

ORDINANCE NO. 5, 1992

AN ORDINANCE DECLARING NUISANCES; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNDANCE, CROOK COUNTY, WYOMING:

NUISANCES

Sections:

- 1.20.010 Power to declare nuisances.
- 1.20.020 Notice to abate.
- 1.20.030 Abatement by city--Lien.
- 1.20.040 Penalty for noncompliance.
- 1.20.050 Open cellars, pits or vaults.
- 1.20.060 Protection for excavations.
- 1.20.070 Offensive drains, pools and sewers.
- 1.20.080 Individual sewage disposal systems.
- 1.20.090 Discharging offensive fluid matter.
- 1.20.100 Permitting water to stand on lot or premises.
- 1.20.110 Accumulation of refuse, garbage and debris.
- 1.20.120 Maintenance of sidewalks in front of business establishments.
- 1.20.130 Removal of snow and ice.
- 1.20.140 Weeds.
- 1.20.150 Burning garbage and refuse.
- 1.20.160 Voluntary surrender of abandoned, wrecked, dismantled or inoperative vehicles or junk.
- 1.20.170 Old or dangerous buildings.
- 1.20.180 Severability.
- 1.20.190 Repealing all ordinances in conflict herewith.
- 1.20.200 Providing for an effective date.

1.20.010 Power to declare nuisances.

The Town Council shall have the power to declare nuisances by way of ordinance, including, but not limited to, the nuisances declared by this ordinance.

1.20.020 Notice to abate.

A. It shall be the duty of the Town Council, acting collectively, or such other officer as may be directed by the Town, to personally serve a notice in writing upon the owner, occupant, agent, or mortgagee in possession of any lot, building or premises

within the Town in or upon which any nuisance may be found, or upon the owner, occupant, agent or mortgagee in possession of or cause of any such nuisance, requiring him to abate the same in a reasonable time not to exceed sixty (60) days. It shall not be required that the notice specify the manner in which the nuisance shall be abated, unless the officer deems it necessary to specify the manner of abatement.

B. The Town Council or other officer shall make proper written return of the service which along with a copy of the notice shall be filed with the Sundance Police Department. In the event personal service is not possible, service made by United States certified mail, return receipt requested, and the return receipt, along with a copy of the notice shall be filed with the police department, or service made by posting the notice in a conspicuous manner and placed upon the lot, building or premises.

1.20.030 Abatement by City -- Lien.

In the event the owner, occupant, agent or mortgagee in possession shall neglect or refuse to comply with the requirements of an order, issued and served pursuant to Section 1.20.020, within the time specified therein, the City may take such action as is reasonably necessary to have the nuisance removed and the cost of removal assessed against the property. The cost of removal constitutes a lien against the property to be collected in the same manner as special assessments. The foregoing lien shall be in addition to any other penalty imposable under this ordinance or any other lawful statute of the State of Wyoming or ordinance of the Town of Sundance.

1.20.040 Penalty for noncompliance.

In the event the owner, occupant, agent or mortgagee in possession shall neglect or refuse to comply with the requirements of an order, issued and served pursuant to Section 1.20.020, within the time specified, the owner, occupant, agent or mortgagee in possession shall be subject to the penalty provided for a violation of this ordinance.

1.20.050 Open cellars, pits or vaults.

It is unlawful for any person within the Town to leave or keep open any cellar door, pit, grating or cap of any vault or other subterraneous opening on any highway or sidewalk or to cause the same to be left open or kept open or be in any insecure condition, so that passersby may fall into or may be in danger of falling into

such cellar, pit, vault or other subterraneous opening, or to cause any sidewalk in front of the premises owned or occupied by him to become or continue to be broken so as to endanger life or limb. Violation of this section is a nuisance.

1.20.060 Protection for excavations.

It is unlawful for any person within the Town to make any excavation, dig any hole, drain, ditch or other opening in any street, highway, alley or other thoroughfare, or at any point bordering on any highway, street, alley or other thoroughfare without providing proper protection therefor by a fence or suitable obstruction around the same during the daytime and without providing a fence or suitable obstruction around the same together with a lighted lantern located at or near the excavation at night, in such manner as to prevent persons or vehicles from falling into the same. Violation of this section is a nuisance.

1.20.070 Offensive drains, pools and sewers.

It is unlawful for any person within the Town to cause or permit any cellar, private drain, ditch, pool, sewer or other thing or place upon any premises within the limits of the Town, belonging to or occupied by him, to become noisome, foul, offensive or injurious to the public health. Violation of this section is a nuisance.

1.20.080 Individual sewage disposal systems.

It is unlawful for any person within the Town to operate or use any individual sewage disposal system, privy or sewage vault within the Town limits, unless authorized by the Town. Violation of this section is a nuisance.

1.20.090 Discharging offensive fluid matter.

It is unlawful for any person within the Town to discharge or permit to be discharged or flow from any premises kept by him into or onto any adjacent ground or any street, alley or other public place any foul or noisome liquid or any fluid matter whatsoever that is or shall become offensive. Violation of this section is a nuisance.

1.20.100 Permitting water to stand on lot or premises.

It is unlawful for any person within the Town to permit water to stand on any lot or premises, owned or occupied by him, until

such water becomes foul or offensive or injurious to the public health or to allow water to collect in any container on any lot or premises, owned or occupied by him, until such water supports mosquito breeding. Violation of this section is a nuisance.

1.20.110 Accumulation of refuse, garbage and debris.

A. It is unlawful for any person within the Town owning or occupying a lot or premises, or for that person's agent, to permit or cause the accumulation of garbage, refuse or debris upon the lot or premises. Violation of this section is a nuisance. Nothing in this section is intended to prohibit the accumulation of such garbage, refuse or debris in or upon establishments or premises lawfully authorized for the purpose of treating or disposing of accumulated garbage, refuse or debris, such as authorized junkyards and landfills.

B. "Garbage" means any and all kitchen refuse, waste food, offal or animal matter or anything whatsoever which may decompose and become offensive, foul, unsanitary or dangerous to the public health.

C. "Refuse" means any and all grass clippings, leaves, hay, straw, paper, rubbish, containers, glass, cans, bottles and all other material commonly known as rubbish or refuse of any kind, except as excluded herein.

D. "Debris" means abandoned automobiles, discharged automobile parts or tires, household furnishings or equipment, billboard refuse, silt from automobile washracks, dead animals, large or bulky boxes, barrels, tanks or containers, any refuse resulting from wrecking, construction or reconstruction of any building, fence, sidewalk or structure of any kind or character, or any discarded refuse of a highly explosive or flammable nature.

1.20.120 Maintenance of sidewalks in front of business establishments.

It is unlawful for any person within the Town to allow dirt, rubbish or refuse of any kind to be thrown, swept or pushed into the street adjacent to any store or place of business by the owner, manager or any employee or agent thereof. Each business establishment shall be held responsible for keeping the sidewalk and gutter adjacent to such building free of accumulation of dirt, papers or rubbish which when so removed shall be taken up and deposited with other refuse from such establishment. Violation of this section is a nuisance.

1.20.130 Removal of snow and ice.

It is unlawful for any owner, occupant, agent or mortgagee in possession of any building, property or vacant lot in the Town to fail to remove snow or ice from sidewalks adjacent to such building, property or lot within twenty-four (24) hours after every snowfall. Violation of this section is a nuisance.

1.20.140 Weeds. (See also Ordinance 12 City Streets)

It is unlawful for the owner, occupant, agent or mortgagee in possession of any lot or premises within the Town to fail or neglect to mow or otherwise destroy and remove the weeds that may grow upon such lot or premises, as well as upon the space between such property and the street, and also upon that portion of the alley adjoining such premises. Violation of this section is a nuisance.

1.20.150 Burning garbage and refuse.

It is unlawful for any person within the Town to burn or cause to be burned any garbage, waste, packing material, trash, refuse, discarded boxes or other materials within the corporate limits of the Town without first having obtained written permission from the fire chief. The fire chief shall grant such permission if, in his opinion, the burning of such materials can be accomplished without danger to adjoining property or undue contamination to the air in the vicinity. The Town shall not be held to assume any liability by reason of having granted permission to burn any of the materials mentioned in this section if such burning should cause damage to any other person's property. The permission granted shall be valid for only forty-eight (48) hours from the time of issuance. Written permission by the fire chief shall not supercede or remove any requirements or permits required by any state, federal or other governmental agency.

1.20.160 Voluntary surrender of abandoned, wrecked, dismantled or inoperative vehicles or junk.

The owner of any garbage, refuse or debris may voluntarily consent to the removal of the garbage, refuse or debris by the Town. In order to give such consent, all owners of the property shall execute an affidavit in a form acceptable to the Town attorney, stating there are no other owners of the property or lien holders having a security interest in the property; the owners will reimburse the Town for the actual costs of removal or other costs as are established by the Town Council for removal; and reimbursement

will be made to the Town within thirty (30) days of removal. This affidavit shall constitute a statement by the owners signing the affidavit that they will indemnify the Town for any loss or expense alleged by any other party as a result of removal or disposal. The execution of the affidavit shall also release the Town from any obligation to account or pay over to the owners any amount the Town receives for the property.

1.20.170 Old or dangerous buildings.

It is unlawful for any person within the Town to have, keep or permit any old buildings, abandoned buildings or buildings which may be otherwise injurious to the public health. For purposes of this section, old buildings, abandoned buildings and other buildings which may be injurious to the health of the public shall be buildings which are attractive nuisances to children, a fire hazard or buildings which the owner does not maintain and are unsightly. Violation of this section is a nuisance.

1.20.180 Severability.

Should the Courts of this State or the United States declare any section, provision, paragraph, clause, sentence, phrase or part of this ordinance invalid or unconstitutional or in conflict with any other section, provision, paragraph, clause, sentence, phrase or part thereof of this ordinance, then such decision shall affect only the section, provision, paragraph, clause, sentence, phrase or part thereof declared to be unconstitutional or unauthorized and shall not affect any other part of this ordinance.

1.20.190 Repealing all ordinances in conflict herewith.

Any ordinances of the Town of Sundance in conflict herewith, be and the same are hereby repealed.

1.20.200 Providing for an effective date.

This ordinance shall be effective upon completion of all readings, publications and other acts required by law.

PASSED, ADOPTED AND APPROVED this 1 day of September, 1992.

ATTEST:

Lila L. Butts
Town Clerk

TOWN OF SUNDANCE
BY: James A. Miller
James A. Miller

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