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Chapter 12.04CONSTRUCTION STANDARDSSections:

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12.04.010 Permits – Required. No utility or other above or underground structure, repair work, construction or excavation shall be performed within any public way or dedicated easement or right-of-way of the City unless a permit has first been obtained therefor; provided, however, that in the event of emergency during hours when the City

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offices are not opened, work may be done to the extent required in order to meet the emergency, and the party doing the work shall obtain a permit therefor promptly upon the next business day of the City.

12.04.020 Permit – Application – Contents. Applications for permits shall include site plans, engineering plans and specifications including such additional data as may be required by the Street Superintendent. (Ord. 8-2000 §1, 2000)

12.04.030 Applications – Submission. All applications for permits shall be submitted to the Street Superintendent on a permit obtained and distributed at City Hall. (Ord. 8-2000 §2, 2000)

12.04.040 Applications – Review and consideration. The City shall evaluate and determine all applications for permits under this chapter giving consideration to possible hazards and risks of the proposed construction and all other applicable ordinances and policies of the City.

12.04.050 Permit – Form. The permit shall be on a form provided by the City with any conditions or exceptions not otherwise stated in this chapter set forth in writing in the permit.

12.04.060 Permit – Authority. A permit granted to this chapter shall confer upon the permittee the privilege of performing the work expressed in writing upon such permit and to complete such work within and in compliance with the terms of the permit and all other applicable ordinances and policies of the City.

12.04.070 Permits – Fees. For each permit issued pursuant to this chapter, the permittee shall pay a fee to the City in accordance with Tables 1-1 of the current edition of the Uniform Plumbing Code or Table A-33b of the current edition of the Uniform Building Code, dependent upon permit issued. (Ord. 8-2000 §3, 2000)

12.04.080 Permit – Denial – Review. A request for review may be made by the applicant and shall be in writing within five days after the determination by the City which the applicant desires to appeal. Such review shall be made by the governing body of the City in accordance with the rules of practice and procedure of the City, and any informalities thereof may be waived by the applicant.

12.04.090 Standards – Applications. All work performed within the area of a public way or a dedicated assessment or right-of-way shall conform to the latest standards and specifications adopted by the City, and to such additional requirements as may from time to time be deemed by the City to be reasonable or necessary.

12.04.100 Standards – Generally. Unless otherwise stated or directed, the standards utilized within the City with respect to construction of streets, alleys, sidewalks and all public rights-of-way and easements, will be those contained within the current (latest) editions of the “Wyoming Department of Transportation Standard Specifications for Road and Bridge Construction,” the “Wyoming Public Works Standard Specifications,” and those specifications which are specifically adopted by the City to augment these publications. Should a conflict arise between these specifications, those standards specifically adopted by the City shall take precedence. Other discrepancies or conflicts in the specifications will be determined by the City as to which specifications shall take precedence. Additionally, the following general conditions shall control construction projects or work in, upon or under roads, streets, alleys, sidewalks or other public ways or within dedicated easements or rights-of-way within the City:

- A. Proper equipment and qualified personnel shall be used in the performance of the work.
- B. The work shall be limited to work that has been authorized and permitted.
- C. All trenches shall be worked diligently until backfilled.
- D. All construction and work shall conform to City specifications in effect at the time of issuance of the permit and to any other requirements imposed by the Street Superintendent and stated on the permit.
- E. Utility lines shall be laid in as straight a line vertically and horizontally as possible, parallel to adjacent property lines so as to minimize injury to utility lines resulting from subsequent work within the area for which the permit is granted.
- F. Work sites shall be provided with proper signs, barricades and lighting which meet current Federal Manual of Uniform Traffic Control Devices (MUTCD) specifications at all times to provide safety for the traveling public, pedestrians and for the protection of private property.
- G. When street closures are permitted by the Street Superintendent, areas within the public right-of-way shall be kept clear for public travel.
- H. Private property shall be kept free of debris.
- I. Upon completion of the work, the permittee shall clean the project area, leaving it in a condition as good

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or better than it was in before the work began, and to the satisfaction of the Street Superintendent.

J. No public way shall be closed to public use except by express permission of the Street Superintendent and with at least twenty-four hours advance notice of such closure, or with the consent of the governing body upon special occasions. During the period of such closure the permittee shall provide such access as may be necessary for the conveyance of any emergency vehicle, equipment or personnel. The governing body shall specify any special limitations upon closure allowed for special occasions. The permit requirements set forth in Chapter 12.04 of this code shall not apply to closures for special occasions in this subsection. Closures for special occasions shall be granted by special resolution of the governing body.

K. Prior to any street closure or any construction or activity of any nature that may hinder or delay the function of any emergency vehicle, equipment or personnel, the permittee shall give notice to local emergency services.

L. Before beginning any work within a public way or dedicated city right-of-way or easement, the permittee shall notify "Wyoming One Call" or current utility locator service in order to minimize damage and inconvenience to persons or property, and shall comply with all state laws. All locates shall be completed before work begins.

M. Damage to City property shall be repaired at the sole expense of the permittee. Such repairs shall be in complete compliance with the specifications and requirements of the City.

N. In the event that any public hazard including any emergency shall occur and be caused by the activity of the permittee, in the sole judgment of the City, the City shall attempt to notify the permittee, and the permittee shall respond immediately with such actions or repairs deemed necessary by the City. In the event that the permittee cannot be located immediately under such circumstance, the City may perform such repairs or actions or have them performed as may be necessary in the sole judgment of the City to eliminate the hazard and the cost shall be assessed to the permittee.

O. Upon completion of the work for which the permit is issued, the permittee shall continue to be responsible for site maintenance and repair for the period of one year thereafter.

P. Neither certification of completion by signature on permit by any City employee, nor the acceptance of the work; nor the approval of the work shall exempt the permittee of liabilities and warranties herein set forth.

Q. The permittee shall further hold the City harmless and indemnify the City from any liability whatsoever for damage to person or property that may result to the City or to any other party whatsoever, including the permittee and

its personnel and employees arising directly or indirectly as a result of the activities of the permittee performing the work authorized by the permit and in fulfilling the obligations, duties and responsibilities of the permittee in connection therewith, notwithstanding pre-existing site conditions contributing thereto. (Ord. 8-2000 §4, 2000)

12.04.110 Protection of adjoining property. The permittee shall at all times at its own expense, preserve and protect from injury any adjoining property by providing proper foundations for construction within the area for which the permit is granted and taking other measures suitable and necessary for such purpose. If it is necessary for the permittee to enter upon private property for the purpose of taking appropriate measures for the protection of such private property, the permittee shall obtain permission of the occupant of the property. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of the work and shall be responsible for all damage to public and private property resulting directly or indirectly from its work pursuant to the permit. If it is necessary for the permittee to trench through any lawn area, the area shall be reseeded, or the sod shall be carefully cut and rolled in place after ditches have been backfilled. All construction and maintenance shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began, including the replacement of soil. The permittee shall not remove, even temporarily, any trees or shrubs or other vegetation existing in the work area without first obtaining the consent of the person having control over such property.

12.04.120 Protection of water courses. The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. When no gutter exists, the flow line for natural drainage at the street edge shall be maintained and restored to its original condition. The permittee shall make provisions to take care of all surplus water, muck, silt, or other run-off pumped from excavations or resulting from sluicing or other operations. The permittee while pumping water from a site, and discharging any of the above listed materials shall provide a settling basin or box with adequate capacity to entrap all silt, sand or other materials.

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12.04.130 Cleanup. As the work progresses, the area shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be performed at the expense of the permittee, and shall be completed to the satisfaction of the Street Superintendent. From time to time, as may be ordered by the Street Superintendent, and in any event immediately after completion of the work, the permittee shall at its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work, and upon failure to do so within twenty-four hours after having been notified in writing to do so by the Street Superintendent, the work may be done or contracted by the City, and the cost of the cleanup charged to the permittee. (Ord. 8-2000 §5, 2000)

12.04.140 Open trenches – Limitations. The maximum length of open trench permissible at any time shall be specified by the Street Superintendent and no greater length shall be open for pavement removal, excavation, construction, backfilling, patching or any other operations without the express written permission of the Street Superintendent. (Ord. 8-2000 §6, 2000)

12.04.150 Street cut repairs. The permittee shall be responsible for restoring any pavement, curb, sidewalk or any other structure removed or damaged during the course of trenching activity, in accordance with the specifications ordered by the City, to its original condition or better. The permittee may be required by the Street Superintendent to place temporary patches or repairs as necessary to restore the traveled way during periods of the winter or during weather conditions which will not allow permanent repairs. Where extensive trench activity will be performed and the permittee wishes to delay permanent repairs until final stages of the project, the Street Superintendent may require temporary surface repairs. In any case of street cuts, the permittee shall be required to backfill such cut and provide at least a temporary surface repair within twenty-four hours of opening such cut in any arterial street or ten days in any lesser street classification, unless otherwise allowed by the Street Superintendent. Upon backfilling any street cut and allowing access to such area by the public, the surface of such cut shall be kept in a maintained condition by the permittee until permanently restored. A temporary repair shall be of any material which is not permeable to water, does not become unstable from common use of the particular area and provides a surface smoothness consistent with posted vehicle speed, and does not constitute a hazard to the public. A maintained

surface is a surface prepared and maintained suitably for the safe passage of vehicles, pedestrians, or other public use, as allowed by conspicuous posting of signs in accordance with the requirements of the Street Superintendent. (Ord. 8-2000 §7, 2000)

12.04.160 Noise, dust and debris. Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee in the performance of the work, shall take appropriate measures to minimize noise, dust and unsightly debris. Between the hours of ten p.m. and seven a.m. the permittee shall not use, except with the express written permission of the Street Superintendent or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep of occupants of the neighboring property. Where any activity results in the depositing of debris in such a way as to constitute a hazard or annoyance to the public or become a threat to any City property, the permittee shall immediately remove such debris and desist from any further action which would cause the depositing of debris to continue, unless otherwise authorized by the Street Superintendent. (Ord. 8-2000 §8, 2000)

12.04.170 Monuments and property markers. Any monument or property marker set for the purpose of locating or preserving the lines of any street, subdivision, or a precise survey reference point or a permanent survey bench mark within the City, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the City. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon the condition that the person applying for such permission shall pay expenses incidental to the proper replacement thereof. After written permission is granted, four tangent ties referencing the survey marker shall be recorded as authorized by the City, for the purpose of replacement of the survey marker. Bench marks or other elevation markers, whether temporary or permanent shall be protected by the permittee and may only be destroyed by permission of the City, in which case the permittee shall be responsible for the replacement of such elevation marker. The replacement of the elevation marker shall be performed in accordance with the requirements of the City at the sole expense of the permittee. (Ord. 8-2000 §9, 2000)

12.04.180 Right-of-entry. The City shall have the right of access for the purpose of observation, inspection, testing and any other enforcement measure necessary for the

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administration of applicable city ordinances and policies. The permittee shall be required to provide such excavation or access as is necessary to allow measurement or testing of the quality of work being performed.

12.04.190 Trench detail. Unless otherwise stated or directed, the standards utilized within the City with respect to construction of streets, alleys, sidewalks and all public rights-of-way and easements, will be those contained within the current (latest) editions of the “Wyoming Department of Transportation Standard Specifications for Road and Bridge Construction,” the “Wyoming Public Works Standard Specifications,” and those specifications which are specifically adopted by the City to augment these publications. Should a conflict arise between these specifications, those standards specifically adopted by the City shall take precedence. Other discrepancies or conflicts in the specifications will be determined by the City as to which specifications shall take precedence. Unless otherwise ordered by the Street Superintendent, typical trench detail specifications shall be as follows:

A. Class A Streets.

1. To finish course of all paved streets will be cut out to a ten foot width and laid to a compacted depth one inch deeper than the pavement being replaced, but not in any event less than three inches, with a paving machine in all instances in which pavement is required to be placed for trenches or other excavations of any kind or for placement of edges next to curb and gutter projects, except that, in the case of small holes and short, narrow trenches, the Street Superintendent may approve other procedures which, in his judgment, are sufficient to meet standards for compaction and other specifications and requirements applying to street construction.

2. The asphalt to be used is AC-10 asphalt or approved SHRP mix that has been approved for use and tested in accordance with SHRP criteria.

3. All cuts in asphalt on streets or alleys shall be saw or colter cuts except small areas which may be cut with a jackhammer with asphalt cutter blades.

B. Type A Trench Backfill. Materials used for bedding and backfill shall be carefully deposited in layers suitable to the equipment used for compaction, wetted to optimum moisture content, and compacted to at least the density of ninety-five percent compaction. The layers are not to exceed twelve inches in depth. All costs of compaction testing will be paid by permittee. All compaction tests will be provided by permittee throughout all stages of construction.

C. The City Street Superintendent shall be notified and given the opportunity of inspection prior to the com-

mencement of each stage of construction. (Ord. 8-2000 §10,2000)

12.04.200 Fees for street cuts performed by the City. Fees imposed upon the permittee by the City for work performed by the City will be consistent with the current City labor and equipment chargeout rates, plus the costs of materials used. The City may also use contracted services and materials and pass those costs on to the permittee. (Ord. 8-2000 §11, 2000)

Chapter 12.08

SIDEWALKS, CURBS AND GUTTERS

Sections:

- 12.08.010 General specifications.
- 12.08.020 Permit—Required.
- 12.08.030 Permit—Fees.
- 12.08.040 Barricades on sidewalks.
- 12.08.050 Unauthorized destruction prohibited.
- 12.08.060 Sidewalk maintenance.
- 12.08.070 Driving over curb.
- 12.08.080 Construction contract—Bond.
- 12.08.090 Notice.
- 12.08.100 Notice—Contents.
- 12.08.110 Construction by contractor.
- 12.08.120 Assessment.
- 12.08.130 Payment and collection.
- 12.08.140 Interest.
- 12.08.150 Duties of City Treasurer.
- 12.08.160 Participation by City in sidewalk replacement.

12.08.010 General specifications. No work of any kind or nature whatsoever shall be done on any public sidewalk, curb or gutter within the City except in strict compliance with the specifications determined from time to time by the City and under the authority and approval of the governing body and the requirements of this chapter shall be deemed to extend to all design and construction specifications pertaining to the construction, installation, repair, alteration, and location and width of sidewalks, curbs, and gutters including materials, and further including excavations under sidewalks, passages, and conduits under sidewalks and openings in sidewalks. Unless otherwise stated or directed, the standards utilized within the City with respect to construction of streets, alleys, sidewalks and all public right-of-ways and easements, will

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be those contained within the current (latest) editions of the “Wyoming Department of Transportation Standard Specifications for Road and Bridge Construction”, the “Wyoming Public Works Standard Specifications”, and those specifications which are specifically adopted by the City to augment these publications. Should a conflict arise between these specifications, those standards specifically adopted by the City shall take precedence. Other discrepancies or conflicts in the specifications will be determined by the City as to which specifications shall take precedence. (Ord. 8-2000 § 13, 2000)

12.08.020 Permit—Required. No person shall construct, reconstruct, or remove any public sidewalk, curb, or gutter without first having a permit therefore from the Building Official specifying the work to be done.

12.08.030 Permit—Fees. Upon issuance of any permit required by the preceding section, the applicant shall pay the fee to the City as follows:

1.	Construction, permit, density testing (on City property) and inspection,	\$15.00
2.	Establishment of grades, survey (if required)	
	a. Up to and including 100 linear feet	\$20.00
	b. Over 100 feet, per linear foot	\$.25

12.08.040 Barricades on sidewalks. Any sidewalk that is under repair or under construction or which is so defective as to constitute a hazard shall be barricaded by the contractor, or if there is no contractor, by the owner of the abutting property, and the person installing such barricades shall also provide sufficient illumination from dusk to dawn. Such barricades shall be maintained so long as a danger to pedestrians persists, and they shall not be interfered with, changed, or removed by any other person other than the contractor or owner providing and maintaining them.

12.08.050 Unauthorized destruction prohibited. No person shall damage or tear up any sidewalk, curb or gutter without first having received authority therefor from the City.

12.08.060 Sidewalk maintenance. A. Every sidewalk shall be maintained in a safe condition by the owner of the property abutting thereon, including snow removal. Snow removed from sidewalks shall not be deposited upon any City streets, alleys or rights-of-way.

B. There shall be a uniform level and slope to each sidewalk and no uneven surface variation in grade or other

condition which might be instrumental in causing injury to any person shall be permitted to exist.

C. Where any existing sidewalk does not conform to the grade prescribed, the owner of the abutting property shall cause the same to be relaid to the grade at his own expense.

D. Sidewalks in business districts shall be kept free and clear of any merchandise for display, sale, advertisement, or otherwise, except on special occasions provided prior written approval is obtained from the Chief of Police.

E. Any use and development of boulevards lying between sidewalks and the curb, including but not limited to the planting of vegetation therein, and decorative planting with the City sidewalks in business districts shall be on a permit basis only and subject to absolute control by the City to provide for access, and avoid interference with vehicular or pedestrian traffic, the blocking of sidewalks, or the placement, maintenance or use of utility lines of any kind whatsoever. (Ord. 8-2000 § 13, 2000; Ord. 4-1993 § 1, 1993)

12.08.070 Driving over curb. No curb shall be repeatedly driven over or used as a driveway or for other access purposes except curb and gutter the construction of which is specifically designed for such use.

12.08.080 Construction contract—Bond. The governing body may, from time to time, let to the lowest responsible bidder for any period not exceeding one year, a contract for the construction, in accordance with the specifications of the City approved by the governing body, of all cement or concrete sidewalks which the governing body may order constructed under this chapter during the term of such contract. The contractor whose bid is accepted shall give a surety bond in an amount to be determined by the City conditioned upon his performance of such contract. (Ord. 8-2000 § 14, 2000)

12.08.090 Notice. Upon order of the governing body, requiring the construction of any such sidewalk, the City shall immediately give written notice thereof, served personally on the owner or agent of the abutting property, or by publication once a week for a period of four weeks in a newspaper of general circulation within the City.

12.08.100 Notice—Contents. The notice required in Section 12.08.090 shall fully describe the termini, course, width and character of the walk ordered and shall provide for a period of thirty days during which parties so desir-

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ing may construct the walk abutting their property, and shall state that all walks so ordered and remaining unbuilt at the expiration of thirty days from the date of service, or of the first publication, shall be built by the contractor.

12.08.110 Construction by contractor. At the expiration of the thirty day period prescribed by Section 12.08.100, the City shall notify the contractor to build the portions of the sidewalk ordered that have not been built. The contractor shall construct the sidewalk in accordance with this chapter and his contract within sixty days after he is so notified.

12.08.120 Assessment. The total cost of all sidewalks constructed by the contractor under this chapter, including that of the sidewalk proper as well as that of any notice, curbing, grading, handrailing, private crossing and all other necessary expenses, shall be assessed by the governing body by ordinance, as a special assessment against the property in front of which the sidewalk is built. The property occupying street corners shall also be assessed for that part of the sidewalk thereon which is within the street intersection.

12.08.130 Payment and collection. All costs and expenses of building any sidewalk under this Article shall be defrayed by special assessment payable in installments and extending over a period of four years. The governing body may issue special improvement warrants for the installments and levy assessments to pay them. The assessments shall be collected as other City taxes.

12.08.140 Interest. Special improvement warrants shall bear interest at the rate allowed on public warrants pursuant to Wyoming Statutes Section 9-4-106. (Ord. 21-1991 § 1, 1991)

12.08.150 Duties of City Treasurer. The City Treasurer shall receive payment in full and give receipts for the entire special assessment of this character on any property with interest to the date of payment. Upon receipt of any entire payment the City Treasurer shall give notice thereof in writing to the proper tax authorities.

12.08.160 Participation by City in sidewalk replacement. Notwithstanding the other provisions of this chapter, the City may participate in the cost of replacement of defective sidewalks from time to time pursuant to contract with the abutting property owner.

Chapter 12.12

STREET, SIDEWALK AND ALLEY EXCAVATIONS

Sections:

12.12.010	Warning on excavations.
12.12.020	Permit—Required.
12.12.030	Permit—Applications—Contents.
12.12.040	Permit—Applications—Submission.
12.12.050	Permit—Application—Review and consideration.
12.12.060	Permit—Form.
12.12.070	Permit—Authority.
12.12.080	Permit—Fees.
12.12.090	Permit—Denial—Review.

12.12.010 Warnings on excavations. It is unlawful for any person to make any excavation or dig any hole, drain or ditch in, or block or barricade in any manner whatsoever any street, alley, sidewalk, or other rights-of-way in the City without providing and placing during the night, sufficient barricades, to current federal Manual of Uniform Traffic Control Devices (MUTCD) to give ample warning to any person approaching the excavation, hole, drain or ditch afoot, by automobile, or by any other vehicle or means whatsoever. (Ord. 8-2000 § 15, 2000)

12.12.020 Permit—Required. No utility or other above or underground structure, repair work, construction or excavation shall be performed within any public way or dedicated easement or right-of-way of the City unless a permit has first been obtained therefor; provided, however, that in the event of emergency during hours when the City offices are not opened, work may be done to the extent required in order to meet the emergency, and the party doing the work shall obtain a permit therefore promptly upon the next business day of the City.

12.12.030 Permit—Applications—Contents. Applications for permits shall include site plans, engineering plans and specifications including such additional data as may be required by the Street Superintendent. . (Ord. 8-2000 § 16, 2000)

12.12.040 Permit—Application—Submission. All applications for permits shall be submitted to the Street Superintendent on a permit obtained and distributed at City Hall. (Ord. 8-2000 § 17, 2000)

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12.12.050 Permit—Application—Review and consideration. The City shall evaluate and determine all applications for permit under this chapter giving consideration to possible hazards and risk of the proposed construction and all other applicable ordinances and policies of the City.

12.12.060 Permit—Form. The permit shall be on a form provided by the City with any conditions or exceptions not otherwise stated in this chapter set forth in writing in the permit.

12.12.070 Permit—Authority. A permit granted pursuant to this article shall confer upon the permittee the privilege of performing the work expressed in writing upon such permit and to complete such work within and in compliance with the terms of the permit and all other applicable ordinances and policies of the City.

12.12.080 Permit—Fees. For each permit issued pursuant to this chapter the permittee shall pay a fee to the City in accordance with Tables 1-1 of the current edition of the Uniform Plumbing Code or Table A-33b of the current edition of the Uniform Building Code dependent upon permit issued. (Ord. 8-2000 § 18, 2000)

12.12.090 Permit—Denial—Review. A request for review may be made by the applicant and shall be in writing within five days after the determination by the City which the applicant desires to appeal. Such review shall be made by the governing body of the City in accordance with the rules of practice and procedure of the City, and any informalities thereof may be waived by the applicant.

Chapter 12.16

TREES AND SHRUBS

Sections:

12.16.010	Definitions.
12.16.020	Implementation.
12.16.030	Powers of the City.
12.16.040	Maintenance of trees and shrubs.
12.16.050	Trees projecting over public ways.
12.16.060	Permits—Required.
12.16.070	Improper planting.
12.16.080	Prohibited trees.

12.16.090	Maximum height near intersections.
12.16.100	Minimum height over sidewalk.
12.16.110	Removal of dangerous or unsafe trees.
12.16.120	Mutilation of public trees and shrubs.
12.16.130	Protection of trees.
12.16.140	Insects, pests and diseases.
12.16.150	Infestation control—Authority.
12.16.160	Use of insecticides.
12.16.170	Noncompliance with spraying orders.
12.16.180	Materials on public property.
12.16.190	Nuisance declared.
12.16.200	Violation—Penalty.

12.16.010 Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural include the singular; and words in the singular include the plural. The word “shall” is mandatory and not merely directory.

“Board” means Tree Advisory Board.

“Boulevard” means that part of the right-of-way of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

“City” means the City of Powell, Wyoming.

“City Arborist” means the Park Superintendent.

“Commercial Arborist” means any person, firm or corporation engaged in the business of cutting, trimming, pruning, spraying, injecting chemicals or removing trees or shrubs for compensation.

“Commercial tree trimming” includes the trimming, removal or cutting above ground for another person, for hire or for other valuable consideration.

“Council” means the Powell City Council.

“Parks Department” means the designated agency of the City responsible for trees and shrubs as defined herein.

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

“Private property” means any property not owned, leased or controlled by the City of Powell.

“Property line” means the outer edge of a street right-of-way.

“Property owner” means the person owning such property as is shown by the records of Park County, Wyoming.

“Public nuisance” means any dangerous or unsafe tree or portions thereof on streets, in parks, on other public places or private property posing a hazard thereto; any destructive or communicable disease or pestilence which endangers the growth, health, life or well-being of trees, plants or public improvements in the City.

“Public places” means all lands owned by the City.

“Street or highway” means the entire width of every public right-of-way.

“Trees” are all shade and ornamental trees and all shrubs and other beautification or landscape planting, now or thereafter planted or growing on any street or other public place, except where otherwise indicated. (Ord. 5-2002)

12.16.020 Implementation. The City Administrator shall direct the Parks Department to direct, regulate and control the planting, pruning and removal of all trees growing now or hereafter in any street, or City park or other public places and to periodically inspect trees on private property for communicable disease and pestilence and direct their removal or pruning, if deemed necessary, in the City.

12.16.030 Powers of the City. The City shall regulate and control trees within the following areas:

- A. Regulate the planting, pruning and removal of all trees on streets and other public places to ensure safety or preserve the aesthetics, or both.
- B. Promulgate specifications and standards of practice governing the planting, pruning and removal of trees on the street right-of-ways and public areas of the City.
- C. Supervise and inspect all work done under any permit, license or certificate issued under the terms of this chapter or rules and regulations promulgated hereunder.
- D. Establish reasonable conditions to the granting of permits, licenses and certificates in accord with the terms of this chapter.
- E. During or following an emergency created by man or natural phenomenon, the City may take all necessary steps

12.16.040—12.16.060

and procedures to remove trees or tree parts or residue that might impede traffic movement or endanger persons or property without being responsible for continued maintenance or care.

F. The City Arborist, with concurrence of the City Administrator, upon advance written notification to the private property owner and/or tenant, may enter any property within the City for the purpose of inspecting any trees or plants which may be an existing or potential public nuisance or constitute a severe threat to public property or improvements, vehicles or pedestrians. (Ord. 6-2002)

12.16.040 Maintenance of trees and shrubs. A. All trees and shrubs planted, grown, cultivated, or maintained or permitted to grow on City property between any property line, and the street adjacent thereto shall be kept, maintained and trimmed by the owner or occupant of the adjacent property so as not to obstruct traffic, interfere with the visibility of traffic or pedestrians, or cause any unsafe condition for vehicular or pedestrian traffic.

B. All trees and shrubs which are planted, grown, cultivated or maintained or permitted to grow on City property between any property line and the street adjacent thereto shall be sprayed as herein required at the expense of the adjacent property owner.

C. 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 any other manner constitute a danger or hazard to pedestrian, vehicular traffic or City improvements. (Ord. 7-2002)

12.16.050 Trees projecting over public ways. It is unlawful for any person who is the owner or person or persons in control or management of any lot, block or parcel of land within the City to permit or allow to grow upon such lot, block or parcel of land or within the curb of the street, alley, boulevard or public way adjacent thereto, any tree or other vegetative growth whose limbs or branches shall extend into the public way more than one foot from the property line for a distance of fourteen feet above the public way surface; provided, however, that this section shall not apply to trees planted and maintained by the City in the downtown area on First, Second and Third Streets between Clark and Absaroka and on Clark, Bent and Absaroka Streets between Colter Avenue and Third Streets. (Ord. 1-1993 § 1, 1993)

12.16.060 Permits required. No person shall plant any tree in any City park, or on any other City property, including streets, alleys, boulevards or other public ways without obtaining a permit from the City. Permit applications may be obtained from the City Clerk and will be approved by the City Arborist. There will be no fee for this permit. The person receiving the permit shall abide by the City specifications and standards of practice. Designated location of planting and species of tree/shrub shall be listed on the application. Any permit shall be void if its terms are violated. Each applicant shall be given a copy of the City's standards and specifications on trees upon obtaining a permit. (Ord. 8-2002)

12.16.070 Improper planting. Whenever any tree shall be planted or set out in conflict with the provisions of this chapter, the same may be removed or caused to be removed and the cost thereof shall be assessed to the owner as provided in Section 12.16.110.

12.16.080 Prohibited trees. It is unlawful to plant or cause to be planted, any of the following species of trees on the right-of-way of any street, alley or sidewalk:

- A. Any of the Willow species (genus Salix).
- B. Any Weeping or Pendulus type tree.
- C. Silver Poplar (Populus alba).
- D. Lombardi Poplar (Populus Lombardi).
- E. Box Elder (Acer negundo).
- F. Elms susceptible to Dutch Elm Disease.
- G. Russian Olive.
- H. Any tree with a bushy growth habit which cannot be maintained to a single leader or trunk.
- I. Any tree, shrub or hedge which by its habit of growth would obstruct, restrict or conflict with necessary and safe use of the public rights-of-way, such as upright Evergreens, large, spreading Evergreens and Siberian or Chinese Elm (genus Ulmus).
- J. Any fruit bearing tree.

Provided however, that this section shall not apply to trees planted and maintained by the City in the downtown area on First, Second and Third Streets between Clark and Absaroka and on Clark, Bent and Absaroka Streets between Coulter Avenue and Third Streets. (Ord. 1-1993 § 2, 1993) (Ord. 9-2002)

12.16.090 Maximum height near intersections. No plant with multiple stems, branches or foliage that protrude from said plant at any point between three feet and eight feet of its height shall be permitted between the property lines and the nearest street or curb line at any point within thirty feet of the street or curb line at the intersecting point (see Figure A); provided, however, where an alley and a street intersect, the thirty-foot setback will only apply along the street (see Figure B), and this section shall not apply to trees planted and maintained by the City in the downtown area on First, Second and Third Streets between Clark and Absaroka and on Clark, Bent and Absaroka Streets between Colter and Third Streets.

(Insert drawing)

12.16.100—12.16.120

(Ord. 1-1993 § 3, 1993: Ord. 2-1992 § 1, 1992: Ord. 1-1991 § 1, 1991)

12.16.100 Minimum height over sidewalk. The lowest branch of any tree shall not be less than eight feet above the ground where the same extends over the sidewalks, or any trees where limbs or branches shall extend over the streets, driveways or any place where traffic passes under such tree or branch within fourteen feet above the surface of the street; provided, however, this section does not apply to trees planted and maintained by the City in the downtown area on First, Second and Third Streets between Clark and Absaroka and on Clark, Bent and Absaroka Streets between Colter Avenue and Third Streets. (Ord. 1-1993 § 4, 1993)

12.16.110 Removal of dangerous or unsafe trees. If any part or the whole of any tree growing on private property which has roots or vegetation which extend onto or over public property, or if any part or the whole of any tree growing on streets, alleys, boulevards or other public ways shall be found after inspection to be dangerous or unsafe or to otherwise constitute a public hazard or nuisance, the City may declare such tree or portion thereof a public nuisance, order the property owner to abate the nuisance or cause such nuisance to be abated in accordance with the provisions of Chapter 8.12. In addition to the cost of removal, the property owner, or person, or persons in control of the property shall pay to the City an administrative cost equal to an additional twenty-five percent of the actual costs and expenses of removing the nuisance, if the City is forced to remove or have its agent remove the nuisance. The City reserves the right to waive portions of the costs in the event of hardship. The property owner may appeal the order of the City in writing, to the Powell City Council within ten (10) days after date of such order. Such appeal shall be taken by filing with the governing body, within ten (10) days after notice of the action complained, a written statement setting forth fully the grounds for the appeal. The governing body shall set a time and place for a hearing on such appeal. Notice of the hearing shall either be mailed, postage prepaid, to the appellant at his last known address, or shall be served upon the appellant by any local law enforcement officer. At such hearing, the City Council will review the order of the City and unless the order is revoked or modified, it shall remain in full force and effect, and be obeyed by the property owner. If the property owner fails to comply with the final order within ten (10) 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. 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. (Ord. 10-2002)

12.16.120 Mutilation of public trees and shrubs. Unless specifically authorized by the City, no person shall intentionally damage, cut, carve, transplant

or remove any tree or shrub, attach any wire, nails or other contrivance, poster or advertisements, or allow any gaseous liquid or solid substance which is harmful to trees or shrubs to come in contact with them, or set fire or permit any fire to continue when such a fire or the heat thereof will injure the portion of any tree or shrub in any City park, or on any other public property. (Ord. 11-2002)

12.16.130 Protection of trees. All trees on any public property near any excavation or construction of any buildings, structure or street work, shall be guarded with a good substantial fence, frame or box not less than four feet high and eight feet square, or surrounding the edge of the drip line of the tree, whichever is greater, and all building material, soil and other debris shall be kept outside the barrier, except where otherwise specified by the City in writing. No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of four feet from any public or park tree without first obtaining written permission from the City. (Ord. 12-2002)

12.16.140 Insects, pests and disease. Any and all insects, pests and diseases known to be injurious to fruit, shade and ornamental trees and shrubs, and all trees, shrubs and vegetable growth infested or infected therewith, constitute a menace and are hereby declared to be a common nuisance for all purposes within the meaning of this ordinance.

12.16.150 Infestation control—Authority. Every person who is in control or management of a tree growing on a boulevard or City right-of-way which is infested or infected to a degree of life threatening proportions to surrounding trees shall allow the City to spray, or cause the same to be sprayed with insecticide or other methods of infestation control approved by the City. (Ord. 13-2002)

12.16.160 Use of insecticides. The spraying or other control required by Section 12.16.150 shall be done within seven days of the order therefor in such a manner and with such insecticide or control as may be designated by the City regulations and guidelines for spraying or controlling.

12.16.170 Noncompliance with spraying orders. Any person failing to comply with any order issued pursuant to Section 12.16.150 shall be guilty of maintaining a nuisance under this chapter. Each day that such condition is permitted to remain shall be considered as the commission of a separate offense.

12.16.180 Materials on public property. No person shall deposit, place, store, or maintain upon any park, or public place of the City, any stone, brick, sand, concrete, or other materials which may impede the free passage of air, water and nutrients to the roots of any tree growing therein except written permit from the City.

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

12.16.200 Valuation of Trees and Compensation to City. Anyone who causes damage or destruction to a tree, shrub or plant on City property, parks, or rights-of-way, without a proper permit, shall compensate the City for such damages. The damages shall be determined by the City Arborist using the methodology of the International Society of Arboriculture – Rocky Mountain Chapter – Species Ratings and Appraisal Factors Guide; and/or the Council of Landscape Appraisers. The City Attorney may take whatever action is necessary in a court of competent jurisdiction to collect such damages as are not voluntarily paid after assessment. All funds collected for tree damage shall be paid to the City. (Ord. 14-200)

12.16.210 Violation—Penalty. Any person found guilty of violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than seven hundred fifty dollars for each such offense, in addition to such abatement proceedings as may be taken by the City or by such person as required by the City.

Chapter 12.20

HOUSE NUMBERS AND STREET NAME

Sections:

- 12.20.010 House numbers—Designation.
- 12.20.020 House numbers—Display.
- 12.20.030 Street names.

12.20.010 House numbers—Designation. The City shall designate a number for each house, assigning even numbers for houses located on the south or west side of the street, and odd numbers for houses located on the north or east side of the street.

12.20.020 House numbers—Display. The number assigned to each house shall be displayed in a prominent place, where it can readily be located from the street; the color of the numbers shall contrast to the color of the house upon which they are displayed and shall be of a size sufficient for them easily to be read from the street, in order that the address can be quickly and easily located by the Fire Department and the Police Department in the event of an emergency.

12.20.030 Street names. Street names shall be designated by the Planning Commission, subject to approval of the governing body.

Chapter 12.24

CITY PARKS

Sections:

- 12.24.010 Hours—Restrictions.

12.24.010 Hours—Restrictions. A. All parks within the City owned and maintained by the City for the public shall be closed between the hours of eleven p.m. and five-thirty a.m. each day, and it is unlawful for any person to be in any such park during those hours, with the following exceptions:

1. Overnight camping shall be allowed in those spots which are expressly designated and marked for that purpose. Overnight campers are limited to two consecutive nights and further limited to two nights during each calendar week.
2. While softball games are being played in the Homesteader Park Complex, the softball complex area shall remain open until all games have been finished and the complex lights have been turned off. (Ord. 15-2007)

B. Glass beverage containers shall not be taken into, used or possessed within any City Park except as authorized by the City pursuant to Chapter 5.32 of the Powell Municipal Code. (Ord. 13-2000 § 1, 2000)

Chapter 12.28

PARADES, PROCESSIONS OR ASSEMBLAGES

Sections:

12.28.010 Parades, processions or assemblages.

12.28.010 Parades, processions or assemblages. No street may be used by anyone for any parade, procession, or street assemblage, except funeral processions, without first having secured written permission from the Chief of Police. All other vehicles shall yield the right of way to funeral processions, and no vehicle other than an authorized emergency vehicle shall be driven through a funeral procession nor shall it overtake and pass a funeral procession except on Colter Avenue.

Chapter 12.32

ELECTRICAL, TELEGRAPH OR TELEPHONE POLES

Sections:

12.32.010 Placement in alleys.

12.32.020 Placement outside of alleys.

12.32.010 Placement in alleys. Any person, in using the streets, alleys and public places in the City for the placing, erection, and maintenance of electrical poles, telegraph or telephone poles, and all wires or connections attached or fastened to the poles, shall place the poles, wires, conduits and other necessary equipment at such points and in such places as will, consistent with necessity and sound engineering, least interfere with other public use of such streets, alleys and public places, and shall, where possible, use the alleys of the City for such poles, wires and conduits rather than the streets.

12.32.020 Placement outside of alleys. Should existing conditions render it undesirable or impracticable to place poles, wires and conduits in alleys, then, and not otherwise, they may be placed between the sidewalk and curb line at a distance not to exceed one foot from the outside edge of the curb line, providing, however, that all poles, wires and conduits on any streets must be a uniform distance from said outside edge of the curb line.

12.36.010—12.36.040

Chapter 12.36

ENFORCEMENT AND PENALTIES

Sections:

- 12.36.010 Liability.
- 12.36.020 Nature of offense.
- 12.36.030 Exception for City personnel.
- 12.36.040 Violation—Penalty.

12.36.010 Liability. Any violation by a permittee of any obligation imposed by the provisions of this title shall be deemed to have been committed by the permittee as well as any other person in whose behalf the work is done or in whose behalf the permit is taken.

12.36.020 Nature of offense. Nonconformance with the provisions of this title shall be considered to be a violation punishable as provided in the preceding section, even though such violation may occur as a result of a failure to perform an obligation required to be performed by this title as well as doing any act prohibited by this title.

12.36.030 Exception for City personnel. The provisions of this title shall not be applied to City personnel acting in the course of their employment with the City.

12.36.040 Violation—Penalty. Any person who shall violate any provision of this title shall upon conviction thereof, be fined not more than seven hundred fifty dollars for each such offense, to which shall be added the cost of prosecution.

