

Title 8

HEALTH AND SAFETY

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Chapter 8.04

PROCLAMATION OF EMERGENCY

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8.04.010 Declaration and regulations. Whenever, in the judgment of the Mayor, or in the event of his absence or inability to act, the President of the Council, an emergency is determined to exist as a result of mob action or other civil disobedience causing danger, injury or damages to person or property, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the City:

A. To impose a curfew upon all or any portion of the City requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; excepting, however, physicians, nurses, ambulance operators and other medical service personnel performing medical services, utility personnel maintaining essential public services, firemen, law enforcement officers, and City authorized personnel.

B. To order the closing of any business establishments, including, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline, firearms, or ammunition.

C. To designate any public street, thoroughfare, or vehicle parking area closed to motor vehicles and pedestrian traffic.

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D. To call upon regular and auxiliary law enforcement agencies and organizations within or without the City to assist in preserving and keeping the peace within the City.

8.04.020 Commencement and duration. A. The proclamation of emergency provided herein shall become effective upon its issuance and dissemination to the public.

B. Any emergency proclaimed under this chapter to exist shall terminate forty-eight hours after the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional period of time as determined necessary by resolution of the governing body.

8.04.030 Violations. Any violation of any such emergency measure so proclaimed shall be deemed to be unlawful.

Chapter 8.08

SOLID WASTE COLLECTION AND DISPOSAL

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8.08.010 Definitions. For the purposes of this chapter:
“Approved container” means a solid waste container designed for mechanical dumping that is compatible with the

dumping mechanism installed on City collection vehicles, and approved by the Sanitation Supervisor.

“Commercial establishments” means all buildings or premises not included in the definition of a residence.

“Junk” means and includes any iron, glass, paper, rags, cordage, wood, machinery, equipment, appliances, machinery parts, cloth, or manufactured items which by reason of partial or complete disassembly or dilapidation is unable to perform the function or purpose for which it was originally constructed, any other waste or discarded material of any nature or substance whatsoever, and any scrap or salvage material or manufactured thing which is held for scrap or salvage purposes. “Junk” does not include firewood in individual lengths which are stacked.

“Junked vehicle” means any motor vehicle which is wrecked, junked, dismantled, partially dismantled, inoperative, abandoned or discarded, or is unable to perform the function or purpose for which it was originally constructed.

“Person” means any person, firm, partnership, association, corporation, company, or organization of any kind.

“Premises” means all property, whether occupied or not, including vacant lots.

“Residence” means any living quarters with kitchen facilities, including mobile homes, apartments and all churches.

“Sanitation Supervisor” means the Sanitation Supervisor of the City of Powell, Wyoming, or such other officer or employee as may be designated by the governing body to administer and enforce the provisions of this title or his officer, servant or employee.

“Solid waste” means, for the purposes of this chapter, includes, but not be limited to:

Ashes. The residue from the burning of wood, coal, coke, or other combustible materials;

Bulky Waste. That item which precludes or complicates handling by normal collection, processing, or disposal methods because of its large size;

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food;

Hazardous Waste. Any waste or combination of wastes which pose a substantial present or potential hazard to human health, the environment and plants or animals because such wastes are nondegradable or persistent in nature or because they can be biologically magnified, or because they can be lethal, or because they may otherwise cause or tend to cause detrimental cumulative effects;

Rubbish. Nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

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Refuse. All putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes. (Ord. 12-1999 § 1 (part), 2000)

8.08.020 Maintenances of premises and unlawful accumulations. A. It shall be the duty of any owner, agent, tenant, purchaser, contractor, lessee, or other person in charge of any premises within the City, including place of business, dwelling house, apartment, tenement, construction site, or other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of materials other than those necessary or ordinarily attendant upon construction or upon the use for which such premises are legally intended. Any such accumulation is declared to constitute a nuisance and nonconforming use of the premises.

B. It shall be unlawful for any person described in subsection A to fail, neglect or refuse to remove any offending deposit or accumulation of materials other than those necessary or ordinarily attendant upon construction or upon the use for which such premises are legally intended within five working days after the date on which he/she received written notice from the building inspector or his/her representative, notifying the person that the condition of the premises is not in compliance with the provisions of this chapter. (Ord. 12-1999 §2, 2000)

8.08.030 Litter. It shall be unlawful for any person to scatter, deposit, throw, sweep or cause to be accumulated, any garbage, rubbish, debris or other solid waste, on or into any street, street gutter, sewer intake, alley, vacant property or other property; either public or private, within the City except in designated receptacles and areas. (Ord. 12-1999 §3, 2000)

8.08.040 Collection of solid waste by City—Prohibited deposits—Enforcement. A. All solid waste accumulated in the City, capable of being handle by the City and regularly disposed of by the City, shall be collected, conveyed, and disposed of by the City. The City shall not receive or collect solid waste generated or accumulated outside the City's corporate limits, except as specifically provided by the governing body. Additionally, it is unlawful for any person to place, deposit, or dump or leave in any City solid waste collection containers, solid waste generated or accumulated outside the City's corporate limits. All collection and removal of solid waste within the City shall be done by the City under the supervision of the Sanitation Supervisor, provided that the governing body may

contract for the removal of all or any specific part of such solid waste.

B. The provisions of this chapter shall be enforced and administered by the Sanitation Supervisor or the Chief of Police according to any such rules and regulations with respect to solid waste collection as may be recommended by the staff of the City and approved by the governing body.

C. The City Administrator shall present to the governing body the fee schedule and other such rates for approval whenever such existing approved rates require changes or modifications.

1. Appeals. Any person aggrieved by regulations of, or fees charged by, the Sanitation Supervisor shall have the right to appeal to the Mayor and City Council, who shall have the authority to confirm, modify or revoke any such regulations or fee.

2. Collection Frequency.

a. Residential. The collection of solid waste in residential areas shall be made, at a minimum, at least one day per week according to route schedules as determined by the Sanitation Supervisor.

b. Commercial. The collection of solid waste for commercial properties shall be made, at a minimum, at least two days per week. (Ord. 16-2000 §1, 2000; Ord. 6-1992 §1, 1992)

8.08.050 Use of City solid waste collection service required. The owner of any such premises occupied by anyone for any purpose shall be conclusively presumed to be producing solid waste, and such occupant shall be required to subscribe to the solid waste collection service of the City, in accordance with the provisions of this chapter.

8.08.060 Unlawful removal. Except as otherwise provided in this chapter, it is unlawful for any person, other than the duly authorized representatives of the City to convey over any of the streets or alleys of the City any solid waste, except as specifically provided for herein; provided, however, that nothing herein contained shall in any way be construed to restrict a person from transporting solid waste to any authorized landfill so long as such person has complied with all applicable laws and ordinances. No solid waste can be transported unless it is property contained.

8.08.070 Prohibited practices and restrictions. A. It is unlawful for any person to store, or allow or permit the storage of any junk, junked vehicles, machinery or equipment not screened from ordinary public view upon any real property within the City upon which he or she owns,

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leases, rents, occupies and/or exercises control over; provided, however, that this section shall not apply to:

1. The storage of junked vehicles, machinery, or equipment incident to any motor vehicle, machinery or equipment sales, towing, storage or repair business operated commercially for profit and in compliance with all applicable state, local and/or federal laws located in any limited industrial district or general industrial district within the City. This exclusion shall not apply to any residence within such limited district or general industrial district.

2. The storage of junk and/or junk vehicles screened from ordinary public view incident to a salvage yard operated commercially for profit and in compliance with all applicable state, local and/or federal laws.

3. The phrase "screened from ordinary public view" as used herein, means in a manner which does not constitute a health hazard, attract children, rodents or pests, and is located away from or not visible to public view, by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means.

B. No person shall permit any heavy appliance such as stove, dishwasher, bathtub, refrigerator or other air tight container, washing machine, clothes dryer or similar appliance to be placed or remain out-of-doors for any period of time without first removing the doors to any such air tight appliance or container. No person shall permit any heavy appliance, as described herein to be placed or remain out-of-doors for longer than ten days. The owner of any refrigerator or other appliance requiring freon removal prior to such appliance being discarded shall be responsible for such freon removal and in the event any such owner shall fail or refuse to remove the freon from any refrigerator or other appliance requiring freon removal such owner shall be responsible for any and all costs and expenses incurred by the City in having to remove same.

C. It shall be the duty of any owner, agent, tenant, purchaser, contactor, lessee or other person in charge of any premises within the City to remove and discard within ten days pursuant to applicable state, local and/or federal law, the following classes of solid waste, and any failure to do so is unlawful:

1. Discarded parts for motor vehicles, machinery and/or other equipment, furniture, stoves, appliances, and other unusually large or heavy objects;

2. Wool, hides, furs, and other waste products resulting from the operation of packing houses, junk yards, tire shops, auto-wrecking yards, and other such industries;

3. Refuse from billboards;

4. Refuse resulting from the sale of Christmas trees;

5. Silt and similar deposits from automobile wash racks;

6. Material left upon any premises by contractors and all plaster, broken concrete, stone, wood, roofing materials, wire or metal binding, sacks, loose, discarded or unused materials of any kind resulting from the wrecking, construction or reconstruction of any structure whatsoever;

7. All other refuse, waste, debris or other litter or materials which may be classed as a regular accumulation of wastes resulting from any residence, factory, warehouse, trade or other industry;

8. Tree limbs and branches which are more than five feet in length.

D. Hazardous and Other Waste.

1. Highly flammable or explosive materials or contagious disease waste shall not be placed in containers for regular collection, but shall be disposed of as directed by the appropriate federal, state and/or local authority, at the expense of the owner or possessor thereof, and in accordance with any and all applicable federal, state and/or local law.

2. Hazardous waste, including, but not limited to, chemical, radioactive and/or any and all other wastes which require any extraordinary handling and disposal methods shall not be collected by the City but by the methods designated by the appropriate federal, state and/or local authority and in accordance with any and all applicable state, local and federal laws.

E. Bulky Waste. Items unable to be collected using normal City collection equipment shall not be placed in City containers. The responsibility for the appropriate and lawful removal and discard of such items shall be the responsibility of the owner of such items.

F. Ashes. All charcoal or ashes from barbecue pits, fireplaces or other sources must be thoroughly cold or doused with water before being placed in containers.

G. Carcass Removal, Burial. It is unlawful for the owner or the person having the care, custody and control of any animal that shall die to permit the carcass to be or remain within the City for more than twenty-four hours after the death of the animal. It is unlawful for any person to deposit or bury, or cause to be deposited or buried within the City any carcass of any dead animal. Responsibility of removal of such animal shall rest with the owner or keeper of said animal. (Ord. 12-1999 § 4, 2000)

8.08.080 Manure and compost. A. Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any premises for any purposes, or kept in piles for later use, but must be either plowed under or removed by the owner or occupant of the premises on which the same may be found, within twenty-four hours after it is deposited there. When regularly accumulated, manure shall be periodically removed by the owner or occupant of the property upon which it accumulates, or the person responsible therefor at such

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intervals as may be prescribed by the Sanitation Supervisor.

B. It is unlawful for any manure or animal droppings to be placed in any solid waste container for collection by the City without first placing the same in a separate closed, sealed, or tied container sufficient to keep it separated and to contain the odor there from.

8.08.090 Refuse containers—Location. A. Solid waste containers shall be of a kind suitable for collection purposes consistent with the collection equipment in use by the City and approved by the Sanitation Supervisor.

B. Restaurants and other establishments may be required to provide a special sealed container for certain garbage resulting from the handling, preparation, cooking and consumption of food.

C. The City shall provide roll-out containers or dumpsters for all premises served by the City's solid waste collection system. Such containers or dumpsters shall be provided to all users within the corporate limits of the City. All dumpsters and roll-out containers shall remain the property of the City.

D. It shall be the duty of every user of the City's solid waste collection system to maintain the roll-out container or dumpster provided in good order and to notify the Sanitation Supervisor of necessary repairs. The Sanitation Department will repair or replace containers or dumpsters as needed. Cost of repair, if necessary, due to

negligence or willful destruction on the part of the user, shall be the responsibility of the user.

E. Containers shall be located in City alleyways where possible. For those properties which do not front alleys, containers will be placed in the street next to the curb for collection. The occupant or owner of property whose collection point is curbside shall not allow any containers to remain there except between five p.m. on the day preceding a collection day and eight p.m. on the collection day.

8.08.100 Defacing containers prohibited. No person shall deface, alter or remove any City container, bin or other equipment used for solid waste removal or collection.

8.08.110 Payment for services. Solid waste collection fees shall be payable by those chargeable therewith monthly as billed at the office of the City Treasurer. The owner, agent, tenant, purchaser, and lessee of any place of abode, place or business, or other occupied premises shall each and all be jointly and severally liable for the payment of all fees, together with the occupant.

8.08.120 Mandatory service—Rates. A. Mandatory service of homes, businesses and other enterprises will be subject to a minimum charge whether they utilized city-supplied garbage, refuse or trash collection or not. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement of equipment in the Sanitation Department.

B. Residential Rates.

1. For each residential unit sharing an alley container or supplied with one roll-out container, Thirty-one and 10/100 dollars (\$31.10) per month. Those residential units using roll-out containers and requiring more than one container may be charged Twenty-nine and 60/100 dollars (\$29.60) per month for each additional container required by the consumer. (Ord. 10-2009)

2. Any person qualified under the provisions of this section shall be eligible for and shall be granted a fifty percent (50%) reduction from full collection rates otherwise chargeable to him by the City. The qualification for such rates are set forth more specifically as follows:

a. The applicant for special rates shall be (1) a senior citizen having reached sixty-five years of age or older, or (2) an individual who is under sixty-five and is certified as handicapped by a governmental agency.

b. Any person qualified under subsection (B) (2) (a) of this section, shall further present evidence showing that the gross income received by his household

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during the calendar year immediately prior to the one for which the rate benefits herein provided are claimed was less than Seven Thousand Five Hundred Dollars (\$7500) for a single person or Ten Thousand Dollars (\$10,000) for a married person. For the purpose of this section, gross income shall be deemed to include any retirement payments, social security, or government or other subsidy of any sort and also the aggregate of the total earnings of minor children under the age of nineteen.

c. The applicant shall be the owner or actual occupant of the premises for which the solid waste disposal charges are made, and the individuals constituting the household shall be the sole source of support subject to the qualifications stated in subsection (B) (2) (b) of this section.

d. The applicant shall submit the information declared herein to the City Clerk and Treasurer and a determination of the qualifications of the applicant for the special rates herein provided for shall be made within a reasonable time after all information and documentation required to be submitted. Every determination to grant special rates herein provided for shall be reviewed in each subsequent January and at such other times as the City Clerk and Treasurer may, from time to time, determine. Determinations of the City Clerk and Treasurer hereunder shall be subject to review by the governing body upon the submission of a written request for such review by the applicant within ten (10) days after the application is denied.

e. The City Clerk and Treasurer may waive the maximum income provisions herein set forth in the case of any individual of age sixty-five or over or if any person certified as handicapped who has more than the income limits provided herein during the preceding calendar year, but who, by reasons of illness or other debilitating circumstance has experienced such a reduction in income that he is unlikely to receive more than the maximum allowable income limits during the year of his application.

C. Commercial Rates.

1. Small Commercial. Thirty-three and 55/100 dollars (\$33.55) per month. This rate is for a small volume, shared dumpster, based upon minimal twice per week pickup.

2. All Others. Rates will be charged according to the number of containers times the frequency of garbage collection in accordance with the following table:

| <u>Pickups per week</u> | <u>Charges per month</u> |
|-------------------------|--------------------------|
| 2 | \$78.58 |
| 3 | \$96.30 |
| 6 | \$128.67 |

(Ord. 6-2007) (Ord. 10-2009)

D. **Other Rates.** The owners of buildings that house rental offices and/or rental residences that are not independently billed for electrical services, will be billed Eighteen and 60/100 dollars (\$18.60) per month for each rental residence and Twenty and 88/100 dollars (\$20.88) per month for each rental office, unless the owner certifies to a vacancy. (Ord. 6-2007) (Ord. 10-2009)

E. When waste or refuse is not deposited in an approved container or is allowed to blow from a container with an open lid, a hand pickup charge of at least a minimum of Sixteen and 90/100 dollars (\$16.90) may be assessed. Special pickups required may be charged a minimum of \$16.90 unless waived by the Mayor, governing body or their designated representatives. Special pickups for persons moving may be made by the Sanitation Supervisor without charge. (Ord. 6-2007) (Ord. 10-2009)

F. When containers are filled with boxes that are not crushed or broken down, a hand pickup charge may be assessed for refuse outside the container.

G. All residential and commercial units that do not utilize recycling pick up of cardboard products shall be charged a fee of One and 50/100 dollars (\$1.50) per month to support of recycling within the City. Those commercial units which utilize recycling services for picking up cardboard products shall be charged fees according to the size of container and number of pick ups per week in accordance with the following table:

| <u>Size of Containers</u> | <u>Number of Pick Ups</u> | <u>Charges Per Month</u> |
|---------------------------|---------------------------|--------------------------|
| One-yard container | One pick up per week | \$3.50 |
| Two-yard container | 1-2 pick ups per week | \$5.00 |
| Two-yard container | 2-3 pick ups per week | \$6.00 |
| Three-yard container | 1-3 pick ups per week | \$6.00 |

(Ord. 10-2009)

H. The governing body of the City may from time to time adjust the above rates consistent with its costs of providing such services. (Ord. 8-2005) (Ord. 7-2004) (Ord. 19-2002) (Ord. 5-2000 § 1, 2000): (Ord. 3-1999 § 1, 1999): (Ord. 6-1996 § 1, 2, 1996): (Ord.6-2007). (Ord. 10-2009)

8.08.130 Solid waste—Notice—Sanitation Supervisor. If solid waste is permitted to accumulate on any premises in violation of the ordinances of the City, the Sanitation Supervisor, or his authorized representative, shall serve upon the owner or, if the owner is not an occupant, upon the lessee or other person having the control or management of the premises, a written notice that such violation exists. The City may collect and remove the solid waste, and assess the expense thereof to the premises, or upon the person having control of the same.

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8.08.140 Violations. Any violations of any provision of this chapter, whether by failure to perform any affirmative act required hereby, commission of any act prohibited hereby, or failure to pay for services as provided shall be deemed unlawful and is further declared to be a nuisance, subject to abatement in the manner provided by Chapter 8.12 of the City Code.

8.08.150 Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be charged with a misdemeanor and upon conviction thereof, shall be fined any amount not exceeding seven hundred fifty dollars and costs of prosecution. The violation of this chapter shall be deemed a separate offense on each day that a violation shall occur.

Chapter 8.12

NUISANCES

Sections:

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| 8.12.170 | Notice. |
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| 8.12.190 | Procedure for general abatement of weeds and rubbish. |
| 8.12.200 | Prosecution without notice. |

8.12.010 Definitions. The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed, as follows:

“Author” refers to the author of a nuisance and means any person causing, contributing to or allowing any of the conditions described in this or any other chapter as constituting a nuisance to commence or occur or exist, or being the owner or occupant of any premises upon which such conditions commence, exist or occur.

“City property” means any sidewalk, street or other property belonging to the City.

“Enforcement officer” means the City Administrator, Chief of Police, or other authorized representative of the City.

“Rubbish” is all nonputrescible waste, both combustible and noncombustible, and includes without limitation ashes, cans, paper, wrappings, cigarettes, cardboard, yard clippings, leaves, branches, wood, waste building materials, glass, bedding, crockery, abandoned or unusable household furnishings, abandoned or unusable automotive or other mechanical parts or objects.

“Summary abatement” means the termination of a nuisance without judicial process or judicial action by removal or destruction of the property or condition causing a nuisance or by other means.

“Weed” shall be deemed to include any plant growth over eight inches in height (1) which is not compatible in an area of commercial or residential development or (2) which endangers property or (3) which would burn readily if fired. The common tests of whether a plant is noxious or not and of whether the plant is desired in its location by the owner or occupant of the property shall not be considered. (Charter Ord. 1-1989 § 3 (part), 1989)

8.12.020 Nuisance declared. Any violation of any provision of this title shall be deemed to be unlawful and is further declared to be a nuisance.

8.12.030 Wastewater on City property. No wastewater resulting from irrigation shall be permitted to run over or along any City property.

8.12.040 Ditches and drains. No unclean, malodorous, foul, defective, or filthy drain, ditch, tank, or gutter, shall be permitted to remain on or about any premises.

8.12.050 Abandoned refrigerators. It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snaplock or other locking device, which may not be released from the inside, without first removing the door or lid from such ice box, refrigerator or container.

8.12.060 Open pits. It is unlawful for any person to leave or keep open or uncovered any cellar door, pit, well, or vault of any kind, or to suffer the same to remain in an insecure condition so as to endanger passersby, or to suffer the sidewalk in front of any premises owner or occupied by him to become or to continue in a condition which will endanger life or limb.

8.12.070 Snow removal. Every public sidewalk or path where there is no sidewalk shall be maintained clean and free from snow, ice, or slush by the owner of the premises

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abutting thereon, whether such premises are occupied or not.

8.12.080 Beekeeping. No person shall keep bees within the corporate limits of the City, and no person, being the owner or occupant of any property within the City shall permit or suffer any colonies or nests or hives of bees to be or remain upon such property.

8.12.090 Signs on City property. Signs which are not solidly constructed of a material designed to withstand the elements, signs that have to be weighted down with rocks and other such objects in order to remain in place, signs that are unattractive, signs that are apt to pose a hazard to pedestrian or vehicle traffic, and signs that are apt to be in the way of City employees or pedestrians or vehicular traffic shall not be placed in or upon any street right-of-way, sidewalk, median, or other property owned by the City.

8.12.100 Discharge of dust and refuse. All operators of bean and seed cleaning mills, the owners and operators of all ventilators, air conditioners, devices or machines of any kind that discharge offensive air or substances, shall provide dust arrestors, traps, collectors and ventilators as hereinafter specified.

8.12.110 Sealed collector—Required. All dust spouts from any bean, grain or seed cleaning equipment shall discharge and trap all dust and refuse into a sealed dust collector which shall have only one outlet when in operation, which outlet shall not be less than forty feet above the point of discharge of the dust. The dust collector shall be provided with an opening at the bottom thereof for the purpose of removing the dust, dirt and refuse from said collector, and said opening shall be tightly sealed and kept closed at any time that mill or cleaning equipment is in operation.

8.12.120 Air conditioners. Any use of air conditioners, ventilators, devices or machines where liquids, gases or solids are discharged with the air stream, or from the point of discharge, shall have a suitable trap or collector installed, to which must be added, when gas or polluted air is discharged, a vent, pipe or stack which shall extend upwards in a vertical direction to at least three feet above the surrounding or adjoining walls or buildings. In the case of industrial buildings located in industrial zone as defined by the City zoning ordinances, the use of such a vent pipe or stack thirty feet in height shall be considered sufficient.

8.12.130 Machines upon owners' premises. All such machines, devices or appliances herein mentioned shall be maintained within the confines of the owners' premises, and all refuse, water or substance resulting from the operation of such machine or device shall be discharged wholly within the premises of the owner.

8.12.140 Traps and collectors. All traps or collectors shall be equipped with a sealed chamber so constructed that it can be readily cleaned, and no such trap or collector shall be allowed to become loaded or filled to where it will interfere with the operation of such trap or collector and all accumulation of any refuse from any bean, grain or seed cleaning plant or mill, or from any other machine or device, shall be disposed of outside of the limits of the City.

8.12.150 Trimming of trees and shrubs—Private property. No tree or shrub on private property shall be kept, planted, grown, maintained or permitted to remain in such a condition as to limit the visibility or in any other manner constitute a danger or hazard to pedestrian or vehicular traffic.

8.12.160 Weed removal and noxious weed control. A. Every owner of real property shall cut, or cause to have cut, all weeds growing thereon and shall remove or cause the removal of the same to some site authorized for the disposal of rubbish.

B. Every owner of real property is responsible for the control of designated noxious weeds on the real property they own by either removal or spraying of the designated noxious weeds. "Designated noxious weeds" means the weeds, seeds or other plant parts that are considered detrimental, destructive, injurious or poisonous, either by virtue of their direct effect or as carriers of diseases or parasites that exist within this State, and are on the designated list of weeds and pests from time to time designated by joint resolution of the Wyoming Board of Agricultural and the Wyoming Weed and Pest Counsel. (Ord. 5-1994 § 1, 1994)

8.12.170 Notice. When any condition declared to be a nuisance by this or any other chapter of the ordinances of the City shall be found to exist, the author thereof shall be notified of such nuisance by an enforcement officer, requiring such nuisance to be abated within a stated reasonable time. Such notice shall be communicated in writing and either delivered in person to the author, or posted in a prominent place at the premises of the author or the location of the nuisance, or mailed by certified mail to the last known address of the author. In any event, such

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notice shall state generally the nature and location of the nuisance, the duty of the author, and the time within which such nuisance must be abated.

8.12.180 Abatement by City. If the author of any nuisance who has been duly notified thereof as provided in Section 8.12.170 shall fail to abate such nuisance within the time stated in said notice, the City may summarily abate the nuisance and assess the cost of such abatement to the author, or proceed to enjoin such nuisance by legal action, in addition to invoking any and all other penalties provided in this chapter or other available legal remedies.

8.12.190 Procedure for general abatement of weeds and rubbish. Whenever accumulation of weeds and rubbish upon real property within the City appears, in the judgment of the City Administrator, to require general abatement procedures, notice shall be published in a newspaper of general circulation in the City advising all owners of real property that they must remove all weeds and rubbish from their property on or before a specified date, not sooner than ten days after the date of such publication, failing in which the City will remove or cause to be removed all such weeds and rubbish. Such notice shall be published, and the City may proceed to cut and remove weeds and remove rubbish located upon real property within the City which has not been removed by such date by the owner of such real property, and the cost thereof shall be assessed to the owner of such real property. The provisions of this section are intended to supplement other abatement procedures available to the City. (Charter Ord. 1-1989 § 3 (part), 1989)

8.12.200 Prosecution without notice. Notice as provided in Sections 8.12.170 through 8.12.190 inclusive shall not be required to prosecute any person in Municipal Court for being the author of a nuisance.

Chapter 8.16

BURNING RESTRICTIONS

Sections:

8.16.010 Burning.

8.16.010 Burning. A. No solid waste or other material, including lawn and garden wastes, weeds and plant

8.16.010

growth along ditch and fence lines shall be burned anywhere in the City when the burning of such solid waste or other materials shall create offensive, obnoxious or foul odors, or be otherwise contrary to good sanitation practice, or endanger the property of others. No solid waste or other material shall be burned on City property.

B. 1. It is unlawful for any person to burn or cause to be burned any solid waste, packing material, trash, discarded boxes or other materials, including the burning of weeds along fence and ditch lines, outside of an incinerator permission from the City. This permit must also be approved by the Park County Fire District No. 1 Fire Marshal. The City shall grant such permission if it appears that the burning of such materials can be accomplished without danger to adjoining property or undue contamination to the air in the vicinity. The City assumes no liability by reason

of having granted permission to burn if such burning should cause damage to the property or person of anyone. The permission granted shall be valid only forty-eight hours from the time of issuance.

B. Any incinerator, as the term is used in this chapter, is a system which meets all applicable air quality and emission standards, which is certified by the manufacturer, ascertained by the Park County Fire District #1 Fire Marshal and has all the necessary approval from all agencies concerned with this matter.

Chapter 8.20

FIREWORKS

Sections:

8.20.010 Fireworks forbidden.

8.20.010 Fireworks forbidden. It is unlawful for any person to shoot, fire or light any firecrackers or other fireworks or pyrotechnics of any kind whatever, including, but not limited to cap guns, within the City, without first having obtained a public fireworks display permit from the governing body. Upon deciding applications for permits, the governing body may consider any threat to the health, welfare or safety of the public, including, but not limited to such factors as provision for adequate supervision and control of the display itself and of movement of traffic, location of the proposed display, previous experience with the applicant, and the degree of danger to persons and property. The issuance of such a permit shall not be construed as an assumption of liability to any degree whatsoever by the City for damage to persons or property resulting directly or indirectly from such display, and each applicant shall be deemed, upon receiving a permit, to have indemnified the City from any liability arising directly or indirectly from such display. Not more than one such permit shall be issued during any twenty-four hour period measured from one p.m. to one p.m.

Chapter 8.24

FIRE FIGHTING SAFETY REGULATIONS

Sections:

8.24.010 Street blockades.

8.24.010—8.24.060

- 8.24.020 Right-of-way.
- 8.24.030 Cars in vicinity of fires.
- 8.24.040 Unlawful to break through blockade.
- 8.24.050 Interfering with fire department.
- 8.24.060 Violation—Penalties.

8.24.010 Street blockades. Whenever a fire shall occur in the City it shall be lawful for the fire department to blockade any street, sidewalk, or any other place, to insure the efficient working of the men and equipment or to protect the men and equipment of the fire department from injury. Members of the fire department, together with police officers of the City are authorized to do any and all acts necessary to protect fire fighting equipment.

8.24.020 Right-of-way. Authorized emergency fire equipment vehicles shall have paramount right-of-way over and through all streets when answering a fire call; all such emergency equipment and vehicles shall keep to the right side of the street, unless the same is obstructed. All other traffic of every kind and description, progressing on any street, shall, at any time that a fire alarm is given, be driven to the curb on the right side and there remain until all emergency fire equipment and vehicles shall have passed.

8.24.030 Cars in vicinity of fires. It is unlawful for any person except members of the fire department and other law enforcement officers to drive any vehicle in the block in which there is a fire, and the fire department is authorized to move any vehicle from the vicinity of any fire.

8.24.040 Unlawful to break through blockade. It is unlawful for any person to break through or to attempt to break through a blockade established as provided in Section 8.24.010.

8.24.050 Interfering with fire department. No person driving or having charge of any vehicle or animal shall willfully or carelessly permit the same to obstruct, impede, or otherwise interfere with the progress or work of any emergency fire equipment or vehicles or any other apparatus of the fire department while the same is going to or coming from or remaining at a fire.

8.24.060 Violation—Penalties. Any person who shall be found guilty of violation of any of the provisions of this chapter shall be fined in any sum not more than seven hundred fifty dollars to which shall be added the cost of prosecution.

Chapter 8.28CESSPOOLS AND OUTDOOR PRIVIESSections:

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| 8.28.010 | Privies forbidden upon availability of sewer connection. |
| 8.28.020 | Disposal of excrement. |
| 8.28.030 | Cleaning privies. |
| 8.28.040 | Discontinued cesspools. |
| 8.28.050 | Transportation and removal of contents. |
| 8.28.060 | Foul privies. |

8.28.010 Privies forbidden upon availability of sewer connection. A. No privy, vault or cesspool in existence upon March 1, 1971, shall be used, kept, maintained or permitted to remain upon any property or premises after connection to the City sewer is available. Such connections shall be made at the expense of the property owner. No new privy, vault or cesspool shall be constructed or established within the City after March 1, 1971.

B. For the purpose of this section connection to the City sewer shall be deemed available if there is a sewer main within two hundred feet of the property line of the lot on which such privy, vault, or cesspool is located.

C. In the case of subdivisions, whether in or out of the original townsite, the provisions of the subdivision ordinance with respect to sewer connections shall apply.

8.28.020 Disposal of excrement. No night soil, grease trap, or cesspool matter or human excrement shall be deposited or buried in or on any property or premises.

8.28.030 Cleaning privies. All grease traps shall be cleaned at least once a year. All privy vaults and cesspools shall be cleaned whenever the contents thereof shall be within two feet of the top or surface of the ground.

8.28.040 Discontinued cesspools. Whenever the use of any vault or cesspool is discontinued, such vault or cesspool shall be cleaned to the bottom and filled.

8.28.050 Transportation and removal of contents. The contents of privies, vaults, grease traps or cesspools shall be transported in air-tight, covered sanitary tanks,

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from which no matter or noxious or offensive odor may spill, drop or escape, and from which the contents cannot be seen during transportation through the City. All tools, appliances, tanks and vehicles used in such cleaning shall be maintained in sanitary condition. The Council shall designate the dumping grounds upon which such material shall be taken for disposal.

8.23.060 Foul privies. No person shall permit or suffer any vault, cellar, private drain, pool, privy, or sewer, upon any premises owned or occupied by him to become nauseous, foul, offensive or injurious to the public health.

Chapter 8.32

LANDING OF AIRCRAFT IN CITY

Sections:

8.32.010 Landing in City prohibited—Exceptions.

8.32.010 Landing in City prohibited—Exceptions. A. Except in case of emergency and as provided in this section it shall be unlawful for any person to land any aircraft within the corporate limits of the City.

B. Helicopters may land on the pad approved for that purpose at the Powell Hospital for medical emergency purposes. Helicopters may land in the Air Force addition to the City subject to approval and supervision by the Air Force personnel in charge of that location.

C. Upon application to the governing body special permission may be granted for the landing of aircraft within the City limits from time to time upon special occasions. Upon deciding applications for permits, the governing body may consider any threat to the health, welfare or safety of the public, including but not limited to such factors as provision for adequate supervision, control of pedestrian and vehicular traffic, the site where such landing is proposed, and the degree of danger to persons and property. The issuance of such a permit shall not be construed as an assumption of liability to any degree whatsoever by the City for damaged persons or property resulting directly or indirectly from such landing, and each applicant shall be deemed, upon being granted a permit, to have indemnified the City from any liability arising directly or indirectly from such landing.

