

ORDINANCE NO. 1, 1992

AN ORDINANCE REGULATING BUILDING WITHIN THE TOWN OF SUNDANCE, ESTABLISHING A FIRE ZONE WITHIN THE TOWN OF SUNDANCE AND PROVIDING FOR BUILDING REGULATIONS WITHIN THE FIRE ZONE; DEFINITIONS; PERMIT REQUIRED; SETBACK REQUIREMENTS; FENCE REQUIREMENTS; ESTABLISHMENT OF A FIRE ZONE; BUILDING MATERIALS REQUIRED WITHIN THE FIRE ZONE; PERMISSIBLE WOOD STRUCTURES; CONCRETE CONSTRUCTION; SAFETY OF DESIGN; BUILDING ZONE; COMPLIANCE WITH UNIFORM BUILDING CODE; SIDEWALK CONSTRUCTION REQUIREMENTS; UNSAFE STRUCTURES DECLARED A NUISANCE; MISDEMEANORS; ABATEMENT; VARIANCE; PROVIDING FOR A PENALTY CLAUSE; SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: PURPOSE

This ordinance is enacted to regulate the construction or reconstruction of buildings, accessory structures, sidewalks, curbs, gutters, fences and pavement within the Town of Sundance and to regulate the construction of buildings and other improvements within the hereinafter designated fire zone.

SECTION 2: DEFINITIONS

Except as otherwise provided, as used in this ordinance:

- (1) "Accessory structures" means any structure(s) either attached to a dwelling, or free standing, which is/are located on an individual lot or real property and shall include, but not be limited to, awnings, patio covers, car ports, decks, cabanas, porches, storage units, shelters, garages or screens.
- (2) "Applicant" means any person or contractor making a written application to the Town of Sundance for a permit pursuant to the terms and conditions of this ordinance.
- (3) "Building permit" means the permit issued by the Town Council to construct, alter or wreck buildings, accessory structures, sidewalks, curb, gutter, fence and pavement within the corporate limits of the Town of Sundance.

(4) "Commercial" means having financial profit as the primary aim or being primarily involved with the exchange, buying or selling of commodities.

(5) "Fence" means a barrier or partitioning structure of any kind or nature including, but not limited to, wire, metal or wood and natural materials such as hedges or shrubbery intended to prevent escape or intrusion or to mark a boundary between properties.

(6) "Front lot line" means that part of a lot farthest from the alley. In all cases where there is an interior lot the front property line shall be that part of the property nearest to a public street other than an alley.

(7) "Lot line" means a line bounding the lot as shown on the accepted lot plan.

(8) "Person" means any individual, firm, trust, partnership, public or private association or corporation.

(9) "Planning Commission" means the Town of Sundance Planning Commission.

(10) "Sidewalk" means a buildup of material at or above ground level as a walkway for pedestrians at the side of a street.

(11) "Street" means any public way dedicated to the public and includes, but is not limited to, all alleys, avenues and highways within the corporate limits of the Town of Sundance.

SECTION 3: PERMIT REQUIRED

(a) Any person desiring to construct, alter, erect or wreck any building, accessory structure, fence, sidewalk, curb, gutter or pavement upon real or personal property within the Town of Sundance shall first make application for a building permit to the Town Council. The application shall contain the following information:

1. Name and address of the applicant.
2. Name and address of the legal owner of the real property upon which the proposed work is to be completed.
3. Location and legal description of the lot and block upon which the proposed work is to be completed.

4. A sketch of the proposed building, accessory structure, fence, curb, gutter or pavement to be completed and a schematic drawing of the proposed location of the building, accessory structure, fence, curb, gutter or pavement.

5. A description of the construction materials to be used, dimensions, estimated cost of the proposed construction and completion date.

6. Any additional information as may be requested by the Town of Sundance or its agents to enable the Town to determine if the proposed construction complies with all ordinances of the Town of Sundance.

7. All persons or entities who begin construction without obtaining a building permit are liable to the City for a civil penalty in the amount of ten (10) times the applicable building permit fee.

(b) All applications shall be submitted to the Sundance Town Clerk accompanied by a fee as determined by the building permit fee schedule adopted and in effect at the time of the application.

(c) The application shall be reviewed by appropriate officials of the Town of Sundance and the Town shall have the authority to issue a temporary building permit provided the application meets all requirements and standards of construction generally used in the community and if, in the opinion of the Town employee charged with the obligation to review building permits as they are filed, the construction meets all State, local and other regulations including State Fire Marshall regulations.

(d) All applications for building permits shall be submitted to the Planning Commission for approval. Unless a variance is needed or requested, the approval of the Planning Commission is final and the only remaining step is the entry of that approval in the council minutes. If a variance is requested or is necessary before approval may be granted, the application shall be submitted to the Town Council with the recommendations of the Planning Commission. The Town Council shall then make the final decision on the variance and the application for building permit.

(e) The Planning Commission and the Town Council shall consider the following when determining whether or not a permit shall be issued:

1. Continuity of the proposed construction in relation to the surrounding structures.

2. Views of residents in adjacent areas and the Sundance solar ordinance requirements (Ordinance No. 4, 1982).

3. Any zoning requirements which are now or hereinafter in effect.

(f) In the event an applicant's permit is denied, he/she may make the appropriate changes suggested by the Planning Commission and/or the Town Council and resubmit his/her application for review without payment of an additional permit fee.

(g) In the event a building permit is issued by the Town Council, all construction must be completed within one (1) year from the date the permit was approved by the Town Council. If construction is not substantially completed within one (1) year from the date of issuance, the building permit shall become invalid and a new application must be filed.

(h) In the event the Planning Commission, Town Council or Town official charged with reviewing and ensuring compliance with this ordinance determines a contractor is not complying with the information provided in the application, the Town Council may suspend the building permit by giving notice, in writing, to whom the permit was issued. Should noncompliance continue thereafter, the Town Council shall issue a notice of intent to disconnect sewer and water services for noncompliance with the terms and conditions of the building permit and in the event the terms and conditions of the building permit are not complied with within thirty (30) days thereafter, the Town Council shall have authority to disconnect any water and sewer services to the property affected by the building permit. In the event noncompliance exists in the manner of paving or construction of curb, sidewalk or gutter, the Town Council shall issue a notice to cease and desist construction and may enforce the notice to cease and desist by appropriate legal action.

(i) No changes shall be made in the construction as permitted in the building permit without first submitting the changes to the Town of Sundance for review. The Town official charged with administering this ordinance shall have the authority to approve minor changes in the building permit requirements without obtaining approval from the Town Council.

(j) All building permit applications issued by the Town Clerk shall be filed and preserved in the office of the Town Clerk.

(k) Building permits shall only be issued to the owners or registered agents of the owners of the real property whereupon the construction, alteration, repair, wrecking, etc. is proposed.

(l) No building permit shall be issued which allows any person to use or occupy any portion of a street or alley within the Town of Sundance.

(m) All building permits issued by the Town of Sundance shall be placed by the applicant/grantee in a position which can be plainly seen from an adjoining street or alley in the construction area. The permit shall be effectively protected from the weather and shall remain in place and intact until construction is completed.

SECTION 4: SETBACK REQUIREMENTS

No building or accessory structure shall be located on any lot which is less than twenty-five (25) feet from the front lot line, less than ten (10) feet to any side street line, less than five (5) feet from an interior lot line, nor less than five (5) feet from a rear lot line. In the event a dwelling is turned on a corner lot to face a side lot, the dwelling shall not be located less than twenty-five (25) feet from the side street and not less than twenty-five (25) feet from the front lot line. All measurements for purposes of this paragraph shall be made from the outside wall of the building's outer supports.

SECTION 5: FENCE REQUIREMENTS

Fences may be built up to but not upon property owned and regulated by the Town of Sundance. Fences allowed within the twenty-five (25) foot setback requirements, as previously set forth in Section 4 of this ordinance, may not exceed in height a total of forty-two (42) inches and must be built in a manner so as to maintain a clear vision area on all lot corners so as not to obstruct the vision of approaching vehicles. All other fences may not exceed a maximum of eight (8) feet in height and shall be built so as to be, as much as possible, free and clear of protruding metal edges and sharp wooden points.

SECTION 6: ESTABLISHMENT OF A FIRE ZONE

The following areas in the Town of Sundance are hereby declared to be within the fire zone and the construction, erection, alteration or improvement of any building(s) within the fire zone shall be governed accordingly:

- (1) All of Blocks 1, 7, 8, 9, 10, Original Townsite, Sundance, Crook County, Wyoming.
- (2) S1/2 Blocks 2, 3, 4, Original Townsite, Sundance, Crook County, Wyoming.

(3) N1/2 Blocks 12, 13, 14 and 15, Original Townsite, Sundance, Crook County, Wyoming.

(4) S1/2 Blocks 5, 53 and 54, Fourth Addition, Town of Sundance, Crook County, Wyoming.

(5) S1/2 Blocks 6, 7, 52, Second Addition, Town of Sundance, Crook County, Wyoming.

(6) N1/2 Blocks 15, 49, 50 and 51, Second Addition, Town of Sundance, Crook County, Wyoming.

(7) Block 14; Lots 4, 5 and 6, Original Townsite, Sundance, Crook County, Wyoming.

SECTION 7: BUILDING MATERIALS REQUIRED WITHIN THE FIRE ZONE

Every building, erection, alteration or other improvement hereinafter erected or completed within the fire zone as established shall be enclosed on all sides with walls constructed wholly of stone, well burned brick, terra cotta, concrete or other fire retardant materials as may be approved by the Town of Sundance. In addition, all cornices shall also be of incombustible material as approved by the Town of Sundance.

SECTION 8: PERMISSIBLE WOOD STRUCTURES

No frame or wooden structure shall be built within the fire zone as established except the following:

- (1) Temporary one-story frame buildings for use by builders.
- (2) One-story sheds not over fifteen (15) feet high, open on the long side with sides covered with incombustible materials and with areas not exceeding 500 square feet.
- (3) Other wood structures as may be approved by the Town of Sundance.

No frame building shall be brought within the fire zone and placed within the fire zone without approval from the Town of Sundance.

SECTION 9: CONCRETE CONSTRUCTION

Concrete for reinforced concrete construction shall consist of a wet mixture of cement and aggregate, fine and coarse, in such proportions as to produce the minimum strength of 3,000 P.S.I.

SECTION 10: SAFETY OF DESIGN

All buildings shall be designed to carry safely the loads to be imposed upon them and in all other respects shall conform to good engineering practice.

SECTION 11: BUILDING ZONE

Except as hereinafter provided it shall be unlawful for any person to construct or maintain on any street, avenue or alley in this Town in any block in which two-thirds (2/3rds) of the buildings on both sides of the street are used exclusively for residential purposes, any building or other improvement of any kind to be used for commercial purposes without the written consent of a majority of the property owners according to front footage, on both sides of the street, avenue or alley within a radius of four hundred (400) feet from the place where the commercial building or erection is to be located, constructed or maintained. Written consent shall be obtained and filed with the Town of Sundance before a permit is issued for the construction of any building governed by this section. However, the consent mentioned in this section shall not be required of any person, corporation, association or partnership who builds, erects or maintains a building to be used for commercial purposes if the building is located in the fire zone described in this ordinance.

SECTION 12: COMPLIANCE WITH UNIFORM BUILDING CODE

It shall be unlawful for any person to construct or commence construction of any dwelling or other improvement within the Town of Sundance, which does not comply with minimum requirements of the then current edition of the Uniform Building Code. The Town of Sundance shall maintain a copy of the Uniform Building Code on file with the Town Clerk.

SECTION 13: SIDEWALK CONSTRUCTION REQUIREMENTS

All sidewalks hereinafter constructed within the corporate limits of the Town of Sundance shall be constructed of concrete in accordance with Section 504 of the Wyoming Public Work Standard Specifications. Any other material must be approved by the Council. In addition, sidewalks shall be constructed to a grade as determined by the Town. At a minimum sidewalks shall be four (4) inches in thickness and within the fire zone area, as hereinabove designated, all sidewalks shall be a minimum of eight (8) feet in width, otherwise to be four

(4) feet in width in residential areas. In addition, sidewalks shall not be constructed within one (1) foot of the owner's property line.

SECTION 14: UNSAFE STRUCTURES DECLARED A NUISANCE

When the condition of any sidewalk, accessory structure, fence, pavement, curb, gutter, hedge or plant life, including trees, is deemed to be unsafe, the same shall be deemed a nuisance and the Town Council may issue notice of any unsafe condition(s) to the owner(s), agent(s) of the owner(s), mortgagee(s) in possession or contract purchaser(s) of the property abutting the unsafe condition(s) requesting the unsafe condition(s) be repaired at the expense of the owner. The notice required to be given by this ordinance shall be by personal service. In the event personal service cannot be obtained then the notice shall be published twice in a weekly newspaper published in the Town for two (2) consecutive weeks and shall notify the person(s) responsible for the unsafe condition(s) that repairs or replacement may be required. The Town Council may, in the event repairs or replacement are not completed within thirty (30) days after personal service or within thirty (30) days after the last date of publication, repair or replace the unsafe condition at the expense of the Town and certify to the County Treasurer the costs of repair or replacement and cause those costs to be collected in the same manner and method as special assessments. The costs of repair or replacement shall constitute a lien against the property abutting the unsafe condition and the lien shall be in addition to any other penalty imposable under this chapter or any other lawful statute or ordinance.

SECTION 15: MISDEMEANORS

It shall be unlawful for any person:

(a) Who is the owner, agent, mortgagee in possession or contract purchaser of real property abutting a sidewalk or the owner, agent, mortgagee in possession or contract purchaser of real property upon which a sidewalk is constructed to allow the sidewalk to remain in an unsafe condition.

(b) Who is the owner, agent, mortgagee in possession or contract purchaser of real property abutting a sidewalk or the owner, agent, mortgagee in possession or contract purchaser of real property upon which a sidewalk is constructed to allow ice, snow or slush to accumulate upon the sidewalk.

(c) Who is the owner, agent, mortgagee in possession or contract purchaser of real property abutting a sidewalk or the owner, agent, mortgagee in possession or contract purchaser of real property upon which a sidewalk is constructed to allow any curb to remain broken or damaged or tear up any sidewalk, curb or gutter without authority from the Town Council.

(d) To construct, alter, erect or wreck any building, accessory structure, fence, sidewalk, curb, gutter or pavement upon real or personal property within the Town of Sundance unless a valid permit has been issued by the Town of Sundance.

(e) To obstruct in any manner any gutter or waterway of any street or alley within the Town of Sundance.

(f) To allow or permit debris or rubbish to remain around any building, repair, alteration or other work completed pursuant to a building permit.

SECTION 16: ABATEMENT

The Town of Sundance shall have the authority to abate, by injunction or otherwise, any violation of this ordinance.

SECTION 17: VARIANCE

Any person may request from the Town Council a variance on the terms and conditions of this ordinance. A variance may be granted by the Town Council if it is found that because of special circumstances applicable to the property or its owners, the strict application of the requirements of this ordinance will deprive the property of privileges enjoyed by other property within the Town of Sundance.

SECTION 18: PENALTIES

Any person violating or failing to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Ordinance No. 1, 1983.

SECTION 19: 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.

SECTION 20: REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

Ordinance No. 2, 1986 and any other ordinance of the Town of Sundance in conflict herewith, be and the same are hereby repealed.

SECTION 21: 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 4 day of May, 1992.

CITY OF SUNDANCE

By: James A. Miller
James A. Miller, Mayor

ATTEST:

Lila L. Butts
Town Clerk

1st Reading: March 2, 1992
2nd Reading: April 6, 1992
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