after the first two, there shall be provided an area not less than six thousand (6,000) additional square feet per manufactured home.
 - (vi) churches;
 - (vii) public or private elementary and secondary schools;
 - (viii) public parks, playground and other public recreational facilities.
- (c) Conditional Uses:

- (i) Child Care;
 - (iii) group foster home;
 - (iv) recreational vehicle and campground district; (See district regulations 4-13-1)
 - (v) home business;
 - (vi) bed and breakfast;
 - (vii) mortuary/crematory
 - (viii) related uses of a similar type as approved by the Board of Adjustment.
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot: The lot on which there is erected a detached single family dwelling, manufactured home or other permitted use of the district shall contain an area not less than 6,000 square feet. The lot on which there is erected a multi-family dwelling shall contain an area not less than 4,000 square feet per dwelling unit for each of the first two dwelling units plus 3,000 square feet for each additional unit.
- (f) Minimum Width of Lot:
- (i) detached single family dwelling,
 - (ii) manufactured homes, multi-family dwellings: 50 feet at front setback line.
- (g) Minimum Setback Requirements for Principle Structures:
- (i) front yard: 20 feet;
 - (ii) side yard: 10 feet; except that there shall be no side yard set back for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:
 - 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
 - 2) each family dwelling unit is served by a separate water and sewer line.
 - (iii) rear yard: 20 feet or 20% of lot depth whichever is smaller;
 - (iv) side yard on flanking street or corner lot: 23 feet;
 - (v) encroachment into the front yard setback and any side yard flanking street setbacks to within 18 feet of the curb line is permitted for use of a covered or uncovered porch or deck structure. That portion of the porch or deck structure within the setback area shall not be enclosed and in no case shall it be allowed beyond the property line.
- (h) Maximum Number of Structures Containing Permitted Uses Per Lot: two per lot.
- (i) Maximum Height of Principle Structures: 30 feet.
- (j) Maximum Lot Coverage:
- (i) detached single family dwellings, manufactured homes: 40%.

- (ii) multi-family dwellings, all other permitted uses in District: 50%.

4-12-5. District Regulations - Multi-Family Residential District (R-5). -

- (a) Intent. This district is intended to provide for a compatible mixture of single and multi-family dwellings at a density higher than that for single and two family districts alone, plus the accessory public and semi-private uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
 - (i) single family detached dwellings;
 - (ii) two-family dwellings;
 - (iii) multi-family dwellings;
 - (iv) churches;
 - (v) public or private elementary or secondary schools;
 - (vi) public park, playground and other public recreational facilities;
 - (v) office space for a single user;
 - (vi) family day care home;
 - (vii) professional structures;
- (c) Conditional Uses:
 - (i) Child Care;
 - (ii) group foster home;
 - (iii) clinics and nursing homes;
 - (iv) motels;
 - (v) related uses of a similar type as approved by the Board of Adjustment;
 - (vii) recreational vehicle and campground district;
(see district regulations 4-14-1.)
 - (viii) home business.
 - (ix) bed and breakfast;
 - (x) restaurant;
 - (xi) civic or community center;
 - (xii) mortuary/crematory
- (d) Restrictions on use - Uses shall be subject to the following restrictions and limitations to preserve and enhance desirable neighborhood qualities:
 - (i) Multiple Uses. Any number of permitted uses may be allowed on a single lot/development pad provided the specific use of some lots/development pads or structures may be limited based on access, parking limitations, or potential impacts to adjacent residential uses.
 - (ii) Storage Uses. Storage shall be limited to accessory storage of commodities sold at retail on the premises. All storage shall be completely enclosed within a structure unless otherwise approved by the planning commission. No commercial storage facility will be allowed.
 - (iv) Walls/Fences Between Use Districts. A six-foot-high solid wall/fence or other approved buffer shall be constructed and

maintained on all property lines which abut a residential use or zone district unless the property is separated from the residential use or zone district by a public road or alley. Walls or fences may be required to be set back from streets and alleys so as not to obstruct views.

- (v) Hours of Operation. No business shall be open to the public between the hours of ten p.m. and seven a.m. without a conditional use permit.
- (vi) Uses in Structures. All uses shall be operated primarily within an enclosed structure. Limited seasonal outdoor displays and sales may be permitted if approved in the site plan review or by the Planning Commission.
- (vii) Loading Areas Screened. All loading areas shall be screened from public view or from view from any adjacent residential use or zone district by a maintained wall or screened fence not to exceed ten feet in height.
- (e) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to permitted use.
- (f) Minimum Area of Lot. The lot on which there is erected a detached single family dwelling shall contain an area not less than 6,000 square feet. The lot on which there is erected a multi-family dwelling shall contain an area not less than 3,000 square feet per dwelling unit in excess of two units. All other permitted uses in the district shall contain an area not less than 5,000 square feet.
- (g) Minimum Width of Lot: 50 feet from front setback line.
- (h) Minimum Setback Requirements for Principle Structures:
 - (i) front yard: shall be 12 feet or within deeded property and shall be no closer than the setback;
 - (ii) side yard: 5 feet; except that there shall be no side yard set back for the common wall side yard of a two-family dwelling, where each living unit, and ½ the land upon which the two-family dwelling is located, are sold separately, provided that the following criteria are met on each family dwelling:
 - 1) all provisions of the Uniform Structure Code and Uniform Fire Code are complied with, including but not limited to, an appropriate fire wall; and
 - 2) each family dwelling unit is served by a separate water and sewer line.
 - (iii) rear yard: 10 feet or 20% of lot depth, whichever is smaller;
 - (iv) side yard on flanking street on corner lot: shall be 12 feet or within deeded property and shall be no closer than the setback; (City Code Section 4-11-9 must also be met)
- (i) Maximum Number of Structures Containing Permitted Use per Lot: two per lot or as otherwise provided herein.
- (j) Maximum Height of Principle Structures: Three stories, not to exceed 40 feet.
- (k) Maximum Lot Coverage: 60%.

4-12-6.District Regulations - Single Family, Multi-Family Residential and Medical Services District (R-MED). -

- (a) Intent. This district is intended to provide a compatible mixture of single and multi-family dwellings and general medical services at a density slightly higher than for single family districts alone, plus accessory public and semi-public uses offering services to the surrounding area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
 - (i) single family detached dwelling;
 - (ii) two-family dwellings;
 - (iii) multi-family dwellings (up to four units);
 - (iv) churches;
 - (v) public or private elementary and secondary schools;
 - (vi) public park, playground and other public recreational facilities;
 - (vii) assisted living facility. (*Section 4-12-8(b) amended Ordinance 895 effective 4-12-93*)
 - (viii) parking lots.
- (c) Conditional Uses:
 - (i) Child Care;
 - (ii) group foster home;
 - (iii) medical clinics*;
 - (iv) hospitals*;
 - (v) nursing homes*;
 - (vi) offices and office structures;
 - (v) home business.
 - (vi) mortuary/crematory

*If this use encompasses two (2) structures or more on one (1) lot or is housed in one (1) structure having an area of twenty thousand (20,000) square feet or more, it shall only be reviewed by the Planning Commission through the Development Plan process as outlined under Section 4-11-11 of this ordinance. (*Section 4-12-8(c) amended by Ordinance 887 effective 11-30-92*)

- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot. The lot on which there is erected a detached single family dwelling, child care center, foster or group home or medical clinics and all other permitted uses shall contain an area of not less than 6,000 square feet. The lot on which there is erected a multi-family dwelling shall contain an area not less than 4,000 square feet for each of the first two units, plus 3,000 square feet for each additional unit.
- (f) Minimum Width of Lot: 50 feet front setback line.

- (g) Minimum Setback Requirements for Principal Structures:
 - (i) front yard: 28 feet;
 - (ii) side yard: 10 feet;
 - (iii) rear yard: 20 feet or 20% of lot depth, whichever is smaller;
 - (iv) side yard on flanking street or corner lot: 23 feet.
- (h) Maximum Number of Structures Containing Permitted Use Per Lot: one per lot or as otherwise provided herein.
- (i) Maximum Height of Principle Structures: 30 feet.
- (j) Maximum Lot Coverage:
 - (i) detached single family dwelling, child care or group foster home, medical clinics: 40%.
 - (ii) multi-family dwellings, all other permitted uses in the district: 50%.

4-12-7. District Regulations - General Commercial District (C). -

- (a) Intent. This district is intended to provide locations for all retail, commercial, institutional and office uses necessary for a community.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
 - (i) small business machine sales, repair and service;
 - (ii) amusement place (not to include adult rated book store or uses of similar type);
 - (iii) antique shop and store, providing all merchandise is displayed and sold inside a structure;
 - (iv) apparel and accessory store;
 - (v) art and art supply stores;
 - (vi) auditorium and similar places of public assembly;
 - (vii) automobile and manufactured home sales, service and repair, new and used;
 - (viii) auto supply store;
 - (ix) banks and other savings and lending institutions;
 - (x) barber and beauty shops;
 - (xi) bicycle shop;
 - (xii) books and stationery store;
 - (xiii) business and technical school and school for photography, music and dancing;
 - (xiv) carpenter and cabinet shop;
 - (xv) church and parish house;
 - (xvi) cigar and tobacco store;
 - (xvii) clothing and costume rental;
 - (xviii) commercial recreation use;
 - (xix) commercial storage facilities;
 - (xx) custom dressmaking, furrier, millinery, or tailor shop;

| | |
|-----------|---|
| (xxi) | delicatessen and catering establishment; |
| (xxii) | department store; |
| (xxiii) | drug store and prescription shop; |
| (xxiv) | dry good and notion store; |
| (xxv) | dry cleaning and laundry establishment,; |
| (xxvi) | electric repair shop (household appliances); |
| (xxvii) | fire station, police station and jail; |
| (xxviii) | fix-it shop (radio, television, and small household appliances repair); |
| (xxix) | florist and gift shop; |
| (xxx) | furniture and home furnishing store; |
| (xxxi) | garden shop; |
| (xxxii) | garage (public and private); |
| (xxxiii) | gasoline filling station; |
| (xxxiv) | greenhouse and nursery (place where young trees or other plants are raised for experimental purposes for transplanting, or for sale); |
| (xxxv) | grocery store (including retail meat markets and produce stores); |
| (xxxvi) | hardware store; |
| (xxxvii) | hobby, stamp and coin store; |
| (xxxviii) | hotel and motel; |
| (xxxix) | household appliance store; |
| (xl) | implement sales and service; |
| (xli) | interior decorator's shop; |
| (xlii) | jewelry and metal craft store; |
| (xliii) | leather goods and luggage store; |
| (xliv) | library and museum; |
| (xlv) | lock and key shop; |
| (xlvi) | lumber yard; |
| (xlvii) | mail order catalog store; |
| (xlviii) | medical, dental and health clinic; |
| (xlix) | medical and orthopedic appliance store; |
| (l) | messenger or telegraph service station; |
| (li) | mortuary/crematory |
| (lii) | music instrument sales and repair shop; |
| (liii) | music studio, radio and television store; |
| (lix) | newspaper office; |
| (lx) | newsstand; |
| (lxi) | offices and office structure; |
| (lxii) | office supply and office equipment store; |
| (lxiii) | optician and optometrists shop; |
| (lxiv) | package liquor store; |
| (lxv) | paint store; |
| (lxvi) | parking of vehicles; |
| (lxvii) | pawn shop; |
| (lxviii) | pet shop; |
| (lxix) | photographic equipment and supply store; |
| (lxx) | photographic studio; |
| (lxxi) | picture frame shop; |
| (lxxii) | plumbing shop; |

- (lxxiii) printing and publishing house (including newspapers);
- (lxxiv) private club, fraternity, sorority and lodge;
- (lxxv) public or private school for elementary or secondary education;
- (lxxvi) radio and television studio;
- (lxxvii) rental store;
- (lxxviii) restaurant and tea room (including "drive-ins");
- (lxxix) self-service laundry;
- (lxxx) sewing machine store;
- (lxxx1) sheet metal shop;
- (lxxx1) shoe store;
- (lxxx2) shoe repair and shoe shine shop;
- (lxxx3) single & multi-family dwellings;
- (lxxx4) sporting and athletic goods store;
- (lxxx5) tailor shop;
- (lxxx6) tavern or lounge;
- (lxxx7) theater, including drive-in theater;
- (lxxx8) tire repair shop;
- (lxxx9) tinsmith shop;
- (lxxxx) toy store;
- (lxxxx1) travel agency;
- (lxxxx2) variety store and shop;
- (lxxxx3) veterinary clinic, providing all animal runs or observation pens are completely enclosed;
- (lxxxx4) vocational school;
- (lxxxx5) wallpaper store and shop;
- (lxxxx6) watch repair shop;
- (lxxxx7) wholesale establishment;
- (lxxxx8) essential public utility and public service installation;

- (c) related uses of similar type as determined by the Board of Adjustment;
- (d) Minimum Area of Lot: None
- (e) Minimum Width of Lot: 30 feet on public street
- (f) Minimum Setback Requirements for Principal Structures:
 - (i) front yard: 8 feet;
 - (ii) side yard on flanking street on corner lot: 8 feet.
 - (iii) When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of the residential district shall be required, otherwise no setbacks would be required.
 - (iv) When a parcel of ground or lot adjoins a residential district at the rear yard, a six foot high solid wall/fence or other approved buffer shall be required.
- (h) Maximum Height of Structures: 45 feet
- (i) Conditional Uses:
 - (i) Recreational vehicle and campground district (see district regulations 4-13-01);
 - (ii) gaming (subject to the mandatory conditions et forth in 4-16-1; and the off-street parking requirement of 4-11-10(c);

- (iii) commercial communications towers and antennas;
- (iv) Child Care;
- (v) related uses of similar type as approved by the Board of

Adjustment

4-12-8. District Regulations - Manufacturing and Light Industrial District (M-1)

(a) Intent. This district is intended to allow a compatible mixture of light industrial uses which do not require intensive land coverage, generate large volumes of traffic or create obnoxious sounds, glare, dust or odors. District regulations insure compatibility with adjacent or nearby residential areas.

(b) Permitted Uses. The following uses may be operated as permitted uses in this district:

- (i) airport;
- (ii) animal hospital, providing it is completely enclosed in a structure;
- (iii) assembly or fabrication from component parts or from materials already processed or manufactured into their final usable state;
- (iv) armory;
- (v) automobile repair;
- (vi) bottling plant;
- (vii) structure material storage or sales (except for ready-mix concrete);
- (viii) carpenter, cabinet, plumbing or sheet metal shop;
- (ix) contractor's yard for vehicles, equipment and supplies;
- (x) dry cleaning or laundry plant;
- (xi) fire station;
- (xii) frozen food locker;
- (xiii) grain and feed mill;
- (xiv) grain elevator;
- (xv) greenhouse and plant husbandry;
- (xvi) laboratory;
- (xvii) machinery and implement sales, service and repair;
- (xviii) monument making and sales;
- (xi) motor vehicle sales, service, repair and storage;
- (xx) mortuary/crematory
- (xxi) oil field supply sales and storage;
- (xxii) office;
- (xxiii) police station;
- (xxiv) printing and publishing;
- (xxv) parking or storage of vehicles, towing yards not to include crushing and dismantling;
- (xxvi) radio or television transmitting station;
- (xxvii) railway right-of-way;
- (xxviii) restaurant;
- (xxix) storage of used material, auto wrecking, salvage, paper, scrap, bottles or rags;
- (xxx) truck or rail terminal;
- (xxxi) upholstering shop;

- (xxxii) veterinarian clinic,
 - (xxxiii) vocational or training school;
 - (xxxiv) warehousing or storage;
 - (xxxv) welding shop;
 - (xxxvi) wholesaling;
 - (xxxvii) public utility and public service installation.
 - (xxxviii) single Family Dwelling lived in by the owner, caretaker or watchman.
- (c) Conditional Uses.
- (i) Commercial Communications Towers and Antennas;
 - (ii) Junk Yard
 - (iii) Any other manufacturing or industrial use judged by the Board of Adjustment to be no more detrimental to adjacent properties than any of the same type and character as the permitted uses listed above.
- (d) Permitted Accessory Uses. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use;
- (e) Minimum Area of Lot: None.
- (f) Minimum Width of Lot: None.
- (g) Minimum Setback Requirements: when a parcel of ground or lot adjoins a residential district an eight foot high solid fence or other approved buffer shall be required.
- (h) Maximum Height of Structures: None.
- (i) Maximum Number of Structures Containing Permitted Use Per Lot: None

4-12-9. District Regulations - Public Land District (P-L). -

- (a) Intent. This district is intended to provide for the proper location of necessary public utilities, facilities and activities both for the existing and future urban area.
- (b) Permitted Uses. The following uses may be operated as permitted uses in the district:
 - (i) essential public utility and public service installation;
 - (ii) governmental structures;
 - (iii) public schools;
 - (ii) public parks;
 - (iii) Hospice Center;
 - (iv) Airport;
 - (v) Parking lot.
- (c) Conditional Use.
 - (i) Commercial Communications Towers and Antennas
 - (ii) Any other public facility or activity judged by the Board of Adjustment to be in harmony with the intent of the district.
 - (iii) Child Care;
 - (iv) Assisted living facility
- (d) Accessory Use. Any use which complies with all of the conditions set forth under Section 4-11-8 may be operated as an accessory use to a permitted use.
- (e) Minimum Area of Lot: None.

- (f) Minimum Width of Lot: None.
- (g) Minimum Setback Requirements for Principal Structures:
 - (i) front yard: 8 feet;
 - (ii) side yard on flanking street on corner lot: 8 feet.
 - (iii) When a lot or parcel of ground in the district adjoins a residential district, the setback requirements that apply to the yard area of the residential district shall be required, otherwise no setbacks would be required.
 - (v) When a parcel of ground or lot adjoins a residential district at the rear yard, an eight foot high solid fence or other approved buffer shall be required.
- (h) Maximum Height of Principle Structures: None.
- (i) Maximum Number of Structures Containing Permitted Use Per Lot: None.

4-12-10 Regulating and Restricting the Height of Structures and Objects in the Vicinity of Hunt Field Airport – Intent. This Ordinance is adopted pursuant to the authority conferred upon the City by Section 10-5-301, Wyoming Statutes, 1977, as amended. It is hereby found that an airport hazard endangers the lives and property of users of Hunt Field Airport, a Municipal airport, and property or occupants of land in its vicinity, and also if the obstruction type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Hunt Field Airport and the public investment therein. The City of Lander declares that:

- (a) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Hunt Field Airport;
- (b) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- (c) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation;
- (d) that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivision may raise and expend public funds and acquire land or interest in land;

4-12-11. Definitions – As used in this ordinance, unless the context otherwise requires:

- (a) Airport – Hunt Field Airport, a Lander Municipal airport.
- (b) Airport elevation – The highest point of an airport’s usable landing area measured in feet from mean sea level.
- (c) Airport hazard – Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- (d) Structure – An object constructed or installed by man, including, but without limitation, structures, towers, smokestacks, earth formations, and overhead transmission lines.
- (e) Tree – Any object of natural growth.
- (f) Non-conforming use – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance

or an amendment thereto.

(g) Height – For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(h) Person – An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

(i) Board of Adjustment – Shall mean, for purposes of this ordinance only, the Lander Airport Commission as established by Lander City Code Section 12-3-2.

(j) Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

(k) Visual runway – A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, a military service's-approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

(l) Utility runway – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

(m) Non-precision instrument runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

(n) Primary surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(o) Public Works Director – The person appointed as the Public Works Director for the City of Lander, Wyoming.

(p) City – The City of Lander, Wyoming.

(q) Approach, transitional, horizontal, and conical zones – These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

4-12-12. Airport Zones - In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to Hunt Field Airport. Such zones are shown within the Lander Municipal Airport Layout Plan consisting of eight (8) sheets, prepared by James Gores and Associates, which is on file at the Lander City Hall. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(a) Utility runway visual approach zone – The inner edge of this

approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

(b) Runway larger than utility with a visibility minimum as low as ¾ mile non-precision instrument approach zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

(c) Transitional zones – These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90-degree angles to the extended runway centerline.

(d) Horizontal zone – The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(e) Conical zone – The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

4-12-13. Height Limitations – Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(a) Utility runway visual approach zone – Slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(b) Runway larger than utility with a visibility minimum as low as ¾ mile non-precision instrument approach zone – Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(c) Transitional zones – Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 5,586 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway

approach zone projects beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

(d) Horizontal zone – One hundred and fifty (150) feet above the airport elevation or a height of 5,736 feet above mean sea level.

(e) Conical zone – Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(f) Excepted height limitations – Nothing in this ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height which is not in conflict with any other provision of this ordinance.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

4-12-14. Use Limitations – Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

4-12-15. Nonconforming Uses –

(a) Regulations not retroactive – The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

(b) Marking and lighting – Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Public Works Director to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the city.

4-12-16. Permits –

(a) Future uses – No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit thereof shall have been applied for and granted.

(i) However, a permit for a tree or structure of not less than seventy-five (75) feet of vertical height above the ground

shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.

- (ii) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(b) Exiting uses – No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Nonconforming uses abandoned or destroyed – Whenever the City Public Works Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this ordinance.

(e) Hazard marking and lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city, at its own expense, to install,

operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

4-12-17. Enforcement – It shall be the duty of the Public Works Director to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Lander Airport Commission upon a form furnished by the City. Applications required by this ordinance to be submitted to the Lander Airport Commission shall be promptly considered and granted or denied by them. Application for action by the Board of Adjustment shall be forthwith transmitted by the Public Works Director.

4-12-18. Appeals –

- (a) Any person aggrieved, or any taxpayer affected, by any decision of the Public Works Director made in his/her administration of this ordinance, may appeal to the Board of Adjustment.

(b) All appeals hereunder must be taken within thirty (30) days of the decision of the Public Works Director, by filing with the Public Works Director a notice of appeal specifying the grounds thereof. The Public Works Director shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Public Works Director certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Public Works Director, and on due cause shown.

(d) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e) The Board of Adjustment may, in conformity with the provision of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

4-12-19. Penalties – Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than \$750.00 or imprisonment for not more than six (6) months or both; and each day a violation continues to exist shall constitute a separate offense.

4-12-20. Conflicting Regulations – Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

4-12-21. Severability – If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

4-13-1. District Regulations – Recreational Vehicle and Campground District. – Intent. These regulations are intended to allow for development of R.V. parks and campgrounds in a planned environment.

- (a) Maximum Density: 12 units per acre.
- (b) When an R.V. park adjoins a residential district at the rear or side yard, the setback at that rear or side yard shall be 23 feet and a six (6) foot high solid fence shall be placed at the property line or approved buffer shall be required.
- (c) Streets: Individual units within a R.V. park or campground are to be served by a private street system, those streets shall:
 - (i) provide an approved all weather surface of 24 feet consisting of

- soil cement, asphalt, concrete or other approved surface within an easement of 40 feet; and
- (ii) be maintained at all times by the owner and operator of the R.V. park or campground.
- (d) **Parking:** In addition to each R.V. or tent space, an off street parking space shall be provided for each unit.
- (e) **Standards of Operation:**
 - (i) R.V. parks and campgrounds shall not be used as permanent residences except for the owner, operator or permanent full-time maintenance personnel. A permanent residence shall not be construed to be a manufactured home, recreational vehicle or temporary structure.
 - (ii) the entire state of the R.V. park and campground must be constructed and maintained to be graded and well drained. All areas of the R.V. park to campground shall have a form of ground cover designed to prevent erosion and blowing of dust. A minimum 1.2 trees per unit shall be required. Twenty percent of the trees may be consolidated in common areas with the remainder dispersed among the campsites.
 - (iii) generator use shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

4-14-1. Definitions. - The following words, terms and phrases are hereby defined and shall be interpreted in the same fashion throughout this ordinance. The word "shall" is mandatory. The word "may" is permissive. Words used in the present tense shall include the future tense and words in the singular shall include the plural. Terms not herein defined shall have the meaning customarily assigned to them.

- (a) **ACCESS:** permission, liberty or ability to enter, approach or pass to and from a place or to approach or communicate with a person or commercial business or any other approved/legal use of a property.
- (b) **ACCESS DRIVE OR ACCESSWAY:** A privately owned, constructed and maintained vehicular access roadway accessing one or more dwelling units or one or more commercial, institutional or industrial principal uses.
- (c) **ACCESSORY STRUCTURE:** A subordinate structure, the use of which is incidental to that of a main structure located on the same lot.
- (d) **ACCESSORY USE:** Not a permitted use as authorized by these regulations but a subordinate use operated on the same lot as the permitted use or any accessory structure.
- (e) **ALLEY:** A minor public right-of-way which provides secondary access to abutting properties.
- (f) **ANIMAL BOARD AND TREATMENT CENTER:** Means an establishment where animals are admitted for examination, treatment or care by a doctor of veterinary medicine. Outside runs are allowed, but kennels must be in an enclosed facility. Boarding for all purposes is allowed.
- (g) **ANIMAL CLINIC, SMALL:** means an establishment where animals are admitted principally for short-term treatment, examination or care by a doctor of veterinary medicine. Board is provided only for-medical purposes or treatment.
- (h) **ANNEXATION AGREEMENT** - shall mean an agreement proposed by

the City and entered into by all landowners whereby each agrees to not oppose annexation into the City of Lander upon prior completion of improvements within the zone and a request to do so by the Governing Body.

- (i) **ASSISTED LIVING FACILITY:** Means a dwelling or rooming house operated by a person, firm or corporation engaged in the business of operating a facility for the purpose of letting rooms for rent and providing meals, personal daily living care and limited nursing care for persons not related to the owner. The facility shall obtain all necessary federal, state and local certifications.
- (j) **BED AND BREAKFAST INN:** An establishment, other than a hotel, that provides meals and one or more guestrooms for lodging for periods of less than thirty (30) days in exchange for compensation. Bed and breakfast inns shall be in private owner occupied homes or other small structures which otherwise conform to the applicable zoning regulations.
- (k) **BOARD:** The Board of Adjustment of the City of Lander, Wyoming.
- (l) **BOARDING HOUSE:** means a structure other than a hotel or motel, where for compensation and by prearrangement for definite periods, lodging and/or lodging with meals are provided for three or more persons, but not exceeding twenty persons who reside on the premises.
- (m) **STRUCTURE HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the structure to the highest point of the structure. This definition does not apply to antennas, chimneys, cupolas and other appurtenances usually placed above the main roof line and not intended for human occupancy.
- (n) **CLINIC:** means an establishment where patients are seen for special study and treatment by licensed healthcare professional and their professional associates.
- (o) **COMMERCIAL STORAGE FACILITY:** A structure or group of structures that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers for the dead storage of articles or goods. This use does not include active retail uses nor shall there be any activities allowed to be conducted within the structure or structures other than the temporary storage of articles or goods. All storage shall be totally contained within the structure or group of structures with no outdoor storage of articles or goods allowed. No heavy equipment nor farm implements shall be allowed to be stored nor any part thereof. No hazardous materials shall be called to be stored.
- (p) **COMMISSION:** Means the Wyoming Limited Gaming Commission.
- (q) **CHILD CARE:** The City of Lander follows the Wyoming Department of Family Services definitions.
- (r) **CREMATORY:** Defined by Wyoming State Statute 33-16-502.
- (s) **DEVELOPED STREET:** For purposes of annexation only a developed street shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities with an unobstructed width of not less than 20 feet. This definition does not apply to subdivision rules and regulations of the

Lander city code.

- (t) **DISTRICTS:** Any section or area of the City of Lander for which the regulations governing the use of land and the use, density, bulk, height and coverage of structures and other structures are uniform.
- (u) **DRIVE-IN RESTAURANT:** A retail establishment engaged in the sale of prepared food and drink which is served to and/or consumed on the premise by the occupants in their vehicles.
- (v) **DWELLING, SINGLE FAMILY:** A detached residential dwelling unit designed for and occupied by one family only.
- (w) **DWELLING, TWO FAMILY:** A detached residential structure containing two dwelling units, designed for occupancy by not more than two families.
- (x) **DWELLING, MULTI-FAMILY:** A residential structure containing more than two dwelling units for family occupancy.
- (y) **DWELLING UNIT:** A structure or a portion thereof used for living purposes or constituting a separate, independent housekeeping unit for permanent residential occupancy.
- (z) **ECONOMIC DEVELOPMENT ZONE** - shall mean an area of land lying within or adjacent to the Lander city corporate boundaries which is designated by the Governing Body by ordinance as such a zone.
- (aa) **FAMILY:** Single housekeeping unit of a more or less permanent living arrangement which is stable, rather than transient living arrangements (except where the handicapped are affected) and/or family as designated and defined by the Wyoming Department of Family Services.
- (bb) **FOSTER CARE:** An activity regulated by the State of Wyoming and providing care for children in a facility or home on a 24 hour-a-day basis. Categories of foster care specified in this ordinance include:
 - (i) foster home: allows for the care of three to six children; and
 - (ii) group foster home: allows for the care of seven to eleven children.
- (cc) **FRONTAGE:** The front part of a piece of property as determined by the main entrance to the structure or use of the parcel.
- (dd) **HOME BUSINESS:** An accessory use of a dwelling unit or accessory structure for gainful employment involving the manufacture, provision or sale of goods and/or services.
- (ee) **HOTEL/MOTEL** - A structure which provides a common entrance, lobby, hall and stairways, and in which temporary lodging is provided for compensation.
- (ff) **JUNKYARD** – means a place where waste, discarded or salvaged materials are 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 structure.

- (gg) **LOT:** Land occupied or intended to be occupied by a main structure and its accessory structures, together with such open spaces as are required by this ordinance, and having its principle frontage on a public street or officially approved place. A lot is the land shown as a lot on a recorded subdivision plat.
- (hh) **LOT LINES:** The side of the lot in front of the street used for primary vehicle access is the front lot line. The opposite side is the rear lot line. For lots which are not quadrilateral, lot lines shall be determined from a quadrilateral inscribed within the actual boundaries of the lot. The depth of the lot is the distance between the midpoints of the front lot line and the rear lot line. The width is the distance between midpoints of the side lot lines.
- (ii) **LOT OF RECORD:** A lot platted within a subdivision recorded at the Fremont County Courthouse, or a parcel described by meets and bounds so recorded and of legal size at the time of recording.
- (jj) **MANUFACTURED HOME:** A single prefabricated structure designed for transportation after fabrication, on streets and highways on its own wheels and chassis and arriving at the site where it is to be occupied as a dwelling, complete and ready for assembly operations, location on jacks or permanent foundation, connections to utilities and the like, and including all potable contrivances used generally for living and sleeping quarters, towed or transported by another vehicle and cannot qualify as a modular structure. This definition also includes trailer homes with a vehicle identification number.
- (kk) **MANUFACTURED HOME PARK:** A parcel (or contiguous parcels) of two or more lots and meeting all of the regulations of the subdivision regulations of the City of Lander, the lots of which are intended to be sold, leased or assigned for use by manufactured homes with vehicle identification numbers and/or license plates to create a suitable environment for long-term residential occupancy.
- (ll) **MANUFACTURED HOME SUBDIVISION:** A subdivision consisting of two or more lots and meeting all of the requirements of the subdivision regulations of the City of Lander, the lots of which are intended to be sold, leased or assigned for use by manufactured homes with vehicle identification numbers to create a suitable environment for long term residential occupancy.
- (mm) **MORTUARY, FUNERAL ESTABLISHMENT, FUNERAL HOME, FUNERAL CHAPEL:** Defined by Wyoming State Statutes 33-16-502.
- (nn) **PARKING SPACE:** An off-street space available for the parking of one motor vehicle having an area of not less than 162 square feet exclusive of passageways and driveways appurtenant thereto and having direct access to a street or alley.

- (oo) **PERMITTED USE:** A use enumerated for a zoning district.
- (pp) **PLANNING, DEPARTMENT OF:** Shall consist of the City Planner, City Clerk, Structure Inspector and Public Works Director.
- (qq) **PROFESSIONAL STRUCTURE:** the office or offices of a member of a recognized profession maintained for the conduct of that profession excluding retail and wholesale trade.
- (rr) **PRIVATE ROAD:** A private road may or may not be used by the general public, but it primarily benefits those at whose request it was established.
- (ss) **PUBLIC STREET:** Primary access that is publically dedicated on a plat and recorded at the Fremont County Courthouse.
- (tt) **PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public electricity, gas, steam, communication, telegraph, transportation or water service.
- (uu) **SETBACK:** The required distance between every structure and any lot line on the lot on which it is located. The distance is measured from the foundation line.
- (vv) **SETBACK, FRONT:** The required distance between the front of every structure and the line separating the street side curb and gutter from the street edge, also known as the "lip"; and
- (ww) **SETBACK, SIDE & REAR:** The required distance between every structure and any lot line on the lot on which it is located.
- (xx) **STORAGE STRUCTURES, PORTABLE:** shall be any structure which is so designed and constructed to make it portable and capable of movement from one site to another, designed to be used without a permanent foundation, designed with the purpose of storing tangible property and not for occupancy by persons, and to have a minimum of 32 square feet.
- (yy) **STORAGE STRUCTURES, TEMPORARY:** shall be any transportable structure designed and used primarily for temporary storage of structure materials (before they are utilized for structure purposes) household goods prior to or during moving, and other such materials for use on a limited basis, no longer than 90 days on residential property, with a permit from the City of Lander.
- (zz) **STRUCTURE:** Anything constructed or erected with a fixed location on, above, or below the ground, or attached to something having a fixed location on the ground.
- (aaa) **SUBDIVISION:** The creation 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.

- (bbb) **TAXIDERMY:** An operation conducted solely within an enclosed structure to include onsite preparation, stuffing and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited in residential zones.
- (ccc) **TOWER AND ANTENNA, COMMERCIAL COMMUNICATION:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission Commercial Communications Towers and Antennas, microwave Commercial Communications Towers and Antennas, common-carrier Commercial Communications Towers and Antennas, cellular telephone and wireless Commercial Communications Towers and Antennas, alternative Commercial Communications Towers and Antennas structures and the like. Tower types include, but are not limited to guyed Commercial Communications Towers and Antennas, wooden poles, lattice Commercial Communications Towers and Antennas and monopoles.
- (ddd) **WIRELESS COMMUNICATIONS FACILITY:** An unstaffed facility for the transmission and/or reception of radio frequency (RF) signals usually consisting of an equipment shelter or cabinet, a support structure and/or other transmission and reception devices.
- (eee) **WIRELESS COMMUNICATIONS FACILITY, ATTACHED:** A wireless communications facility that is affixed to an existing structure (i.e., an existing structure, tower, water tank, utility pole, etc.).
- (i) **Antenna** - Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves. Antenna types include, but are not limited to: omni-directional whip antenna, directional panel antenna, and ancillary antenna. This definition shall not include antennas used in the reception of television services by consumers.
- (ii) **Co-location** - The use of a single support structure and/or site by more than one wireless communications provider.
- (iii) **Public Utility Facilities** - Facilities for the transmission, distribution or collection of electric, telephone, telegraph, cable television, natural gas, water and sewer utility services and the transportation of people.
- (iv) **Related Equipment** - All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
- (v) **Equipment Enclosure** - A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.
- (vi) **Guyed Towers** - A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.
- (fff) **YARD:** The area between any lot line and the required setback.

(Title 4 revised with Ordinance 1198, effective November 1, 2015.)

4-15-1. Solar Rights. - This Section shall be known, cited and referred to as the

Solar Rights Act of the City of Lander, Fremont County, Wyoming.

4-15-2. Authority. - This Section is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Lander, Wyoming by the Statutes of the State of Wyoming Sections 34-22-101 through 34-22-106.

4-15-3. Purpose. - The purpose of this Section is to protect the health, safety and general welfare of the community by encouraging the use of solar energy systems. The overall objective of this Section is to provide adequate protection from interference by structures, trees, or topography. It is the intent of this Section to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners and to establish solar collectors as permitted use in all zoning districts.

4-15-4. Application. - This Section shall apply to all lands within the corporate limits of the City of Lander, Wyoming, as they may from time to time be amended.

4-15-5. Administration and Enforcement. -

(a) Administration. The City of Lander City Administration shall be responsible for the administration of these regulations.

(b) Enforcement. Once a solar collector conforming to these regulations has been constructed, the permit has been approved by the City Administration, and it has been recorded in the County Clerk's office, then a solar property right is established. Violation of the permitted and recorded right is a violation of civil law. The City of Lander will not intervene in disputes over the use of solar energy.

4-15-6. Permits Required. -

(a) A solar permit shall be granted only after an application for solar access permit has been submitted to the City Administration. Application for a solar permit shall consist of the following information:

1. a completed Solar Rights Access Permit application;
2. fee shall be according to the City of Lander Fee Schedule.
3. a site plan drawn to scale showing the following detail:
 - (i) owner's name, legal description, street address of the site, and use of the structure(s);
 - (ii) north arrow, scale, and date of preparation;

- (iii) names of all adjacent streets;
- (iv) dimensions of the property;
- (v) dimensions, height and location of all structures on the site;
- (vi) location, height and type of all trees, bushes and shrubs on the between 90 and 270 azimuth of the site and estimated height at full growth;
- (vii) location and height of all walls and fences on the the site;
- (viii) dimensions and location of solar collector surface;
- (ix) direction in which collector is oriented;
- (x) height of collector above ground level;
- (xi) signature block for City Administration;
- (xii) degree line from base of collector, as measured above the horizon.
- (xiii) provide the projected date when this system will be providing beneficial use.
- (ix) is there an alternate location on the premises where this system could be installed.

(b) The application for a solar rights permit, along with the required fee, shall be filed on forms provided by the City Administration.

(c) Upon accepting a complete application for a solar access permit, the City administration shall notify owners of lots or parcels within 150 feet of the property on which the solar access permit is being requested. The notice shall include the information listed in section 4-15-6.

(d) The planning commission shall hold a public hearing on the proposed application no later than 30 days after the City administration accepts a complete application for the solar access permit. After holding the public hearing, the planning commission shall approve, approve with conditions or deny the proposed solar access permit. The planning commission shall consider whether the proposed solar access permit can protect the use of a solar collector without causing undue hardships on the rights of adjacent property owners. The planning commission may postpone action and continue the public hearing if needed. In approving or conditionally approving the solar access permit, the planning commission shall include the following:

- (i) A description of the collector surface or that portion of the collector surface to which the solar access permit is granted;
- (ii) The dimensions of the collector surface;
- (iii) The direction of orientation;
- (iv) The height above ground level and the location of the collector on the solar user's property.

(e) A solar collector shall be put to beneficial use within two years.

(f) The permit holder, within 30 days after the solar collector is first put to a beneficial use, shall notify the City Administration and provide such proof of beneficial use as the City Administration requires, after which the City Administration shall certify such beneficial use by endorsing the same upon the permit.

4-15-7 Recording Procedure - After approval of the solar access permit by the planning commission the City Administration shall record the approved solar access permit and a site plan with the county clerk. The solar access permit shall include a description and square footage dimensions of the collector surface or that portion of the collector surface to which the solar access permit is granted.

4-15-8. Non-conforming Use and Existing Solar Collectors. -

(a) Structures or vegetation which existed prior to the time of installation of the solar energy collection system or the effective date of this Section shall not be subject to the requirement of this Section.

(b) Existing solar collector users at the effective date of this ordinance who wish to receive a priority date for their solar rights as of the first date such solar collector was beneficially used shall apply for a permit as required by Section 11-7-7 within five years after the effective date of this Section.

4-15-9 The decision of the City Planning Commission may be appealed to the City Council by any person or agency affected by such decision. Any such appeal shall be taken within 15 days from the date of the action appealed from by filing a written notice of appeal with the City Administration, which notice shall specify the grounds for the appeal. Forms shall be provided for this purpose. Upon receipt of a notice of appeal, the City Administration shall transmit to the City Council the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action appealed from was taken.

4-15-10. Definitions. -

- (a) **“azimuth”** is an angular measurement in a spherical coordinate system. It is the angle between the projected vector and a reference vector on the reference plane.
- (b) **“solar collector”** is one of the following which is capable of collecting, storing or transmitting solar energy:
 - 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 or all 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 use solar energy to heat air, water, or other fluids for use in hot water or space heating or other applications;

6. a massive structural element designed to collect solar energy and transmit it to internal spaces for heating; or

7. other devices or combination of devices which rely upon sunshine as an energy source.

- (c) "**Solar right**" is 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 these regulations. No solar right is protected by this Section for the period of time before 9:00 a.m. or after 3:00 p.m., Mountain Standard Time, or to a solar collector or portion as which would be shaded by a ten foot wall located on the property line on a winter solstice day.
- (d) "**Winter Solstice Day**" is 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

(Section 4-15-1 thru 4-15-10 created by Ordinance 1214 effective June 18, 2017)

TITLE 5

STANDARDS AND SPECIFICATIONS

Section

5-1-1 Standards Adopted

5-1-2 Other Designs Acceptable

5-2-1 Construction and Cost of Sidewalks

5-2-2 Enforcement; Engineering Supervisor

5-2-3 Construction of Sidewalks at Request of Landowners or Direction of City Council

5-2-4 Permit Required for Sidewalk Construction or Repair

5-2-5 Same; Permit Fee

5-3-1 Main Street Damage - Reimbursement of

Title 5 was recodified by Ordinance 711, effective 4-20-81.

5-1-1. Standards Adopted. - Construction of all curbs, gutters, sidewalks, streets, sewers, storm drainage facilities, and water facilities in the City of Lander shall conform to the standards and specifications as adopted by resolution of the City Council. A copy of such standards and specifications shall be kept on file at all times with the engineering supervisor for public inspections.

5-1-2. Other Designs Acceptable. - If it can be shown to the satisfaction of the engineering supervisor that other designs, materials, or procedures will provide performance equal to or better than those specified in Section 5-1-1 and written specifications and diagrams showing the alternative means of construction bearing written approval of the engineering supervisor are filed in the engineering supervisor's office, the provisions of Section 5-1-1 shall be deemed satisfied.

5-2-1. Construction and Cost of Sidewalks. - All sidewalks hereafter constructed, rebuilt, or repaired within the City shall be at the expense of the abutting landowners in proportion to the linear feet that such property abuts such sidewalk.

5-2-2. Enforcement; Engineering Supervisor. - When, in the opinion of the engineering supervisor, any sidewalk within the City shall be deemed unsafe for public travel, the engineering supervisor is authorized to send written notice to the landowner abutting such sidewalk that such sidewalk shall be repaired within 45 days of the date of such notice to conform with the specifications adopted in Section 5-1-1. If the landowner shall fail to repair such sidewalk within the time allotted, the engineering supervisor may have such repairs done by the City, with all costs therefor being assessed to the abutting landowner. The expenses so incurred shall be a lien against such property.

If such expenses are not paid by the owner within 30 days of the date that a notice specifying the amount and reason for the assessment are mailed to the owner at his most

recent address as shown on the records of the County Assessor, they shall draw interest at 12% per annum, and the recordation of such notice shall be a lien on such property which may be foreclosed in the same manner and subject to the same periods of redemption as for collection of delinquent property taxes. Such expenses, together with interest and costs of collection, including reasonable attorney fees, may also be collected by civil action filed in the name of the City against the property owner.

5-2-3. Construction of Sidewalks at Request of Landowners or Direction of City Council. - Whenever a majority of the resident owners of property along any street shall, by written petition, request the Council to construct or build sidewalks along any such street or whenever the Council shall, upon a vote of three-fourths of all the members thereof, order the making, construction, rebuilding, or repair of any sidewalk along any street in the City, the Council shall, by resolution, proceed to establish such an improvement district in accordance with Wyoming Statutes Section 15-6-201, et. seq. (1977).

5-2-4. Permit Required for Sidewalk Construction or Repair. - It shall be unlawful for any person to lay, construct, rebuild, or repair any sidewalk within the City without first having obtained a permit therefore. This section shall not apply to persons holding a valid building permit. The persons performing any sidewalk construction or repair within the City shall notify the City Building Inspector within 48 hours after completion of such work that the same is ready for inspection. If such work has not been constructed in accordance with the standards and specifications adopted in Section 5-1-1 of the Municipal Code, the Building Inspector may refuse to approve such work, and may order the same corrected to meet such standards and specifications. Failure of the permit holder to correct such work as ordered within 30 days shall be deemed a violation of this section.

5-2-5. Same; Permit Fee. - The fee for a permit issued under this Chapter shall be according to the City of Lander Fee Schedule.

5-3-1 - Reimbursement for damage done to Main Street surfacing improvements including but not limited to: concrete pavement, asphaltic pavement, crushed base, subgrade, curb and gutter, refusal, assessment of costs.

- (a) Definitions - for the purpose of this section the following definitions shall apply:

Damages - Damages to concrete shall include, but is not limited to: concrete removal for repairing or installing utilities; surface gouges, cracks or other damage to the appearance or structural integrity. Damage to crushed base and subgrade material shall include, but is not limited to: contamination with deleterious material, mud, rocks, bituminous asphalt pavement or water damage that results in exceeding the optimum moisture content for that material.

Restoration - Restoring any damage done, as defined above, to its original condition as set forth below.

- (b) Procedure - Any person or entity who, whether intentionally or otherwise, causes damage to any portion of Main Street Surfacing Improvements as above defined shall, in writing, immediately notify the City Building Inspector and the Director of Public Works. If the damage is deemed intentional by the City, the person or entity shall arrange for and pay the costs to restore the damaged item(s) to original condition. If the damage is deemed to be unintentional by the City, the person or entity, together with the City, shall arrange to restore the damaged item(s) to original condition. For unintentional damage, the person or entity shall pay for the work necessary to correct the area actually damaged and the City shall pay any additional cost to restore the area to natural joints as provided below. Prior to beginning any removal or restoration work, the person or entity shall prepare a traffic control plan and submit it to both the City of Lander and the Department of Transportation for approval.

Restoration of the item(s) to original conditions shall be done in accordance with the construction specifications and Record Drawings for the Lander Main Street Reconstruction Project as filed with the City Building Inspector. Any pavement slab or curb and gutter section that is damaged or which has a trench wall less than one foot from its edge shall be removed in its entirety to the original sawcut or construction joint. Trench walls shall be a minimum of one foot from all existing joints in the concrete. In the event that trench walls are less than one foot from the joint, removal and restoration shall be taken to the next joint. All replacement joints shall conform to Wyoming Department of Transportation specifications 414-03A, as attached in Exhibit A. Existing joints that are removed shall be replaced in kind. Restoration of subgrade and base shall conform to Wyoming Department of Transportation specifications.

- (c) In the event any person or entity fails or refuses to comply with the provision of Section (a) hereof within ten (10) days after receipt of notice from the City, the City, through its representative, may cause the same to be restored and assess the costs therefor against the person or entity causing such damage. If such costs are not paid within the next thirty (30) days of mailing the notice, they shall draw interest at the rate of 10% per annum. Such costs of collection, including a reasonable attorney's fee, may be collected by civil action filed in the name of the City against the person or entity causing the damage. This remedy

shall be in conjunction with any other remedy provided for by law. *(Section 5-3-1 created by Ordinance 936, effective 8-29-94).*

TITLE 6

HARBORING, CONTROL, LICENSING AND IMPOUNDING OF ANIMALS

Section

- 6-1-1 Definitions
- 6-2-1 Dog License Required
- 6-2-2 License Tag
- 6-3-1 Cruelty to Animals
- 6-3-2 Leaving Animals Unattended
- 6-3-3 Noisy Animals
- 6-3-4 Animals at Large
- 6-4-1 Notice of Impounding Animals
- 6-4-2 Redemption and Disposition of Animals
- 6-4-3 Control of Biting or Aggressive Animals
- 6-4-4 Penalties for Animals at Large
- 6-4-5 Keeping Large Animals and Fowl

6-1-1. Definitions. - The following definitions shall apply to this Title:

- (a) Section 6-1-1(a). **“At Large”:**
 - (i) *An animal shall be considered at large when it is off the property of its owner and not controlled by a leash, rope or reins, under electronic control or in the person’s immediate control or confined within a vehicle on a street or other enclosure;*
 - (ii) *An animal shall be considered at large when on the property of the owner and not controlled by leash, rope, reins, fence or under electronic control or in a person’s immediate control;*
 - (iii) *(iii) An animal, for purposes of section 6-1-1 to and including 6-4-4, is defined as fowl and dogs of various breeds.*
 - (iv) *Fowl, for the purpose of Section 6-1-1 to and including section 6-4-5, is defined as ducks, geese, turkeys, pheasants, peacocks, chickens and other domestic or game birds raised and/or maintained in confinement. (Section 6-1-1 amended by Ordinance 1201 effective March 13, 2016)*

(b) **"Own"** and **"owner"** shall apply to any person who shall own, keep, or harbor an animal, or who shall permit an animal to be fed or remain habitually in or about the premises under the control of the owner.

(c) **“Aggressive Manner”** shall mean any animal who charges a person to within potential biting or striking distance while snapping or snarling or growling or displaying teeth. *(Section 6-1-1 (c) amended by Ordinance 1125, effective December 3, 2006)*

6-2-1. Dog License Required. -

(a) No person shall own or keep a dog in the City of Lander without a license issued by the City.

(b) Dog licenses shall be issued by the Police Department for a period of two years from the date the license is issued upon proof of a current and valid certificate subscribed by a licensed veterinarian that the dog has been vaccinated against rabies, and that such vaccination shall remain effective through the term of the license. Fees shall be according to the City of Lander Fee Schedule.

(c) Lost or damaged licenses will be replaced by the Police Department at no charge.

(d) Education and Awareness

(i) An information packet will be provided when a dog license is purchased. This packet will include information about local dog ordinances, penalties and how to be a responsible pet owner in this community.

(ii) Information will be presented locally via outlets such as, Coffee Time, Lander Talk, Lander Journal, and the Pet Connection. These outlets will serve as a venue for increasing awareness of local ordinances, concerns and how the public can be responsible dog owners within the City of Lander. *(Section 6-4-4 amended by Ordinance 1193 11/10/15).*

6-2-2. License Tag. - Each licensed dog shall wear a collar tagged with the license number issued to that dog. No person other than the dog's owner shall deprive any licensed dog of any such collar, tag, or license number.

6-3-1. Cruelty to Animals. -

(a) No person shall cruelly beat, injure, torture, neglect to properly feed and care for, fail to provide adequate medical care for, or otherwise abuse any animal.

(b) Any animal found to have been treated in a cruel manner in violation of subsection A above may be seized and impounded by a sworn police officer, whereupon they shall use all reasonable efforts to notify the owner of the animal.

(c) Upon presentation of sufficient evidence by the owner to the peace officer that provisions for proper care of the animal have been arranged for, the animal may be redeemed by the owner upon payment to the City of all impoundment costs and costs of medical care for the animal and payment of any applicable fine for violation of this section.

(d) If the animal is not redeemed within five (5) days of notice to the owner and if a request for a hearing is not filed by the owner within that time, the animal shall be handled as provided for in Section 6-4-3(b) of the City Code.

(e) If an owner files a request for a hearing within five (5) days of impoundment, together with a fee sufficient to cover the costs of impoundment for fifteen (15) days, a hearing shall be held by the City Council to determine if continued impoundment is necessary. Said hearing shall be held within ten days of the filing of the request. If continued impoundment is deemed necessary the animal shall be handled as stated in subsection (c) and (d) hereof. If continued improvement is not deemed necessary the animal shall be returned to the owner. The fee paid with the request shall be applied to the costs of impoundment. *(Section 6-3-1 amended by Ordinance 912 effective 11-15-93)*

6-3-2. Leaving Animals Unattended. -

(a) No person shall leave any animal without water for longer than 12 hours or without food for longer than 24 hours.

(b) No person shall willfully abandon any domestic animal with the City of Lander.

6-3-3. Noisy Animals. -

(a) No person shall own or keep any animal which by continual or repeated barking, screeching, yowling, howling, yelping, crowing or cackling disturbs the peace of others. *(6-3-3(a) amended by Ordinance 1201 effective March 13, 2017)*

(b) Any noisy animal may be impounded at the discretion of the Animal Control Officer or Police Officer to prevent further peace disturbance.

(c) Any person charged under this section, having been previously convicted for this same offense, shall be required to make a mandatory court appearance.

6-3-4. Animals at Large. -

- (a) Animals at large within the City of Lander are hereby declared to be a public nuisance and deleterious to the health and safety of the people of Lander.
- (b) Any person who owns, possesses or harbors any animal which is at large, within the City of Lander is guilty of a misdemeanor.

6-4-1. Notice of Impounding Animals. - Any animal found running at large may be apprehended and impounded by a sworn peace officer, if in his opinion such animal constitutes a safety, health or traffic hazard, whereupon the officer shall exert reasonable efforts to ascertain and notify the owner of the animal.

6-4-2. Redemption and Disposition of Animals. -

(a) The owner of any animal impounded may reclaim the animal upon payment to the City of the following costs:

- (i) apprehending and impounding the animal, a daily fee as set by resolution of the City, a copy of which shall be available at City Hall. (*Section 6-4-2 amended by Ordinance 962, effective 4-15-96*)

No animal may be reclaimed unless any applicable fine under 6-3-4 is paid and a required license is secured. No animal may be reclaimed until evidence of a current vaccination against rabies, is supplied by the owner or custodian of such animal. The preceding requirement shall not apply to animals for which no recognized vaccination is available.

(b) Any animal impounded under this Chapter and not reclaimed by the owner within five days or, if the owner has been ascertained, within three days after notice has been provided, shall be given to any person who will pay the fees set forth in Section 6-4-2(a) (i) and (ii) above or such lesser amount as the animal control officer may determine. If not given away, the animal may be destroyed in a humane manner.

6-4-3. Control of Biting or Aggressive Animals. -

(a) Any animal, which bites or maliciously scratches or charges a person in an aggressive manner may be reported to the designated Animal Control Officer and may be apprehended if the victim is bitten and:

- (i) if the owner or custodian of such animal can show evidence of a current valid rabies vaccination, the animal shall be returned to the owner or custodian, after payment of any expenses incurred.
- (ii) if the owner or custodian cannot produce evidence of a current and valid rabies vaccination, the animal shall be impounded and quarantined, at the expense of the owner or custodian, at the city

pound or other veterinarian selected by the owner or custodian, for a period of at least fifteen (15) days and not more than twenty (20) days after the attack to determine whether the animal has any disease which may be communicated to humans. Provided, however, that prior to release of the animal to the owner or custodian, the animal shall receive all required vaccinations at the expense of the owner.

- (iii) if the owner or custodian cannot produce evidence of a current and valid rabies vaccination and the owner or custodian does not desire to proceed pursuant to Section (a)(ii) hereof, the animal shall be destroyed and its remains analyzed at the direction of the Animal Control Officer. The owner or custodian shall be responsible for and pay all expenses incurred pursuant to this subsection.

(b) The place of quarantine and observation for all such biting animals shall be the designated City animal impound or, at the owner's option, a veterinary hospital of owner's or custodian's choice. In either case, the owner shall pay all expenses of boarding the animal during the quarantine. In the case of the animals whose owner or custodian is unknown, such quarantine shall be at the shelter designated as the City's animal impound at the expense of the City.

(c) The owner or custodian of any animal, which bites or maliciously scratches or charges a person in an aggressive manner, is guilty of a misdemeanor. This subsection shall not apply if the animal is on the owner's premises and either the premises are clearly posted with warnings concerning the animal or the entry onto the premises was unlawful or entry was made in or onto a vehicle by a person without the consent of the owner or occupant of the vehicle in which an animal was present. Any second or subsequent offense under this section or any first offense that reasonably appears to be without provocation or results in serious injury to the victim shall require a mandatory court appearance by the defendant. If the court finds the violation of this subsection it may consider the severity of the attack, prior attacks by the same animal, any provocation of the animal and other circumstances related to the attack in determining if the animal is vicious. If the court determines that the animal is vicious, it may also order that the animal be disposed of in a humane manner.

- (i) Restitution for any damages to person or property caused by the animal shall be made by the owner of the animal upon the discretion of the municipal judge. (*Section 6-4-3 amended by Ordinance 1125, effective December 3, 2006*)

6-4-4 Penalties for Animals At Large – Penalties shall be assessed in accordance with the Lander Municipal Court Bond Schedule. (*Section 6-4-4 amended by Ordinance 1193 11/10/15*)

6-4-5 Keeping Large Animals. –

- (a) No person shall collect, keep or feed any cattle, horses, sheep, goats, swine or other similar large animals within the City of Lander without a permit.
- (b) This section shall not apply in areas of the city zoned agricultural; to livestock brought into the city for purposes of being shipped out of the city; to animals brought into the city to receive veterinary care, or to goats that are being used for weed and pest control purposes with a proper permit.
- (c) The keeping and feeding of animals otherwise prohibited by this section may be allowed for rodeos, fairs, circuses, carnivals, parades and other public exhibitions or entertainment events; provided, that the proper licenses and permits for the event have been obtained from the city prior to the event. Persons desiring to use goats for weed and pest control purposes per subsection (b) of this section must also obtain proper licenses and permits prior to use of said goats for weed and pest control.
- (d) The city animal control officer may issue an order prohibiting the keeping of any animals described above which poses a health hazard to the general public pursuant to the city ordinances, or state and federal laws pertaining to public health.
- (e) Applications for permits shall be filed with the City Clerk. Fees shall be according to the City of Lander Fee Schedule. The City of Lander Animal Control Officer will investigate the application and report to the City Council. The application for pasturing of large animals must contain a letter from a veterinarian as to the capabilities of the pasture in sustaining the number of livestock to be pastured and a copy of the lease and/or letter of permission to keep livestock in the pasture. The City Council may accept or refuse the application upon its discretion. Licenses and permits may be revoked by the City Council without a hearing upon three day's notice to the permit holder. *(Section 6-5-6(e) amended by Ordinance 1193 11/10/15)*
- (f) Each day that a violation of this section continues shall constitute a separate offense. *(Section 6-4-4 amended by Ordinance 1115, effective July 16, 2006)*
- (g) Fowl must have a permit. Application for the permit can be picked up at City Hall and filed with the City Clerk. The permit will be free of charge. Applications must be submitted prior to obtaining Fowl and renewed by the 1st of July of each year. *(Section 6-4-5 (g) was created by Ordinance 1201, effective March 13, 2016)*

TITLE 7

PUBLIC SAFETY AND MORALS

Section

| | |
|--------|---|
| 7-1-1 | Repealed |
| 7-1-2 | Accessory Before the Fact |
| 7-1-3 | Accessory After the Fact |
| 7-2-1 | Assault |
| 7-2-2 | Assault and Battery |
| 7-2-3 | Rioting, Fighting |
| 7-2-4 | Carrying Concealed Weapon |
| 7-2-5 | Carrying Deadly Weapon |
| 7-3-1 | Disobeying a Lawful Order |
| 7-3-2 | Resisting, Obstructing Lawful Process |
| 7-3-3 | Escape |
| 7-3-4 | Interfering with Surveyor |
| 7-4-1 | Destruction of Property |
| 7-4-2 | Petit Larceny |
| 7-4-3 | Shoplifting |
| 7-4-4 | Receiving Stolen Property |
| 7-4-5 | Fraudulent Procurement |
| 7-5-1 | Trespass |
| 7-5-2 | Curfew |
| 7-5-3 | Disorderly Conduct |
| 7-6-1 | Indecent Exposure; Lewdness |
| 7-6-2 | Peeping Toms |
| 7-7-1 | Use or Possession of Marijuana |
| 7-7-2 | Unlawful Use of Glue, Aerosols, or Vapors |
| 7-8-1 | Peace Disturbance; Person Responsible for Premises |
| 7-8-2 | Discharge of Firearms and Arrows tipped with Broadheads Prohibited |
| 7-8-3 | Discharge of Fireworks |
| 7-8-4 | Repealed by Ordinance 1175 |
| 7-8-5 | Landlord Responsibility to Tenants' Continued Offenses Against Public Decency |
| 7-9-1 | Check Fraud; Definitions |
| 7-9-2 | Same; Procedure |
| 7-9-3 | Same; Prima Facie |
| 7-9-4 | Same; Citizen Complaint |
| 7-9-5 | Attempted Petit Larceny; Renunciation of Criminal Intention |
| 7-10-1 | Tobacco Products; Definitions |
| 7-10-2 | Same; Prohibited Sales or Delivery |

- 7-10-3 Same; Posted Notice Required; Location of Vending Machines**
- 7-10-4 Same; Purchase by Minors Prohibited**
- 7-10-5 Same; Possession or Use by Minors Prohibited**
- 7-10-6 Smoking Prohibited in Certain City-Owned Facilities and Penalties**
- 7-11-1 Supplemental Feeding of Certain Wild Animals Prohibited**

Title 7 was recodified by Ordinance 694, effective 4-20-80

7-1-1. Repealed by Ordinance 730

7-1-2. Accessory Before the Fact. - Any person who shall aid or abet in the violation of any ordinance shall be punished to the extent provided for principals, regardless of whether or not the principle has been convicted.

7-1-3. Accessory After the Fact. - Any person who shall conceal or assist any person who has violated any ordinance, unless the persons are related as spouses, siblings, or direct descendants, may be punished to the extent provided for principals, regardless of whether or not the principal has been convicted. (*Amended by Ordinance 730.*)

7-2-1. Assault. - No one who has the present ability to do so shall unlawfully attempt to injure another person.

7-2-2. Assault and Battery. - No person shall unlawfully touch another in a rude, insolent or angry manner.

7-2-3. Rioting, Fighting. - No person shall voluntarily engage in a fight or riot.

7-2-4. Carrying a Concealed Weapon. - No person other than law enforcement officers and others authorized by law shall carry a concealed weapon, firearm, bludgeon, straight knife, or other deadly weapon on or about his person.

7-2-5. Carrying a Deadly Weapon. -

(a) No person shall arm himself with any deadly weapon with the intent of injuring another.

(b) No person other than law enforcement officers or others authorized by law shall carry any deadly weapon into any premises where any malt or alcoholic beverages are sold or dispensed.

7-3-1. Disobeying a Lawful Order. - No person shall willfully ignore or refuse to obey any lawful order of a peace officer issued while in the performance of his duties.

7-3-2. Resisting, Obstructing Lawful Process, Impeding Investigations. - No person shall willfully obstruct, resist or oppose any peace officer attempting to make a lawful arrest or serve papers in the course of his duties, nor shall any person knowingly give, or cause or advise others to give, a false or misleading statement to a police officer conducting an investigation in the course of his duties. (Section 7-3-2 amended Ordinance 894, effective 5-3-93)

7-3-3. Escape. - No person shall attempt to escape the lawful custody of any peace officer acting in the course of his duties.

7-3-4. Interfering With Surveyor. - No person shall remove or disturb any monument or stake set by a licensed surveyor or interfere with any survey conducted by a licensed surveyor.

7-4-1. Destruction of Property. - No person shall willfully or wantonly deface, injure, or destroy any property without the consent of the owner. (Section 7-4-1 amended by Ordinance 781, effective 5-14-85.)

7-4-2. Larceny. -

- (a) No person shall steal, take and carry, lead or drive away the property of another valued at \$1,000.00 or less, with intent to deprive the owner or lawful possessor is guilty of larceny.
- (b) If any bailee, a public servant as defined by W.S. 6-5-191(a)(vi), or any person entrusted with the control, care of custody of any money or other property valued at \$1,000.00 or less, with intent to steal or to deprive the owner of the property, converts the property to his own or another's use is guilty of larceny. (Section 7-4-2(a)(b) amended by Ordinance 1109, effective October 25, 2005)
- (c) If any bailee, charged under this section, shall have come into possession of the property in question, within the City of Lander, there shall be sufficient nexus to confer jurisdiction on the Municipal Court to try and decide the matter. (Section 7-4-2 amended by Ordinance 804, effective 5-12-87.)

7-4-3. Shoplifting. - No person shall willfully conceal or take possession of any goods offered for sale with intent to convert the goods to his own use without the consent of the person offering the goods for sale.

7-4-4. Wrongful taking or disposing of property.

- (a) A person is guilty of wrongful taking or disposing of property if he buys, receives, conceals or disposes of property which he knows, believes or has reasonable cause to believe was obtained in violation of the law.

- (b) A person may be charged under this section if he received or possessed the property in the City of Lander, notwithstanding the wrongful taking occurred in another jurisdiction.

7-4-5. Fraudulent Procurement. - No person shall, with the intent to defraud, procure, possess or obtain any food, beverage, lodging, gasoline, or anything of value of another offered for sale or consumption to the public by any of the following means:

- (a) by failing or refusing to pay the agreed or stated charge for such item or thing of value or, if none, for the reasonable value thereof; or

- (b) by altering, switching, substituting, or supplying any information which mis-identifies the actual agreed or stated charge for such item without the rightful owner's knowledge and consent. (*Amended by Ordinance 730, effective 6-8-82.*)

7-5-1. Trespass. - A person is guilty of trespass if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so, or after being notified to depart or to not trespass for the purposes of the section, notice is given by:

- (i) Personal communications to the person by the owner or occupant or his agent, or by a peace officer; or

- (ii) Posting of signs reasonably likely to come to the attention of intruders. (*Section 7-5-1 amended by Ordinance 883, effective 8-17-92.*)

7-5-2 Curfew. - No minor under the age of 16 years old shall be found in any public place unaccompanied by a parent, guardian, or grandparent between the hours of 10:00 p.m. and 5:00 a.m., except that this restriction shall not apply on Friday and Saturday nights until 11:00 p.m.; except that the time stated herein shall be extended when the person under sixteen (16) years old is attending and/or participating in a school, work, religious or civic event, in which case the curfew shall begin from fifteen (15) minutes after the scheduled ending time of the school, work, religious or civic event. (*Section 7-5-2 amended 9-28-93 by Ordinance 911.*)

7-5-3. Disorderly Conduct.

- a) A person shall be deemed guilty of disorderly conduct if he wilfully:

1. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

2. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the police or other lawful authority known to be such;

3. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;

4. Resists or obstructs the performance of duties by police or any other authorized official of the municipality, when known to be such an official;

5. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health; or

6. Interferes with another's pursuit of a lawful occupation by acts of violence. (*Section 7-5-3 Adopted by Ordinance 888, effective 11-24-92*)

7-6-1. Indecent Exposure; Lewdness. - No person shall appear indecently exposed or commit lewd or indecent acts in any public place. (*Amended by Ordinance 730, effective 6-8-82.*)

7-6-2 Peeping Toms. It shall be unlawful for any person to enter upon the land of another, for no legitimate purpose and without the consent of the owner, and, while upon said land, to invade or attempt to invade the privacy of the owner or occupant thereof by resort to peeping, which is hereby defined as the stealthy, visual invasion into the residence located upon the land by peering through a window, whether closed or open or other opening in the residence. (*Section 7-6-2 created by Ordinance 949, effective 5-1-95.*)

7-7-1. Use of Possession of Marijuana. - No person shall, within the City of Lander:

(a) possess marijuana, its derivatives, or synthetic equivalents, including all substances enumerated in Section 35-7-1014(d) (x) and (xviii), Wyoming Statutes, 1977, as now in effect or hereafter constituted. (*Amended by Ordinance 730, effective 6-8-82.*)

(b) use marijuana, its derivatives, or synthetic equivalents, including all substances enumerated in Section 35-7-1014(d) (x) and (xviii), Wyoming Statutes,

1977, as now in effect or hereafter constituted. (*Amended by Ordinance 730, effective 6-8-82.*)

7-7-2. Unlawful Use of Glue, Aerosols, or Vapors. - No person shall smell or inhale the fumes from glue, aerosols or vapors for the purpose of altering the person's senses or nervous system, or other unlawful purpose. (*Amended by Ordinance 730, effective 6-8-82.*)

7-8-1. Peace Disturbances; Person Responsible for Premises. - No person shall, by any loud or unnecessary talking, hallowing, or by any threatening, abusive, profane or obscene language, or violent actions, or by any other rude behavior interrupt or disturb the peace of the City of Lander, or any inhabitant thereof. No person shall, by words, signs or gestures, provoke or attempt to provoke a breach of the peace, assault, assault and battery, or fight by another person within the City of Lander. No person shall permit conduct by this section on the premises for which he is responsible. (*Amended by Ordinance 730, effective 6-8-82.*)

7-8-2. Discharge of Firearms and Arrows Tipped with Broadheads Prohibited

- a) No person shall discharge any firearm in or into the City of Lander except on an authorized target range.
- b) No person shall shoot, release, discharge or otherwise propel an arrow or crossbow bolt with an attached broadhead, with the following exceptions:
 - i. On private property that exceeds 4 acres in size, either in one uninterrupted parcel or in the aggregate, so long as the person has obtained written permission of the owner(s).
 - ii. Within a building or a structure.
 - iii. With written authorization from the Chief of Police after demonstrating a safe place and method of confining the broadhead to that specific property.
- c) For the purposes of this ordinance a “broadhead” is defined as an arrowhead that has a cutting point assembly with sharp edges attached to an arrow shaft or crossbow bolt and intended or designed to kill prey by causing severe bleeding. Arrowheads that are commonly referred to as “target points”, “field points”, “blunts”, “Judo points”, “bird snare points” and other similar points are not considered to be broadheads. (*Section 7-8-2 was amended by Ordinance 1200 effective February 14, 2016*)

7-8-3 Discharge of Fireworks

- a) No unauthorized person shall discharge fireworks in or into the City of Lander.
- b) This section however shall not apply between the hours of 10:00 a.m. and

12:00 midnight on July 4; or between the hours of 4:30 p.m. on December 31 through 12:30 a.m. on January 1.

- c) On July 4, December 31, and January 1 the following areas will not be allowed to have the discharge of fireworks, except if approved by the Lander City Council:
 - i. all of Main Street;
 - ii. city parks and/or any City owned property located in the City of Lander; and
 - iii. the area east of the detention center from Amoretti Street to Poor Farm Road.

All persons discharging fireworks in or into the City of Lander shall be responsible for the cleanup and removal of any and all trash or debris caused or left by said fireworks.

- d) Supervised public displays of fireworks may be authorized by resolution upon presentation of proof of issuance of liability insurance to protect the buildings, houses and other property located in the City of Lander and all residents of Lander and Fremont County from personal injury and property damage. Said liability insurance coverage shall be in the amount of \$1,000,000. The City Council shall restrict in the hours and location of the display and may impose other terms in its discretion.
- e) Subsection (a) of this section shall not apply to firework safety classes, provided that prior to the class application for such class is made to the governing body of the City of Lander and the governing body give prior approval. The governing body may attach any condition to the approval that it deems necessary for the public health, safety and welfare. (*Section Ordinance 7-8-3 was amended by Ordinance 1205 effective 10/16/2016*)

7-8-4. Repealed by Ordinance 1175 (*effective December 11, 2012*)

7-8-5 Landlord Responsibility -

- (a) Definitions - For the purpose of this section the following definitions shall apply:
 - (1) "Disorderly House" means any public or private building, place or house of public resort kept or maintained for the exclusive or non-exclusive purpose of carrying on or promoting:
 - (a) Prostitution;
 - (b) Illegal gambling;
 - (c) Fighting;
 - (d) Sale, consumption or disposition of liquor or controlled substances, contrary to law; or

- (e) Any other illegal activity.
- (2) "Knowledge of a Disorderly House" shall mean failure to initiate reasonable abatement actions against the tenants' activities which constitute a disorderly house after receiving formal written notice from the Police Department. Provided, however, that no formal notice shall be given to a landlord or property manager until they have received a reasonable number of informal notices and upon conviction of the tenant for the offense charged.
- (3) "Informal Notice" shall mean written or verbal notice from the Police Department of the existence of a disorderly house the last of which must state that it is the final informal notice.
- (4) "Formal Notice" shall mean written notice to the landlord or property manager, following a reasonable number of informal notices and conviction of the tenant for the offense charged, that a disorderly house exists and that continuation of the disorderly house shall subject the landlord or property manager to criminal penalties.
- (5) "Reasonable Number of Informal Notice" shall be determined in the discretion of the police department depending upon the nature of the tenants offense and the response of the landlord or property manager upon receiving informal notice.
- (b) It is unlawful for any person to knowingly keep or allow to be kept any disorderly house.
- (c) It is unlawful for any landlord or property manager to knowingly keep or allow to be kept any inn, property, residence, apartment or tenement as a disorderly house, after the receipt of formal written notice of the same.
(Section 7-8-5 created by Ordinance 991, Effective 10/20/97)

7-9-1. Check Fraud. - Definitions:

- (a) As used in this chapter:
 - (i) "**Check**" means a written unconditional order to pay a sum certain in money drawn on a bank payable on demand and signed by the drawer;
 - (ii) "**Knowingly issues**" means issuing a check and obtaining property with intent to defraud or deceive any other person;
 - (iii) "**Drawee**" means the bank or purported bank upon which a check is drawn;

(iv) **"Drawer"** means a person either real or fictitious whose name appears on a check as the primary obligor whether the actual signature is that of himself or a person authorized to draw the check in his behalf;

(v) **"Insufficient funds"** means when the drawer issues a check from the drawee and has no checking account with the drawee or has funds in a checking account with the drawee in an amount less than the amount of all other checks outstanding at the time of issuance. A check dishonored for "no account", "account closed", or "non-sufficient funds" shall also be deemed to be dishonored for "insufficient funds";

(vi) **"Issue"** means make, draw, deliver or pass a check.

7-9-2. Check Fraud - Procedure - Penalty - Restitution. -

(a) Any person who knowingly issues a check which is not paid because the drawer has insufficient funds with the drawee, has issued a fraudulent check and commits fraud by check unless the check is paid by the maker within five (5) days of receiving notice, personally given or sent to the address shown on the instrument of dishonor or nonpayment. Proof the drawer opened an account with the drawee on a certain date shall be considered evidence of the drawer's knowledge of the account balance on that date.

(b) Fraud by check is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(c) Upon sentencing, the court may require any person convicted of check fraud to make restitution in any amount not to exceed twice the amount of the dishonored check in addition to any other punishment imposed under this section.

7-9-3. Check Fraud - Prima Facie - Evidence of Intent. -

(a) Any of the following is prima facie evidence that the person at the time he issued the check or other order for the payment of money intended that it should not be paid:

(i) Proof that at the time of issuance he did not have an account with the drawee;

(ii) Proof that at the time of issuance he did not have sufficient funds with the drawee and that he failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order; or

(iii) Proof that when presentment was made in a reasonable time the issuer did not have sufficient funds with the

drawee and he failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order.

7-9-4. Check Fraud - Citizen Complaint - Probation. -

(a) Any person, having acquired rights with respect to a check which is not paid because the drawer has insufficient funds, may file a complaint under this act whether or not he is the payee, holder or bearer of the check.

(b) If deferred prosecution or probation is ordered, the court as a condition or supervision shall require the defendant to make restitution in an amount not to exceed twice the amount of the dishonored check on all checks issued by the defendant which are unpaid as of the date of commencement of the supervision in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.

7-9-5. Attempted Petit Larceny; Renunciation of Criminal Intention. -

(a) A person is guilty of any attempt to commit petit larceny if:

(i) With the intent to commit petit larceny, as set forth in Section 7-4-2 of the Lander Municipal Code, he does any act which is a substantial step towards commission of the crime. A "substantial step" is conduct which is strongly corroborative of the firmness of the person's intention to complete the petit larceny.

(b) A person is not liable under this section if, under circumstances manifesting a voluntary and complete renunciation of his intent to commit petit larceny, he avoided the commission of the crime attempted by abandoning his criminal effort. Within the meaning of this subsection, renunciation of criminal purpose is not voluntary if it is motivated, in whole or in part, by circumstances, not present or apparent at the inception of the person's course of conduct, which increase the probability of detection or apprehension or which make more difficult the accomplishment of the criminal intention. Renunciation is not complete if it is motivated by a decision to postpone the criminal conduct until a more advantageous time or to transfer the criminal effort to another but similar objective or victim. *(Section 7-9-5 created by Ordinance 852, effective 3-26-91.)*

7-10-1. Tobacco Products - Definitions.

a) As used in this article:

(i) "**Tobacco products**" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, electronic cigarettes, snuff, chewing tobacco or dipping tobacco;

- (ii) "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.
- (iii) "Electronic cigarettes" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system.

7-10-2. Tobacco Products - Prohibited Sales or Delivery.

- a) No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
- b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule.
- c) It is an affirmative defense to a prosecution under subsection (a) of this section that:
 - (i) 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 eighteen (18) years of age; or
 - (ii) The tobacco product was given or delivered to the person under eighteen (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.

7-10-3. Tobacco Products - Posted Notice Required; Location of Vending Machines.

- a) Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this article 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 eighteen (18) years of age is prohibited by law.
- b) No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:
 - (i) Businesses, factories, offices or other places not open to the general public;
 - (ii) Places to which persons under the age of eighteen (18) years of age are not permitted access; or

- (iii) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under eighteen (18) years of age is prohibited.

c) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable in accordance with the Lander Municipal Court Bond Schedule. Each day of continued violation shall be deemed a separate offense.

7-10-4. Tobacco Products - Purchase by Minors Prohibited.

a) No person under the age of eighteen (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.

b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule. 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 this fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.

7-10-5. Possession or Use by Minors Prohibited.

a) It is unlawful for any person under the age of eighteen (18) years to possess or use any tobacco products.

b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule. 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.

c) 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, his parent or guardian.

7-10-6 Smoking Prohibited in Certain City-Owned Facilities and Penalties for Violation

- (a) Smoking of tobacco products is prohibited in the following City-owned facilities:
 1. Lander City Hall;
 2. The main Parks & Recreation Building at Lander City Park; and
 3. In all areas of the Lander Community and Convention Center, including the enclosed bar area of such facility;
 4. Airport terminal;
 5. All other City owned facilities, with the exception that the building administrator, or the Fire Chief for the fire hall, may designate smoking areas.

- (b) Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor, punishable in accordance with the Lander Municipal Court Bond Schedule. (*Section 7-10-1 to 7-10-6 amended by Ordinance 1209 effective 02/19/17*)

7-11-1 Supplemental Feeding Of Certain Wild Animals Prohibited

- (a) Definitions.
1. Supplement feed attractants. “Supplement feed attractants” are any human food, pet food, including pelleted forage feed, hay, salt, forage product or mineral supplements, grain, seed or birdseed, garbage, and other food sources and attractants, but does not include incidental food sources such as lawns and gardens.
 2. Agricultural. For the purposes of this section “agricultural” means the science or art of cultivating the soil, producing crops, boarding and/or raising permitted livestock.
- (b) Prohibition. No person shall knowingly or intentionally provide supplemental feed attractants to the following wild animals, unless specifically authorized by an agency of either the State of Wyoming or the United States of America; antelope, deer, elk, moose, turkey, ducks, geese, bobcat, bear, mountain lion, coyote, fox, raccoon, wolf and skunks.
- (c) Exemptions. A person engaged in any of the following activities is not subject to liabilities under this section:
1. A person engaged in the normal feeding of livestock;
 2. A person pursuing an agricultural purpose on agricultural land as defined by Wyoming Statutes §39-13-101 (a)(iii);
 3. A person engaged in the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices;
 4. A person engaged in the cultivation of a lawn or garden;
 5. A person engaged in bird feeding using a feeder designed to limit access by the animals specified in paragraph B of this Section; and
 6. Any health department employee, law enforcement officer or a state or federal game official acting within the scope of his/her official duties.
- (d) Penalty. Any person who violates this section, upon conviction in accordance with the Lander Municipal Court Bond Schedule, together with the costs of prosecution. A separate offense shall be deemed committed on each day or a part of each day during which

a violation occurs or continues. This paragraph does not preclude the city from taking any appropriate action to abate, prevent or remedy a violation of any provision of this section. (*Section 7-11-1(d) amended by Ordinance 1193 11/10/15*).

TITLE 8
TRAFFIC

Section

| | |
|---------------|--|
| 8-1-1 | Repealed |
| 8-1-2 | Definitions |
| 8-1-3 | Regulations and Directives |
| 8-2-1 | Careless Driving |
| 8-2-2 | Speeding |
| 8-2-3 | Excessive Acceleration |
| 8-3-1 | Unsafe Vehicles |
| 8-4-1 | Driving Without Valid License in Possession or While Canceled, Suspended or Revoked, Prohibited |
| 8-4-2 | Unlawful Use of License |
| 8-4-3 | Permitting Unlicensed Person to Drive |
| 8-4-4 | License Plates |
| 8-5-1 | Adoption of Uniform Act |
| 8-6-1 | Bicycles on Sidewalks |
| 8-6-2 | Bicycle Parking |
| 8-6-3 | Repealed by Ordinance 1175 |
| 8-6-4 | Altering, Removing Registration Plate or Manufacture's Serial Number |
| 8-7-1 | Penalty |
| 8-7-2 | Parking |
| 8-7-3 | Metered Parking |
| 8-7-4 | Painted Curbs |
| 8-7-5 | Prohibited Parking |
| 8-7-6 | Main Street |
| 8-7-7 | Removal of Vehicles |
| 8-7-8 | Unregistered Vehicles |
| 8-7-9 | Inoperative Vehicles |
| 8-7-10 | Parking of Trucks, etc., Prohibited |
| 8-8-1 | Avoiding Signs or Signals |
| 8-8-2 | "Police" Insignia |
| 8-9-1 | Repealed |
| 8-10-1 | Definitions |
| 8-10-2 | Operation of Snowmobiles on City Streets |
| 8-10-3 | Motor Vehicle Regulations |
| 8-10-4 | Additional Regulations Applicable to Snowmobiles |
| 8-10-5 | Registration |
| 8-10-6 | Inspection |

- 8-10-7 Authorized Operation
- 8-10-8 Unattended Snowmobiles
- 8-10-9 Violation - Penalty
- 8-11-1 Liability Coverage
- 8-12-1 Municipal Bond Schedule - Creation Of

Title 8 was recodified by Ordinance 701, effective 10-7-80.

8-1-1. Repealed by Ordinance 730.

8-1-2. Definitions. - Terms used in this Title shall be as defined in the Wyoming Uniform Act Regulating Traffic on the Highways (Section 31-5-102, Wyoming Statutes), with the following modifications:

(a) "Street" or "Highway" shall include any alley or publicly maintained parking area.

8-1-3. Regulations and Directives. - The Police Department may issue such traffic and parking regulations and directives as may reasonably be necessary to prevent obstruction and congestion of the City streets and to provide for equitable use of available parking space. All such regulations and directives shall be posted, except those issued incident to heavy snowfall, parades, fires, or other unusual conditions. All vehicles shall be operated or parked in accordance with such regulations and directives.

8-2-1. Careless Driving. - No person shall operate a vehicle without due regard for safety of persons or property.

8-2-2. Speeding. - No person shall operate a vehicle in excess of 25 miles per hour on any Lander City street or in excess of the posted speed limit. No person shall drive a vehicle on Pushroot Court, within Pushroot Village, in excess of 15 mph. (*Section 8-2-2 amended by Ordinance 1097 effective May 10, 2005*)

8-2-3. Excessive Acceleration. -

- (a) No person shall cause the motor of any vehicle to race unnecessarily.
- (b) No person shall accelerate any vehicle to a degree which causes a tire to squeal, to leave marks on the pavement, or to spin against an ice-free road surface.
- (c) No person shall accelerate any vehicle with intent of competing with another vehicle or of displaying the capability of the vehicle to any other person.

8-3-1. Unsafe Vehicles. - No person shall drive or move on any public highway or street any

vehicle:

- a) Having defects which may endanger any person or property.
- (b) Having one or more tires with less than 1/6 inch of tread.

8-4-1. Driving Without Valid License in Possession or While Canceled, Suspended or Revoked, Prohibited. -

- (a) No person shall operate a motor vehicle:
 - (i) without having been issued a driver's license valid for that vehicle. No conviction shall be entered under this section if the person produces in court a license, valid, for the vehicle being operated at the time of his arrest;
 - (ii) at a time when his privilege to do so is canceled, suspended, or revoked by the Division of Motor Vehicles of the State of Wyoming, or similar agency of any other state;
 - (iii) in any manner in violation of the restrictions imposed in a restricted license issued, by the State of Wyoming or other state, to that person.

8-4-2. Unlawful Use of License. - No person shall:

- (a) Have in his possession a fictitious or unlawfully altered driver's license or a license issued to another.
- (b) Permit another to use or borrow his license.

8-4-3. Permitting Unlicensed Person to Drive. - No person shall knowingly permit a motor vehicle owned by him or under his control to be operated by a person not licensed for that class of vehicle.

8-4-4. License Plates. - No vehicles shall be operated on public property without currently valid license plate displayed in accordance with State law.

8-5-1. Adoption of Uniform Act. -

- (a) the Wyoming Uniform Act Regulating Traffic on Highways (Section 31-5-101 et. Seq. and Section 31-7-134, Wyoming Statutes, as amended), and all amendments relating thereto are adopted in full as if set forth at length, with the following exception and restrictions: (*Section 8-5-1(a) amended 2/27/01 by Ordinance 1037*)

- (i) Wyoming Statutes (1977 Republished Edition, as amended) Subsection 31-5-233(h) concerning serious bodily injury caused by driving while under the influence and Section 31-5-1201 concerning penalties are not adopted; and
- (ii) violation of any section of such act shall be punishable as provided in Section 1-2-1 hereof and not as may be provided in any section of such act.

(b) One copy of such provisions shall be kept on file in the office of the Clerk of the municipality, where it shall be available for inspection by the public during the normal office hours of the Clerk of the municipality. (*Section 8-5-1 amended by Ordinance 840, effective 12-12-89.*)

8-6-1 Bicycles on Sidewalks. No person shall operate a bicycle, scooter, or skateboard as defined in WS 31-1-101 and 31-5-102 upon a sidewalk within the 100 through and including the 900 block of Main Street. A person may operate a bicycle, scooter, or skateboard on any other sidewalk or any roadway within the City of Lander, unless restricted or prohibited by traffic control devices, or any other state, county or municipal law. Whenever any person is operating a bicycle, scooter, or skateboard upon a sidewalk, such person shall yield the right of way to a pedestrian. (*Amended by Ordinance 1171 effective May 27, 2012*)

8-6-2. Bicycle Parking. -

(a) Where bicycle stands are available within 100 feet, bicycles shall be parked in the stands.

(b) Bicycles shall not be parked so as to unnecessarily impede vehicular or pedestrian traffic.

8-6-3. Repealed by Ordinance 1175 (*effective December 11, 2012*)

8-6-4. Altering, Removing Registration Plate or Manufacturer's Serial Number. - No person shall obscure or alter the manufacturer's serial number or the valid numbered registration plate of any bicycle belonging to another.

8-7-1. Penalty. -

(a) Penalty. Any person who violates this section, upon conviction in accordance with the Lander Municipal Court Bond Schedule, together with the costs of prosecution. A separate offense shall be deemed committed on each day or a part of each day during which a violation occurs or continues. This paragraph does not preclude the city from taking any appropriate action to abate,

prevent or remedy a violation of any provision of this section. (*Section 8-7-1(a) amended by Ordinance 1193 11/10/15*)

(b) This registered vehicle owner and the operator of the vehicle are strictly liable for any violation under this Chapter.

8-7-2. Parking. - All vehicles shall be parked within the space indicated on the street or, if the street is not marked for parking, so that both wheels are within 18 inches of the curb. If there is no curb, vehicles shall be parked parallel to the road and so as to leave a full 10 foot lane between the vehicle and the center of the road. All vehicles shall be parked in the direction of the traffic in the adjacent traffic line.

8-7-3. Metered Parking. -

(a) Where parking meters are provided, no vehicle shall be left parked adjacent to a meter except when unexpired time is indicated on the meter. This section shall not apply at such times when no payment is required as posted on the meter.

(b) No person shall insert any object into a parking meter except such coins as are specified on the meter.

8-7-4. Painted Curbs. - No vehicle shall be parked along a curb painted yellow or red. No vehicle shall be parked along a curb painted blue which is otherwise designated as handicapped parking unless said vehicle shall appropriately display a handicapped parking permit identification card issued by the Department of Revenue and Taxation to the vehicle as by law provided. No vehicle shall remain parked along a curb for a period longer than the time indicated on the curb. (*Section 8-7-4 amended by Ordinance 778, effective 5-12-85.*)

8-7-5. Prohibited Parking. - No vehicle shall be parked:

- (a) upon a curb or sidewalk;
- (b) in front of any driveway;
- (c) within a crosswalk;
- (d) upon any bridge;
- (e) in any alley, except during the actual process of loading or unloading;
- (f) in any place where parking is prohibited by a sign clearly visible prohibiting parking in the area in question; or

- (g) for any period of time in excess of time indicated by any marking or clearly posted sign.

8-7-6. Main Street. - No vehicle shall be parked on Main Street between the hours of 2:00 a.m. and 5:00 a.m.

8-7-7. Removal of Vehicles. – Any vehicle may be removed by the police if:

- (a) vehicle is obstructing traffic;
- (b) violation of City Code 8-4-4-License Plates, 8-7-5-Prohibited Parking, 8-7-8-Unregistered Vehicles, 8-7-9-Inoperative Vehicles, 8-7-10-Parking of Trucks etc., Prohibited or 8-11-1-Liability Coverage. *(Section 8-7-7 was amended by Ordinance 1143 effective 06/15/08)*

8-7-8. Unregistered Vehicles. - No vehicle shall be parked on any street without valid registration plates properly displayed.

8-7-9. Inoperative Vehicles. - No motor vehicle shall be parked on any street in an inoperative condition for longer than 48 hours.

8-7-10. Parking of Trucks, Trailers, Machinery, Mobile Homes and Campers Prohibited.

(a) No truck shall be parked on any city street except in the actual process of loading or unloading. The above sentence shall not apply to vans and pickup trucks less than 8' high and 7' wide, load included;

(b) No trailers, motor homes or campers shall be parked on any city street in excess of three (3) days within a seven (7) day period running from Sunday through Saturday.

(c) Construction trailers shall be limited to parking on a public street for seven (7) continuous days. The construction trailer shall be parked within the property lines of the building while performing construction work at the property and the trailer shall be removed when the work is completed.

(d) No machinery of any size, construction or other types of machinery shall be parked on any city streets for a period of 24 hours unless a construction permit or permit for repairs the machinery has been obtained from the city for that piece of equipment. The piece of machinery parked on the city street shall have reflectors on the front and rear of the machinery.

(e) Exception to the above sections can be granted by the Chief of Police or his designee, regarding trailers, campers and motor homes. *(Amended by Ordinance 1179 effective June 2, 2013)*

8-8-1. Avoiding Signs or Signals. - No person shall drive a motor vehicle through or across any driveway or parking lot with the intent to avoid obedience to any City signs or signals. The act of crossing any such property without stopping shall be presumptive proof of a violation of this section.

8-8-2. "Police" Insignia. - No person except an authorized employee of governmental body or agency shall operate a motor vehicle bearing the word "Police."

8-9-1. Repealed by Ordinance 730.

8-10-1. Definitions

- A. **"Operator"** means every person who operates or is in actual physical control of the operation of a snowmobile.
- B. **"Owner"** means every person defined in this chapter, other than a lienholder or other person having a security interest only, holding registration to a snowmobile, and entitled to the use or possession thereof.
- C. **"Person"** means an individual, partnership, association, corporation and any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.
- D. **"Streets"** shall be defined as set forth in Section 8-1-2 of the Lander City Code, W.S. §31-5-102(a)(XLIX), and it is intended that the definition shall be in accordance with W.S. §31-5-801(a)(iii), which authorizes a municipality to enact an ordinance allowing the operation of snowmobiles on highways within cities.
- E. **"Snowmobile"** shall be defined as set forth in W.S. §31-5-102(a)(XLV).
- F. **"Stock"** means the factory original equipment, or a similar replacement that does not increase the noise or exhaust output of the snowmobile over factory specifications.

8-10-2. Operation of Snowmobiles on City Streets. - It shall be lawful to drive or operate a snowmobile on the streets within the City of Lander, subject to all rules and regulations set forth in this chapter, except on Main Street, from the west edge of First Street to the south edge of Baldwin Creek Road, provided that Main Street may be crossed at established street intersections.

8-10-3. Motor Vehicle Regulations. - All Ordinances and State Statutes pertaining to motor vehicles shall apply to snowmobiles to the extent applicable.

8-10-4. Additional Regulations Applicable to Snowmobiles. - In addition to the regulations set forth in Section 8-10-3 hereof, it shall be unlawful for any person to drive or operate

any snowmobile in any one or more of the following manners:

- A. At a rate of speed greater than provided by law for motor vehicles;
- B. While under the influence of intoxicating liquor or narcotics or habit forming drugs;
- C. In a careless or reckless manner so as to endanger the person or property of the operator, owner or another, or to cause injury or damage to either;
- D. Without a lighted head and tail light which shall be lighted at all times during such operation, or without an operable brake light;
- E. Without a suitable braking device which may be operated by either hand or foot;
- F. Without a flag five feet in height attached to the rear bumper of the snowmobile. For persons arriving in Lander, said flag shall be required within 8 hours of their arrival in the city;
- G. Operating a snowmobile, or permitting such operation, by any person who by reason of physical or mental disability is incapable of operating the snowmobile as required for safety under the prevailing circumstances;
- H. Operate a snowmobile upon the streets of the city as authorized by this chapter without a permanent license to drive a motor vehicle in his possession, as required by the laws of the state. Said license shall not include temporary permits, restricted class "C" or "M" permits as set forth in W.S. §31-7-117 nor motorcycle only permits. Persons arriving in the city from out of town, who are under the age of 16 and operating a snowmobile, shall be allowed to operate the snowmobile, provided they are directly supervised by an adult and further provided they operate it only for ingress and egress in to and out of the city limits;
- I. Without a stock muffler as defined herein, in good working order and in constant operation which prevents excessive or unusual noise and annoying exhaust;
- J. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter;
- K. No snowmobile shall be operated within the city while occupied by more than two persons, and if a snowmobile is so operated, each occupant thereof shall be in violation of this chapter;
- L. No snowmobile shall pull any skier, sled or other combination vehicle by rope or flexible coupling; all sleighs or cutters shall be safely and securely affixed to the snowmobile, by direct coupling, solid tongue or triangular-shaped towbar not to exceed forty inches in length, securely affixed to two points on the sleigh or cutter, with one flexible joint at the center of

the snowmobile;

- M. No person shall operate a snowmobile on private property without the express permission of the property owner;
- N. No person shall operate a snowmobile within the city limits between the hours of 10:00 p.m. and 7:00 a.m.;
- O. No person shall operate a snowmobile in any municipal park, playground, or recreation area, except when posted as open to snowmobiles or as authorized for cross country trail grooming;
- P. No person shall operate a snowmobile upon any property within the Lander city limits which is owned by Fremont County School District No. 1;
- Q. Abreast of another snowmobile or other than single file;
- R. No person shall accelerate any snowmobile with the intent of competing with another snowmobile or motor vehicle in a speed or acceleration competition or of displaying the acceleration capability of the snowmobile;
- S. No person shall operate nor ride upon a snowmobile within the City of Lander without wearing a DOT safety approved helmet;
- T. No person shall operate a snowmobile within the City of Lander without having in full force and effect a liability insurance policy, as is required of motor vehicles in Section 8-11-1 of the Lander City Codes.

8-10-5. Registration. - The owner of a snowmobile shall register such vehicle in accordance with the applicable laws of the state, and shall further comply with all provisions of the state laws concerning snowmobiles.

8-10-6. Inspection. - The city police, and members of the State Highway Patrol and county officers, may at any time, upon reasonable cause to believe that a snowmobile is unsafe or not equipped as required by this chapter, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and test with reference thereto as may be appropriate. No person shall operate a snowmobile after receiving notice with reference thereto as provided in this section except as may be necessary to return such vehicle to the residence or place of business of the owner or driver or to a garage, until the snowmobile and its equipment have been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter.

8-10-7. Authorized Operations. - All persons operating a snowmobile within the City of

Lander shall abide by the following:

- A. A full stop at any and all stop signs will be made by the operator of snowmobiles.
- B. The operator of a snowmobile emerging from an alley, driveway, or building shall upon approaching a sidewalk or the sidewalk area yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.
- C. No person riding upon any snowmobile shall attach the same or himself to any vehicle upon the street or roadway.
- D. No person shall park a snowmobile upon a street other than upon the roadway against the curb in such a manner as to afford the least obstruction to pedestrian and/or vehicular traffic.

8-10-8. Unattended Snowmobiles. - No person shall leave a snowmobile unattended on any public property with the motor running or a key in the ignition switch.

8-10-9. Violation - Penalty. - Any person who violates any provisions of this chapter is guilty of a misdemeanor and upon conviction, is subject to the general penalty provisions of Section 1-2-1 of the Lander City Code. (*Section 8-10-1 - 8-10-9 was amended by Ordinance 899 effective 5-31-93*)

8-11-1. Failure to Maintain Liability Coverage; Penalties; Exception.

a) No owner of a motor vehicle required to be registered shall operate or permit the operation of his 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). Violation of this subsection is a misdemeanor in accordance with the Lander Municipal Court Bond Schedule. Excusable neglect or mistake by another is a defense for any violation of this subsection. If evidence of excusable neglect or mistake by another is presented and the defendant is convicted, the court may consider this evidence in imposing a penalty under this subsection. The judge may suspend part or all of the sentence under this subsection and place the defendant on probation subject to conditions imposed by the judge which may include a condition that the defendant shall deliver the registration and license plates of the vehicle involved to the Fremont County Treasurer. This subsection does not apply to a vehicle owned by a nonresident and registered in a state requiring insurance if a vehicle insurance policy meeting requirements of the laws and regulations of that state is in effect or unless it otherwise complies with the laws of that state concerning compulsory financial responsibility. A vehicle owned by a nonresident and registered in a state not requiring insurance is exempt from this subsection. (*Section 8-11-1(a) amended by Ordinance 1193 11/10/15*)

b) Any police officer employed by the City of Lander issuing a citation for any

moving violation under city ordinance 8-1-1 through 8-5-1 and 8-7-2 through 8-8-2 or W.S. 31-5-101 through 31-5-1214 or inspecting any vehicle shall require the operator of any motor vehicle required to be registered to produce evidence of whether the operator or owner of the motor vehicle has 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). If the operator cannot show written proof of financial responsibility, the driver shall have seven (7) days to produce such proof. 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 that subsection. Additionally, the judge may order any driver failing to produce written proof of financial responsibility to pay restitution. Effective January 1, 1993, the displaying or exhibiting of a validly issued insurance identification card as provided by W.S. 31-8-201 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 (1) of the following which was valid at the time of arrest or at the time the citation was issued:

- (i) A liability insurance policy previously issued to him;
 - (ii) 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:
- (i) Self-insurers pursuant to W.S. 31-9-414;
 - (ii) A vehicle owned by the United States government, any state or political subdivision thereof which is self-insured;
 - (iii) A vehicle meeting the requirements of W.S. 31-9-408 and 31-9-409;
 - (iv) A commercial vehicle registered or proportionally registered in this and any other jurisdiction provided the vehicle is covered by a vehicle insurance policy complying with the laws of any other jurisdiction in which it is registered. (*Section 8-11-1 created by Ordinance 867, effective 10-8-91.*)

8-12-1 **Creation of Bond Schedule.** - The City of Lander hereby creates and adopts a Bond Schedule for offenses committed within the City of Lander. Said Bond Schedule as established by the Municipal Judge is attached hereto as appendix I and may be amended by the Municipal Judge from time to time. A copy of the most current bond schedule shall be kept on file at the City Hall by the City Clerk and at the city police station by the Chief of Police. The terms, offenses and procedure for bond shall be as set forth on said appendix I.

Any person arrested by a city police officer for violation of a city ordinance shall be admitted to bail by executing a bond to the city in the amount set by bond schedule then in effect. The condition for release shall be as set forth in the city bond schedule. Said bond shall be filed in the office of the Municipal Judge and an entry of the filing thereof shall be made on his docket. (*This section created by Ordinance 876, effective 8-12-91.*)

TITLE 9 WATER AND SEWER SERVICE

Section

- 9-1-1 General
- 9-1-1.1 Validity
- 9-1-1.2 City Immunity
- 9-1-2 Determining the Total Annual Cost of Operation and Maintenance
- 9-2-1 Wastewater User Fees
- 9-2-2 Residential User Fees
- 9-2-2.1 Non-Property Owner Deposit Required
- 9-2-3 Industrial and Commercial Users
- 9-2-4 Fiscal Obligations and Review of Utility Rates
- 9-2-5 Discharge of Pollutants
- 9-3-1 Proper Design and Construction of New Sewers and Connections
- 9-4-1 Permit Required
- 9-4-2 Application
- 9-4-3 Installation
- 9-4-4 Certificate Required
- 9-4-5 Definition of Water or Sewer Line Connection
- 9-4-6 Inspection of Utility Line Installation
- 9-5-1 Payment Arrangements
- 9-5-2 Disconnection
- 9-5-3 Reconnection
- 9-5-4 Transfer of Permit
- 9-5-5 Access to Meter
- 9-5-6 Responsibility for Charges
- 9-5-7 Tampering with Meter
- 9-6-1 Standards and Specification
- 9-6-2 New Connection
- 9-6-3 Connect with Well
- 9-6-4 Ownership
- 9-7-1 Tampering with Water System
- 9-7-2 Restrictions and Variations on Use
- 9-7-3 Care of Water Service Installations
- 9-7-4 Abandonment of Water Line and Procedure
- 9-8-1 Improper Deposit of Waste Prohibited
- 9-8-2 Discharge of Untreated Sewage or Polluted Waters Prohibited
- 9-8-3 Private Wastewater System Prohibited
- 9-8-4 Connection to Public Wastewater Systems Required
- 9-9-1 Requirements for Private Wastewater Disposal
- 9-9-2 Same; Permit Required
- 9-9-3 Same; Inspection
- 9-9-4 Same; Compliance with State Law and Minimum Lot Size
- 9-9-5 Same; Connection to Public Sewer Required; When

| | |
|---------|--|
| 9-9-6 | Same; Operation in Sanitary Manner Required |
| 9-9-7 | Same; Applicability of Additional Health Requirements |
| 9-10-1 | Connections to Sewer Prohibited Without Permit |
| 9-10-2 | Same; Types and Cost of Permit |
| 9-10-3 | Same; Cost of Connection |
| 9-10-4 | Same; One Sewer Connection Per Lot |
| 9-10-5 | Same; Use of Old Sewer Lines Only after Inspection |
| 9-10-6 | Same; Construction Requirements |
| 9-10-7 | Same; Sewer Elevation |
| 9-10-8 | Same; Connection of Surface Drains Prohibited; Exception |
| 9-10-9 | Same; Connection Requirements |
| 9-10-10 | Same; Excavation and Reclamation Requirements |
| 9-11-1 | Same; Discharge of Certain Water into Sewer System Prohibited |
| 9-11-2 | Same; Discharge of Storm Water |
| 9-11-3 | Same; Discharge of Certain Waters or Wastes Prohibited |
| 9-11-4 | Same; Limitations on Certain Waters and Wastes |
| 9-11-5 | Same; Powers of the Director of Public Works |
| 9-11-6 | Same; Installation of Interceptors |
| 9-11-7 | Same; Pretreatment of Flow Equalization Facilities |
| 9-11-8 | Same; Installation of Sampling and Measuring Structures |
| 9-11-9 | Same; Requirement to Provide Information |
| 9-11-10 | Same; Measuring and Testing Standards |
| 9-11-11 | Same; Industrial Exceptions |
| 9-12-1 | Unlawful Contact with Wastewater Facilities Prohibited |
| 9-13-1 | Right of City to Enter Property for Administration of this Title |
| 9-13-2 | Same; Observance of Safety Rules by City |
| 9-13-3 | Same; Entry and Use of Easements |
| 9-14-1 | Residential Low Income Fees |
| 9-15-1 | Water and Sewer Service Outside the City Limits |
| 9-16-1 | Definitions |
| 9-17-1 | Violations |
| 9-17-2 | Penalties |
| 9-17-3 | Liability to Violators |
| 9-18-1 | Amendments |

9-1-1: General - The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the water and wastewater system in the proportion to each user's contribution to the total costs of the treatment works. Factors such as strength (BOD and SS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance costs to each user or user class. There shall be no free service and all users, including the City, shall be charged.

9-1-1.1: Validity. - If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforcement of

such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance. All other City of Lander ordinances or parts of said ordinances in conflict herewith are hereby repealed.

9-1-1.2: City of Lander Immunity. - This chapter shall not be construed as imposing upon the City of Lander or any employee of the City of Lander any liability or responsibility for any damages to any person injured or property damaged by the performance of any excavation work for which an excavation permit is issued or for an emergency excavation. Nor shall the City of Lander or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authority under this chapter, the issuance of any permit or the approval of any excavation work.

9-1-2: Determining the Total Annual Cost of Operation and Maintenance. - The City of Lander, by its City Treasurer shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment, replacement, maintenance, necessary modifications, power, sampling, laboratory test, and a reasonable contingency fund. The proceeds of such charges so derived will be used for the purpose of operating and maintaining said wastewater system in addition for the retirement of the debt for such public water treatment and wastewater treatment works.

9-2-1: Wastewater User Fees. Each user shall pay for the services of the wastewater system provided by the City of Lander based on their use of the water treatment works as determined by water meter(s) for irrigation systems acceptable to the City of Lander. The user charge rates established by resolution apply to all users of the City of Lander's water treatment works, regardless of the user's location.

9-2-2: Residential User Fees. For residential users, monthly wastewater user charges will be based on average monthly water usage during the months of November and December. If a residential user has not established a November, December average, their monthly bill shall be the median charge of all other residential users for that family/residence size. Residential Users that have their services disconnected for thirty days or more will be assessed the minimum customer charge based on the fixed cost of debt service to be used for repayment of debt service.

9-2-2.1: Nonproperty Owner Deposit Required: The property owner is responsible for all water and wastewater charges unless the tenant agrees in writing and posts a deposit according to the City resolution. All water and sewer customers who do not own the real estate or a substantial equity therein, in connection with which such services are required, if the property owner agrees, will be required by the city utility department to post a deposit, as defined by resolution, as a guarantee of payment of their service account, which deposit shall be returned to such customers, without interest, upon discontinuance of service and payment of their account in full. At each change in

occupancy the property owner will submit a transfer form signed by both the tenant and the landlord. (*Section 9-2-2 and 9-2-2.1 amended Ordinance 1185 effective 2/2/14*)

9-2-3: Industrial and Commercial Users For industrial and commercial users, users charges shall be based on water used during the current month. If a commercial or industrial user has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that user may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense, and in a manner acceptable to the City of Lander.

9-2-4: Fiscal Obligations and Review of Utility Rates. The City of Lander shall establish, by resolution, rates for water and wastewater use. The City of Lander will utilize a financial plan to evaluate the present and future fiscal obligations of its water and wastewater enterprise fund. The City of Lander shall conduct a review of the fiscal condition of the water and wastewater fund by reviewing and updating a financial plan every three years to ensure that water/wastewater rates are adequate to meet the fiscal obligations of the enterprise fund. The City Treasurer shall hold a work session and public hearing with the City Council to review the fiscal condition of the fund.

9-2-5: Discharge of Pollutants Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City of Lander's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the City Council.

9-3-1: Proper Design and Construction of New Sewers and Connections. - The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be filling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City of Lander and the State of Wyoming.

9-4-1. Permit Required. - No water shall be tapped or drawn from the municipal water system except by permit and through a meter issued by the City.

9-4-2. Application. - Application for a utility permit shall be signed on a form, prescribed by the City Clerk, by the owner of the premises to be served who shall agree to abide by City ordinances, regulations, resolutions and standards.

9-4-3. Installation. - The applicant shall be responsible for providing the following: one copper setting or other approved fitting in a horizontal position and one stop and waste valve before the meter and one behind the meter. The applicant shall also be responsible for acquiring a water meter from the city at the rate specified by resolution and have the same installed by a plumber licensed under the Lander Municipal Code. After

installation applicant shall notify the city and have the water meter inspected by the same for proper installations.

9-4-4. Certificate Required. - No permit shall be granted without the certification of the Director of Public Works that the water line up to and including the meter connections complies with the provisions of this Title, including regulations, specifications, and standards adopted by the Director of Public Works and the International Plumbing Code as adopted by the City and the State of Wyoming Public Works Specifications.

9-4-5. Definition of Water or Sewer Line Connection. - A "connection" or "tap" to a City water or sewer utility line within the provisions of this Title shall mean the first connection and use of City water or sewer service to or from an existing service line by any water or sewer user within the City of Lander including, but not limited to, connection to an existing main line by a developer for further residential or commercial development, or connection to an existing service line by an individual residential or commercial user. The specific intent of this Title is to levy a charge upon any such user as above defined, to aid in offsetting and defraying said user's proportionate share of the cost of the total public utility system. In addition to all other charges, when the tapping of or connection to a water or sewer utility line requires the cutting or breaking of the surface of a street or alley, if such work is performed by the City on an emergency basis, the person applying for the permit required by this Section shall be charged actual costs. Any person desiring to cut or break the surface of a street or alley for the purpose of tapping or connecting to a water, sewer, or other utility line shall first obtain a utility excavation permit therefor from the Building Inspector or City Engineering Supervisor, which permit shall be issued at no cost.

9-4-6. Inspection of Utility Line Installation. - Licensed plumbing, Class I building, or utility contractors installing water, sewer, telephone or gas utility lines within the City of Lander shall notify the City Building Inspector or City Engineering Supervisor of the time and place of such installation and construction and permit the City Building Inspector or City Engineering Supervisor to inspect the utility lines in place and the bedding material to be used prior to covering the utility lines being installed or constructed and shall notify the City Building Inspector or City Engineering Supervisor subsequent to the bedding of same and permit further inspection in order that the installation or construction will conform to the City of Lander Standards and Specifications.

9-5-1. Payment Arrangements. The City Treasurer and/or the City Clerk, at his or her discretion, may formulate payment arrangements with a utility user for delinquent accounts. The payment arrangements will require the user to pay their current bill plus delinquency payment and additional payments for two months. If the utility user fails to comply with any part of the payment arrangement, water service may be shut off immediately without further notice.

9-5-2. Disconnection. - Any permit holder may request that his meter be disconnected. Upon payment of a disconnect fee as defined by resolution and any accrued charges, the

City shall remove the meter. Accrued charges shall be figured as all past due charges adjusted by a pro rate credit for the unused portion of the prepaid basic demand charge. The permit holder shall pay for any overage. Any disconnection exceeding thirty (30) days will be assessed a minimum base charge to be used for debt service repayment.

9-5-3. Reconnection. - Any service disconnected under section 9-5-2 may be reconnected upon payment of a reconnect fee and the basic demand charge as defined by resolution.

9-5-4. Transfer of Permit. - A utility user permit may be transferred to a new owner of the premises served upon payment of all accrued charges and a transfer fee as defined by resolution.

9-5-5. Access to Meter. - The City shall have the right to inspect the meter at all times.

9-5-6. Responsibility for Charges. - The permit holder shall be responsible for all charges incurred under this Title. Unpaid charges shall also constitute a lien upon the premises served.

9-5-7. Tampering with Meter. - No person shall tamper with any meter, or alter any connection so that the meter does not accurately measure the water drawn from the municipal system.

9-6-1. Standards and Specifications. - The Director of Public Works shall adopt standards and specifications for the construction of water and sewer connections, subject to the approval of the City Council. A copy of the adopted standards and specifications shall be filed with the City Clerk.

9-6-2. New Connection. - All new connections to the municipal water and sewer system shall be made at the expense of the owner of the premises benefited and shall conform to standards and specifications adopted by the Director of Public Works.

9-6-3. Connect with Well. - No person shall connect any water system drawing water from the municipal water supply with a system drawing water from a well.

9-6-4. Ownership. - The owner of the premises shall be responsible for any damage to the meter, but the meter shall remain the property of the City. The remainder of the water and sewer connection up to the mains shall belong to the owner of the premises.

9-7-1. Tampering with Water System. - No person shall open any fire hydrant, or alter any valves, or otherwise tamper with the municipal water system, except as authorized by the City.

9-7-2. Restrictions and Variations on Use. - The use of water may be restricted by the Fire Chief or the Mayor due to fire or the Mayor may authorize variations of water use to conserve the water supply, or in certain areas to prevent freezing water lines.

9-7-3. Care of Water Service Installations. - The owner, and the occupant of the property or premises served by each municipal water service line and the person making use of the same from time to time, are responsible from the main line to the premises served for continued care, maintenance, protection, preservation and when necessary the replacement of the curb box and shut-off valve and for maintaining the location and accessibility of the installation and keeping the curb box at all times clean and on grade and are responsible for any damages which may be occasioned by malfunction of the installation or leak of the service line. In the event such persons do not discharge such continuing responsibility, the City may furnish the necessary materials and cause the necessary work to be done and all costs and expenses incurred by the City in the course thereof shall be charged to the property owner. The water service through the line may be turned off until such costs and expenses shall be paid to the City in full.

9-7-4 - Abandonment of Water Line and Procedure –

(a) The owner, his successors and the occupant of the property or premises served by each municipal water service line shall remain responsible for the service line as provided for in Section 9-7-3 hereof until such time as the service line has been properly abandoned as provided for herein. Any owner or occupant that desires to abandon a service line shall first notify the City of Lander Water Department of his intent. In order to properly abandon the service line, it shall be disconnected from the main and capped at the main or other location approved by the City Water Department. Upon completing the cap, the City Water Department shall be notified to inspect and approve the same. Once approved by the City, the owner and occupant shall be relieved of the responsibilities set forth in Section 9-7-3 with regards to the line abandoned. All costs incurred in the abandonment shall be the responsibility of the owner of the property.

(b) Any owner or occupant of property who is aware of an abandoned service line currently existing on this property shall provide written notice to the City of Lander of the abandoned line and its approximate location on this property and shall disclose the fact of an existing abandoned service line on any subsequent transfer of the property.

9-8-1. Improper Deposit of Waste Prohibited. - It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Lander, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

9-8-2. Discharge of Untreated Sewage or Polluted Waters Prohibited. - It shall be unlawful to discharge to any natural outlets within the City of Lander, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

9-8-3. Private Wastewater System Prohibited. - Except as hereinafter provided or as otherwise provided by the regulations and ordinances of the City of Lander, it shall be unlawful to construct or maintain any privy, vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

9-8-4. Connection to Public Wastewater Systems Required. - The owners 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 not located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at the owners expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance within 30 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

9-9-1. Requirements for Private Wastewater Disposal. - Where a public sanitary sewer is not available under the provisions of Section 9-8-4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter.

9-9-2. Same; Permit Required. - Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written approval signed by the Director of Public Works. The approval shall be provided after the supplies plans, specifications and other information as is deemed necessary by the Director of Public Works Inspection fee as adopted by Section 3-5-1(a) of the City of Lander Municipal Code shall be paid to the City at the time the application is filed.

9-9-3. Same; Inspection. - A permit for a wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Director of Public Works and in compliance with the City of Lander Municipal Code. The Director of Public Works shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Director of Public Works when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Director of Public Works.

9-9-4. Same; Compliance with State Law and Minimum Lot Size. - The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Wyoming and Fremont County Planning Department. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

9-9-5. Same; Connection to Public Sewer Required; When. - At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with

this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

9-9-6. Same; Operation in Sanitary Manner Required. - The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

9-9-7. Same; Applicability of Additional Health Requirements. - No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Director of Public Works and the City of Lander Municipal Code.

9-10-1. Connections to Sewer Prohibited Without Permit. - 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 a written permit from the Director of Public Works.

9-10-2. Same; Types and Cost of Wastewater Tap. - There shall be two classes of building sewer permits: (a) for residential and commercial service; and (b) for service to establishments producing industrial wastes. The property owner or his agent shall apply to the Director of Public Works supplying any plans, specifications or other information considered pertinent in the judgment of the director. A wastewater tap fee will be paid with the building permit. Fees will be set by resolution.

9-10-3. Same; Cost of Connections. - All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

9-10-4. Same; One Sewer Connection Per Lot; Exception. - A separate and independent building sewer service line shall be provided for every permitted use, home or residence per lot.

9-10-5. Same; Use of Old Sewer Lines Only After Inspection. - Old building sewers may be used in connection with new buildings only when, on examination and test by the Director of Public Works they are found to meet all requirements of this Title.

9-10-6. Same; Construction Requirements. - The size, slope, alignment, materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City and the State of Wyoming. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice Number 9 shall apply.

9-10-7. Same; Sewer Elevation. - Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

9-10-8. Same; Connection of Surface Drains Prohibited; Exception. - No person shall make connection of roof downspouts, foundation drains, areaway drain, or other sources of surface run off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Director of Public Works and the Wyoming State Department of Health for purposes of disposal of polluted surface drainage.

9-10-9. Same; Connection Requirements. - The connections of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City and the State of Wyoming, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice Number 9. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installations.

9-10-10. Same; Excavation an Reclamation Requirements. - 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 restored in a manner satisfactory to the City.

9-11-1. Discharge of Certain Water into Sewer System Prohibited. - No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sewer.

9-11-2. Same; Discharge of Storm Water. - Storm water, other than that exempted under Section 9-8-1, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director of Public Works and the Wyoming State Department of Health. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Director of Public Works, to a storm sewer, combined sewer, or natural outlet.

9-11-3. Same; Discharge of Certain Waters or Wastes Prohibited. - No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

(a) any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(b) any waters containing toxic or poisonous solids, liquids or other wastes, to contaminate the sludge of any sewage treatment process, constitute a hazard in or have an

adverse effect on the waters receiving any discharge from the works. Each user who discharges any toxic pollutant which cause an increase in the cost of managing the effluent or the sludge of the City of Lander treatment works shall pay for such increased costs;

(c) any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works; and

(d) solid or vicious substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as, but limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

9-11-4.- Same; Limitations on Certain Waters and Wastes. - The following described substances, materials, waters and wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, the sludge of any municipal system, or the wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Director of Public Works may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Director of Public Works will comply with the City of Lander Municipal Code and give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Director of Public Works are as follows:

(a) wastewater having a temperature higher than 150 degrees F. (65 degrees C.);

(b) wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin;

(c) wastewater from industrial plants containing floatable oils, fat, or grease;

(d) any garbage that has not been properly shredded (see Section 9-11-1(m)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;

(e) any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the Director of Public Works for such materials;

(f) any waters or wastes containing odor-producing substances exceeding limits which may be established by the Director of Public Works;

(g) any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works in compliance with applicable State or Federal regulations;

(h) quantities of flow, concentrations, or both which constitute a "slug" as defined herein;

(i) waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters; and

(j) any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

9-11-5. Same; Powers of the Director of Public Works. - If any waters or wastes are or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 9-8-4, and which in the judgment of the Director of Public Works and in compliance with the City of Lander Municipal Code may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard of life or constitute a public nuisance, the Director of Public Works may:

(a) reject the wastes;

(b) require pretreatment to an acceptable condition for discharge to the public sewers;

(c) require control over the quantities and rates of discharge; and/or

(d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 9-8-11.

If the Director of Public Works permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director of Public Works and in compliance with the City of Lander Municipal Code and the Wyoming State Department of Health.

9-11-6. Same; Installation of Interceptors. - Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 9-11-4(c), or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director of Public Works and the Uniform Plumbing Code as adopted by the City of Lander, 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 captivated material and shall maintain records of the dates and means of disposal which are subject to review by the Director of Public Works. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

9-11-7. Same; Pretreatment of Flow Equalization Facilities. - Where pretreatment or flow-equalization facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

9-11-8. Same; Installation of Sampling and Measuring Structures. - When required by the City of Lander Municipal Code and the Director of Public Works, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director of Public Works. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

9-11-9. Same; Requirement to Provide Information. - The City of Lander Municipal Code and the Director of Public Works may require a user of sewer services to provide information needed to determine compliance with this Title. These requirements may include:

- (a) wastewater's discharge peak rate and volume over a specified time period;
- (b) chemical analysis of wastewaters;
- (c) information on raw materials, processes, and products affecting wastewater volume and quality;
- (d) quantity and disposition of specific liquid, sludge, oil, solvent, or the materials important to sewer use control;

(e) a plot plan of sewers on the user's property, showing sewer and pretreatment facility location;

(f) details of wastewater pretreatment facilities; and

(g) details of systems to prevent and control the losses of materials through spills to the municipal sewer.

9-11-10. Same; Measuring and Testing Standards. - All measurements, test, and analysis of the characteristics of waters and wastes to which reference is made in this Title shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis, subject to approval by the Director of Public Works and in compliance with the City of Lander Municipal Code.

9-11-11. Same; Industrial Exceptions. - No statement contained in the Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

9-12-1. Unlawful Contact with Wastewater Facilities Prohibited. - No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision upon being convicted shall be punished in accordance with Section 1-2-1 of the City of Lander Municipal Code.

9-13-1. Right of City to Enter Property for Administration of this Title. -

The Director of Public Works and other duly authorized employees of the City of Lander bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. If possible, city personnel will give advance notice to the property owner. The Director of Public Works or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

9-13-2. Same; Observance of Safety Rules by City. - While performing the necessary work on private properties referred to in Section 9-13-1 of the City of Lander Municipal Code, the Director of Public Works or duly authorized employee of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless from injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such

may be caused by negligence or failure of the company to maintain safe conditions as required in Section 9-11-8 of the City of Lander Municipal Code.

9-13-4. Same; Entry and Use of Easements. - The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification 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, inspection, observation, measurement, sampling, repair and a maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

9-14-1. Discounted Water and Sewer Service for Low Income Property Owners. A family unit whose gross annual income does not exceed the current year federal poverty guidelines or a set amount listed by resolution of the City of Lander City Council and a member of the family unit is also the owner of the real property for residential purposes within the City limits and such person(s) has been a resident of Lander for a period of not less than one year immediately preceding the filing of an application under this section and who is legally responsible by statute and/or ordinance for the payment of water and wastewater services provided to such real property by the City of Lander, may make application to the City Clerk on or before April 1st of each calendar year for a maximum of 50% reduction in water and sewer rates to be levied upon such real property for the ensuing calendar year pursuant to the following provisions of this section:

- (i) Such application shall be under oath and upon forms prescribed by the City Clerk with the approval of the City Council;
- (ii) Such application shall certify that the annual gross income of the applicant and all members of the family unit who are over the age of 18 years of the residence in which he, she or they reside for the ensuing year is not reasonably anticipated to exceed a total which, if considered as being the sole income of the applicant, would disqualify such applicant for eligibility for refunds.;
- (iii) Copies of all adult members of the family unit last two years income tax return must be provided with the application. Upon applicant meeting the eligibility of this section to the satisfaction of the City clerk or his/her designee, the City Clerk shall certify the applicant's eligibility to the appropriate City authority, and the utility rates shall be appropriately reduced for such property for the ensuing calendar year only according to the approved resolution.

9-15-1. Water and Sewer Service Outside the City Limits.

(a) Except as provided herein, water and/or sewer service shall not be provided to locations outside the City limits.

(b) Nothing herein shall preclude extending water or sewer service outside the City limits, on any terms negotiated, to property owners or their successors who have

transferred or granted to the City any right-of-way, easement or other property right utilized for construction, operation or maintenance of utility service.

(c) Nothing herein shall cause the termination of existing water or sewer service, outside the City limits, on the effective date of this ordinance, provided such service is lawfully established on such date, nor shall herein preclude service, outside the City limits, to any governmental entity.

(d) At its absolute discretion, the Governing Body may authorize water and sewer service to locations outside City limits. Any such service shall be subject to the following conditions, in addition to all other requirements of law, and a violation of the following conditions shall be cause for the immediate discontinuance of such service.

(1) All water and sewer charges shall be as set by resolution;

(2) All such service shall be subject to shut-off, upon 10 days' notice, in the event, because of a water shortage, an adequate supply of water is not available for City residents. The Governing Body which reserves, at its absolute discretion, to declare a water shortage;

(3) All water or sewer systems shall be approved by the Governing Body. No additions, extension, additional services or sub-service lines shall be added without consent of the Governing Body. The Governing Body reserves the right to approve or disapprove such additions at its absolute discretion. No person receiving City water or sewer service shall sell such service to another, except as such service may run with the land;

(4) That the owner of any such property served, and his successors, shall execute a statement of intent to annex, and a consent to annexation; and cooperate fully with annexation when the same becomes legal and practicable. All contracts for such water or sewer service shall be subject to biennial review to the legality and practicability of annexation;

(5) All lines, service lines, fixtures and appurtenances used to connect to the City system, shall conform to and meet City standards and specifications, both with regard to original installation and replacement parts;

(6) That any applicant for water or sewer service outside City limits, shall first make application to the City Planning Commission and that said commission shall review said application and make its recommendation to the Governing Body.

9-16-1. Definitions. - Unless the context specifically indicates otherwise, the meaning of terms used in this Title shall be as follows:

- (a) "Biochemical oxygen demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees C., expressed in milligrams per liter.
- (b) "Building drain" shall mean 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 (1.5 meters) outside the inner face of the building wall.
- (c) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal; also called house connection.
- (d) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- (e) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- (f) "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (g) "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- (h) "Industrial waste" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- (i) "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (j) "May" is permissive.
- (k) "Person" shall mean an individual, firm, company, association, society, corporation, or group.
- (l) "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentrations of 10^{-7} .
- (m) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of foods 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 inch (1.27 centimeters) in any dimension.

- (n) "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- (o) "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (p) "Sewage" is the spent water of a community. The preferred term is wastewater.
- (q) "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.
- (r) "Shall" is mandatory.
- (s) "Slug" shall mean any discharge of water or 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 of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (t) "Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.
- (u) "Director of Public Works" shall mean the Director of Public Works of the City of Lander, or his authorized deputy, agent or representative.
- (v) "Suspended solids" shall mean total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- (w) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (x) "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water, and storm water that may be present.
- (y) "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- (z) "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously

with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

(aa) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

9-17-1. Violations: Any person found to be violating any provision of this ordinance shall be served by the City of Lander with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof by the property owner. The offender shall, within the period of time stated in such notice, permanently cease all violations.

9-17-2. Penalties: Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$750.00 for each violation. Each twenty four-hour period in which any such violation shall continue shall be deemed a separate offense.

9-17-3. Liability to Violators: Any person violating any of the provisions of this ordinance shall become liable to the City of Lander for any expense, loss, or damage occasioned the City of Lander by reason of such violation.

9-18-1. Amendment: The City of Lander may amend this title by ordinance or resolution at any time and for any reason.

SECTION 2: SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this and the provisions of this act are severable.

SECTION 3: ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

(Title 9 was amended by Ordinance 1183 effective 12/08/13)

TITLE 10

Was Repealed by Ordinance 1207 effective November 20, 2016

TITLE 11

PUBLIC SAFETY AND SANITATION

Section

| | |
|--------|--|
| 11-1-1 | Continuing Violations |
| 11-1-2 | Enforcement |
| 11-2-1 | Definitions |
| 11-2-2 | Waste Collection |
| 11-2-3 | Transportation of Waste |
| 11-2-4 | Disposal of Dead Animals |
| 11-2-5 | Burning of Waste Prohibited |
| 11-2-6 | Connection to Sewer Required |
| 11-2-7 | Littering |
| 11-2-8 | Fire Hazards |
| 11-3-1 | Abandoned Containers or Appliances on Private Property |
| 11-3-2 | Abandoned Vehicles on Private Property |
| 11-3-3 | Abandoned Vehicles or Heavy Appliances Deemed a Nuisance |
| 11-4-1 | Removal of Snow |
| 11-4-2 | Same; Removal Cost to be Assessed to Owner or Occupant |
| 11-4-3 | Same; Main Street Properties |
| 11-5-1 | Public Easements and Rights-of-Way |
| 11-5-2 | Permit for Temporary Obstruction |
| 11-6-1 | Nuisance Weeds |
| 11-6-2 | Removal of Weeds, grass Clippings, Limbs, Trash |
| 11-7-1 | Repealed |
| 11-7-2 | Repealed |
| 11-7-3 | Repealed |
| 11-7-4 | Repealed |
| 11-7-5 | Repealed |
| 11-7-6 | Repealed |
| 11-7-7 | Repealed |
| 11-7-8 | Repealed |
| 11-8-1 | Installation and Use of Heating Stoves |
| 11-9-1 | Definitions |
| 11-9-2 | Tree Sizes and Species |
| 11-9-3 | Distance From Street Corners and Fireplugs |
| 11-9-4 | Distance from Curb and Sidewalk |
| 11-9-5 | Public Tree Care |
| 11-9-6 | Pruning: Corner Clearance |
| 11-9-7 | Adjacent Landowner Responsibility |
| 11-9-8 | Tree Topping |

| | |
|---------|---|
| 11-9-9 | Dead or Diseased Tree Removal on Private Property |
| 11-9-10 | Exemptions |
| 11-9-11 | Arborists License and Bond |
| 11-9-12 | Interference with City Tree Board |
| 11-9-13 | Review by Governing Body |
| 11-9-14 | Penalty |
| 11-9-15 | Conflict with other Ordinances |
| 11-9-16 | Date of Effect |
| 11-10-1 | Definitions - Historic Vehicle Collection |
| 11-10-2 | Same; Keeping or Parking Prohibited When |
| 11-10-3 | Same; Review Standards & Condition |
| 11-10-4 | Same; Removal of: |
| 11-11-1 | Reimbursement for Damage or Destruction to Main Street |
| 11-12-1 | Mayoral Jurisdiction – Five Miles |

Title was recodified by Ordinance 714, effective 5-5-81.

11-1-1. Continuing Violations. - Each day of a continuing violation of this Title shall be deemed a separate offense. *(Amended by Ordinance 730.)*

11-1-2. Enforcement. - The Chief of Police of the City and Building Inspector shall have authority to enforce the provision of this Title, except for Chapter 6, where the Building Inspector shall have such authority.

11-2-1. Definitions. - For the purpose of this Chapter, "waste" is defined as any discarded or abandoned matter, liquid or solid, whether animal, vegetable, or mineral in origin, with the following exceptions:

(a) sand, mineral earth, dust, leaves, and seeds swept or washed from improved walkways and driveways;

(b) snow and ice removed from walkways and driveways;

(c) compost, defined as a mixture of grass clippings, leaves, hay, or other vegetable matter kept in an orderly manner and having no significant odor.

11-2-2. Waste Collection. -

(a) It shall be the responsibility of all persons to provide for the regular collection and removal of waste from premises under their control, including ditches running across such premises, and gutters and ditches for drainage or irrigation that may extend along any street, alley, or highway adjacent to such premises. The premises shall be maintained in a clean and orderly condition at all times and no deposits or accumulations of waste shall be permitted.

(b) Waste containers shall be provided by the occupant of any occupied premises. Containers shall be equipped with lids or covers with handles on opposite sides for ease in carrying and handling, and shall be kept clean, sanitary and in good condition. Any container that does not conform to the foregoing or that has ragged or sharp edges or any other defect that may hamper or injure the person collecting the contents shall be promptly replaced upon notice by a licensed waste collector.

(c) No person shall place any waste for collection on public or private property without the permission of the owner and except in proper waste containers; no waste container shall be placed within the right-of-way of a street, alley, or sidewalk; proper waste containers and tightly closed, unbroken plastic garbage bags may be placed curbside on waste collection days.

11-2-3. Transportation of Waste. - Waste transported by vehicle must be tied, covered, or secured so that it cannot blow away or drop from the vehicle carrying it.

11-2-4. Disposal of Dead Animals. - The owner of all game animal hides, heads, carcasses and feet, and all dead non-game animals, within 12 hours of processing or discovery, shall preserve said items by indoor refrigeration or chemical process, or dispose of said items at the City of Lander Sanitary Landfill or otherwise remove said items from the City.

11-2-5. Section 11-2-5 – Burning of Waste Prohibited – It shall be unlawful for any person to burn rubbish, garbage, refuse or any waste, combustible substances or materials within the city limits.

A burn permit is required for any person to burn brush, grass or any untreated wood products.

A violation of this Ordinance is a misdemeanor punishable in accordance with the City of Lander Municipal Bond Schedule.

Section 11-2-5.1 Open Burning Regulation - A permit is not required for a recreational fire. A recreational fire is an outdoor fire burning materials other than rubbish, garbage, refuse or any waste, combustible substances or materials with a total fire area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. The fire must be in an approved container. An approved container is one that is either a purchased outdoor fireplace, homemade non-combustible fire pit, a hole in the ground, or a fire ring. Outdoor grills, barbecues, and charcoal grills are exempt. Recreational fires can only be done on privately owned property. Any person who has a recreational fire on privately owned property shall be responsible for any damage that occurs from said fire.

A burn permit application is available at the City of Lander City Clerk's office. A burn permit is required for kindling a bonfire or when performing agricultural burns (grass/brush). A permit is required to perform these burns pursuant to the following:

Open burning shall comply with the **International Fire Code**:

307.1 Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. **Exceptions:** Prescribed burning for the purpose of reducing the impact of wild land fire when authorized by the *fire code official*.

307.2 Permit Required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approvals from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. When open burning creates or adds to a hazardous situation, or required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of open burning operation.

307.4 Location. The location of *open burning* shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exceptions:

1. Fire in *approved containers* that are not less than 15 feet from structure
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 500 feet of a structure. Conditions which could cause a fire to spread within 500 feet of a structure shall be eliminated prior to ignition.

307.4.2 Recreational Fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

Exceptions: Portable outdoor fireplaces used at one and two family dwellings.

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

11-2-6. Connection to Sewer Required. - All plumbing fixtures, except for outdoor faucets, shall connect and drain into the City sewer system on premises where connection to the City sewer system is available.

11-2-7. Littering. -

(a) No person shall throw, drop, deposit or abandon any waste, spital, excrement, or filth on public or private property with or without the consent of the property owner as authorized by City personnel and ordinance.

(b) This Section does not apply to:

(i) messages placed in a prominent and secure position;

(ii) objects or substances deposited in receptacles for waste materials;

or

(iii) individual objects of a readily marketable value of \$5.00 or more.

(c) The driver of a vehicle from which any waste has been dropped or thrown may be held liable under this section without proof as to which occupant of the vehicle was responsible.

11-2-8. Fire Hazards. -

(a) If the Fire Department responds to the scene of any fire or other incident, the Fire Chief or his designee may inspect the premises, vehicle or equipment which was the subject of the response. If, in the opinion of the Fire Chief or his designee, the premises, vehicle or equipment presents a hazard of further fire, collapse or other dangerous conditions, the Fire Chief or his designee may prepare and serve on the owner, lessee or custodian of such property an order relative to the premises, vehicle or equipment. If the owner, lessee or custodian cannot be located, the order may be posted upon the premises, vehicle or equipment.

(b) Said order may provide, any or all of the following:

(i) That the premises be vacated;

(ii) That any vehicle or equipment or any appliance or fixture upon the premises not be operated until it is repaired and/or certified that it is safe to operate.

(iii) That the owner, lessee or custodian, within five (5) days, contact the Building Inspector for the City to arrange for an inspection and comply with any directives of said inspector.

(c) It shall be a misdemeanor for any person to occupy any structure ordered to be vacated, operate any vehicle, equipment, appliance fixture in violation of the order of the Fire Chief or his designee, or to fail to arrange any inspection ordered by the Fire Chief or his designee.

11-3-1. Abandoned Containers or Appliances on Private Property. - No person shall permit any heavy appliance such as a refrigerator, stove, bathtub, or other airtight container to remain on any private property outside of a fully enclosed structure for longer than 30 days, and during such 30-day period such appliance or container shall be rendered in a safe condition to prevent any persons from becoming entrapped therein.

11-3-2. Abandoned Vehicles on Private Property. - Repealed *Ordinance 874, effective 2-11-92.*

11-3-3. Abandoned Heavy Appliance Deemed a Nuisance - Abandoned containers or heavy appliances kept contrary to the provision of Section 11-3-1 above are deemed a nuisance and the city may abate the same by serving notice upon any owner of the premises. If the container or heavy appliance is not removed within five (5) days of notice, the city may remove and dispose of the container or heavy appliance at said owners expense.

11-4-1. Removal of Snow. - All persons or entities owning, occupying or having control of certain premises, a building or an empty lot located within commercial zones in the City of Lander shall clear the sidewalks of snow, in front of or on the side of said premises, building or empty lot located adjacent to a public street after any snowfall accumulation within 48 hours. All persons owning, occupying, or having the control of premises, a residence, a building or empty lot located within all other zones in the City of Lander shall cause such snow fall accumulation to be removed from sidewalks on the boundary of their premises, residence, building or empty lot within five (5) days. (*Section 11-4-1 was amended by Ordinance 1160 effective May 16, 2010*)

11-4-2. Same; Removal Costs to be Assessed to Owner or Occupant. - In the event the person(s) owning, occupying or having control of premises, a residence, building or empty lot within the corporate limits of the City of Lander refuses, neglects, or otherwise fails to promptly remove accumulations of snow from sidewalks as required by the provisions of Section 11-4-1, the City, through its authorized representatives, may cause the same to be removed and to assess all costs therefor against the property owners. The Chief of Police shall notify the owner of the affected property, at the owner's most recent address as shown on the records of the County Assessor, of the amount and reason for the assessment, and if such expenses are not paid within the next 30 days of the mailing of such notice, the amount of expenses shall draw interest at 12% per annum.

The recordation of such notice shall be a lien on such property which may be foreclosed in the same manner and subject to the same periods of redemption as for collection of delinquent property taxes. Such expenses, together with interest and costs of collection, including a reasonable attorney's fee, may also be collected by civil action filled in the name of the City of Lander against the property owner.

SECTION 1: Except as provided below in Section 3 hereinafter and as otherwise provided by city ordinance, it shall be unlawful for any person, firm, entity or corporation to remove, shove, push or spread snow or slush or ice or related debris into, onto or upon any street, alley or other public area, way or property of the City of Lander.

SECTION 2: Areas or ways reserved as sidewalks and provided principally for pedestrian traffic in, along or adjacent to streets and other public ways within the City of Lander in all zones except for commercial zones, shall be cleared of snow, slush, and ice by the removal of the accumulation of snow, ice and slush onto the property owners land and not into or upon any public streets. Where a sidewalk or sidewalk area is also a portion of a vehicle driveway, the portion of such driveway normally used as a sidewalk than the accumulation of snow, ice and slush shall be removed upon the property owners land and not into or upon any public streets.

SECTION 3: Persons owning or leasing property within the commercial zone for the City of Lander, as defined by the official City of Lander Zoning Map, shall be allowed to push the snow, ice and slush from their sidewalk into the public street. Persons owning or leasing property within the commercial zone for the City of Lander, as defined by the official City of Lander Zoning Map, shall be allowed to push the snow, ice and slush from the parking area of their property into the street windrow with the exception of 2nd and 5th streets on the north side of Main Street and 2nd, 5th, 6th, 7th, and 9th streets on the south side of Main Street, subject to the following terms and conditions:

- a) The snow must be pushed into the middle of the street as provided for herein by 5:00 a.m. on the day of a snow;
- b) The snow shall be pushed into the windrow in the center of the street and overflow snow shall be cleaned from the street as soon as possible so as not to create a traffic hazard;
- c) Prior to pushing any snow into the windrows of the street, the owner or leasee shall first purchase from the City of Lander a permit at the rate according to The City of Lander Fee Schedule per year and said permit will cover the remaining current snow season;
- d) Snow may only be pushed into the streets from concrete or asphalt surfaces;
- e) The above said right shall not extend to owners or leasees who own or lease an area of more than 8,000 square feet of parking space to be cleared in any one location;
- f) Any person who violates any of the terms and conditions of this section shall be subject to the fine set forth in section 7 hereof.

SECTION 4: No person, firm or corporation, except the City, shall remove, push, shove or spread, snow or slush or ice or related debris into, onto or upon any street, alley or other public area, way or property from the parking lane in any residential or commercial zone, except that the gutter only may be cleared to facilitate water flow.

SECTION 5: The City of Lander may, at its discretion, collect and remove snow, slush and ice and like material from public property and from private property and dispose of the same.

SECTION 6: The city engineer is authorized to designate areas of city owned property on which snow, ice, slush and such accumulations may be dumped, which areas are so located that the melt will be unlikely to become hazardous by entering and refreezing in the streets. Persons who have engaged any contractor to remove and dispose of such accumulations from private property may collect the same and deposit it in said location.

SECTION 7: Any person found guilty of violating the provisions of this ordinance in accordance with the Lander Municipal Court Bond Schedule. (*Section 11-4-2 (7) was amended by Ordinance 1193 11/10/15*).

SECTION 8: If any one or more sections, sentences, clauses, words or parts of this ordinance shall for any reason be questioned or held invalid, a judgment in respect thereto shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific part so held unconstitutional or invalid. The inapplicability or invalidity of any part in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instance. (*Section 11-4-2 was amended by Ordinance 1160 effective 5/16/10*)

11-5-1. Public Easements and Right-Of-Way. - Awnings, canopies, marquees or other overhead cantilevers, benches and flower boxes may be placed on or over sidewalk areas, public rights-of-ways and easements in the C zone of the City of Lander, except they shall not be placed in such a manner as to obstruct the free flow of pedestrian or vehicular traffic over such sidewalks, public rights-of-way and easements. A building permit shall be required for the awning, canopies, marquees and other overhead cantilevers to be obtained from the City of Lander Building Inspector who shall issue such permit upon the receipt of an acceptable detailed drawing of the proposed construction. They shall meet all City of Lander and Uniform Building Codes.

(a) Section 4505(c) page 748 of the Uniform Building Code is hereby amended to read as follows:

(c) Length. A marquee projecting more than two thirds of the distance from the property line to the curb line shall not exceed 50 feet in length along the direction of the street.

(b) Section 4505(e) page 748 of the Uniform Building Code is hereby amended to read as follows:

(e) Construction. A marquee shall be supported by the building and/or columns constructed of noncombustible materials or, when supported by a building of Type V construction, may be of one-hour fire-resistive construction. (*Section 11-5-1 amended by Ordinance 862, effective 7-9-91.*)

11-5-2. Permit for Temporary Obstruction. - Application may be made to the Chief of Police of the City for a permit to allow a temporary obstruction of a street or alley. If the Chief of Police determines that such a temporary obstruction will serve a valid purpose and that adequate safety measures will be taken by the applicant to protect the public, the Chief of Police may issue such temporary permit for such period of time and upon such terms and conditions as are deemed necessary to protect the public.

11-6-1. Nuisance Weeds. -

(a) General growth of grass or weeds in excess of 12 inches and any growth of the following particular weeds are deemed to be a nuisance:

Canada Thistle;
Musk Thistle;
Scotch Thistle;
Plumeless Thistle;
Leafy Spurge;
Hoary Cress (White Top);
Perennial Pepperweed (Giant White Top);
Russian Knapweed;
Quack Grass;
Field Bindweed;
Dalmation Toadflax;
Yellow Toadflax;
Skeletonleaf Bursage;
Common Burdock;
Ox-Eye Daisy;
Perennial Sow Thistle;

(b) Upon determining that such a nuisance exists, the weed and pest supervisor, or the city inspector or their designated agent shall notify the owner(s) of the affected property by written notice to the owner(s)'s most recent address as shown on the records of the County Assessor, specifying the areas to be cut or the weeds to be

removed. The owner(s) shall thereupon correct the condition of the premises within ten days of such notice.

(c) If the owner(s) fails to correct the condition within ten days of notice, the City may proceed to correct the condition, and the owner(s) of the premises shall be liable for the expenses so incurred, which shall be a lien against such property, in addition to the penalty provided by this Title.

(d) If such expenses are not paid by the owner(s) within 30 days of the date that a notice specifying the amount and reason for the assessment is mailed to the owner(s), at his most recent address as shown on the records of the County Assessor, the amount the owner(s) shall draw interest at 12% per annum, and the recordation of such notice shall be a lien on such property which may be foreclosed in the same manner and subject to the same periods of redemption as for collection of delinquent property taxes. Such expenses, together with interest and costs of collection, including a reasonable attorney fee, may also be collected by civil action filed in the name of the City against the property owner(s).

(e) The growth of any state designated noxious weeds within the city limits will not be allowed. An effort must be made by the property owner(s) to control any designated noxious weeds. Mechanical, chemical or biological controls, as determined by the industry standard, maybe used to control noxious weeds. *(Section 11-6-1 amended by Ordinance 1066 effective 7/22/03)*

11-6-2. Owner or Occupant to Remove Weeds and Maintain Grass. -

a) It shall be the duty of every owner(s) or occupant and agent of any owner(s) or occupant of any lot or parcel of land not found to be classified as an agricultural or natural area and is part of a subdivision in the City of Lander, to keep the alleyways abutting the lot or parcel, and the sidewalk area in front thereof or if no sidewalk is present the area between the lot or parcel and the curb, reasonably free and clear from weeds, grass clippings, limbs and waste as that term is defined in Section 11-2-1 of the Lander Municipal Code, and to keep any grass area trimmed in a reasonable manner. Xeriscaping or natural landscaping will be allowed so long as they are well maintained and well kept.

b) Upon determination **by the weed and pest supervisor or** the city inspector or their designated agent that the provisions of section (a) hereof have not been complied with, the provisions, procedures and remedies as are contained in Municipal Code Section 11-6-1(b) through 11-6-1(d) shall be followed and be applicable to this section. *(Amended by Ordinance 868 effective 11-12-91)*

(c) The interference of a city employee while performing his or her duties, for the City of Lander, will be considered a misdemeanor and prosecuted as such. *(Section 11-6-2 amended by Ordinance 1066 effective 7/22/03)*

11-7-1. – 11-7-8 Repealed

11-8-1. Installation and Use of Heating Stoves. - No person, after the effective date of this ordinance and within the City limits, shall install for use, a wood or coal burning device, stove or heater which has not be certified, according to Federal Regulation 40 CFR Par 60, Standards of Performance for New Stationary Sources, effective date 7-1-88. (*Section 11-8-1 adopted by Ordinance 820, effective 5-24-88.*)

11-9-1. Definitions. -

a) Street trees: "**Street trees**" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, ways or alleys within the City.

b) Park trees: "**Park trees**" are herein defined as trees, shrubs, bushes and all other woody vegetation in parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

c) Public Community Forest – Public community forest is defined as all street and park trees and other trees owned by the City as a total resource.

d) Private Community Forest – Private community forest is defined as all trees within municipal boundaries, excluding public community forest trees.

e) Community Forest Manager – The community forest manager is defined as the official (public employee) representative of the Urban Forest Council and as such is responsible for administration of the community forestry program. The Lander Parks and Recreation Director shall be the Community Forest Manager. (*Section 11-9-1 amended by Ordinance 1015, effective 6/6/99*)

11-9-2. Tree Sizes and Species. - The following tree size classification shall apply in subsequent sections:

Small tree: up to 25 feet projected height at maturity.

Medium tree: 25 feet - 40 feet projected height at maturity.

Large tree: over 40 feet projected height at maturity.

New planting of nuisance species as determined by Urban Forest Council shall be prohibited. (*Section 11-9-2 amended by Ordinance 1015, effective 6/6/99*)

11-9-3. Distance from Street Corners and Fireplugs. - No "street trees" shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No "street tree" shall be planted closer than 10 feet of any fireplug.

11-9-4. Distance from Curb and Sidewalk. - There shall be no trees planted on public rights-of-way for streets or alleys. (*Section 11-9-4 amended by Ordinance 1015, effective 6/6/99*)

11-9-5. Public Tree Care. - The City shall have the right to plant, prune, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing City utilities or to preserve the symmetry and beauty of such public grounds. The City may, at its option, when advised by the City Urban Forest Council, remove or cause or order to be removed any tree or part thereof which is an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements or is infected with any injurious fungus, insect or other pest which, in the opinion of the Urban Forest Council, may constitute a severe threat to other trees in the area.

11-9-6 Pruning: Corner Clearance: Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so such branches shall not obstruct the light from any street lamp or obstruct the view from any street intersection and so that there shall be a clear space of 12 feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute hazard to the safety of the public. The City shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street when it interferes with the visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

11-9-7. Adjacent Landowners Responsibility - No person other than city employees or their designees shall plant, remove, cut above the ground, or disturb any tree on any street, park or other public place.

11-9-8. Tree Topping. - It shall be unlawful as a normal practice for any person, firm or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Urban Forest Council.

11-9-9 Dead, Diseased or Hazard Trees on Private Property – The City shall advise private land owners as to the proper way to remove any dead or diseased

trees on private property within the City, when such trees constitute a severe threat to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City shall have the right to cause to be removed any Public Community Forest or Private Community Forest Tree within the City limits that is diseased or has been declared a hazard. Hazard trees are defined as trees with severe structural defects, splits, dead or damaged parts. The City will notify, in writing, the owners of such trees. Removal or pruning is the responsibility of the owners of such trees and shall be accomplished within time limits set by the City.

The property owner may appeal the order of the City in writing to the City Governing Body within ten days after the date of such order. The City Governing Body shall, within ten days after the receipt of the written appeal, set the matter for hearing and notify the property owner of the time and date of such hearing, at which the property owner may be present or represented by counsel. Said hearing shall be conducted pursuant the Wyoming Administrative Procedures Act. At such hearing, the City Governing Body will review the order of the City and unless the order is revoked or modified, it shall remain in full force and be obeyed by the property owner.

If the property owner fails to comply with the final order within ten days after the mailing of the order, then the City may cause such live or dead tree, shrub, overhanging bough or hedge to be removed or destroyed and shall assess the expense thereof against the property owner.

- (a) The provisions of this section shall not apply in cases of emergency. Cases of emergency are defined as conditions which pose an immediate safety or health hazard

to the public. *(Sections 11-9-4 – 11-9-9 amended by Ordinance 1015, effective 6/6/99)*

11-9-10. - Trees already in place and growing at the date of this Ordinance shall be exempt from Section 3, 4 and 5. However, any replacement trees shall be governed by those sections.

11-9-11. Arborists License and Bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Public Community Forest or Private Community Forest Trees within the City without first applying for and procuring a license. Prior to obtaining a license they must show certification from the International Society of Arboriculture. Proof of such certification shall be filed with the City. Existing license holders without ISA certification must show proof of certification upon next renewal. Unlicensed persons may work for a company that has a licensed person on staff or in the company. Arborist shall adhere to ANSI A300 COMMON PRUNING PERFORMANCE STANDARDS and refrain from unsound trimming practices, such as stubbing or topping trees. Unsound practices are subject to review by the City Urban Forest Council and the Community Forest Manager. Suspension or revocation of an arborist's license is possible.

Fees shall be according to the City of Lander Fee Schedule in advance, provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any such license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. (*Section 11-9-11 amended by Ordinance 1193 11/10/15*)

11-9-12 – Interference with City Urban Forest Council - It shall be unlawful for any person to prevent, delay or interfere with the City **Urban Forest Council**, or any of their agents or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any “street trees”, “park trees” or trees on private ground, as authorized in this Ordinance. The City may at its option, when advised by the City Urban Forest Council cause removal of diseased trees on private property.

11-9-13 – Review by Governing Body – The Governing Body of the City of Lander shall have the right to review the conduct, acts and decisions of the City **Urban Forest Council**. Any person may appeal from any ruling or order of the City **Urban Forest Council** to the Governing Body who may hear the matter and make final decision. (*Sections 11-9-11 – 11-9-13 amended by Ordinance 1015, effective 6/6/99*)

11-9-14. Penalty. - Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, punished as provided in City Code Section 1-2-1.

11-9-15. Conflict with Other Ordinances. - In the event anything contained in this Ordinance 854 is at variance or conflicts with any other City ordinance in effect at the time of the passage of this ordinance, and particularly the city's zoning ordinances, then this ordinance shall be deemed subservient thereto and the other ordinance or ordinances shall control.

11-9-16. Date of Effect. - This Ordinance will take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

11-10-1. Definitions. - for the purpose of this ordinance, the following terms, phrases, words and their derivation shall have the meaning given herein.

a) **Historic Vehicle Collection** - One or more vehicles of historic value, special interest vehicle, parts cars, street rods or kit cars, containing the characteristics set forth below, which are collected, restored or maintained for non-commercial hobby or historical purpose.

- (i) **Historic Value** - shall mean a vehicle meeting one of the following criteria:
 - 1) A motor vehicle manufactured in the year 1922 or prior thereto;
or
 - 2) A vehicle which was manufactured after 1922, is at least 25 years old and is of historic interest as defined in Wyoming Statute 31-1-101 (a)(xv)(A).

- (ii) **Special Interest Vehicle** - A vehicle of any age which is unaltered from the manufacturers' original specification and because of its significance, such as an out-of-production vehicle, is being collected, preserved, restored or maintained by a hobbyist as a leisure pursuit.

- (iii) **Parts Car** - A motor vehicle which is owned by a collector to furnish parts for restoration or maintenance of a special interest vehicle or a vehicle described in subsection (a)(i) above, thus enabling a collector to preserve, restore and maintain a special interest vehicle or a vehicle described in subsection (a)(i) hereof.

- (iv) **Street Rod** - differs from a vehicle of historic value in that the street rod is materially altered, utilizes modern or semi-modern engine, chassis, electric or other operating components not produced as part of the original pre-1969 vehicle.

- (v) **Kit Car** - A vehicle assembled from a manufactured kit. It may be a replica of a vehicle originally made by another manufacturer.

b) **Collector** - The owner of one or more vehicles described in subsection (a), who collects, purchases, acquires, trades or deposes of such vehicle or parts thereof, for his own use, in order to preserve, restore and maintain such vehicle for hobby or historical purposes.

c) **Inoperative Vehicle** - shall mean any motor vehicle which cannot be operated lawfully on a public street or highway within the state for any reason other than the lack of current vehicle registration or which cannot be moved under its own power, but excludes an historic vehicle collection as defined herein.

d) **Screened from Ordinary Public View** - shall mean in a manner which does not constitute a health hazard and is located away from public view, or screened from ordinary public view, by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means.

e) **Driveway** - means that portion of land in private ownership which is improved, designated or ordinarily used for vehicular parking on a day to day basis which

complies with the requirements of city ordinance 4-11-10 but shall exclude areas used for permanent parking or storage.

11-10-2 - Keeping or Parking Prohibited When:

a) A person shall not keep, store, park or maintain or otherwise permit any vehicle or any component thereof in areas zoned S-R, R-1, R-2, R-3, R-4, R-5 or R-MED, in the front yard, corner side yard and any additional area of a lot or parcel of land situated between the street and any building or structure located thereon, unless screened from ordinary public view, except for the parking of vehicles, except inoperable vehicles, on a driveway is permitted.

b) A person shall not keep, store, park, maintain or otherwise permit an inoperative vehicle, as defined in Section 11-10-1(c), in an S-R, R-1, R-2, R-3, R-4, R-5 or R-MED zone. unless screened from ordinary view. Inoperative vehicles in non-compliance with the provision hereof shall be removed within 30 days from the effective date hereof and thereafter within five (5) days of notice as provided for in section 11-10-4. *(Section 11-10-2 (a) & (b) amended Ordinance 930, effective 6-20-94)*

c) Notwithstanding the above, a person may keep and maintain an historic vehicle collection, provided the city building inspector finds it to be in full compliance with Section 11-10-3 hereof.

11-10-3. Historic Vehicle Collection - Review Standards and Condition -

a) In addition to the principles and standards contained in Section 11-10-2, the Building Inspector shall ensure that an application for an Historic Vehicle Collection shall also comply with all of the following standards and conditions and the owner of said vehicle shall at all times ensure compliance with the following standards and conditions:

- 1) That all such vehicles and parts kept or maintained on the premises constitute an Historic Vehicle Collection as defined in section 11-10-1(a) hereof; and
- 2) That all such vehicles and parts are legally owned by the applicant proposing to keep or maintain an Historic Vehicle Collection; and
- 3) That the area proposed on the lot or parcel of land for the collection of such vehicles occupies or constitutes less than ten percent (10%) of the total area of said lot or parcel of land; and
- 4) That said collection is kept or maintained so as not to constitute a health or safety hazard; and
- 5) That said collection is fully screened from ordinary public view in a manner determined by the Building Inspector; and

- 6) That no portion of an Historic Vehicle Collection is located within five (5) feet of any building or structure or within any required yard area, unless otherwise permitted by the Building Inspector, together with the payment of an annual fee which shall be according to the City of Lander Fee Schedule; and (*Section 11-10-3(6) amended by Ordinance 1193 11/10/15*)
- 7) That site plans for the keeping and maintenance of the Historic Vehicle Collection have been submitted to and approved by the Building Inspector; and
- 8) That the person proposing to keep or maintain an Historic Vehicle Collection has signed a covenant and agreement indicating that he or she has read and understands the standards and conditions enumerated above and such other conditions that the Building Inspector may impose, and will faithfully abide by each and every one of said standards and conditions.

b) In those cases where the site plans submitted by the applicant desiring to establish an Historic Vehicle Collection indicate that said plans are not, or cannot be, in full compliance with subsection (a) of this section, the Building Inspector shall deny such application and shall inform the applicant in writing of such action.

11-10-4. Removal of Vehicles, Costs of Removal, Sale and Appeal Procedure

a) The Chief of Police or Building Inspector, upon determining that a violation of Section 11-10-2 or 11-10-3 hereof exists, shall notify the owner of the property upon which the violation exists of the violation, by sending written notice to the owners last known address as shown on the records of the County Assessor or by personal delivery of the notice to the owner of the property.

b) The notice shall contain the request for removal within five (5) days, and the notice shall advise that upon failure to comply with the notice to remove, the City or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

c) Request for Hearing - The persons to whom the notices are directed, or their duly authorized agents may file a written request with the City Clerk for hearing before the City Council of the City of Lander, or its designees within the five (5) day period of compliance prescribed in subsection (b) above for the purpose of defending the charges by the City.

d) Procedure for Hearing - the hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At

any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

e) If within five days after notice has been given, the violation continues, or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of a violation is offered by the counsel of the City of Lander, the Chief of Police or the Building Inspector will cause the offending vehicle(s) to be removed at the owners and property owners expense.

f) Notice of Removal - Within forty-eight (48) hours of the removal of such vehicle, the chief of Police or Building Inspector, shall give notice by certified mailing to the registered owner and lien holder of such vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this Ordinance. The notice shall give the location of where the vehicle, or vehicles, is stored, and the costs incurred by the City for removal.

g) Disposition of Vehicles - Any vehicle removed by the city under the provisions of this Ordinance may, after the expiration of thirty (30) days have passed after Notice of Removal has been given, be sold by the Sheriff in accordance with the provisions of the Wyoming Statutes on abandoned vehicles.

h) Redemption of Impounded Vehicles - The owner of any vehicle seized under the provisions of this ordinance may redeem such motor vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the City Treasurer of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, plus storage fees for each motor vehicle redeemed according to the City of Lander Fee Schedule. (*Section 11-10-4(h) amended by Ordinance 1193 11/10/15*)

i) Liability of Owner or Occupant - Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the City to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expenses. (*Section 11-10-1 - 11-10-4 created by Ordinance 874, effective 2-11-92.*)

11-11-1. - Reimbursement for damage to Main Street Improvements, including but not limited to, sidewalks, patterned sidewalk, double gutter driveway entrances, lights, light poles, trees, tree guards, drip irrigation system or benches, bike racks and trash receptacles, refusal, assessment of costs.

- (a) Any person who, whether intentionally or otherwise, causes damage to any portion of the Main Street Improvements as above defined shall immediately notify the City Building Inspector and arrange for and pay the costs to restore the damaged item(s) to original condition prior the damage and in accordance with the original construction specifications

and Record Drawings as filed with the City Building Inspector. Damage to sidewalks shall include surface deterioration, color distortion or other damage resulting from snow plowing or other practices. Restoration of sidewalks shall include integral coloring, textured patterning, broom finishing and jointing to original color and condition. Replacement of injured trees shall be made with the size and species of tree in place at the time injury was caused.

- (b) In the event any person fails or refuses to comply with the provision of Section (a) hereof within ten (10) days after receipt of notice from the City, the City, through its representative, may cause the same to be restored and assess the costs therefore against the person causing such damage. If such costs are not paid within the next thirty (30) days of mailing the notice, they shall draw interest at the rate of 12% per annum. Such costs and expenses, together with interest and costs of collection, including a reasonable attorney's fee, may be collected by civil action filed in the name of the City against the person causing the damage. This remedy shall be in conjunction with any other remedy provided for by law. (*Section 11-11-1 created by Ordinance 913 effective 11-15-93.*)

11-12-1 Mayoral Jurisdiction – Five Miles - The Mayor, subject to the approval of the Council, shall have the following jurisdiction:

- (i) Over all places within five (5) miles of the corporate limits of the City of Lander for the enforcement of health, or quarantine ordinance and regulation thereof; and
- (ii) In all matters excepting taxation within one-half (1/2) mile of the corporate limits of the City of Lander. (*Section 11-12-1 created by Ordinance 1071 effective 9-7-04*)

TITLE 12 CITY ADMINISTRATIVE PROVISIONS

Section

- 12-1-1 Corporate Limits
- 12-1-2 Wards and Council Members
- 12-1-3 Council Meetings
- 12-1-4 Special Meetings
- 12-1-5 Council Procedure
- 12-2-1 Appointments
- 12-2-2 Removal of Personnel
- 12-2-3 Appointive Offices
- 12-2-4 Subordinate Offices
- 12-2-5 Compensation of Officers
- 12-2-6 Department Regulations
- 12-2-7 Municipal Judge
- 12-2-8 Building Inspector
- 12-2-9 Mt. Hope Cemetery
- 12-3-1 Planning Commission
- 12-3-2 Airport Board
- 12-3-3 Parks & Recreation Board
- 12-3-4 Special Commissions
- 12-4-1 Economic Development Commission; Establishment
- 12-4-2 Same; Duties and Responsibilities
- 12-4-3 Same; Appointment and Term
- 12-4-4 Same; Compensation
- 12-5-1 Vacancies in the Office of Mayor
- 12-5-2 Members - Vacancies - Procedures for Filling
- 12-6-1 Creation and Establishment of a Urban Forest Council
- 12-6-2 Same; Duties and Responsibilities
- 12-7-1 Drug Free Workplace
- 12-8-1 Americans with Disabilities Coordinator

12-1-1. Corporate Limits. - An official map showing the corporate limits, zoned areas, and other specially designed areas of the City shall be maintained by the City **Administration** and shall be available for public inspection in the office of the City Clerk, together with legal descriptions for all boundary lines thereon.

12-1-2. Wards and Council Members. - The City shall be divided into three wards and two council members shall be elected from each ward. Council members shall be qualified electors of the ward they represent. Ward boundaries will be adjusted after each census and approved by the City Council.

12-1-3 Council Meetings. - Regular meetings of the City Council of the City of Lander may be held on the second Tuesday of each month at 7:00 p.m. at the City Hall.

Work sessions of the City Council may be held on the fourth Tuesday of the month at 7:00 p.m. at the City Hall. Public Hearings will be held at 6:30 p.m. or as determined by the City Administration and properly published in accordance with Wyoming State Statutes. In the event there is no business that needs to be conducted by the City Council at either a regular meeting or at a work session, the meeting may be canceled. A regular meeting, special meeting, or any other City Council meeting may be convened at any other time or place with proper public notice.

12-1-4. Special Meetings. - The Presiding Officer or four Council Members may call special meetings in accordance with W.S. 15-1-105 and 16-4-404 . Actual notice or constructive notice provided in Section 1-1-5 shall constitute sufficient notice under this section. The necessity of any notice may be waived by the presence and consent of every Council Member. Review Wy Statutes

12-1-5. Council Procedures. - Upon the request of any Council Member, Council procedure shall be conducted in accordance with Review Wy Statutes rules for the conduct of its proceedings as journaled by the City Administration.

12-2-1. Appointments. - Unless otherwise provided, all appointive offices shall be filled by the Mayor with the advice and consent of the Council.

12-2-2. Removal of Appointees. - The Mayor may remove or discharge any appointee, for incompetency, neglect, or, with the consent of the Council, for other cause **in accordance with W.S. 15-3-204.**

12-2-3. Appointive Offices – The following appointive offices are created in accordance with W.S. 15-3-204: Chief of Police, City Clerk, City Treasurer, City Attorney, Municipal Court Judge, Superintendent of Public Works, Assistant Mayor, City Engineer and Fire Chief terms for which shall coincide with the regular Mayor’s term; however, all officers shall remain in office until their replacements have qualified.

12-2-4. Subordinate Offices. - Subject to the approval of the Council, the Mayor may create offices subordinate to the appointive offices listed in Section 12-2-3. The Mayor may delegate appointment of subordinate officers to the appointive officers, provided that the subordinate officer shall in any case be approved by the Council.

12-2-5. Compensation of Officers and Employees. -

- (a) The Mayor’s annual salary is \$21,000 a year. The Mayor is also eligible for health insurance coverage as defined in the City of Lander Personnel Rules and Managerial Guidelines
- (b) Each Council Member shall receive \$75.00 for actual attendance at each regular or special meeting of the City Council and at each meeting of

committees that the Council Member shall attend. Each Council Member is also eligible for health insurance coverage as defined in the City of Lander Personnel Rules and Managerial Guidelines.

- (c) The salaries of all other officers and employees shall be as shown on a step-grade scale as filed with the City Clerk.
- (d) Compensation for each Fireman for regular and special meetings each fireman attends shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander. The yearly salary of each officer of the Lander Volunteer Fire Department shall be determined by resolution of the Lander City Council and kept on file at the office of the City Clerk. Said resolution can be amended at any time by the Governing Body of the City of Lander.

12-2-6. Department Regulations. -

- (a) The Mayor, subject to the approval of the Council, may establish regulations and policies concerning all City personnel.
- (b) Subject to the approval of the Mayor and Council, each appointive officer may establish regulations for the operation of his office or department, including the procedural requirements, priority schedules, and whatever standards or rules are necessary to the proper and efficient functioning of his office.
- (c) All Departmental regulations and procedures shall be filed with the City Clerk and must comply with the City of Lander Personnel Rules and Managerial Guidelines.

12-2-7. Municipal Judge. - The Municipal Judge shall give a bond to the City of Lander in the amount of \$10,000, conditioned on the lawful performance of his duties.

12-2-8. Building Inspector. -

- (a) The City may employ a Building Inspector and so many Deputy Building Inspectors as the Governing Body shall deem appropriate.
- (b) The Building Inspector, or his designee, may, in addition to any other person authorized by law:
 - (i) investigate, enforce and sign complaints concerning any violation of Titles 3, 4, 5, 9, 11 and 13 of the Ordinance of the City of Lander;
 - (ii) serve any notices, orders or documents, relevant to such enforcement action.

12-2-9. Mt. Hope Cemetery. – Mt. Hope Cemetery will operate in accordance with W.S. 35-8-201 through 35-8-211. Cemetery rules and procedures shall be filed with the City Clerk.

12-3-1. Planning Commission. -

- (a) A Planning Commission for the City of Lander is established in accordance with Section WS 15-1-502. Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.
- (b) The commission shall promulgate and publish rules and regulations on file with the City Clerk for the health, welfare, and safety of persons making use thereof.
- (c) The term of the appointive members of the commission shall be four years. Members shall hold office until their successors are appointed and qualified.

12-3-2. Airport Board. -

- (a) The term of the appointive members of the Airport Board shall be 5 years.
- (b) The Board shall exercise general supervision of the Lander Airport, subject to the direction of the City Council. The airport **board** shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the airport and for the health, welfare, and safety of persons making use thereof.

12-3-3. Parks & Recreation Board. –

- (a) A Parks and Recreation Board for the City of Lander is established to consist of nine board members who shall be residents of Lander. Members shall be representative of different occupations and appointed without respect to political affiliation by the Mayor, with the advice and consent of the Council.
- (b) The board shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the City of Lander recreation facilities and functions.
- (c) The term of the appointive members of the commission shall be four years. Members shall hold office until their successors are appointed and qualified.
- (d) The duties of the board will be to review all related activities, programs, select committees and other functions whose operations are conducted in whole or in part by the City Recreation personnel and

share their findings with the Public Works Director and/or a designated administrator of the City Administration.

12-3-4. Special Commissions. - The Council may authorize the creation of special commissions by resolution. Commissioners shall be appointed by the Mayor, with the advice and consent of the Council.

12-4-1. Economic Development Commission; Established. - Pursuant to the general powers conferred under Wyoming Statutes Section 15-1-103(a)(xli) and other applicable statutory authority, there is hereby created and established a commission, consisting of a minimum of seven (7) and a maximum of nine (9) commissioners. The Mayor and Council may approve by resolution the assignment of the Economic Development Commission duties and responsibilities to an established Economic Development Organization or include in City Staff job descriptions.

12-4-2 Duties and Responsibilities – The Economic Development Commission will assist and report to the governing body in determining and implementing plans for the beneficial diversification of Lander area economy. The commission shall promulgate and publish rules and regulations on file with the City Clerk to insure an impartial use of the airport and for the health, welfare, and safety of persons making use thereof.

12-4-3. Same; Appointment and Term. - Each commissioner shall be appointed by the Mayor upon the advice and consent of the City Council, which appointment shall be for a term of four years. Vacancies shall be filled after appointment by the Mayor with the advice and consent of the governing body for the unexpired term of any member. Members of the Commission may be removed from office by the governing body for cause, upon written charges and after public hearing.

12-4-4. Same; Compensation. - No commissioner shall be entitled to receive any pay or supplementary benefit for his or her service of office, either directly or indirectly, provided, however, actual authorized expenses incurred by any commissioner in the performance of his or her duties as such shall be paid by the City of Lander.

12-5-1. Vacancies in the Office of Mayor. -

Any vacancy in the office of Mayor shall be filled only from the governing body by a majority vote of all council members. An abstention shall be considered a no vote. WS 15-1-107.

12-5-2. Members - Vacancies - Procedure of Filing. -

(a) Any vacancy on the Lander City Council shall be filled by the City Council by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general municipal election and is qualified and takes office on the first Monday of the following January unless a vacancy in a four year term of office occurs after the first day for filing an application for

nomination pursuant to W.S. 22-5-209, in which event the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter *WS 15-1-107*

(b) A councilmember or mayor shall be deemed a non-resident, and a vacancy therefore to exist, when he or she shall have failed to occupy a fixed, permanent and customary place of habitation, within the boundaries of the municipality.

(c) A resignation shall be deemed effective and a vacancy to have occurred as follows:

- (1) A councilmember desiring to resign from his or her position on the governing body shall submit a resignation in writing to the City Clerk specifying the date he or she desires the resignation to be effective, which date shall not be more than one hundred twenty days after the postmark date of the letter, if mailed, or after the date of delivery to the municipal clerk.
- (2) The City clerk shall place the question of resignation before the governing body for acceptance or rejection at the regular meeting next succeeding the postmark date of the letter of resignation or the delivery thereof to the municipal clerk.
- (3) The resignation may be withdrawn at any time prior to acceptance or rejection by the governing body; provided, that a request for withdrawal of a resignation must also be in writing and received by the municipal clerk prior to the regular meeting at which the resignation is to be considered. Upon acceptance by the governing body, the resignation is irrevocable.
- (4) The resignation, unless withdrawn as stated in subdivision 3 of this subsection, shall be deemed effective as of the date specified in the written resignation. The process of filling the vacancy shall commence upon the acceptance of the resignation by the governing body and the resigning councilmember may participate in the process of filling the vacancy; provided, however, that the formal vote on the selection of an appointee shall not take place until after the effective date of the resignation.

(i) The refusal of the mayor or a councilmember to take the oath of office, as required by law; at the time and place, and before the person designated, shall

constitute a failure to take the oath as required and a vacancy shall be deemed to exist at such time.

(j) The city council shall cause public notice to be given of its intention to solicit applications to fill any vacancy on the city council. The notice shall be published in a local newspaper of general circulation on two consecutive weeks. The letter of interest shall be submitted establishing applicant's legal qualifications to hold office.

(k) The council shall specify a time period for submitting applications and the council shall then review applications received and may conduct any further review of candidates deemed necessary and, by a majority vote of all council members, shall appoint a temporary successor.

12-6-1 Creation and Establishment of a City Urban Forest Council (Tree Board) – There is hereby created and established a City Urban Forest Council for the City of Lander, Wyoming, which shall consist of five or more members appointed by the Mayor and approved by the City Council. The Tree Board will be responsible for the care of all trees on the City owned property including the study, investigation, preservation, trimming, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.

12-6-2 Duties and Responsibilities – The Tree Board shall promulgate and publish rules and regulations on file with the City Clerk to insure operations consistent with Tree City USA requirements.

12-7-1. – Drug Free Workplace - The Drug Free workplace as defined in the City of Lander Personnel Policy and Managerial Guidelines shall be strictly enforced to protect the City of Lander's status as a responsible source for the award of Federal contracts and grants.

12-8-1 - Americans with Disabilities Coordinator

(a) The city shall appoint an employee as an Americans with Disabilities Coordinator and any Deputy Americans with Disabilities Coordinator as deemed appropriate.

TITLE 13

LICENSING AND REGULATION OF OCCUPATION

Section

| | |
|---------|--|
| 13-1-1 | Board of Examiners; Duties of Same |
| 13-1-2 | Enforcing and Licensing Authority |
| 13-1-3 | License Terms |
| 13-1-4 | Revocation of License |
| 13-1-5 | Rules and Regulations |
| 13-1-6 | Bond Requirement for Contractors |
| 13-1-7 | Testing Certification |
| 13-2-1 | Amusements |
| 13-2-2 | Same; Application for and Terms of License |
| 13-2-3 | Same; License Fees |
| 13-3-1 | Auctioneers |
| 13-3-2 | Same; Fee |
| 13-4-1 | Pawnbrokers, Definition |
| 13-4-2 | Same; License Required |
| 13-4-4 | Same; Fees |
| 13-4-5 | Same; Records Required |
| 13-4-6 | Same; Inspection of Records |
| 13-4-7 | Same; Ten Day Hold for Inspection |
| 13-4-8 | Same; Purchase from Person Under 18 Years of Age |
| 13-4-9 | Same; Limits on Amount Financed and Terms |
| 13-4-10 | Same; Limits in Agreement and Practices |
| 13-5-1 | Itinerate and Transient Merchants |
| 13-5-2 | Same; Definitions |
| 13-5-3 | Same; Sale of Products by Farmers, Wholesalers, and Nonprofit Organizations Exempted |
| 13-5-4 | Same; Investigation and Issuance of License |
| 13-5-5 | Same; Service of Process |
| 13-5-6 | Same; Exhibition of License and Posting of Warranties Maintaining Distance from Street |
| 13-5-7 | Same; Fees |
| 13-5-8 | Same; Loud Noises and Speaking Devices |
| 13-5-9 | Same; Fraudulent Misrepresentations Prohibited |
| 13-5-10 | Same; Home Solicitation Without Consent Prohibited |
| 13-6-1 | Electrical Wiring |
| 13-6-2 | Same; Issuance of License |
| 13-6-3 | Same; Qualification of License |
| 13-6-4 | Same; Fees |
| 13-6-5 | Same; Term of License |
| 13-7-1 | Plumbers and Plumbing |

| | |
|----------|--|
| 13-7-2 | Same; Qualifications for License |
| 13-7-3 | Same; Scope of Licenses |
| 13-7-4 | Repealed |
| 13-7-5 | Same; License Fees |
| 13-7-6 | Same; Term of License |
| 13-8-1 | Building Contractors |
| 13-8-2 | Same; Qualifications for License |
| 13-8-3 | Same; Scope of License |
| 13-8-4 | Same; Initial and Annual Fees |
| 13-8-5 | Same; Term of License |
| 13-9-1 | Waste Hauling Contractors |
| 13-9-2 | Same; License Fees |
| 13-9-3 | Same; Specifications and Operation of Waste Collection and Hauling Equipment |
| 13-9-4 | Same; Term of License |
| 13-10-1 | Refrigeration Repair Work |
| 13-11-1 | HVAC Contractors |
| 13-11-2 | Same; Issuance of License |
| 13-11-3 | Same; Qualifications of Licensee |
| 13-11-4 | Same; Fees |
| 13-11-5 | Same; Term of License |
| 13-12-1 | Street and Alley Excavation Permits |
| 13-12-2 | Same; Bonding |
| 13-12-3 | Same; Prompt Completion of Work and Restoration Required |
| 13-12-4 | Same; Disposal of Excavated Materials |
| 13-12-5 | Same; Trench or Piled Excavated Material – Acceptance of Liability |
| 13-12-6 | Same; Normal Storm Flows |
| 13-12-7 | Same; Backfilling |
| 13-12-8 | Same; Settlement – Warranty Period |
| 13-12-9 | Same; Settlement |
| 13-12-10 | Same; Surface Restoration |

Title 13 Recodified by Ordinance 900 Effective 6-28-93

13-1-1 Board of Examiners; Duties of Same. -

- a) The Board of Examiners shall be appointed by the Mayor, with the consent of the Council, and shall consist of five members who shall serve two-year terms. The five board members shall consist of one qualified plumbing contractor, one qualified electrical contractor, one qualified HVAC contractor, one qualified building contractor, and one registered architect.

However, should it not be possible to maintain this board structure, it shall be at the discretion of the Mayor, with the consent of the Council, to fill vacancies with qualified licensed persons of the disciplines described.

The Building Inspector shall act as the staff assistant of the Board.

- b) The Board shall act as the Board of Appeals in all cases arising under Title 3 of the Municipal Code. (*Section 13-1-1(b) repealed Ordinance 925, effective May 2, 1994*)

13-1-2. Enforcing and Licensing Authority. - Except for Chapters 6, 7, 8, 10 and 11 concerning electricians, plumbers, building contractors, refrigeration repairmen and HVAC contractors, the Police Department shall be the authority charged with enforcement of the provision of this Title. The Building Inspector shall be the authority charged with enforcement of Chapters 6, 7, 8, 10 and 11 of this Title and for such purpose shall have the powers of a police officer. The City Clerk, or his duly appointed deputy, shall issue all licenses and collect all fees prescribed by this Title, except for Chapters 6, 7, 8, 10 and 11 where the Board of Examiners shall have such responsibility and be known as the licensing authority. The Board of Examiners may carry out this responsibility of issuing licenses through the Building Inspector who is an ex-officio member of the Board. (*Section 13-1-2 amended by Ordinance 925 effective May 2, 1994*)

13-1-3. License Terms. - Unless otherwise provided in subsequent chapters of this Title dealing with specific occupations or activities, the term of any license required shall be for one year and shall run from July 1 until June 30 of each year. Any license fee shall not be pro-rated from the date of purchase until the end of the license year, except for the license year. No license issued under this Title shall be transferable.

13-1-4 Revocation of License. - Any license issued under Chapters 6, 7, 8, 10 and 11 of this Title may be revoked by the Board of Examiners, upon a recommendation from the Building Inspector and after a review of the facts, upon three days prior written notice to the license holder mailed to the address shown on the application for the license, for any of the following reasons:

- a) any false information contained on the application for license;
- b) conviction for violation of any ordinance of the City pertaining to the activity or occupation license;

Any person aggrieved by the revocation of a license issued under this Title may file a written appeal to the City Council within 14 days of the effective date of such revocation, stating the reasons why such revocation should not stand. Such hearing shall be held upon not less than five nor more than 14 days prior written notice to the applicant.

Any person whose license has been revoked in accordance with the provisions of this section may apply for a new license at the end of six months from the date of revocation of such previous license. Any application for a new license so filed by any such person shall be referred to the City Council for approval.

13-1-5. Rules and Regulations. - The enforcement and licensing authorities, with the advice and consent of the City Council may require such information on the application forms and may adopt such written rules and regulations as they deem advisable for the performance of their duties concerning the activities and occupations for which a license is required by this Title.

13-1-6. Bond Requirement for Contractors. - Every applicant for issuance or renewal of an electrical contractor, plumbing contractor, building contractor, refrigeration repair work or HVAC contractor license, pursuant to chapters 6, 7, 8, 10 or 11 of this title before such license shall be issued or renewed, shall furnish a bond to the City of Lander in the amount of two thousand dollars. Said bond shall be met by the posting of either a cash bond or a surety bond which shall name to the City of Lander as payee, or by providing the city with satisfactory proof that the applicant is the owner of real property located within the jurisdiction of the City of Lander which has an unencumbered value of at least two thousand dollars. The bond shall be conditioned that the licensee will comply with the requirements of this title, and the city, or any person damaged by failure of licensee to comply with such requirements, may be in its or his own name and for its or his own benefit upon such bond.

13-1-7 Testing Certification for Plumbers, Building Contractors and HVAC; exception. - All persons applying for a plumbers license pursuant to Section 13-7-2, a building contractors license pursuant to Section 13-8-2 or an HVAC license pursuant to Section 13-11-3 shall present a certificate that the applicant has successfully passed the Wyoming Association of Municipalities testing. Person's holding a valid City of Lander license on April 26, 1994 shall be deemed as licensed and shall not be required to present a certificate of having passed the WAM test, for so long as they maintain their City of Lander license in good standing. (*Section 13-1-7 created by Ordinance 925 effective May 2, 1994*)

13-2-1. Amusement. - It shall be unlawful for any person, either directly, or indirectly, to conduct, carry on, promote, or engage in any circus, carnival, or other similar show, or to exhibit for gain or profit any other exhibition, show or amusement without first obtaining a license therefor.

13-2-2. Same; Application for and Terms of License. - Among other information which may be required by the City Clerk, the application for a license under this Chapter shall require the applicant to state:

- (a) the name and owner of the activity to be licensed;
- (b) the number and character of the activities and exhibitions for which admission will be charged to the public; and
- (c) the date or dates upon which the activity or exhibition will be held.

Any license issued under this section shall be valid only for the dates of the exhibition or activity specified in the application and shall specify the hour of its effective and termination dates. Such license shall also show the number and character of the exhibitions or activities permitted, including all sideshows and the maximum prices authorized to be charged for admissions and for seats therein, if seats are sold.

13-2-3. Same; License Fees. - The fee for a license under this Chapter shall be \$100 plus \$20 for each additional day or part of a day over the first day that the exhibition or activity is open to the public. (*Section 13-2-3 amended by Ordinance 1193 11/10/15*)

13-3-1. Auctioneers. - No person shall carry on the business for profit of an auctioneer within the City without first obtaining a license therefor. This chapter shall not apply to sales made at public auction under and by virtue of any legal process or proceeding through a court of law of equity, or to sales under any mortgage or trust deed.

13-3-2. Amusement; License Fees. - Fees shall be according to the City of Lander Fee Schedule. (*Section 13-2-3 amended by Ordinance 1193 11/10/15*)

13-4-1. Pawnbrokers, Definitions. For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

“Month” means that period of time from one date in a calendar month to the corresponding date in the following calendar month. If computations are made for a fraction of a month, a day shall be one-thirtieth (1/30) of one month.

“Pawnbroker” means any person, other than a bank, who is licensed pursuant to W.S. 40-14-634 and who advances or loans any money or other valuable thing on deposit of personal property security or who deals in the purchasing of personal property on the condition of selling the same back at a stipulated price and who is otherwise engaged in the business of making pawn transactions.

“Pawn Finance Charge” means the sum of all charges, payable directly or indirectly by the customer and imposed directly or indirectly by the pawnbroker as an incident to the pawn transaction.

“Pawnshop” means the location at which or premises in which a pawnbroker regularly conducts business.

“Pawn Transactions” means the act of lending money on the security of pledged tangible personal property or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed period of time.

“Pledged Goods” means tangible personal property other than choses in action, securities or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a

pawn transaction.

“Redemption Period” means that period of time from transaction date to maturity date of a pawn transaction.

13-4-2. License - Required. No person shall carry on the business of a pawnbroker within the City of Lander without first having obtained a license therefor.

13-4-3. License – Initial Application. Every person desiring to engage in business of a pawnbroker shall make application to the city clerk for a license to conduct such business. Such petition shall state the name of the person and, in the case of a firm or corporation, the names of the persons composing such firm or of the officers of such corporation and the names and addresses of all persons to be covered by such license shall also be stated. The application shall also state the place, street and number where the business is to be carried on. The steps are as follows:

Step 1: Complete a Pawnbroker License application and turn it in to the Clerk at City Hall with the requirements required for said license:

Step 2: Upon receipt of a completed Pawnbroker License application and all required attachments, the City will schedule a hearing before the City Council:

Step 3: The applicant should appear at the hearing to answer any questions or provide additional information as needed and requested by the City Council in deciding whether or not to issue the license:

Step 4: If the City Council approves the application, the applicant must pay all fees prior to the issuance of the License. Once all fees and the bond is furnished, the City will issue the license certificate.

Step 5: The City shall issue a license unless, upon investigation, the City finds that the financial responsibility, character and business qualifications of the applicant are such as to warrant belief that the business will not be operated honestly and fairly within the purposes of this Ordinance.

13-4-4. Pawnbroker License - Fee. The annual fee for each such license shall according to the City of Lander Fee Schedule. No license shall be issued for uses for more than one (1) year. Fees are not prorated for new licenses that begin mid-year. (*Section 13-4-4 amended by Ordinance 1193 11/10/15*)

13-4-5. License - Qualifications.

(a) Each applicant shall be over eighteen (18) years of age, except if the

Applicant plans on dealing with firearms, he must have a federal firearms license and be twenty-one (21) year of age.

- (b) Each person required by this Chapter to be licensed shall, as a condition to the issuance of such license, deliver to the City a surety bond in the amount of One Thousand and no/100 Dollars (\$1,000.00) assuring, during the term of such license and for a period of ninety (90) days thereafter, the faithful performance of the licensee of all of its obligations imposed by this Chapter or pursuant to any pawn transaction, and will pay all damages that may accrue to any person by reason of any fraud or misconduct in managing such business.
- (c) Unless a person has first obtained a license from the administrator of the Wyoming Uniform Consumer Credit Code authorizing him to engage in business of making supervised loans, he shall not engage in business as a pawnbroker. A copy of the WUCCC license will be provided to the City of Lander.
- (d) No license issued under this Chapter shall be transferable from one person to another, but it may be transferred from one location to another by consent of the city council on payment of a fee according to the City of Lander Fee Schedule. (*Section 13-4-5(d) amended by Ordinance 1193 11/10/15*)
- (e) The applicant agrees to submit and sign a release provided by the City for access to the Fair and Accurate Credit Transactions Act (FACT), which exempts outside investigation from coverage under the Fair Credit Reporting Act. This information may include any criminal history records that might exist within the past seven (7) years and/or consumer or investigative reports.

13-4-6. License - Renewal. In June of each year, the City of Lander will mail out renewal applications for the following license year to all active licensees. Pawnbroker licenses expire June 30th of each year and the renewal process must be complete by that date for license holders to continue to operate. A renewal of a pawnbroker's license may not require a hearing; however, the City of Lander shall have the sole discretion as to whether or not a hearing would be required. If the renewal process is not completed, the license will expire and may be subject to revocation by the city council.

13-4-7. Same: Records Required.

- A. Every pawnbroker shall keep at his place of business either on a computer or in a book, an accurate detailed description of all personal property, bonds, notes and other securities received on deposit or purchased, the date and time when each was deposited or purchased, and particularly

mentioning any descriptive marks that may be on such property, bonds, notes or other securities together with the name or residence of the person or persons by whom they were left, pawned, sold or pledged, the amount for which they were pledged or purchased and the date upon which any pledge expires. Such entries shall be made on the day such property is taken in. On demand, such pawnbroker shall make and deliver to the Chief of Police each working day a substantial copy of the entries made on the preceding day as herein mentioned, which report shall include all the business done from the time of the last report to the day such report is made. No entry therein shall be erased, obliterated or defaced and all entries therein shall be made either in ink or with indelible pen or pencil.

- B. Persons subject to this Ordinance shall file notification with the administrator of the Wyoming Uniform Consumer Credit Code and pay fees pursuant to the provisions of Article 6, Part 2 of the Code.
- C. All records shall be kept in accordance with accepted accounting practices and such records shall be preserved or made available in the state for a period of four (4) years from the date of transaction, or two (2) years from the final entry made thereon, whichever is later.

13-4-8. Same: Inspection of Records. During ordinary business hours every business pawnbroker shall submit for inspection the book mentioned in Section 13-4-7 when requested to do so by a law enforcement officer or other officer of the City and permit any officers to make a copy thereof and shall also exhibit all goods, personal property, bonds, notes or other securities that may be left with such person for the inspection of any of the above-named officers when requested to do so.

13-4-9. Same: Ten Day Hold for Inspection. Any business pawnbroker who shall purchase any second-hand goods or new goods of any individual not engaged in trade as an established business shall keep the same for inspection for ten days before the same are resold and shall keep a record of the transaction the same as provided in Section 13-4-7.

13-4-10. Same: Purchase from Person Under 18 Years of Age. It is unlawful for any pawnbroker or junk dealer or second-hand dealer as defined in Wyoming Statutes Section 33-18-101 (1977) in the City to purchase, or to receive as collateral security, or to otherwise receive any goods of property from any person who is under the age of 18 years. The Pawnbroker shall obtain a copy of the driver's license or the number from the driver's license for every person the pawnbroker believes is under the age of 18 years. Lack of intent or lack of knowledge of minority shall not be a defense to any person charged with entering into a pawn transaction with a person under the age of 18 years.

13-4-11. Limitation on Agreement and Practices.

Even though a pawn transaction subject to this Ordinance creates a debtor-

creditor relationship, no pawnbroker shall make any agreement requiring personal liability to a customer in connection with a pawn transaction and no customer has an obligation to redeem pledged goods or make any payment on a pawn transaction. The only recourse of a pawnbroker where the customer has pledged goods is to the pledged goods themselves.

13-4-12. Prohibited Practices. No pawnbroker shall:

- (a) Divide or separate a pawn transaction into two (2) or more transactions for the purpose or with the effect of obtaining a total pawn finance charge exceeding that authorized by this Chapter.
- (b) Accept any waiver, in writing or otherwise, of any right or protection accorded a customer under this Chapter.
- (c) Fail to exercise reasonable care to protect pledged goods from loss or damage.
- (d) Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker on the pawn transaction.
- (e) Make any charge for insurance in connection with a pawn transaction.
- (f) No person licensed as a pawnbroker shall take any article in pawn from any person appearing to be intoxicated or any person known to such pawnbroker to be a thief or to have been convicted of larceny or burglary, without first notifying a police officer.

13-4-13. Return of Stolen Property. When a person is found to be the owner of stolen property which has been pawned and confirmed as stolen property by the law enforcement officer, such property shall be returned by the pawnbroker to the owner thereof without the payment of the amount advanced by the pawnbroker, or any costs or charges of any kind which the pawnbroker may have placed upon the same.

13-4-14. Same: Limits on Amount Financed and Terms. – It shall be unlawful for any pawnbroker to charge an interest rate of more than twenty percent (20%) per month on the unpaid principal balance on the sum loaned. Interest may be charged only on the sum actually received by the customer, which sum may not exceed Three Thousand and No/100 Dollars (\$3,000.00) to any one customer in any one transaction. Pawn tickets given to the customer shall show the interest rate which applies to the loan on the face of the ticket in legible and clearly readable size of print. The maturity date of a loan or redemption or repurchase agreement on a pawn transaction shall be thirty (30) days.

13-4-15. Same: Limitation on Agreement and Practices. – No pawnbroker shall make an agreement requiring the personal liability of a customer in connection with a pawn transaction.

No customer may be required to redeem pledged goods or make any payment on a pawn transaction. The sole remedy of a pawnbroker for non-payment of a loan by a customer or failure to redeem or repurchase tangible personal property by a customer in a pawn transaction has the right to title of the pledged tangible personal property. Pawnbrokers shall not make any charge for insurance in connection with a pawn transaction.

13-4-16. Violation - Penalties.

- (a) Any person found guilty of violating any provision of this Chapter, either by doing a prohibited act or by failing to do or perform a required act shall be fined in accordance with the Lander Municipal Court Bond Schedule, in addition to which the license of any such person shall be revoked. (Section 13-4-16(a) amended by Ordinance 1193 11/10/15)

- (b) Any pawn transaction entered into in violation of this Chapter shall be void and the customer shall not be obligated to pay either the amount financed or the pawn finance charge in connection with the transaction. Upon demand of the customer, the pawnbroker shall return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. In the event that a pawnbroker shall refuse to make a refund as provided in this Section within a reasonable time after demand, the customer shall have an action against the pawnbroker and in case of a successful action to enforce such liability, the costs of the action together with a reasonable sum for attorney's fees as determined by the Court shall be awarded the customer. (Section 13-4-1 was amended by Ordinance 1158 effective August 30, 2009)

13-5-1. (Sections 13-5-1 – 13-5-9 was repealed by Ordinance 1154 effective 6/14/09)

13-5-10. (Section 13-5-10 was repealed by Ordinance 1144 effective 6/15/08)

13-6-1. Electrical Wiring. - It shall be unlawful for any person to install, construct, maintain, or repair any electrical conductors, equipment or wiring within the City without first having obtained a license therefor. However, no person performing electrical work on property which such person owns in whole or in part and in which such person actually resides and which occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property.

13-6-2. Same; Issuance of License. - Electrical licenses as prescribed in this Chapter shall be issued by the Building Inspector for the City upon proof of proper qualifications for the license for which application is made and upon payment of the license fee.

13-6-3. Same; Qualifications of Licensee. - Electrical contractor's, master electrician's and journeyman electrician's license shall be issued only to persons who have been licensed by the Electrical Licensing Board of the State of Wyoming and who at the time of application for a license to the Board of Examiners presents the Building Inspector with a photostatic copy of a license issued by the State of Wyoming which is effective for the period for which application for license to the City is made. Such license shall entitle the applicant to perform only those electrical services for which he is qualified under Wyoming Law. Any licensed electrical contractor desiring to employ indentured apprentice electricians to assist master or journeyman electricians shall register the names and addresses of such apprentice electricians with the Building Inspector and a license for such apprentice electrician shall be issued upon the condition and with the restriction that the apprentice electrician shall work only in the presence of and under the immediate supervision of a master or journeyman electrician.

13-6-4. Electrician; Fees. - The fee for each electrical license issued shall be according to the City of Lander Fee Schedule. All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. (*Section 13-6-4 was amended by Ordinance 1193 11/10/15.*)

13-6-5. Same; Term of License. - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-6-5 was amended by Ordinance 1080 effective April 27, 2004.*)

13-7-1. Plumbers and Plumbing. - It shall be unlawful for any person to install, construct, maintain or repair any plumbing, gas, drainage piping work, or any fixture, water heating or treating equipment within the City without first having obtained a license therefor. However, no person performing such work on property which such persons owns, in whole or part and in which such person actually resides and which is occupied only by such owner's immediate family shall be required to be licensed to perform such work on property. It shall further be unlawful for any person to install, construct, maintain, or repair any utility lines or facilities of whatever nature, specifically including television and telephone lines or facilities, in any street or alley within the City without first having obtained a license thereof.

13-7-2 Same; Qualifications for License. - A plumbing contractor's, journeyman

plumber's, utility contractor's and sewage disposal contractor's license shall be issued by the licensing authority only to persons who pay the required fee therefore and who present a certificate from the Wyoming Association of Municipalities of having passed their testing or passed an I.C.C. (International Code Council) approved test. Provided that no person holding a valid license with the City of Lander as of April 26, 1994 shall be required to present a certificate from WAM or a certificate from I.C.C., for so long as their license is kept current.

Every person applying for a plumbing contractor's license must show proof of having completed four years as an apprentice and two years as a journeyman (a total of six years experience) or three years of mechanical engineering education and must have a business in a properly zoned area before he is eligible to apply. Every person applying for a journeyman plumber's license must show proof of having four year's experience as an apprentice before he is eligible to apply.(*Section 13-7-2 amended by Ordinance 1130 effective May 13, 2007*).

13-7-3. Same; Scope of Licenses. - The licenses issued under this Chapter shall entitle the holder to perform plumbing services as follows:

(a) A plumbing contractor is a person who may conduct, carry on, or engage in the business of plumbing. A plumbing contractor may also engage in single hook-ups to water and sewer mains to the streets or alleys of the City.

(b) A sewage, cleaning or disposal contractor is a person who may conduct, carry on, or engage in the business of pumping, installing, altering, or repairing private sewage disposal system. The contractor may also clean sewer service lines in the municipal system.

(c) A journeyman plumber is a person who labors at the trade of plumbing as an employee.

(d) An apprentice plumber is a person who labors at the trade of plumbing as an employee under the direct supervision and in the presence of a plumbing contractor or journeyman plumber. No journeyman shall supervise more than two apprentices.

(e) A utility contractor is a person who may construct and install utility lines or facilities of whatever nature, specifically including water, sewer, television and telephone lines or facilities, in the streets and alleys of the City to within two feet of a dwelling or structure.

13-7-4. Repealed - Ordinance 925 (*effective May 2, 1994*)

13-7-5. Plumber; License Fees. - The fee for licenses issued under this Chapter shall be according to the City of Lander Fee Schedule. All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be

from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. (*Section 13-6-4 was amended by Ordinance 1193 11/10/15.*)

13-7-6 - Same; Term of License. - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-7-6 was created by Ordinance 1080 effective April 27, 2004.*)

13-8-1. Building Contractors. - It shall be unlawful for any person or contractor to build, erect, construct, alter, add to, repair or demolish any building or structure for compensation within the City without first having obtained a license therefore. However, no person performing building work on property which such person owns in whole or in part and in which such person actually resides and which is occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property, except as provided in Section 13-8-3(e) below. However, any contractor, subcontractor or builder working under a licensed general contractor within the city limits will not need to be licensed with the City of Lander. Any contractor, subcontractor or builder working under the general contractor will however need to be registered with the City of Lander and pay the registration fee according to the City of Lander Fee Schedule prior to commencing any work activity. The licensed general contractor will be responsible for all work performed on the project. (*Section 13-8-1 amended by Ordinance 1193 11/10/15*)

13-8-2 Same; Qualifications for Licenses. - Licenses for Class I, Class II, and Class III Building Contractors shall only be issued by the licensing authority in the name of the individual who pays the required fee and who presents a certificate from Wyoming Association of Municipalities of having passed their testing, or passed an I.C.C. (International Code Council) approved test, or having previously passed an equivalent test to the satisfaction of the City, or having been pre-qualified by the City of Lander.

At least one person holding a valid electrician's, plumber's, contractor's or HVAC license as required by Chapters 6, 7, 8 and 11 of this Title is required to be under direct supervision of any construction project during the times that any such work is being performed. (*Section 13-8-2 was amended by Ordinance 1030 effective May 13, 2007.*)

13-8-3. Same; Scope of Licenses. - The licenses issued under this Chapter shall entitle the holder to perform contracting services as follows:

(a) Building Contractor - Class I: shall entitle the holder thereof to contract for construction, alteration, or repair of any type or size of structure permitted by the City Building Codes. He may also engage in single hook-ups to water and sewer mains in the streets

or alleys of the City within two feet of a dwelling or structure.

(b) Building Contractor - Class II: shall entitle the holder thereof to contract for the construction, alteration, or repair of residences up to and including an eight-plex and to make alterations to a commercial structure not to exceed 25% of the assessed building value.

(c) Building Contractor - Class III: (Building Contractor – Class III shall entitle the holder thereof to contract for the construction, alteration, or repair of residence up to and including multi (duplex) or single family dwellings (*Section 13-8-3(c) amended by Ordinance 1099, effective June 21, 2005*)

(d) Building Contractor - Class IV: shall entitle the holder thereof to contract for the construction, alteration, or repair of roofs, siding, fencing, masonry, concrete, and drywall only in any type or size or structure permitted by the City Building Codes. (*Section 13-8-3(d) was amended by Ordinance 1159, effective August 16, 2009*).

(e) Building Contractor - Class V: shall entitle the holder thereof, not more often than once every five years, to construct in whole one single family residence in which the holder and his immediate family, if any, actually resides.

13-8-4. The license fee applicable to those classes numerated in Section 13-9-3 shall be according to the City of Lander Fee Schedule. All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. (*Section 13-6-4 was amended by Ordinance 1193 11/10/15.*)

13-8-5. Same; Term of License. - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-8-5 was created by Ordinance 1080 effective April 27, 2004*).

13-9-1. Waste Hauling Contractors. - It shall be unlawful for any person to collect waste (as defined in Section 11-2-1) for hire within the City without first having obtained a license therefor. Applications for such license shall be available in the office of the City Clerk, who shall issue licenses upon approval and direction of the City Council.

13-9-2. Waste Hauling Contractor; License Fees. - The fee for a license under this Chapter shall be according to the City of Lander Fee Schedule. (*Section 13-9-2 amended by Ordinance 1193 11/10/15*)

13-9-3. Same; Specifications and Operations of Waste Collection and Hauling Equipment. - All waste collection and hauling equipment used by a person licensed under this Chapter shall meet the specifications prescribed therefor by the State of Wyoming. Such equipment shall be kept in a clean condition, free from any offensive odor, and shall not be allowed to stand in any street, alley, or other public place longer than is necessary to collect waste. All waste so collected shall be conveyed to the County Sanitary Landfill.

13-9-4. Same; Term of License. - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-9-4 was created by Ordinance 1080 effective April 27, 2004.*)

13-10-1. Refrigeration Repair Work. -

(a) It shall be unlawful for any person, firm or corporation to engage in the business of repairing, altering or working on any refrigeration machinery or equipment in the City of Lander without first having obtained a license therefor. However, no person performing refrigeration work on property which such person owns in whole or in part and in which such person actually resides and which is occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property. The provision hereof shall not apply to repair, alteration or work on motor vehicle air conditioning units.

(b) The fee for each refrigeration license shall be according to the City of Lander Fee Schedule. The annual fee shall be paid on or before June 30th of each calendar year. All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. (*Section 13-10-1 amended by Ordinance 1193 11/10/15*)

(c) A refrigeration license shall be issued by the licensing authority only to persons who pay the required fee therefor and who successfully pass an examination conducted by the Board of Examiners or the Building Inspector. Said examination shall be graded as soon as possible after the exam is taken by the Building Inspector and one member of the Board of

Examiners which is not a refrigeration repairman. Each grader shall initial the test after grading it. Any person who fails an examination may apply for re-examination after 30 days. After failure of the examination for the second time, a third application for examination may not be made for six months. Every person applying for a refrigeration license must show proof that he is qualified to engage in such business.

(d) No refrigeration machinery, equipment or mechanical systems shall be installed, altered, repaired, replaced or remodeled without first obtaining a permit as regulated by Chapter 3 of the Uniform Mechanical Code, from the Building Inspector or his authorized deputy.

(e) All refrigeration machinery, equipment or mechanical systems shall be regulated by the Uniform Mechanical Code.

(f) Any person doing refrigeration work, or who attempts to do such work without first obtaining a license and permit shall be deemed guilty of a misdemeanor and shall be punished by a maximum fine of \$750 or imprisonment for not more than six months, or both such fine and imprisonment.

13-11-1. HVAC Contractors. - It shall be unlawful for any person to install, construct, maintain, or repair any heating fixtures or appliances within the City without first having obtained a license therefor. However, no person performing HVAC work on property which such person owns in whole or in part and in which such person actually resides and which occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property.

13-11-2. Same; Issuance of License. - HVAC contractor licenses as prescribed in this chapter shall be issued by the licensing authority upon proof of proper qualifications for the license for which application is made and upon payment of the license fee.

13-11-3 Same; Qualifications of Licensee. - HVAC contractor's, master HVAC mechanics and journeyman HVAC mechanics license shall be issued by the licensing authority only to persons who pay the required fee therefore and who present a certificate from the Wyoming Association of Municipalities of having passed their testing, or passed an I.C.C. (International Code Council) approved test. Provided that no person holding a valid license with the City of Lander as of April 26, 1994 shall be required to take and pass the examination, for so long as their license is kept current.

Any licensed HVAC contractor desiring to employ indentured apprentice HVAC mechanics to assist master or journeyman HVAC mechanics shall register the names and addresses of such apprentice mechanics with the Building Inspector and a license for such apprentice HVAC mechanic shall be issued upon the condition and with the restriction that the apprentice HVAC mechanic shall work only in the presence of and under the immediate supervision of a master or journeyman HVAC mechanic. (*Section 13-11-3 was amended by Ordinance 1030 effective May 13, 2007.*)

13-11-4. HVAC; Fees. - The fee for each HVAC mechanic license issued shall be according to the City of Lander Fee. All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. (*Section 13-6-4 was amended by Ordinance 1193 11/10/15.*)

13-11-5. Same; Term of License. - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-11-5 was amended by Ordinance 1080 effective April 27, 2004.*)

13-12-1. Street and Alley Excavations – Permits

- (a) Required. No person, firm, entity or corporation shall make any excavation or dig any ditch in any paved, oiled, graveled, improved or unimproved right-of-way dedicated for street or alley purposes in the City of Lander unless the person, firm, entity or corporation shall first obtain a permit from the City Building Inspector.
- (b) Exceptions. This ordinance shall not be construed to mean that excavation permits are required for the installation of fences, and utility poles, or for excavation of any easement.
- (c) Application for permit. No excavation permit shall be issued by the Building Inspector or his designate unless all information required by the permit has been supplied. The permit shall state the applicants name, company name and the company mailing address, the purpose of the permit, the location of the work site and the owner of the property for said work. When approved, the Building Inspector and the applicant shall sign said permit. That signature shall constitute a legal permit to excavate and/or fill excavation within the public right-of-way.
- (d) Notification of utilities. Permittee shall notify all utilities within the area of the proposed excavation. Permittee shall also notify city police and fire department. Said notifications shall be made prior to digging.
- (e) Fees shall be in accordance with the City of Lander Fee Schedule. (*Fees*

amended by Ordinance 1193 11/10/15)

- (f) Emergency excavation. Nothing in this chapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for making emergency repairs outside of the normal working hours; provided, that the person making such excavation shall apply to the Building Inspector for an excavation permit on the first working day after such work is commenced; and further, that the city police, fire, and street departments shall be notified before the excavation of the intent to excavate and the reason for doing so. Only work necessary to satisfy the need that constitutes the excavation, as an emergency shall be done before obtaining a permit as outlined in this chapter. Permit fee may be doubled if procedures are not followed.
- (g) The City of Lander and city employees not liable: This chapter shall not be construed as imposing upon the City of Lander or any employee thereof any liability or responsibility for and damages to any person injured or property damaged by the performance of any excavation work for which an excavation permit is issued or for an emergency excavation. Nor shall the City of Lander or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authority under this chapter, the issuance of any permit or the approval of any excavation work.
- (h) Exemption: The City and its employees while performing their duties shall be exempt from having to obtain a permit.

13-12-2. Same: Bonding

- (a) Any person, firm, entity or corporation holding a utility franchise for water, sewer, telephone, electricity, gas, or television license or cables shall post an annual bond in the amount of two thousand dollars (\$2,000) with the City Treasurer, payable to the city.
- (b) Except as described in “a” above, the permittee shall be required to post an annual bond in the amount of two thousand dollars (\$2,000), Letter of Credit or an affidavit with the City Clerk payable to the city.
- (c) Should the permittee fail to abide by this ordinance, the city shall cause such work to be accomplished correctly according to the latest addition of Wyoming Public Works Standards and the City of Lander Standards and Specifications. Upon completion of said work, the building inspector shall recommend that the permittee’s bond or deposit be called in order to indemnify the city for costs incurred.

13-12-3. Same: Prompt completion of Work and Restoration Required

After an excavation is commenced, the Permittee under this Ordinance shall proceed with due diligence and expedience all excavation work covered by the excavation permit and shall promptly complete such work and restore the public place to its original condition, or as near as possible, so as not to obstruct the public place or travel thereon more than is

reasonably necessary.

During the months when Hot Asphalt Mix is not available the permittee shall use a cement treated fill or other materials that will prevent settlement or heaving of the excavated area as a **temporary patch**. The permittee shall maintain the surface the excavation level with the surrounding road surface until the final resurfacing is completed. Upon notification from the City of Lander the need for additional maintenance of this excavation shall be completed no later than the following workday. If the contractor fails to perform said maintenance work, the City of Lander will not issue any additional excavation permits to said contractor until final and complete resurfacing is completed. The permittee shall complete the final resurfacing within thirty (30) days from the time that Hot Asphalt materials are available.

During the time when Hot Asphalt is available, the Permittee shall complete the final resurfacing within thirty (30) days from the time of the permit issuance. The excavated area shall be maintained level with the surrounding road surface until the final resurfacing is completed.

13-12-4. Same: Disposal of Excavated Materials. All materials excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or other users of the street and sidewalk and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Where the confines of the area being excavated are too narrow to permit piling of excavated material beside the trench, the Building Inspector shall have the power to require that the permittee under this Ordinance to haul the excavated material to a storage site and then return it to the trench site at the time of backfilling. Moving of material will be at no expense to the city.

13-12-5. Same: Trench or Piled Excavated Material-Acceptance of Liability. A permittee under this chapter, in accepting and acting under an excavation permit agrees to assume full responsibility and shall pay for injury and damage to persons or property incurred because of said excavation trench or piled material and further agrees to pay all costs involved. Permittee shall hold harmless and indemnify the City of Lander and its employees for any injuries to individuals and for any property damage including any attorney fees and costs in defense of any claim.

13-12-6. Same: Normal Storm Flows. Normal storm flows shall be maintained or temporarily rerouted by the permittee if necessary and property and existing facilities shall be protected. Following the completion of the excavation work, the original drainage shall be restored.

13-12-7. Same: Backfilling. All backfill and resurfacing shall be completed to Wyoming Public Works Standards and City of Lander Standards and Specifications.

13-12-8. Same: Settlement- Warranty Period. The contractor shall, for a period of one (1) year after completion, repair any trench settlement or heaving which may occur and shall make suitable repairs to any pavement, sidewalks or curb and gutter which may become damaged as a result of backfill settlement or heaving.

13-12-9. Same: Settlement. A permittee under this chapter, in accepting and acting under an excavation permit, agrees to assume full responsibility and shall pay for injury and damage to persons or property incurred because of any settlement of the restored area and further agrees to pay all costs involved in reconditioning such area.

13-12-10. Same: Surface Restoration. The permittee shall restore paved surfaces with material similar in quality or exceeding the quality of the existing pavement. The existing pavement shall be saw cut and removed to a line at least twelve (12) inches from the firm banks of the trench. Road base material shall be placed to a depth of not less than six (6) inches under all areas to be resurfaced. Acceptable road base material shall be placed to a depth of six (6) inches or match the existing road base depth; whichever is greater, under all areas to be resurfaced.

- (a) Bituminous asphalt material shall conform to the requirements of the state public works standard specifications and the City of Lander Standards and Specifications as amended from time to time. Material shall be placed to a final thickness of not less than three (3) inches on minor streets, four (4) inches on major arterial streets.
- (b) The final surface shall be uniform, free from irregularities, and flush with the existing pavement. The City of Lander Street Supervisor or the Public Works Director using a ten-foot straightedge at selected locations may test the surface. The variations of the surface shall at no point exceed one-half inch. Removing defective work and replacing it with new material as specified shall correct all humps or depressions exceeding the specified tolerance.
- (c) In the event that the permanent surface cannot be installed within thirty (30) days, a temporary surfacing will be required. (*Section 13-12-1 through 13-12-10 was created by Ordinance 1060 effective February 25, 2003*)

Code Book Index

A

ABANDONED

Appliances

Restriction on private property: 11-3-1

Cemetery Lots: 10-2-17

Disposition of vehicle: 11-10-4

Non Conforming: 4-11-1

Solar right: 11-7-6(e)

ACCELERATION

Excessive acceleration of exhibition of:

8-2-3

ACCESS

Zoning provisions for: 4-11-6

ACCESSORY TO A CRIME

After the fact: 7-1-3

Before the fact: 7-1-2

ADJUSTMENT, BOARD OF

Appeal from: 4-4-3

Creation: 4-5-1

Power to extend nonconforming lost,
uses or structures: 4-5-2(c)

Power to grant variance generally: 4-11-
10©

ADMINISTRATION

City Council: 12-1-3 to 12-1-5

Officers: 12-2-1 to 12-2-5

ADMINISTRATION AUTHORITY FOR ENFORCEMENTS OF CODES

Admin and Enforcement: 11-7-5

Appeal From: 3-1-9

Appointment: 3-1-7

Duties and Powers: 3-1-8

ADOPTION

Mobile home standards: 3-1-3

Modular building standards: 3-1-4

Uniform codes: 3-1-1

AERSOLS

Inhaling Prohibited: 7-7-2

AGE

Pawn brokers proof of age to purchase:
13-4-8

Proof of, to purchase alcohol: 2-2-8©

AIRPORT

Creation Commission: 12-3-2

Registration and Resonation: 4-12-1

ALCOHOL

Additional dispensing room: 2-2-14

City policy: 2-2-1

Driving under the influence: 8-9-1

Malt Beverage permit: 2-2-18

Catering permit

Hours of sale: 2-2-15

License holder responsible for agent: 2-
2-7

Possession or consumption on private
property: 2-2-12

Possession or use by minors, prohibited:
2-2-9

Presence where served prohibited: 2-2-
8(b), 2-2-9(b)

Sale to minors prohibited: 2-2-8(a)

Transferring of License fee: 2-1-4

Continuing Violations: 2-2-17

ALLEYS

- Cutting of, to install utility lines: 9-1-7
- Definition: 4-1-4(e)
- Obstruction of, prohibited: 11-5-1
- Permit: 13-12-1
- Permit for temporary obstruction: 11-5-2
- Prohibited parking: 11-5-1

ALTERNATIVE DESIGN OR

- CONSTRUCTION STANDARD: 5-1-2

AMENDMENTS, ZONING

- Applications: 4-8-3
- Limitations: 4-8-6
- Policy: 4-8-1
- Procedure: 4-8-5
- Types: 4-8-2
- Zoning Map: 4-8-4

ADA

- Appeal Board: 12-9-3
- Committee: 12-9-2
- Coordinator: 12-9-4
- Procedure for review: 12-9-5

AMUSEMENTS

- Application for License: 13-2-2
- License Fee: 13-2-3
- License Required: 13-2-1

ANIMALS

- Cruelty to, Prohibited: 6-3-1
- Dead, Disposal of: 11-2-4
- Definition: 6-1-1
- Impounding: 6-4-1
- Keeping cage animals: 6-4-4
- Leaving unattended, Prohibited: 6-3-2
- License Required: 6-2-1

License Tags: 6-2-2

Noisy animals: 6-3-3

Control or biting animals: 6-4-3

Redemption and Disposition: 6-4-2

At large animals: 6-3-4

ANNEXATIONS

Procedure and hearing: 4-10-1

APPEALS

Americans W/Disabilities: 12-9-3

Bored of adjustments: 4-4-3

Board of examiners acting as board of appeals: 13-1-1

Business license revocation: 13-1-5

Codes, appeal from enforcement of: 3-1-9

Hunt field: 4-12-18

Planning, appeal from department decisions: 4-4-3, 11-7-6(e)

Rules of procedure: 4-5-4

APPLCATIONS, ABANDONED

Deemed a nuisance: 11-3-3

Defined and terms: 12-2-3

Power to establish regulations: 12-2-6(b)

Removal by Mayor: 12-2-2

Subordinate: 12-2-4

ARREST

Escape while under arrest prohibited: 7-3-3

Obstruction of Peace Officer prohibited: 7-3-2

ASSAULT: 7-2-1

ASSAULT AND BATTERY: 7-2-2

ASSISTED LIVING FACILITY: 4-12-8(vii), 4-12-6(vii), 4-12-9©(iv)

ATTORNEY, CITY

Appointment and terms: 12-2-3

AUCTIONEERS

Fees: 3-3-2

License required: 13-3-1

B

BARKING DOGS

Prohibited: 6-3-3(a)

BATTERY

Assault and: 7-2-2

BEVERAGES

Alcoholic: 2-1-1 to 2-2-17

BYCYCLES

Alternative or removing registration plate or serial number prohibited: 8-6-4

On sidewalks: 8-6-1

Parking lot: 8-6-2

BOARD OF ADJUSTMENTS

Appeal from: 4-4-3, 11-7-6(e)

Creations: 4-5-1

Power to extend non-conforming lost, uses or structures: 4-5-2(d), 4-11-1(d)

Power to grant conditional use permit generally: 4-5-2(e)

Power to grant variance generally: 4-5-2(c)

Parking requirements: 4-11-10(e)

Solar access appeal: 1-7-6

Definition: 4-12-11(i)

BOA- variance: 4-5-3

BOA Rule: 4-5-4

CU: 4-6-1

Tower & Antenna application: 4-11-13

Airport zones: 4-12-12

Define: 4-12-1(k)

Sign code: 1503

Sign step backs

Related uses of similar type: 4-12-2, 4-12-3, 4-12-4, 4-12-5, 4-12-7, 4-12-8, and 4-12-9

BOARD OF EXAMINORS

Appeals: 3-1-9

Contactors: 13-9-2

Duties: 13-1-1

Enforcing: 13-1-2

Licensing Authority: 13-1-13

License Revoke: 13-1-4

Trades: 13-8-2, 13-8-4, 13-8-5, and 13-10-1

BONDS

Itinerant and transient merchants, required: 13-5-5.1

Bond schedule: 8-12-1

Contractor: 13-1-6

Pawn: 13-4-7, 13-4-8

BOUNDARIES

City Limits: 12-1-1

Firm: 3-13-3.5

Ward: 12-1-2

Zoning: 4-3-2, 4-11-3

BREACH OF PEACE: 7-8-1

Disturbing animals: 6-3-3

BUILDING CODE

Adoption: 3-1-1

Amendments: 3-2-1

BUILDING CONTRACTORS: 13-8-1

Examination required: 13-8-2

License fees: 13-8-4

License required: 13-8-1

License types: 13-8-3

Testing: 13-1-7

Qualifications: 13-8-2

BUILDING INSPECTOR

Appeal from: 3-1-9

Appointment duties: 12-2-4

Duties: 3-13-3

Duties-Food: 3-13-2

Enforcement of codes: 3-1-8

Establishment of: 12-2-8

Flood: 3-13-2

Flood plain admin: 3-10-4

HO: 4-11-4

Powers: 3-1-8

Qualifications: 3-1-7

Regulations of electricians, plumbers
and building contractors: 13-1-2

BUILDING, MODULAR

Mobile home: 3-1-5

Placement, permit required: 3-1-5

Standards: 3-1-4

BURNING WASTE

Restrictions: 11-2-5

BUSINESS LICENSES AND REGULATIONS

Generally. Title 13

Also see, Amusements, Circuses,

Carnivals, Exhibition, Auctioneers,

Pawnbroker, Merchants, Electricians,
Plumbers, and Contractors

BUSINESS ZONING

Central: 4-12-7

General commercial district: 4-12-3

Manufacturing and light industrial
district: 4-12-8

Map: 4-3-2

C

CAMPER 3-1-3(8)(e)

Definition: 3-1-3(8)(q)

Parking prohibited: 8-7-10

Temp: 4-11-5

CAMPTRAILOR

Definition: 4-1-9

Restriction on parking: 8-7-10

CARELESS DRIVING: 8-2-1

CARNIVAL(AMUSMENTS)

Application for License: 13-2-2

License fee: 13-2-3

License required: 13-2-1

CEMETERY TO TITLE 12

Fees and Regulations:

Management:

Permits for opening grave:

Records, deeds and permits:

CERTIFICATE OF ZONING COMPLIANCE

Issued by department of planning: 4-4-1

Required for legal non-conforming
structures, uses at lots: 4-11-1(m)

CHECK FRAUD

Citizen complaint: 7-9-4

Definitions: 7-9-1

Prime Facie evidence: 7-9-3

Procedure-penalty-restitution: 7-9-2

Attempted petit larceny: 4-9-5

CHIEF OF POLICE

Appointment and term: 12-2-3

Authority to enforce public safety and sanitation: 11-1-2

CHILDREN

Curfew: 7-5-2

Leaving, unattended, prohibited: 7-8-4

Also see Minors:

CIRCUSES

Applications, license: 12-2-2

License fees: 13-2-4

License required: 13-2-3

CITY ATTORNEY

Appointment and term: 12-2-3

CITY CLERK

Appointment and term: 12-2-3

Cemetery records, keeper of: 10-2-2

CITY COUNCIL

Attendance: 12-7-3

Generally: 12-1-2 to 12-1-5

May act as board of adjustment: 4-5-1

CITY ENGINEER

Appointment and term: 12-2-3

Authority to approve alternative design standards: 5-1-2

Authority to determine costs to be paid in lieu of parking requirements: 4-11-10(e)

Sidewalks, authority to require repair: 5-2-2

CITY INSPECTOR

Appeals from: 3-1-9

Appointment: 10-2-4

Duties and powers: 3-1-8

Enforcement of certain business licenses: 13-1-2

Enforcement of codes: 3-1-7

Inspection of utility line installation: 9-1-8

Qualifications: 3-1-7

CITY TREE BOARD

(see Tree Board)

CLEAR VISION AREA

Zoning: 4-11-9

CODES, UNIFORMS

Adoption: 3-1-1

CODIFICATIONS OF ORDINANCES: 1-1-4

COMMISSIONS

Airport: 12-3-2

Creation of: 12-3-3

Americans w/Disabilities: 12-9-1

Economic development: 12-6-1

Parks and recreation: 10-1-1(see Parks)

Planning: 4-7-1, 12-3-1

CONCEALED WEAPONS: 7-2-4

CONCRETE USES

General provisions: 4-6-1

Home occupations: 4-11-4

CONDUCT

Disturbing the Peace: 7-8-1

Fighting or rioting prohibited: 7-2-3

Indecent acts: 47-6-1

CONSTRUCTION STANDARDS

Curbs and sidewalks: 5-1-1

Uniform codes: 3-1-1

CONTEMPT: 1-2-3

CONTRACTORS

Building contractors

Examination Required: 13-9-1

License fees: 13-9-4

License required: 13-9-1

License types: 13-9-3

Qualifications: 13-9-2

HVAC Hauling

Issuance of: 13-12-2

Qualifications: 13-2-3

Fees: 13-2-4

Term of license: 13-2-5

Waste Hauling

Equipment: 13-10-3

License fees: 13-2-2

License required: 13-13-1

Utility contractors

Definitions: 13-8-3

Examination fee: 13-8-5

Examination required: 13-8-2

License fee: 13-8-6

License required: 13-8-2

Qualifications: 13-8-2

Scope of license: 13-8-3

COURT, MUNICIPLAL

Contempt: 1-2-3

Costs: 1-2-2

Judge: 12-2-3, 12-2-6

Bond schedule: 8-12-1

D

DANGEROUS BUILDING, UNIFORM

CODES FOR ABATEMENT OF

Adoptions: 3-1-1

Amendments: 3-5-1

DEAD ANIMALS

Disposal of: 11-2-4

DEADLY WEAPON

Carrying with unlawful intent
prohibited: 7-2-5

DEFINITIONS

Title 1 – general: 1-1-1

Title 2 – alcohol: 2-2-2

Title 3 – mobile homes: 3-1-3(h)

Title 4 – zoning: 4-13-1

Title 6 – animals: 6-1-2

Title 8 – traffic: 8-1-2

Title 9 – water and sewer: 9-1-7

Title 11 – waste: 1-2-1

Solar collection: 11-7-8

DESTRUCTION OF PROPERTY

Prohibited: 7-4-1

DEVELOPMENT PLANS, ZONING

Application: 4-11-11(c0)

Districts: 4-11-11(b)

Planning commissions: 4-7-2(e)

Purpose: 4-11-11(a)

Review: 1-11-11(d)

DISABILITY COMMITTEE

Creation: 12-9-2

Appeals board: 12-9-3

Coordinator: 12-9-4

Procedure for review: 12-9-5

DISOBEYING CONDUCT

Assault: 7-2-1

Assault and battery: 7-2-2

Fighting and rioting: 7-2-3

DISPENSING ROOM

Alcohol, permit required: 2-2-14

DISTRICTS

Agricultural: 4-12-1

Central business: 4-12-10

Employment center: 4-12-11

General commercial: 4-12-9

Manufacturing & light industrial: 4-12-12

Mobile home park: 4-12-6

Multi-family residential: 4-12-7

Public land: 4-12-13

Recreational vehicle & campground: 4-14-1

Single family: 4-12-3

Single & multi family: 4-12-5

Single & multi residential & medical services: 4-12-8

Single & two family: 4-12-4

Suburban residential: 4-12-12

Wards: 12-1-12

Zoning: 4-1-1

DISTURBING THE PEACE: 7-8-1

DITCHES

Cleaning of waste: 11-2-2

DOGS

At large: 6-3-4

Barking: 6-3-3

Biting, disposal of: 6-4-3©

Impounded if at large: 6-4-1

License required: 6-2-1

Redemption from pound: 6-4-2

Tags to be attached to collar: 6-2-2

Vaccination for rabies: 6-2-1

DRINKING, ALCOHOL

On private premises: 2-2-11

On public premises: 2-2-12

Public drunkenness: 2-2-13

DRIVING UNDER THE INFLUENCE

Prohibited: 8-5-1

DRUG FREE WORKPLACE

Creation: 12-9-1

DUMP

Transpiration of waste: 13-11-3

DWELLING

Definition: 4-13-1

Temporary restrictions: 4-4-3

E

EASEMENTS, CITY

Obstruction of, prohibited: 11-5-1

Permit for temporary obstruction: 11-5-2

Removal of landscaping for utility or street maintenance of construction: 4-11-7

Utility lines, installation of: 9-1-7

ECONOMIC DEVELOPMENT

Commissions: 12-6-1

ECONOMIC DEVELOPMENT ZONING

definition: 4-15-1

creation: 4-15-2

requirements for designation: 4-15-3

effect of designation: 4-15-4

ELECTRICAL CODE

Adoption: 3-1-1

Amendments: 3-9-1

ELECTRICAL WIRING

License fees: 13-7-4

Issuance: 13-7-2

Qualification: 13-7-3

Required: 13-7-1

Term: 13-7-5

Permit required: 3-4-1

EMPLOYEES

City employees compensation: 12-2-5

Regulations governing: 12-2-6

Removal of: 12-2-2

Offices

Appointive: 12-2-3

Compensation: 12-2-5

Subordinate: 12-2-6

ENFORCEMENT OF ORDINANCE

Failure not a violation: 1-2-5

Geographic scope: 1-1-3

ENGINEER, CITY

Appointment and term: 12-2-3

Authority to approve alternative design standards: 5-1-2

Authority to determine costs to be paid in lieu of parking requirements: 4-11-10(e)

Sidewalks, authority to require repair: 5-2-2

ESCAPE

While in custody: 7-3-3

EXCAVATION

For installing of utility line costs: 9-1-7

EXHIBITION LICENSE

Application for: 13-2-2

Fee: 13-2-1

EXPOSURE, INDECENT: 7-6-1

F

FAILURE TO ENFORCE ORDINANCES

Not a violation: 1-2-5

FALSE IDENTIFICATION

Use to obtain alcohol, prohibited: 2-2-10

FAMILY

Definition: 4-13-1(p)

FEES: 1-2-6

FIGHTING

Prohibited: 7-2-3

FINE

For violation of ordinances: 1-2-1

FIRE CHIEF

Appointment and term: 12-2-3

FIRE CODE

Adoption: 3-1-1

Amendments: 3-7-1

FIRE HAZARDS

Listing: 11-2-8

FIREARMS

Carrying deadly weapons with unlawful intent prohibited: 7-2-5

Concealed, prohibited: 7-2-4

Discharge in the city prohibited: 7-8-2

FIREMEN

Pay: 12-2-5(d)

FIREWORKS, DISCHARGE IN CITY

Generally prohibited: 7-8-3

Independence Day, exception: 7-8-3©

FIRST VIOLAION

Of ordinance: 1-2-1

Regulations: 4-11-10, 4-12-9, 4-12-10,
4-16-1

FLOOD DAMAGE PREVENTION

Alteration of water course: 3-13-3.4

Areas of hazard: 3-12-2

Authorization: 3-10-1

Building inspector/engineer duties of: 3-
13-3

Const methods/materials:3-14-1.2

Definitions: 3-11-2

Development permit: 3-13-1

Findings of fact: 3-10-2.3

FIRM boundaries: 3-13-3.5

Floodways: 3-14-3

General provisions: 3-12

General standards: 3-14-1

Information: 3-13-3.3

Liability: 3-12-6

Manufactured homes: 3-14-2.3

Permit review: 3-13-3.1

Reduce losses: 3-10-4

Specific standards: 3-14-2

Statement of purpose: 3-10-3

Subdivisions: 3-14-1.4

Utilities: 3-14-1.3

Variance: 3-13-4

FOOD

Fraudulent procurement prohibited : 7-
4-5

GARBAGE

Accumulation prohibited: 11-2-2(a)

Burning Prohibited: 11-2-5

Collection of: 1-2-2(b), (c)

Dead animals, disposal of: 11-2-4

Definition of: 11-2-1

Hauling of: 11-2-3

License required to haul for hire: 13-10-
1

Littering Prohibited: 11-2-7

Transportation to dump: 13-10-3

GENDER

Interchangeable: 1-1-2

GEOGRAPHIC SCOPE

Of City ordinance: 1-1-3

GLUE

Inhaling vapor prohibited: 7-7-2

GRAVES

Permits for opening: 10-2-5

GUNS

Carrying deadly weapon with unlawful
intent prohibited: 7-2-5

Concealed, prohibited: 7-2-4

Discharge in City prohibited: 7-8-2

GUTTERS

Construction standards: 5-1-1

G

GAMING

Definition: 4-13-1

H

HEALTH

Commissions: 12-4-1

HEATING STOVES: 11-8-1

HIGHWAY

Definition: 8-1-2(a)

HOGS

Permit required: 6-6-4

HOME OCCUPATIONS

Definition: 4-13-1®

Restrictions: 4-11-4

HORSES

Permit required to keep in city: 6-4-4

HOURS OF SALE, ALCOHOL: 2-2-15

HOUSING CODE

Adoption: 3-1-1

Amendments: 3-6-1

I

IDENTIFICATION, ALCOHOL

Prima facie proof of age: 2-2-8©

Use of false identification to obtain prohibited: 2-2-10

IMPOUNDING OF ANIMALS

Authorized: 6-4-1

Redemption from pound: 6-4-2

IMPROVEMENT DISTRICTS

Creation: 5-2-3

INDECENT EXPOSURE: 7-6-1

INHUMAN TREATMENT, ANIMALS

Prohibited: 6-3-1

INOCLATION, ANIMALS

Required: 6-2-1(b)

INSURANCE

Liability ins. Required: 8-11-1

INSPECTION

Property owners may request: 3-1-8

Sidewalks: 5-2-4

Uniform codes, work done pursuant to:

3-1-8

Utility Lines: 9-1-8

INTENT, PROOF OF

When required: 1-2-4

INTEREST

Pawnbroker: 13-5-9

INTOXICATION

(see alcohol)

OMTOXICATION, PUBLIC: 2-2-12 & 2-2-13

IRRIGATION DITCHES

Required to be free from waste: 11-2-2(a)

ITINERANT MERCAHNT

Bond required: 13-5-5.1

Definition: 13-5-2

Distance from street: 13-5-6

Exemptions: 13-5-3

Expiration of license: 13-5-6

Fraudulent misrepresentation prohibited: 13-5-9

Home solicitation restricted: 13-5-10

Investigation of: 13-5-4

License for exhibitions: 13-5-6

Fees: 13-5-7

Required: 13-6-1

Service of process on: 13-6-5

Use of loud noise or speaking devises: 13-6-8

Warranties, posting of: 13-6-6

J

JAIL TERM

For violation of ordinance: 1-2-1

JAIL BREKAING

Escape while in custody prohibited: 7-3-3

JUDGE, MUNICAL

Appointment and term: 12-2-3

Bond: 12-2-7

JUNK (see WASTE)

JURISDICTION

Of ordinance: 1-1-3

JUVINILES

Alcohol

Possession of use prohibited: 2-2-9

Curfew: 7-5-2

Leaving unattended, prohibited: 7-8-4

K

KNIFE

Carrying a deadly weapon with unlawful intent prohibited: 7-8-4

Concealed, prohibited: 7-2-4

L

LARCENY

Prohibited: 7-4-2

Shoplifting: 7-4-3

LAWFUL ORDER

Disobeying: 7-3-1

LAWFUL PROCESS

Resisting & obstructing: 7-3-2

LETHAL WEAPON

Carrying with unlawful intent prohibited: 7-2-5

Concealed, prohibited: 7-2-4

LEWDNESS: 7-6-1

LICENSES

Accountability: 2-2-7

Alcohol

Expiration: 2-2-4

False identification: 2-2-10

Fees: 2-2-5

Microbrewery: 2-3-1

Minors: 2-2-8, 2-2-9

Required: 2-2-3

Restaurant: 2-2-16

Review, renewal, revocation, suspension: 2-1-2, 2-1-3, 2-2-6,

Terms: 2-1-1

Amusements

Application: 13-2-3

Fees: 13-2-3

Required: 13-3-1

Auctioneers: 13-3-1

Building contractor

Fees: 13-9-4

Qualification: 13-9-4

Required: 13-9-1

Types: 13-9-3

Carnivals and circuses

Application: 13-2-

Fees: 13-2-3

Required: 13-2-1

Certification: 13-1-7

Definitions: 2-2-2

Dogs

Required: 6-2-1

Drivers

Fictitious or altered, prohibited:

| | |
|---|--|
| 8-4-2(b) | Use of loud noise or speaking devices: 13-6-8 |
| Loaning, prohibited: 8-4-2(b) | |
| Required: 8-4-1 | Pawnbrokers |
| Electricians | Bond required: 13-5-3 |
| Fees: 13-7-4 | Definition: 13-5-1 |
| Issuance: 13-7-2 | Holding goods for inspection : 13-5-7 |
| Qualification: 13-7-3 | Inspection of records: 13-5-6 |
| Required: 13-7-1 | Interest to be charged: 13-5-9 |
| Term: 13-7-5 | License fee: 13-5-4 |
| Exhibitions | License required: 13-5-2 |
| Application: 13-2-2 | Purchasing from person under 18 prohibited: 13-5-8 |
| Fees: 13-2-3 | Records to be kept: 13-5-5 |
| Required: 13-2-1 | Plates. Required: 13-5-5 |
| Generally | Plumbers |
| Issuance after revocation: 13-1-5 | Examination fees: 13-8-5 |
| Rules and regulations: 13-1-6 | Examination required: 13-8-2, 13-8-5 |
| Term, fees, transferability: 13-1-3 | Fees: 13-8-6 |
| Food development required: 3-13-1 | Qualification: 13-8-2 |
| HVAC: 13-11-1 | Required: 13-8-1 |
| Itinerant and transient merchants | Types: 13-8-3 |
| Definitions: 13-5-2, 13-5-3 | Refrigeration: 13-10-1 |
| Exemptions from: 13-5-3 | Utility contractors |
| Exhibition of: 13-5-6 | Examination required: 13-8-2, 13-8-5 |
| Expiration of license: 13-5-6 | License required: 13-8-1 |
| Fraudulent misrepresentation prohibited: 13-6-9 | Waste hauling contractors |
| Home solicitation restricted: 13-6-10 | Equipment: 13-10-3 |
| Investigation of: 13-6-4 | Fees: 13-10-2 |
| License fee: 13-6-7 | Required: 13-10-1 |
| License required: 13-6-1 | LIENS |
| Service of process on: 13-6-5 | Snow removal: 11-4-2 |

Water: 9-2-7

Weed Removal: 11-6-1

LIMITS

City: 12-1-1

LIQUOR (see Alcohol)

LITTERING: 11-2-7

LIVESTOCK

Permit required in City: 6-4-4

LOADING, OFF-STREET

Requirements: 4-11-10(e)

Rules: 4-11-10(a), (b)

LODGING

Fraudulent procurement of prohibited:
7-4-5

LOT

Definition: 4-13-1(t)

Division of: 4-11-2

Lines, definition: 4-13-1(u)

Non-conforming

Extension of only by a board of
adjustment: 4-5-2(d), 4-11-1(c)

Required to have certificate of
zoning compliance: 4-11-(c)

Sale of: 4-2-1(c)

Of record, function: 4-13-1(v)

Zone lot for structures: 4-11-3

M

MAIN STREET

Damage or destruction: 11-11-1

Parking restriction: 8-7-6

Reimbursement of: 5-3-1

Unlawful to dump snow: 11-4-3

MALT BEVERAGES(see Alcohol)

MAP

City limits: 12-1-1

Zoning: 4-1-2

Sidewalk construction: 5-2-2

MARIJUANA

Use or possession prohibited: 7-7-1

MAYOR

Attendance: 12-7-3

Council meeting, power to call: 12-1-4

Offices

Power to appoint and create: 12
-2-1, 12-2-4

Personal, regulation for: 12-2-
6(a)

Salary: 12-2-5(b)

Vacancy: 12-7-1

MECHANICAL CODE

Adoption: 3-1-1

Amendments: 3-8-1

MEETING, CITY COUNCIL

Attendance: 12-7-3

Regular: 13-1-3

Special: 12-1-4

MERCHANTS, ITINERANT AND

TRANSIENT

Bond required: 13-5-5.1

Definition: 13-5-2

Distance from street: 13-5-6

Exemption: 13-5-3

Expiration of license: 13-5-6

Fraudulent misrepresentation prohibited:
13-5-9

Home solicitation restricted: 13-5-10

Investigation of: 13-5-4

License for
Exhibition of: 13-5-6
Fees: 13-5-7
Required: 13-5-1
Service of process on: 13-5-5
Use of loud noise or speaking devices:
13-5-8
Warranties, posting of: 13-5-6

METERS

Parking: 8-7-3
Water
Access to: 9-2-6
Certificate of compliance with codes: 9-1-5
Connection and installation fees: 9-1-3
Disconnection: 9-2-3
Recommendation: 9-2-4
Tampering with, prohibited: 9-2-8

MINORS

Alcohol
Possession or use of, prohibited
: 2-2-9
Sale to, prohibited: 2-28
Curfew: 7-5-2
Leaving unattended, prohibited: 7-8-4
Tobacco, prohibited: 7-10-4, 7-10-5

MOBILE HOME

Manufactured home: 4-12-5
D: 4-11-12(d)
Parking restrictions: 8-7-10
Standards: 3-14
Adopted: 3-1-1
Placement permit required: 3-1-5, 3-14-2.3

Text 3-1-3

Zoning districts, where permitted:
R-3 District: 4-12-5
R-4 District: 4-12-6
A- 4-12-1

MODULAR BUILDING

Definition: 4-4-1(jj)
Standards adopted: 3-1-4
Placement permit required: 3-1-5

MOTOR VEHICLE (see Traffic)

MOUNT HOPE CEMETERY 12-

MUNICIPAL COURT

Contempt: 1-2-3
Costs: 1-2-2

MUNICIPAL JUDGE

Appointment and term: 12-2-3
Bond: 12-2-7

N

NOISE

Disturbing the peace, prohibited: 7-8-1
House business: 4-11-4(v)
Loud noises, prohibited by merchants:
13-5-8

NON-CONFORMING USES, STRUCTURES

AND LOTS

Certificate of zoning compliance
required of: 4-12-11
Solar collector: 11-7-7

NOTICE

Defined: 1-1-5
Special council meetings: 12-1-4, 12-1-3- Reg CC
BOA variance: 4-5-4

CU: 4-6-1

Zoning: 4-8-5

Appeals Tower: 4-12-18

Sidewalk: 5-2-2

Animals: 6-4-1

Impound: 6-4-2

Trespass: 7-5-1

Disorderly House: 7-8-4

Snow Removal: 11-4-2

NUMBERS, STRUCTURES

Assigned by City Clerk Required to be displayed: 4-11-12(B)

Unlawful to use numbers not assigned by City Clerk: 4-11-12(d)

Authority to approve alternative design standards: 5-1-2

Inspector

Appeals from: 3-1-9, 4-1-6

Appointment: 12-2-4

Duties and powers: 3-1-8

Enforcement of certain business licenses: 13-1-2

Enforcement of codes: 3-1-7

Inspection of utility line installation: 9-1-8

O

OBSCENE LANGUAGE: 7-8-1

Public Intoxication: 2-2-13

OFFICER

Adoption: 3-1-1

To be paid in lieu of parking requirements: 4-11-12(e)

Sidewalks, authority to require repair: 5-2-2

Appointment: 12-2-1, 12-2-3, 12-2-4

Attorney, appointment and term: 12-2-3

Bond required of municipal judge: 12-2-7

Clerk

Appointment and term: 12-2-3

Cemetery records, keeper of: 10-2-2

Engineer

Appointment and term: 12-2-3